

CITY PLANNING COMMISSION

AUGUST 14, 2023

MINUTES

The City Planning Commission met in regular session on Monday, August 14, 2023, at 7:26 p.m., (1:24:10) (Via Zoom Webinar and 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), Ms. Rose Elites (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom), Mr. Joseph Straws III (Zoom) and Mr. Aaron Ward (Commission Chamber). (Absent: None). 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, and Mr. Jeff Conway, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 7:26 p.m.

Recording Secretary Parker read the Planning Commission Statement: "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.
2. Planning Commission Members attending by Zoom please 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, August 31, 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, August 31, 2023, at 7:00 p.m.**

I will now read the items on the **Consent Agenda (1:31:25):**

CONSIDERATION OF THE JULY 10, 2023, PLANNING COMMISSION MINUTES

PLAT2023-014 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING –

SYNOPSIS: Final Plat to create two (2) lots to correct two (2) houses constructed on one (1) lot at 8505 Kansas Avenue. Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Final Plat (Lozano Addition) to split the property into two (2) separate lots in order to create a parcel for each of the two (2) single family residences at 8505 Kansas Avenue.

PLAN REVIEW APPLICATION PR2023-022 – BRODY SHERAR WITH NORTHPOINT –

SYNOPSIS: Final Development Plan to construct three (3) warehouses for Turner Logistics Center West at 7200 Tauromee Avenue. Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC has filed a Final Development Plan to renew the previously approved Final Development to build one (1) 408,018 square foot industrial building (Building 9) and Final Plat three (3) industrial lots at 915 North 69th Street on 127.17 acres. The original Final Development Plan will expire on January 10, 2024.

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 August 14, 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.”

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

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

Carson	Chairman
Eilts	Aye
Ernst	Aye

Jones Aye
Miller Aye
Mohler Aye
Straws Aye
Ward Aye
Armstrong Aye
Beth Aye
Connelly Aye
Motion to APPROVE Passed: 10 to 0
Subject to:

PLAT2023-014:

1. This plat request, PLAT2023-014, is in conjunction with BOZA2023-032, a variance for lot width and lot area along a major street;
2. Subject to approval, when the plat mylars are submitted to be recorded, submit the following:
 - a. \$32.00 per page payable to the Register of Deeds.
 - b. \$14.00 payable to the Unified Treasurer;
3. The applicant and/or property owner shall file for a Change of Zone to correct the existing split zoning on the property;
4. The containers shall be removed from the subject property;
5. The unpermitted structures constructed in the floodplain shall be removed;
6. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
7. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer.
 - b. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All 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;

9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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,
11. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

PR2023-022:

1. This Final Development Plan has been filed per Sec. 27-211(j) because the planned development has not started construction within 18 months of the initial approval and in order to not have the planned considered abandoned, the applicant is seeking an extension of time by the City Planning Commission for an additional 18 months;
2. The crossing on Tauromee Avenue over Mill Creek will be a bridge, not a culvert as previously studied and concluded;
3. Open space easements shall be added where the site is left undeveloped;
4. As previously discussed at length, extra emphasis to screen/buffer and plant trees to screen the buildings from I-70. The original Change of Zone for Turner Logistics East, which included grading and landscaping was approved prior to discussions about protecting the I-70 viewshed;
5. 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;

- 6. 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;**
- 7. Previous conditions of approval from PR2021-038:**
 - a. Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) No use shall be permitted or so operated as to produce or emit:**
 - i. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution);**
 - ii. Vibration or concussion perceptible without instruments at the property line;**
 - iii. Noise greater than 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period;**
 - iv. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;**
 - b. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;**
 - c. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten 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;**
 - d. Utility easements shall connect with easements established in adjoining properties;**
 - e. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
 - f. Downspouts shall be recessed in corners of the building and in locations that do not draw a person’s eye visually. The downspouts shall be painted to match the building;**
 - g. The sidewalk shall be a minimum of 10 feet in width along the south side of Tauomee Avenue. A five (5) foot sidewalk is required along the north side of Tauomee Avenue. A minimum of a three (3) foot grass median shall be between the back of curb and front edge of the sidewalk;**
 - h. Add a ten (10) foot wide sidewalk on the west side North 74th Drive to connect to the Villas of Stonebridge residential development. A minimum of a three (3) foot grass median shall be between the back of curb and front edge of the sidewalk;**

- i. Staff has concerns where the Mill Creek trail connects outside the project boundary. As stipulated in the Change of Zone and Preliminary Plat, dedicate the trail/creek property on the plat to comply with the Sidewalk and Trails Master Plan.
 - i. A TCO, restricted or otherwise will not be issued until the sidewalk trail, and all other public improvements are constructed;****
- j. Further coordination with Planning Staff is needed to determine the feasibility and viability the trail should extending east into the existing tree stand from North 74th Drive, meandering through the development along Mill Creek and underneath the bridge;**
- k. Staff will continue to coordinate with the applicant to finalize the approximate location of the trail and where it will terminate south of Tauomee Avenue either along South 72nd Street or College Parkway;**
- l. A TCO, restricted or otherwise will not be issued until the transit stop is constructed;**
- m. Crosswalks shall be added to all driveways and intersections where sidewalks are connected along and across Tauomee Avenue, North 74th Drive, and North 72nd Street;**
- n. Add a crosswalk on North 74th Drive between the sidewalk on the west side of the street and the trail on the east side, north of the northern entrance/exit;**
- o. All infrastructure – sidewalk, trails and transit stop shall be constructed during the first phase – as part of Building 9;**
- p. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;**
- q. No truck traffic on North 74th Drive, North 72nd Street or on Tauomee Avenue, west of Building 8. All truck traffic shall be routed on Tauomee Avenue via College Parkway/Turner Diagonal.
 - i. No truck signage should go all the way both to 78th Street and State Avenue – posted north of the northern entrance/exit on North 74th Drive and west of the North 74th Drive and Tauomee Avenue intersection on Tauomee Avenue;****
- r. The loading dock doors shall be painted to match the building or a complimentary color as the primary building;**
- s. Downspouts shall be recessed in corners of the building and in locations that do not draw a person’s eye visually. The downspouts shall be painted to match the building;**
- t. Residents do not currently have access to I-70 from Tauomee Avenue, but with this proposal, a throughway will be achieved. As stated previously, residents should not have to drive through an industrial business park (in form and function) to get from their homes to I-70 via Tauomee Avenue and College Parkway. By construction taller berms and planned more deciduous trees along Tauomee Avenue and around the corners of the detention basins and parking lots, the visual quality of Tauomee Avenue will be enhanced and the appearance of the logistics park along this previously rural-like residential street will be minimized;**

- u. For future notes on Buildings 7 and 8, street trees and berms will be installed along Tauromee Avenue;**
- v. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels and residentially zoned properties, Tauromee Avenue, North 74th Drive, North 72nd Street, and College Parkway/KDOT ROWs;**
- w. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 74th Drive;**
- x. The landscaping and site lines west of Buildings 8 and 9, the remaining townhomes and single-family homes must be screened at the time the Temporary Certificate of Occupancy is issued. Create solutions are warranted with berms, fencing and landscaping;**
- y. Relandscape the north slope of Building 9 and remaining void areas throughout the development site, not limited to: north and south sides along Tauromee Avenue west of the creek crossing, in between the east side of Building 8 and North 72nd Street and the southwest corner of North 72nd Street/Tauromee Avenue intersection, west of the cul-de-sac west of Building 9, and east of Building 9 and the trailer/truck storage. Trees should not be planted simply to exceed the code but should perform the function of screening the building and parking lots, truck docks from public view. More trees will be planted to screen the building, truck docks and parking lots from the residences and public street;**
- z. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development;**
- aa. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 272 trees are required to be planted. This does not include the street trees to be planted along North 72nd Street, North 74th Drive, Tauromee Avenue, or parking lot island trees;**
- bb. One (1) street tree shall be planted per thirty (30) feet of frontage along North 74th Street and Tauromee Avenue for Building 9;**
- cc. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than 40 feet on center and one row of large shrubs spaced not more than 8 feet on center;**
- dd. Trash compactors shall be screened from public view;**
- ee. 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;**
- ff. Privacy fencing 8 feet in height shall have masonry columns every 32 feet running;**
- gg. 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;

- hh. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
- ii. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
- jj. All landscaping shall be irrigated;
- kk. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- ll. 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, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- mm. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable.

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

Hearing starts at 1:36:25:

SPECIAL USE PERMIT APPLICATION SP2023-034 – JAMES M. VIENS - SYNOPSIS: Special Use Permit (SP2021-036 – expired 7/8/2023) to keep 20 chickens at 9350 Nelson Lane. Detailed Outline of Requested Action: The applicant, James Viens, is requesting a

Special Use Permit to keep 20 chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The applicant has requested 20 chickens (hens) to be kept on property. This Special Use Permit is being requested as a renewal of SP2021-036.

The 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 August 14, 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:

- James Viens, applicant, 9350 Nelson Lane, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:38:20: Planning Director Hand stated that this application is to keep 20 hens on the property. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property relating to the use. Staff recommends approval for five (5) years, subject to the conditions in the staff report.

Motion starts at 1:38:50:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-034 for five (5) years:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 10 to 0

Subject to:

1. **Per Section 27-593(a)(10)a. Fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;**
2. **No eggs or chickens may be commercially sold, whether on site or off site;**
3. **No more than 20 female chickens (hens) may be kept on the property. No male chickens (rooster) may be kept on the property;**
4. **The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b).**
 - i. **Exterior wall materials are limited to customary residential finish materials, which include horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial; and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material.**
 - ii. **Specifically excluded materials are preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels, unless the metal has a factory-applied finish that closely matches the color of the primary structure.**
 - iii. **Standard concrete masonry units are excluded unless the walls of the building are painted the exact color of the primary structure.**
 - iv. **The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets, unless the metal roof has a factory-applied finish that closely matches the roof color of the primary structure or closely matches the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;**
5. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;**
6. **Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;**

- 7. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 9. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,**
- 11. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Hearing starts at 1:40:04:

SPECIAL USE PERMIT APPLICATION SP2023-043 – FARIS FARASSATI WITH KC OUTLOOK ROSEDALE, LLC - SYNOPSIS: Special Use Permit to operate a children’s daycare at 2605 West 39th Avenue (former application SP2020-076 expired 12/10/2022). Detailed Outline of Requested Action: The applicant, Faris Farassati, is requesting the renewal of a Special Use Permit (SP-2020-76) for the purpose of the continued operation of a day care center at 2605 West 39th Avenue. The applicant lapsed on their previous application, which expired on December 10, 2022.

The 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 August 14, 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:

- Faris Farassati, applicant, KC Outlook Rosedale, LLC, 2605 West 39th Avenue, Kansas City, Kansas 66103, home address 12704 Woodson, Overland Park, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:44:30: Planning Director Hand stated that the request for a Special Use Permit is for a daycare operation that has not opened at this time. He stated that as technically this is a renewal, it is a new Special Use Permit as the previous Special Use Permit expired in December of 2022. The property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There is an older Notice of Violation when it was vacant during the construction period so that is unrelated and should be resolved with an operating facility. Staff recommends approval for two (2) years as the previous Special Use Permit expired and the operation has yet to open, subject to the conditions in the staff report. Director Hand stated that the previous application was approved with numerous conditions and all of the conditions have been met.

Motion starts at 1:45:39:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-043 for**

two (2) years:

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 10 to 0

Subject to:

1. The following previous conditions of approval shall remain in effect:
 - a. Sidewalks are required to be installed. Please install a new 5-foot-wide sidewalk on the north/west side of the property along 39th Avenue/Lake Avenue to the western edge of the property.
 - b. Replace broken sidewalks on the east side of the property and install an ADA ramp at the corner of Springfield and 39th Avenue.
 - c. Landscaping is required and must be maintained. Please install street trees every 30 feet along Springfield and 39th/Lake Avenue.
 - d. Install a trash enclosure.
 - e. Repaint the building;
2. The applicant and their General Contractor shall complete and close out their DRC Building Permit, DRC21-0019 and any other active Building Permits;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;

9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
11. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

Hearing starts at 1:46:55:

SPECIAL USE PERMIT APPLICATION SP2023-046 – AARON LILLY - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental at 4138 Lloyd Street. Detailed Outline of Requested Action: The Applicants, Christine and Aaron Lilly, are requesting a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other unpermitted short-term rental on the block. This property was previously permitted as a Short-Term Rental under SP2021-065, however, the owner of the property has changed since the previous approval.

The 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 August 14, 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:

- Aaron Lilly, applicant, Blue Door Property Rentals, LLC, 20607 West 88th Street, Lenexa, Kansas 66220

Planning Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:50:50: Planning Director Hand stated that the request is for a Special Use Permit for a Short-Term Rental. There was a Special Use Permit for a Short-Term Rental on this property, but a change of ownership has required a new Special Use Permit for this owner. The property is in the Rosedale Area Plan. Staff has received no letters in support nor in opposition. There is a Notice of Violation on this property for operating a Short-Term Rental without a Special Use Permit. Director Hand stated that this property was discovered through the zoning enforcement blitz. Staff recommends approval for one (1) year subject to the conditions in the staff report. Director Hand noted that there is one (1) other illegal, unpermitted Short-Term Rental on this block that Staff will follow up on if this Special Use Permit moves forward with a recommendation of approval and is approved by the Board of Commissioners later this month.

Motion starts at 1:52:30:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of** Special Use Permit **SP2023-046** for one (1) year:

Carson	Chairman
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 9 to 1

Subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-046 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;**
- 2. Maximum number of guests shall be six (6);**

3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and

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

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

Hearing starts at 1:53:42 and the applicant was not present; the application was recalled at 2:34:00 and the applicant was present:

SPECIAL USE PERMIT APPLICATION SP2023-048 – LANCE PIERCE WITH KARAT VACATION RENTAL - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 3925 Springfield Street. *Detailed Outline of Requested Action:* The applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be

the first and only permitted short-term rental on the 3900 block of Springfield. The property has operated as an unpermitted short-term rental since August 2022.

The 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 August 14, 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:

- Lance Pierce, applicant, Karat Vacation Rental, 3917 Bell Street, Kansas City, Missouri 64111

Chairman Carson asked the applicant if he is in agreement with the conditions of approval. Mr. Pierce stated yes.

Commissioner Ernst stated that he has operated all three (3) locations on the agenda without a permit and gave a different reason for each one. Mr. Pierce stated that he was overwhelmed with all his Short-Term Rentals and had operated two (2) of them as mid-term rentals.

Commissioner Eilts directed questions to the applicant.

Commissioner Jones asked the applicant how many Short-Term Rentals he has in Kansas and Missouri. Mr. Lance stated that he owns 30 and oversees 60 Short-Term, Medium-Term and Long-Term Rentals. Commissioner Jones directed additional questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:40:40: Planning Director Hand stated that this is a request for a non-owner occupied Short-Term Rental Special Use permit. If approved, it would be the only Short-Term Rental on Springfield. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Commissioner Jones directed questions to Director Hand.

Motion starts at 2:43:22:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-048 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 8 to 2

Subject to:

- 1. The driveway apron and sidewalk shall be repaired or replaced. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;**
- 2. Exterior handrails shall be installed;**
- 3. Any additional repairs not addressed prior to approval of SP2023-048 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;**
- 4. Maximum number of guests shall be seven (7);**
- 5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
- 6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 8. Applicant is to maintain liability insurance;**
- 9. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 11. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
- 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division**

- shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is

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

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

Hearing starts at 2:44:32:

SPECIAL USE PERMIT APPLICATION SP2023-049 – LANCE PIERCE WITH KARAT VACATION RENTAL - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 4028 Booth Street. *Detailed Outline of Requested Action:* The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4000 block of Booth. The property was previously permitted as a short-term rental; however, the permit has lapsed.

The 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 August 14, 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:

- Lance Pierce, applicant, Karat Vacation Rental, 3917 Bell Street, Kansas City, Missouri 64111

Chairman Carson asked if the applicant is in agreement with the conditions in the staff report. Mr. Pierce states yes, he needs clarification on a couple of items but he will follow-up with staff.

Commissioners Straws and Eilts directed questions to the applicant.

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:48:10: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner occupied Short-Term Rental. The applicant had a previous Special Use Permit that expired. He stated that the property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation that should be resolved by the improvements to the property. Staff recommends approval for one (1) year subject to the conditions in the staff report. He showed the Commission on the screen the retaining wall and the two (2) different driveways that need to be improved. Director Hand also stated that if this Special Use Permit is approved by the Board of Commissioners, there is another unlicensed Short-Term Rental that will need enforcement action.

Commissioners Eilts and Beth directed questions to Director Hand.

Motion starts at 2:55:02:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-049 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 8 to 2

Subject to:

- 1. Only one (1) unit in the duplex may be rented as a short-term rental.**
- 2. The applicant shall install a retaining wall in the rear yard where the former garage once stood. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;**
- 3. The applicant shall replace the curbing along 41st Avenue. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;**
- 4. Any additional repairs not addressed prior to approval of SP2023-049 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;**
- 5. Maximum number of guests is seven (7);**

6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and

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

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

Hearing starts at 2:57:33:

SPECIAL USE PERMIT APPLICATION SP2023-050 – LANCE PIERCE WITH KARAT VACATION RENTAL - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 4456 Springfield Street. *Detailed Outline of Requested Action:* The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4456 Springfield. This is not the owner's primary residence. This would be the first

and only permitted short-term rental on the 4400 block of Springfield. The property is currently being used as a short-term rental without a permit.

The 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 August 14, 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:

- Lance Pierce, applicant, Karat Vacation Rental, 3917 Bell Street, Kansas City, Missouri 64111

Chairman Carson asked if he is agreement to the conditions of approval in the staff report. Mr. Pierce stated yes.

Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:00:10: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner occupied Short-Term Rental. The property is in the Rosedale Area Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation for maintenance that have been rectified. Staff recommends approval for one (1) year subject to the conditions in the staff report. He further stated that Staff omitted a standard condition relating to conformance with UG driveway standards and he would request that the Commission add that condition.

Motion starts at 3:01:50:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-050 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye

Ward Aye
Armstrong Aye
Beth Aye
Connelly Aye

Motion to recommend APPROVAL Passed 8 to 2

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-050 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests is six (6).
3. All parking must be off-street, maximum number of vehicles is two (2).
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance.
7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

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

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,

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

Hearing starts at 1:55:42:

SPECIAL USE PERMIT APPLICATION SP2023-051 – RUBEN ROSALES - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2924 Eaton Street. Detailed Outline of Requested Action: The applicant, Ruben Rosales, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2924 Eaton Street. This is the owner's primary residence; however, they would not be on-site while the property is rented out. This would be the first and only permitted short-term rental on the 2900 block of Eaton Street. There is one other unpermitted short-term rental on the block at 2904 Eaton Street.

The 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 August 14, 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:

- Ruben Rosales, applicant, 2924 Eaton Street, Kansas City, Kansas 66103

Chairman Carson asked if he is in agreement with the conditions in the staff report. Mr. Rosales states yes, he does need some clarification from staff on a few items.

Planning Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:25: Planning Director Hand stated that the request is for a Special Use Permit for an owner-occupied Short Term Rental but because the applicant intends to rent it when it is not occupied, this is not an administrative review. As per the Short-Term Rental Ordinance it does require a Special Use Permit. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There is one (1) old Notice of Violation as it relates to property maintenance and Staff has included a condition of approval to address that issue. Staff recommends approval for one (1) year subject to the conditions in the staff report with an amendment to Condition #3. The driveway will be an improved surface and address the overgrown landscaping on the site.

Motion starts at 2:02:50:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-051 for one (1) year:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 10 to 0

Subject to:

- 1. The following items must be addressed prior to publication of SP2023-051:**
 - o There is a slight leak on the shut off valve to the furnace.**
 - o Replace the stair railings that have more than a 4” space between balusters.**
- 2. Any additional repairs not addressed prior to approval of SP2023-051 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 3. The gravel will be removed and the driveway must have an improved surface.**
- 4. The landscaping outside must be maintained.**
- 5. Maximum number of guests is seven (7).**
- 6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.**
- 7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;**
- 9. Applicant is to maintain liability insurance.**
- 10. The property must remain in proper maintenance and free of hazards, pests, or infestations.**
- 11. The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
- 12. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).**

13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards.
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
21. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing

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

22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 2:04:40:

SPECIAL USE PERMIT APPLICATION SP2023-052 – ANDREW BESELICA -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2504 West 47th Avenue. Detailed Outline of Requested Action: The Applicant, Andrew Beselica, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2504 W 47th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of 47th Avenue.

The 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 August 14, 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:

- Andrew Beselica, applicant, 2504 West 47th Avenue, Kansas City, Kansas 66103

Chairman Carson asked if he is in agreement with the conditions in the staff report. Mr. Beselica stated yes.

Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- Jacob Hobson, President of Spring Valley Neighborhood Group, 4448 Francis, Kansas City, Kansas 66103

Staff Recommendation starts at 2:08:45: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner occupied Short-Term Rental. The property is in the Rosedale Area Plan. Staff has received no letters in support nor letters in opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year subject to the conditions in the staff report. Staff would request an amendment to Condition #18 from two (2) years to one (1) year.

Chairman Carson asked if Director Hand knows how many Short-Term Rentals there are in the Spring Valley neighborhood. Director Hand stated no, he would have to look up the number. This application, if approved, would be the only one (1) on this block.

Motion starts at 2:09:58:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-052 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 9 to 1

Subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-052 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests shall be seven (7).**
- 3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.**
- 4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**
- 5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.**
- 6. Applicant is to maintain liability insurance.**

7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 2:11:20:

SPECIAL USE PERMIT APPLICATION SP2023-053 – ELIZABETH HARDING -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2822 West 43rd Avenue. *Detailed Outline of Requested Action:* The Applicant, Elizabeth Harding, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2822 W 43rd Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2800 block of 43rd Avenue.

The 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 August 14, 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:

- Elizabeth Harding, applicant, (property address) 2822 West 43rd Avenue, Kansas City, Kansas 66103, and owner's address is 8910 Delmar Street, Prairie Village, Kansas

Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:14:10: Planning Director Hand stated that Staff will include the neighborhood meeting information in the staff report for the Board of Commissioners meeting. The request is for a Special Use Permit for a Short-Term Rental. He stated that there was a previous application for a Change of Zone to convert the property to a duplex about one (1) year ago. Before that it was a severely distressed property that was improved by the previous owner. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation when the property was vacant that have been resolved to date. Staff recommends approval for one (1) year subject to the conditions in the staff report. Director Hand stated that since this is a duplex, one (1) side can be used for long-term rental and the other side can be used for short-term rental. They cannot be interchanged according to the ordinance.

Commissioner Straws asked the applicant if she is in agreement in going forward with the application with the clarification of the long-term and short-term rental requirements. Ms. Harding stated that she is now going to analyze her options as she was not aware of the requirement. She wanted the short-term rental as an option and have mostly long-term rentals.

Motion starts at 2:19:02:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-053 for one (1) year:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 10 to 0

Subject to:

- 1. Only one (1) unit of the duplex may be used as a short-term rental.**
- 2. Any additional repairs not addressed prior to approval of SP2023-053 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 3. Maximum number of guests is three (3)**
- 4. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street.**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**
- 6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.**
- 7. Applicant is to maintain liability insurance.**
- 8. The property must remain in proper maintenance and free of hazards, pests, or infestations.**
- 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
- 10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).**
- 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
- 12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.**
- 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**
- 14. All existing and future driveways must feature curb cuts that are constructed to UG standards.**
- 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
- 16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible**

- to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
 18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 2:20:11:

SPECIAL USE PERMIT APPLICATION SP2023-054 – ASHLEY SIVILS - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental at 719 Lyons Avenue. Detailed Outline of Requested Action: The applicant, Ashley Sivils, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 719 Lyon Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of Lyon Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years.

The 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 August 14, 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:

- Ashley Sivils, applicant, 425 Washington Street, Apartment 207, Kansas City, Missouri 64105

Chairman Carson asked if she is in agreement with the conditions of approval by Staff. Ms. Sivils stated yes.

Commissioners Eilts and Ernst directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:25:00: Planning Director Hand stated that this is a request for a Short-Term Rental non-owner occupied Special Use Permit. The applicant operated the Short-Term Rental without a Special Use Permit for over two (2) years. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. There was a long line of Notices of Violation on the property before it was rehabilitated; there have been a couple of Notices of Violation since then related to trash left outside. The property in question only has access via the alley which is an "L" alley as it does not go through to the commercial block at the end of the street. Director Hand stated that the alley is steep and overgrown with some weeds leading to this property. He stated that he wanted to make sure the applicant was aware that they cannot park on the street in front of house; the clients have to park in the back. Director Hand stated that there are conditions of approval related to assisting with clearing of the alley. He also stated that the other access point to the property he believes a homeowner uses as his driveway and Staff will

work with community policing to resolve that issue. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 2:27:55:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-054 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 9 to 1

Subject to:

1. The applicant shall repair the following items prior to publication of their ordinance. Proof of replacement must be sent to staff.
 - The trees and limbs must be removed from the power line.
 - Smoke detectors and carbon monoxide detectors must be installed.
 - The steps with more than 4” gap must be repaired.
2. Any additional repairs not addressed prior to approval of SP2023-054 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. The applicant shall repair and replace the driveway apron into the alleyway.
4. The applicant shall be required to clear brush from driveway apron.
5. Maximum number of guests shall be seven (7).
6. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented.
9. Applicant is to maintain liability insurance.
10. The property must remain in proper maintenance and free of hazards, pests, or infestations.
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
12. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host

Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).

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

21. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 2:29:10:

SPECIAL USE PERMIT APPLICATION SP2023-056 – CALEB AND MADISON

BERCIUNAS - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 4206 Mission Road. *Detailed Outline of Requested Action:* The applicants, Caleb and Madison Berciunas, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4206 Mission Road. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road.

The 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 August 14, 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:

- Maddison Berciunas, applicant, 9809 Winslow Place, Kansas City, Missouri

Chairman Carson asked the applicant if she is in agreement with the conditions of approval. Ms. Berciunas stated yes.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:31:30: Planning Director Hand stated that this request is for a Special Use Permit for a non-owner occupied Short-Term Rental. The property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation related to maintenance on the property which should be addressed through the work that needs to be done on the property for this approval. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 2:32:30:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-056 for one (1) year:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 10 to 0

Subject to:

- 1. The following repairs must be complete prior to the publication of this short-term rental with proof of repairs shown to Staff.**
 - **Clear debris from the sump pit, cover the sump pit, and ensure that the sump pump is functional;**
 - **Remove the poison ivy found within the yard;**
 - **Remove mold found in the kitchen sink cabinet;**
 - **Install smoke and carbon monoxide detectors;**
 - **Remove or secure bare wires in the rear basement ceiling;**
 - **Update electrical receptacles in the basement, kitchen, and bathroom with GFCI circuit outlets.**
 - **Cover the open wire splice in the south basement ceiling between HVAC duct pipes;**
 - **Remove or secure Romex wiring in basement stairwell;**
 - **Cover open electrical wire junction box between furnace equipment and foundation wall.**

2. Any additional repairs not addressed prior to approval of SP2023-056 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests allowed is six (6).
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
5. Applicant shall ensure that guest vehicles do not impede the sidewalk.
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
8. Applicant is to maintain liability insurance.
9. The property must remain in proper maintenance and free of hazards, pests, or infestations.
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
11. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
15. All existing and future driveways must feature curb cuts that are constructed to UG standards.
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these

- requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
 21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 22. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 3:03:22:

PLAT APPLICATION PLAT2023-020 – AUSTIN THOMPSON - SYNOPSIS: Preliminary and Final Plat for two (2) single-family lots at 4111 North 97th Street. Detailed Outline of Requested Action: The 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 (thereafter “Lot 1” and “Lot 2”). The creation of Lot 1 and Lot 2 would result in violations by both parcels of both Section 27-280(b)—the maximum depth-to-width ratio—and Section 27-280(f)—minimum frontage adjacent to a major street. BOZA2023-024 is a simultaneous variance request intended to address these violations.

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 August 14, 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; and,
7. 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:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:05:00: Planning Director Hand stated that this case is being heard in conjunction with Appeal BOZA2023-024 that was approved by the Board of Zoning Appeals earlier this evening. The request is for two (2) residential parcels from one (1) parcel. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There is an old Notice of Violation related to maintenance that has been rectified. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:05:45:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2023-020:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Connelly Aye
Motion to APPROVE Passed 10 to 0
Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2023-024. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-024 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Subject to approval, when the plat mylars are submitted to be recorded, submit the following:
 - a. \$32.00 per page payable to the Register of Deeds.
 - b. \$14.00 payable to the Unified Treasurer;
3. Any accessory buildings constructed 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;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. All exterior lighting 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;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS

66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

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

Hearing starts at 3:06:45:

PLAN REVIEW APPLICATION PR2023-014 – CODY BUSICK WITH VINEYARD

CHURCH OF PIPER - SYNOPSIS: Preliminary Plan Review to expand an existing church at 10601 Hutton Road. *Detailed Outline of Requested Action:* The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot.

The 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 August 14, 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:

- Jacob Hobson, Olsson Associates, consultant for the applicant, 4448 Francis Street, Kansas City, Kansas 66103
- Cody Busick, applicant and Lead Pastor, 4514 North 121st Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:11:15: Planning Director Hand stated that the request is for a preliminary development plan for the church expansion and parking lot. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report but also includes the removal of one (1) of the two (2) monument signs. They will have to come back for a final development plan before moving forward on the project. As it relates to the two (2) issues in terms of the driveway apron, Hutton Road is not improved with curbs. At this intersection it is only asphalt so Staff would be amenable to removing condition #8. An alternative condition would be that they meet UG standard driveway requirements. Mr. Hobson stated that Engineering

informed them that it would need to be asphalt. Director Hand stated that single-family residences do allow asphalt and not concrete but because this is a larger project, the standard condition would apply. If they want to defer that requirement, Director Hand would need to address it with the County Engineer. In terms of the sidewalks, it is a requirement in the Go-Dotte County Wide Mobility Strategy that sidewalks be created along all of Hutton Road. Staff understands that it is unimproved, but this is the policy of the Unified Government. This would be a sidewalk to nowhere but there are a lot of sidewalks to nowhere that will be connected one day one parcel at a time. He stated that a lot of those sidewalks are in front of commercial property and this segment of Hutton Road is predominately residential. If the Planning Commission wanted to remove this condition, he believes that it would be better addressed before the Board of Commissioners. There is no deviation before the Planning Commission. The Commission has on previous occasions deferred to the Board of Commissioners on this issue.

Motion starts at 3:15:19:

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Petition PR2023-014:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend APPROVAL Passed 10 to 0

Subject to:

- 1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;**
- 2. Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;**
- 3. Wheel stops are required for parking spaces where there is no curbing;**
- 4. The sign structures shall be removed as instructed originally;**
- 5. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not**

be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Hearing starts at 3:17:40:

PLAN REVIEW APPLICATION PR2023-019 – ANDREA RAND WITH ISG - SYNOPSIS:

Preliminary and Final Plan Review for a self-storage facility at 5200 State Avenue.

Detailed Outline of Requested Action: The applicant, Stuart M. Shoen with 22 SAC, LLC, is requesting a Preliminary and Final Plan Review for a self-storage building. The new development will be constructed on the site of an existing truck rental business; the new development will be constructed on a portion of the existing parking lot. A variance from the parking and landscaping requirements, BOZA2023-023, has been filed in conjunction with PR2023-019.

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 August 14, 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; and,
7. The testimony at the Board of Zoning Appeals earlier this evening.

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

Present in Support:

- Andrea Rand, applicant, ISG, 7900 International Drive, Suite 550, Minneapolis, Minnesota representing U-Haul

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:27:06: Planning Director Hand stated that this case is being heard in conjunction with Appeal BOZA2023-023, which was approved by the Board of Zoning Appeals earlier this evening. He stated that the request is for a preliminary and final development plan for the self-storage expansion. The property is in the City-Wide Comprehensive Plan in the Midtown neighborhood. Staff has received no letters in support nor opposition. There are some old Notices of Violation for maintenance and police calls as noted in the Board of Zoning Appeals meeting. Staff recommends approval with the conditions in the staff report including the Commercial Design Guidelines. Director Hand stated that Staff has been working with U-Haul for years to get to this point. Staff has been working with the applicant to negate as many deviations as possible and the applicant has worked with staff to get close. Staff defers to the Planning Commission regarding the requested deviations. Staff still has two (2) primary issues. One (1) is the pedestrian access noted as Staff believes that pedestrian access should be provided to the new structure. In addition they are adding to the primary structure that doesn't exist today. Secondly, although quite a bit of screening has been added against State Avenue, Staff believes that the building should be rotated and those loading docks should be facing inward. All the other docks and loading stations do not face State Avenue. That could lead to issues with site circulation and parking. Staff does believe that there is a design solution.

The Planning Commission directed questions to Director Hand.

Motion starts at 3:37:00:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to **HOLD OVER Petition PR2023-019 for further discussion between the Staff and Applicant on the design of the proposed project until the September 11, 2023, City Planning Commission meeting:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Connelly Aye
Motion to HOLD OVER Passed 10 to 0

Hearing starts at 3:38:15:

PLAN REVIEW APPLICATION PR2023-021 – NICOLE CURRY WITH BRR

ARCHITECTURE - SYNOPSIS: Final Plan Review to approve building elevation revisions to the previously approved Hudson Apartments at 3600 Rainbow Boulevard. Detailed Outline of Requested Action: The applicant, Jeff Redhage with Hudson Apartments, LLC, is requesting to amend a Final Development Plan to change the exterior material on the rear building elevation from metal paneling (City Planning Commission deviation) to EIFS, which is prohibited in the Rosedale Area Plan – Urban Multi-Family Residential Design Guidelines to build a three (3) story apartment complex to build a 228-unit, five (5) story over two (2) story parking garage apartment building on 2.66 redeveloped acres.

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 August 14, 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:

- Nicole Curry, applicant, BRR Architecture, 8131 Metcalf, Suite 300, Overland Park, Kansas requested a 30-day hold over to further evaluate the staff’s comments.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:40:07: Planning Director Hand stated that Staff is agreeable to the hold over request.

Motion starts at 3:40:12:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **HOLD OVER Petition PR2023-021 as per the applicant’s request to the September 11, 2023, City Planning Commission meeting:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye

Ward **Aye**
Armstrong **Aye**
Beth **Aye**
Connelly **Aye**
Motion to HOLD OVER Passed 10 to 0

There being no further business, the meeting adjourned at 9:44 p.m.