



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Board of Zoning Appeals
From: Planning and Urban Design Staff
Date: March 13, 2023
Re: Appeal BOZA2022-076

GENERAL INFORMATION

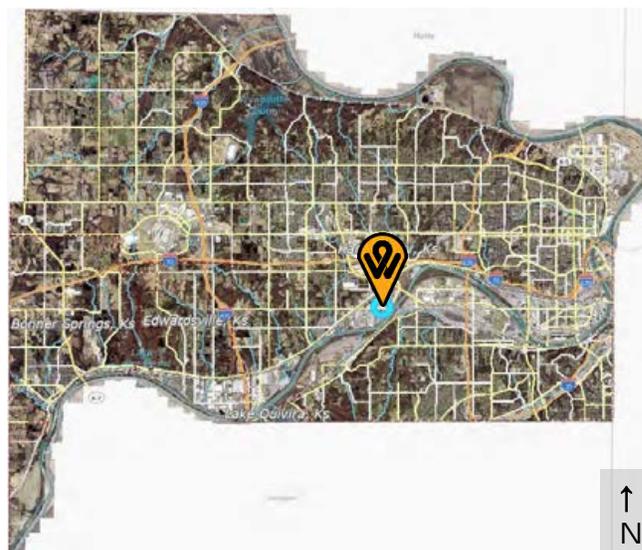
Applicant:
Vitaliy Soyarkov

Status of Applicant:
Property Owner
VS Services, LLC
753 South 66th Terrace
Kansas City, Kansas 66111

Requested Actions:
Approval of a variance request.

Date of Application:
December 30, 2022

Purpose:
This appeal has been filed to grant a variance from the requirement to screen mechanical equipment on a roof. Section 27-699(b)(6) states that mechanical equipment or other utility hardware on a building shall be screened from public view. Rooftop mechanical equipment will be up to nine (9) feet, three (3) inches above the edge of the rooftop. The appellant is requesting rooftop screening of zero (0) feet, a violation of nine (9) feet, three (3) inches.



Property Location: 6220 Kansas Avenue
Kansas City, Kansas 66111

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

Existing Zoning: M-3 Heavy Industrial District

Adjacent Zoning:
North: MP-2 Planned General Industrial District
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District

Adjacent Uses:
North: Industrial laydown yard
South: Industrial use; vehicle storage lot
East: Vehicle storage lot
West: Industrial use

Neighborhood Characteristics: The subject property is within the Muncie-Stony Point Statistical Neighborhood and is not within a neighborhood group. The subject property is part of an industrial area bordered by the Kansas River to the south and east, and with industrial uses along both sides of Kaw Drive (to the northwest), and industrial uses along both sides of Turner Diagonal Highway to the north. Within this industrial area is two (2) distinct residential neighborhoods, one (1) of which is in the R-M Mobile Home Park District and one (1) of which is a mix between the R-M District and in the M-3 District as a legal non-conforming use.

Total Tract Size: 4.33 Acres

Master Plan Area: The subject property is within the City-Wide Master Plan.

Master Plan Designation: The City-Wide Master Plan designates this property as Industrial. The Industrial Land Use District allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses are the least compatible with residential developments and should be encouraged to locate where such uses already occur. Allowed uses include manufacturing, processing, warehousing, distribution, outdoor storage, salvaging, industrial-related offices, limited related commercial and service uses such as truck stops, service stations, convenience stores, etc.,

and mining/mineral extraction. Discouraged uses in the Industrial Land Use District discourage all residential uses.

Major Street Plan: The Major Street Plan classifies Kansas Avenue as a Class C Thoroughfare.

Required Parking: Section 27-470(f) states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. The subject building has a total floor area of 38,986 square feet, requiring a total of 59 parking spaces, three (3) of which must be ADA-compliant. The paving plan provided by Applicant demonstrates 59 parking spaces, three (3) of which are ADA-compliant. The subject property is in compliance with both Section 27-470(f) and Section 27-676(a).

Advertisement: The Wyandotte Echo – January 19, 2023
Letters to Property Owners – January 20, 2023

Public Hearing: March 13, 2023

Public Support: None to date.

Public Opposition: None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The previous property owners have not received any noise or disturbance complaints.
2. The current property owner has not received any noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owners received a citation for a 14-day abatement for tall grass on 08/24/2017 (17225-03898).
2. The current property owner has not received any Building Inspection or Property Maintenance Compliance complaints.

Outstanding or Related Permits and Cases:

1. The previous property owners did not have any other outstanding or related permits or cases.
2. The current property owner does not have any other outstanding or related permits or cases.

STATUTORY REQUIREMENTS/FACTORS TO BE CONSIDERED

1. ***The variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

This variance request has been filed to grant a variance from the rooftop screening requirement. Applicant is requesting a variance from this regulation by forgoing all screening apparatuses on the roof except for the parapet at the edge of the roof. Applicant has cited the height of the subject building (40 feet in height with an additional two (2) feet of parapets around the edge of the roofline) as the condition under which the need for the variance arises. The M-3 Heavy Industrial District establishes no building height requirements, except for parcels within airport approach zones. Other buildings within the M-3 District have been constructed to heights of 40 feet or greater, and it is conceivable that more buildings of such heights will be constructed in the M-3 District in the future. Therefore, the variance requested does not arise from a condition that is not ordinarily found in the same zoning district.

As the subject building has not yet been constructed, there has been no action taken by the property owner or applicant to create the condition claimed by Applicant under which the need for the variance arises.

2. *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

Due to the height and location of the building within the subject property, the rooftop mechanical equipment will likely not be visible from the ground of adjacent parcels. Therefore, granting the variance requested will not adversely affect the rights of adjacent property owners or residents.

3. *The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

Strict application of the provisions of the zoning ordinance would require rooftop screening to be erected around the perimeter of the areas where the mechanical equipment will be located. In order to comply with the ordinance, the screening would have to be as tall or taller than the equipment itself. Applicant has stated that the top of the equipment will be 9.25 feet, or 111 inches, above the edge of the roofline, excluding the height of the parapets. In answering the five (5) requirements for a variance (see “Five Statutory Requirements Answered by Applicant” within the *Attachments* section of this report), Applicant stated several ways in which strict application would constitute unnecessary hardship.

First, Applicant states that the required screening would “create multiple penetrations in the roof which leads to a higher risk for [a] leaking roof”. While the number of additional penetrations can lead to an increased risk of leaking, this is a risk anticipated in construction and architecture best practices, and furthermore such a risk can be mitigated by routine inspections. Requiring an industrial property owner to be responsible for conducting routine inspections on a roof does not constitute unnecessary hardship. In fact, such inspections are expected for the proper upkeep of a building and an asset.

Second, Applicant states that the presence of rooftop screening would create “[a]dditional unnecessary structural strain...created by wind force placed on the screen structures”. Staff is unsure how the proposed roof for a 40-foot building was designed in manner that did not anticipate the force of wind on rooftop attachments. Furthermore, while screening can be designed with slats or other architectural features that would reduce wind loads, the fact of the matter remains that even without said screening, mechanical equipment standing over seven (7) feet above the parapets would still be exposed on the roof. Based on the documents submitted by Applicant, the mechanical equipment appears to be more solid and less aerodynamic than screening would be. This either means that properly designed screening could better mitigate wind force than mechanical equipment alone could, or that the mechanical equipment itself is the issue when it comes to wind force and therefore should be screened.

Third, Applicant claims that the addition of rooftop screening will cause an “overdesign of the structure”. Again, Staff expresses concerns over the initial design of the roof and of the building’s integrity if rooftop screening—a common

practice and anticipated requirement for the design of the subject building—would constitute unnecessary hardship. Applicant should provide additional building plans regarding the roof design in order to address such concerns, which extend beyond the bounds of the mere question as to whether the rooftop screening requirement constitutes unnecessary hardship.

Unless such documentation can be produced to demonstrate otherwise, Staff must determine that strict application of the relevant provisions of the zoning ordinance of which variance is requested does not constitute unnecessary hardship upon the applicant.

4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

Although the majority of the area surrounding the subject property features industrial uses, there are several residential properties, which contain over 150 units. While unscreened rooftop mechanical equipment may not *adversely* affect the order, prosperity, and general welfare of nearby industrial properties, such unscreened rooftop equipment is nevertheless undesirable to the reasonable person. If the 40-foot-tall industrial building were to have unsightly rooftop mechanical equipment left unscreened, such a variance could adversely affect those residents who live within sight of this industrial building in a manner greater than the variance would affect nearby industrial properties.

Beside the adverse effects the variance would have on existing developments, the regulations of the M-3 District that allowed for the subject building to be constructed 40 feet tall would also allow for another building 40 feet in height or greater to be constructed nearby. As the M-3 Heavy Industrial District establishes no building height maximums outside of airport approach areas, it would be possible for a building to be constructed on a nearby property within the M-3 District that is taller than the subject building, and from which the rooftop mechanical equipment was viewable. While the rooftop mechanical equipment may still be visible from a certain angle if the difference in building heights or elevations is great enough, this form of visibility is much more unlikely if all buildings in question were in compliance with the requirements of Section 27-699(b)(6). Therefore, the requested variance will have, and could have even greater future, adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.*

Section 27-699(b)(6) requires “[m]echanical 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.” Mechanical equipment is designed to be utilitarian and functional, which often comes at the expense of an aesthetically pleasing design. Such a trade-off is acceptable for interior equipment, which can be hidden in a basement or utility closet. Outdoor

mechanical equipment, however, cannot be hidden as easily, and therefore must be intentionally screened. Rooftop outdoor mechanical equipment is elevated, and as a consequence can be viewed from a greater distance. The spirit of this ordinance, therefore, is to mitigate unsightly rooftop mechanical equipment through architectural screening, which has a greater focus on aesthetics.

Applicant cites the height of the subject building (40 feet in height with an additional two (2) feet of parapets around the edge of the roofline) as sufficient screening for the rooftop mechanical equipment. This argument falls short for several reasons. First, if height alone was deemed sufficient to screen rooftop equipment from view, then such an exception would have been a part of the Zoning Code when it was adopted in 1988 or have been part of an amendment in the 36 years since. Height exceptions are anticipated in other areas of the Zoning Code, which makes the lack of exceptions granted within Section 27-699(b)(6) all the more intentional.

Second, the M-3 Heavy Industrial District establishes no building height requirements, except for parcels within airport approach zones. It would be possible for a building to be constructed on a nearby property within the M-3 District that is taller than the subject building, and from which the rooftop mechanical equipment was viewable. If but for the requested variance the subject property's rooftop mechanical equipment would not be viewable from the nearby building, the variance would therefore be creating a hardship, however small, on the property owner, business owner, employees, and guests of the nearby property.

It is for these reasons that the granting of the requested variance would be opposed to the general spirit and intent of the zoning ordinance.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 6220 Kansas Avenue on January 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Notice of Screening requirements
Parking
Rooftop Design
Rooftop Screening

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General:

1. What is the load rating for the roof, i.e. how much weight can the roof hold?

Applicant Response: Roof live load capacity as listed on the drawings, is 20 psf.

2. In lieu of applying for a variance from the rooftop mechanical screening requirement, would Applicant consider increasing the height of the existing edge parapet in order to serve as the effective screening for said rooftop equipment?

Applicant Response: Concrete walls would only be allowed to be raised 2 feet without completely redoing the structural design of panels and footings. Adding 2 feet would still require a variance.

Staff Response: Applicant has had notice of the screening requirements since the Development Review Committee (DRC) pre-application meeting on December 17, 2021 (see “DRC Pre-Application Meeting Minutes, Dated December 17, 2021” under the *Attachments* section of this report). Applicant could have either requested a variance in the earlier stages of the construction project—rather than waiting until August 12, 2022 to begin variance inquiries—or otherwise would have had the time to resubmit a revised structural design of the panels and footing. The fact that the subject building was already designed and in the construction process before Applicant requests a variance does not automatically grant such a variance. In fact, requesting a variance mid-way through the construction process when notice of the requirements had been provided previously is an act that should be discouraged, as it results poor planning practices and rewards those developers who wish to circumvent the Zoning Code and other applicable ordinances.

DRC Planning & Urban Design Signed Notes, Dated August 12, 2022

3. The M-3 Heavy Industrial District parking minimum standards require 59 parking spaces, three (3) of which are ADA-compliant. The parking plan provided by Applicant demonstrates 57 parking spaces, three (3) of which are ADA-compliant (see “Paving Plan of 6220 Kansas Avenue Submitted by Applicant” under the *Attachments* section of this report). While the subject property meets the ADA-compliant parking requirements of Section 27-676(a), the total number of parking spaces are two (2) fewer than the zoning district parking minimum. Provide a revised parking plan/paving plan that demonstrates a total of 59 parking spaces.

Applicant Response: Per our civil engineer: "This does not make any sense. The drawings were reviewed and approved a while back". I did attach... a revised paving/parking plan to add 2 more parking spaces.

Staff Report: A revised parking plan demonstrating 59 total parking spaces (three (3) of which are ADA-compliant) has been submitted and can be found under "Paving Plan of 6220 Kansas Avenue Submitted by Applicant" within the *Attachments* section of this report.

Development Review Committee:

Applicant must comply with all requirements for the sealed plan set approved on August 12, 2022. Requirement #6 requires that rooftop mechanical equipment must be screened by the parapet; the parapet will be required, but the rooftop mechanical equipment will not be fully screened if BOZA2022-076 is approved.

1. As indicated on the landscape plan, Sunburst Locust and Autumn Blaze Maple shall be at least 2-½" caliper when planted. Shrubs shall be at least 3 gallons when planted.
 - a. A final certificate of occupancy will not be issued until all seed and sod is fully installed and has taken root.
 - b. Landscaping shall be irrigated.
2. Per Section 27-700(b)(4), trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area. Thirteen (13) trees are required to be planted.
3. One (1) street tree per 30 foot of frontage is required to be planted along a major street (i.e. Kansas Avenue). There is roughly 312 feet of frontage along Kansas Avenue, therefore ten (10) trees shall be planted. This is in addition to the district requirement.
4. Parking lot shall be paved and striped.
5. Accessible spaces shall be ADA compliant.
 - a. Symbols shall be painted on the ground.
 - b. Sign placards shall be installed in front of the stall at 60" above the finished floor or ground surface measured to the bottom of the sign.
 - c. Access aisle shall be a minimum of 60" wide and extend the full length of the parking stall.
 - d. One (1) in every six (6) accessible spaces shall be designated as "Van Accessible".
6. Rooftop mechanical equipment must be screened by the parapet.
7. All driving, loading and maneuvering areas shall be paved, improved surface, either concrete or asphalt.
8. Downspouts and gutters shall be painted a complementary color to building.
9. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.
10. Sec. 27-699(b)(6) 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. This includes but is not limited to rooftop mechanical equipment.
11. Wall pack lighting shall have 90-degree cutoff fixtures.

12. Per Sec. 27-317, electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. From the existing pole, electrical power must be underground and not overhead.
13. BPU transformer pad shall be completely screened on three sides with a wood privacy or metal panel fence or 6-foot junipers setback 5 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.
14. Per Sec. 8-250(2), barbed wire may be used at the top of fences in the M-1 light industrial, M-2 general industrial, and M-3 heavy industrial districts, provided the same are carried on brackets so that the barbed wire shall be placed inside the fence line.
15. In order to have legitimate signage, a sign permit must be filed with Department of Planning + Urban Design. For assistance, please call (913) 573-5750 or signpermits@wycokck.org.

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. None
2. Items that are conditions of approval:
 - a. None
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - a. None

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Appeals **DENY** Appeal **BOZA2022-076** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The variance request does not fulfill Statutory Requirement #1. The variance arises from the design of the building being constructed. As Applicant or Property Owner failed to apply for a variance before the construction project began, their actions created the condition under which the variance arises;**
2. **The variance request does not fulfill Statutory Requirement #3. Applicant has failed to provide sufficient proof that strict interpretation of the Zoning Code would create unnecessary hardship to the subject building when similar buildings are subject to the same requirement;**
3. **The variance request does not fulfill Statutory Requirement #4. The lack of screening will make unsightly rooftop mechanical equipment visible to the nearby residential properties and the public right-of-way; and,**
4. **The variance request does not fulfill Statutory Requirement #5. The requested variance fails to anticipate taller buildings being constructed in**

the area to which the unscreened rooftop mechanical equipment would be visible. The spirit of the Zoning Code is intended to provide screening for the aesthetics of nearby development, both current and future.

If the Board of Zoning Appeals were to approve **BOZA2022-076**, Staff recommends that the following conditions apply:

- 1. In an effort to address the visible rooftop mechanical equipment, additional landscape screening on site is necessary to soften the aesthetics. The subject property must conform to Section 27-577(a)(5), the landscaping multiplier associated with the Commercial Development Guidelines Overlay District. Therefore, the subject property must have 40 trees on the subject property, 10 of which must be located along the Kansas Avenue right-of-way, as described by “Planning and Urban Design Comments: Development Review Committee #3” with the *Attachments* section of this report;**
- 2. Applicant must comply with all requirements for the sealed plan set approved on August 12, 2022 by the Development Review Committee;**
- 3. 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;**
- 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. Applicant has filed and maintained a current business occupation tax application;**
- 6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. Applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 7. A Right-of-Way Permit may be required for any use of the right-of-way while erecting fencing along the subject property’s boundary. Applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,**
- 8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**

ATTACHMENTS

Aerial Map
Zoning Map
Land Use Map
Five Statutory Requirements Answered by Applicant
Neighborhood Meeting Materials
Paving Plan of 6220 Kansas Avenue Submitted by Applicant
Building Elevations of 6220 Kansas Avenue Submitted by Applicant
Rooftop Plan Submitted by Applicant
Specifications for the Rooftop Mechanical Equipment
Rendering of the Proposed Building at 6220 Kansas Avenue Submitted by Applicant
Site Photos Provided by Applicant
Map of Site Photos Provided by Applicant
DRC Pre-Application Meeting Minutes, Dated December 17, 2021
DRC Planning & Urban Design Signed Notes, Dated August 12, 2022
Site Visit Photographs by Staff, Dated January 26, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Board of Zoning Appeals</u>
Public Hearing Variance	March 13, 2023

STAFF CONTACT: **Michael Farley**
mfarley@wycokck.org

MOTIONS

I move the Kansas City, Kansas Board of Zoning Appeals **DENY** Appeal **BOZA2022-076**, as it is not in compliance with the City Code, as it will not promote the public health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Kansas City, Kansas Board of Zoning Appeals **APPROVE** Appeal **BOZA2022-076** as meeting all the requirements of the City code and being in the interest of the public health, safety and general welfare, subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas Board of Zoning Appeals:

1. _____
2. _____; AND

3. _____.

AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses

-  Utilities
-  Right-of-Way
-  Urban Density
-  Agricultural
-  Neighborhood Commercial
-  Community Commercial
-  Business Park
-  Floodway
-  Regional Commercial
-  Future Residential
-  Rural-Density Residential
-  Employment
-  High-Density Residential
-  Medium Density Residential
-  Low-Density Residential
-  Mixed-Use
-  Parks/Open Space
-  Public/Semi-Public

FIVE STATUTORY REQUIREMENTS ANSWERED BY APPLICANT

1. ***The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

The building will be 42' tall with a 2' parapet and will serve as the screening to the roof top units.

The units are located centrally to the building roof structure. This is unique to this property as the structure is substantially larger than neighboring properties. Due to the height and size of the building structure, which is not ordinarily found in this area, the units will not be visible from adjacent properties.

2. ***The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.***

Due to building size and height, the roof top units will not be visible to adjacent property owners or residents and because their views will not be impeded by unsightly equipment, this proposed variance will not adversely affect their rights.

3. ***The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

A roof top screen would create multiple penetrations in the roof which leads to a higher risk for leaking roof. Additional unnecessary structural strain on the roof structure from the roof screen would also be created by wind force placed on the screen structures. As the units are not visible, the construction of the screens will result in hardships caused by overdesign of the structure and potential future maintenance issues.

4. ***The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

This is an industrial area with commercial and industrial businesses. Due to the height and design of the building the roof top units will not be seen by adjacent property owners and residents. In this case, the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. ***The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

The intent of the ordinance is to respect and protect adjacent property owners and residents rights. Specifically they should not have to have their views impeded by roof top equipment that might otherwise be screened, improving their view. Because this equipment is not visible to adjacent properties, granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

NEIGHBORHOOD MEETING MATERIALS

Date: 01/13/23

Name Vitaliy Soyarkov/Vs Services, LLC
Address 753 S 66th Ter
City/State/Zip KANSAS CITY, KS 66111

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #_BOZA2022-076. The purpose of this:

(please use all that applies)

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

is for a Variance for screening requirements for rooftop equipment.

at the following address: 6220 Kansas Ave, Kansas City, KS 66111.

I/We am having a neighborhood meeting on _01/24/2023__ at _3_p.m. at the following address __6220 Kansas Ave, Kansas City, KS 66111_____.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Vitaliy Soyarkov

Name and Contact Information

Vitaliy Soyarkov

Vitaliy@vsservicesks.com

913-313-8031

NEIGHBORHOOD MEETING MATERIALS, CONT.

Neighborhood Meeting MINUTES:

Application Number BOZA2022-076
Date and Location: 1/24/23 6220 Kansas Ave, Kansas City, KS 66111

Meeting called to order at: 1500

Names of people in attendance: Vitaliy Soyarkov, Todd Etzpatrick (CS Carey)

Introductions: Variance for screening requirements fro rooftop equipment.

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

Rooftop units ill be in the middle of building, roof deck is 2 feet lower then building walls with the building height, combined will act as screen from seeing the RTU's.

Questions and answers (include the following): No questions in regard to variance - Todd just wanted to meet me.

Meeting adjourned at: 1533

Minutes taken by: Vitaliy Soyarkov

- Who asked question or gave comment - Todd/Vitaliy
- What was the question or comment - None in regard to variance.
- Who answered the question/comment - Vitaliy
- What was the answer given - NA



Neighborhood Meeting Sign-in Sheet

Date: 1/24/23

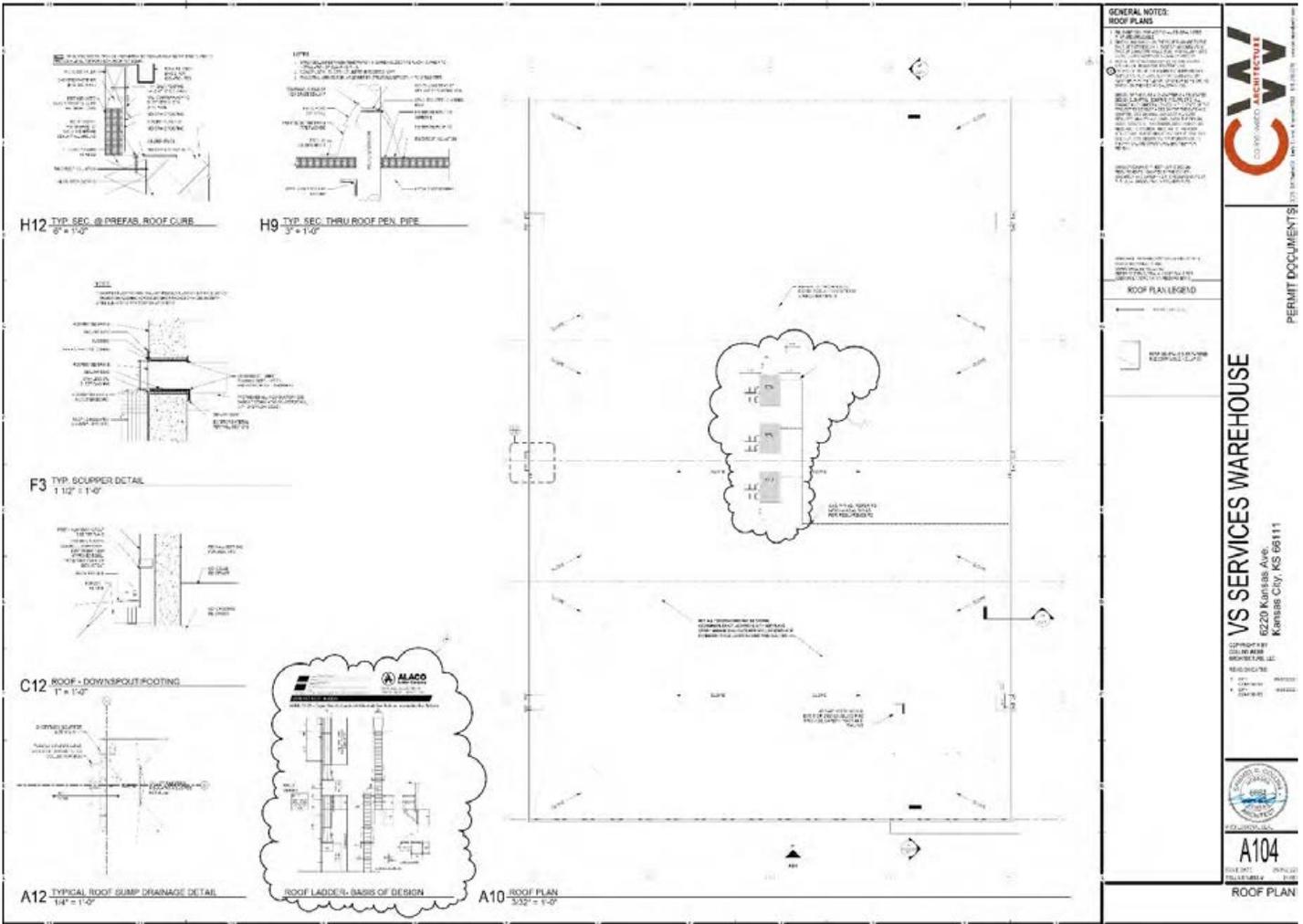
Name:

Signature:

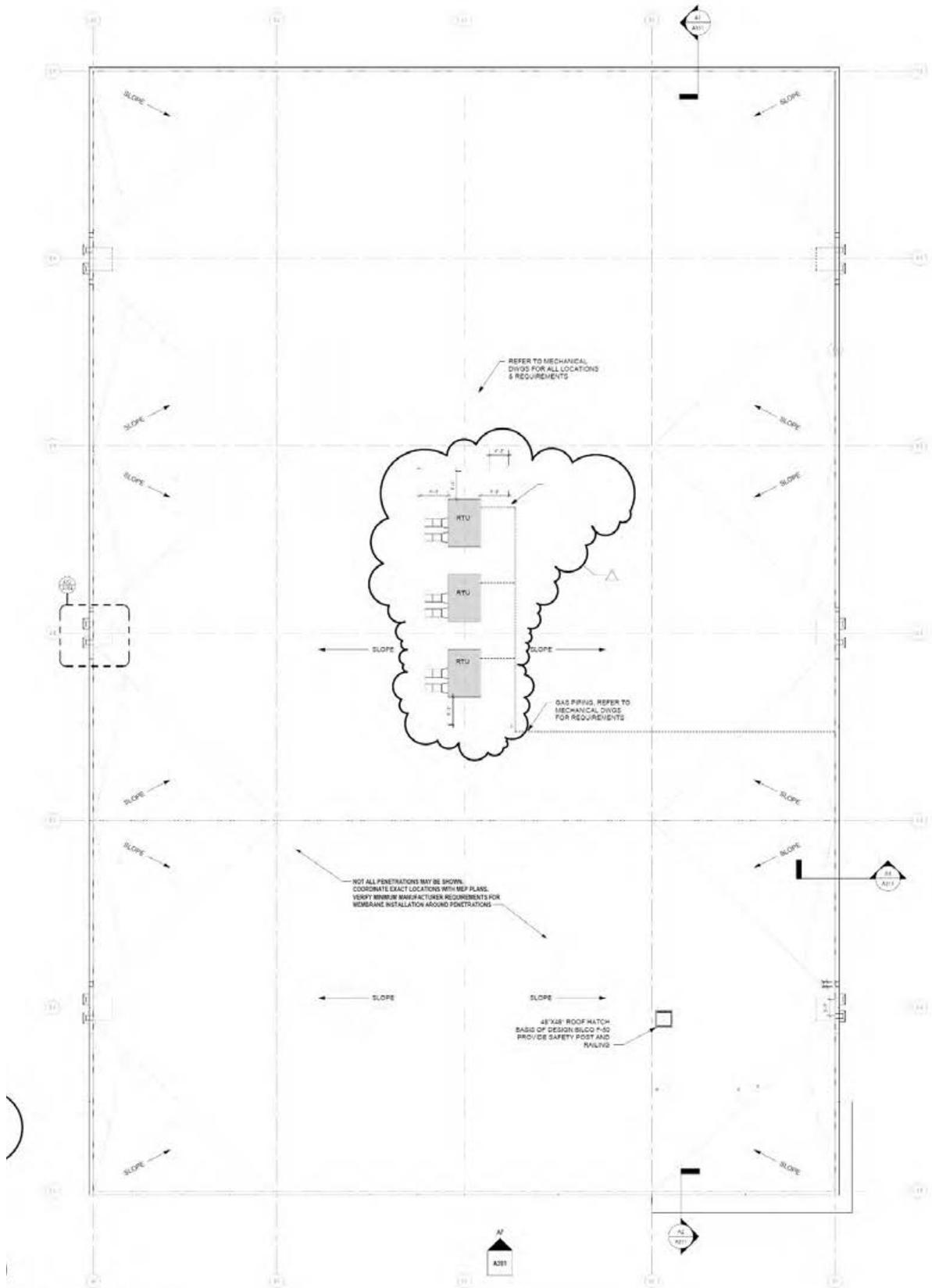
CS Carey TODD Etzpatrick
VS Vitaliy Soyarkov

[Signature]
[Signature]

ROOFTOP PLAN SUBMITTED BY APPLICANT



ROOFTOP PLAN SUBMITTED BY APPLICANT, CONT.



A10 ROOF PLAN
3/32" = 1'-0"

SPECIFICATIONS FOR THE ROOFTOP MECHANICAL EQUIPMENT

VS Service 6220 Kansas Ave RTUs

January 06, 2023

Product Report - PREC
Item: A1 Qty: 2 Tag(s): RTU, RTU-1

Trane Precedent Gas/Electric/Cooling Only Packaged Rooftop

Unit Overview - YSJ240A3S0L**D0B0A100000000000000000000										
Application	Unit Size	Supply Fan		External Dimensions (in.)			Operating Weight	EER	IEER/SEER	Elevation
DX Cooling / Gas Heat	20 Ton	Airflow	Total External Static Pressure	Height	Width	Length	2022.0 lb	9.80	13.00	0.00 ft
		8000 cfm	1.370 in H2O							

Unit Features	
Hinged Service Access/Filters	Standard Panels with 2-in MERV 8 Filter
Through the Base Provisions	Electric
Disconnect / Circuit Breaker	Non-Fused Disconnect Switch
Fresh Air Selection	Economizer, DB with Barometric Relief

Unit Electrical	
Voltage/phase/hertz	208-230/60/3
MCA	108.00 A
MOP	125.00 A
Condenser Fan FLA	4.30 A
Evaporator Fan FLA	8.80 A
Compressor 1 RLA	43.10 A
Compressor 2 RLA	26.10 A



Controls	
Unit Controls Symbio 700	

Cooling Section		
Entering Dry Bulb	80.00 F	Capacity
Entering Wet Bulb	67.00 F	Gross Total
Ambient Temp	105.00 F	Gross Latent
Leaving Coil Dry Bulb	58.26 F	Gross Sensible
Leaving Coil Wet Bulb	57.69 F	Net Total
Leaving Unit Dry Bulb	60.20 F	Net Sensible
Leaving Unit Wet Bulb	58.45 F	Net Sensible Heat Ratio
Saturated Discharge Temperature	129.08 F	Fan Motor Heat
Saturated Suction Temperature	51.71 F	Refrig Charge-Circuit 1

Heating Section	
Heating Stages	Low Gas Heat
Input Heating Capacity	250.00 MBh
Output Heating Capacity	202.50 MBh
Heating EAT	65.00 F
Heating LAT	88.44 F
Heating Temp Rise	23.44 F

Fan Section			
Indoor Fan Data	Indoor Fan Performance		
Airflow Application	Downflow	Airflow	8000 cfm
Design ESP	1.000 in H2O	Supply Motor Horsepower	3.100 hp
Component SP	0.370 in H2O	Indoor Motor Operating Power	3.900 hp
Heat SP	0.000 in H2O	Indoor RPM	1440 rpm
Total External SP	1.370 in H2O		
Supply Fan Count	2.00 Number		

Field Installed Accessories	
Thermostat	Pivot Smart Thermostat Electromechanical

RENDERING OF THE PROPOSED BUILDING AT 6220 KANSAS AVENUE SUBMITTED
BY APPLICANT



SITE PHOTOS PROVIDED BY APPLICANT

Applicant took a series of pictures from various nearby locations while placing an orange-tipped post on the roof. The following are Applicant's instructions and then the photos taken of the subject property.

We took an 8ft 4x4 post and cut it down to 82 inches

Units are 55 inches

Roof Curb 24 inches

Roof insulation 2 inches

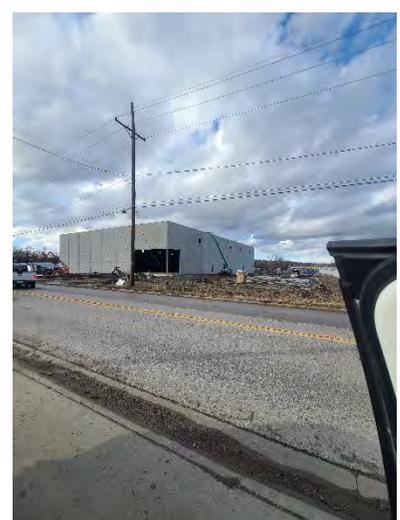
Total heights 82 inches

Painted it orange and had someone hold the post in the middle of the roof deck in the exact location where the RTU units will be. I have attached pictures of its visibility from various locations.

Directly Below: View of the subject building from CS Carey (see "Map of Site Photos Provided by Applicant" within this section for reference).



Directly Below: View of the subject building from Copart (see "Map of Site Photos Provided by Applicant" within this section for reference).



SITE PHOTOS PROVIDED BY APPLICANT, CONT.

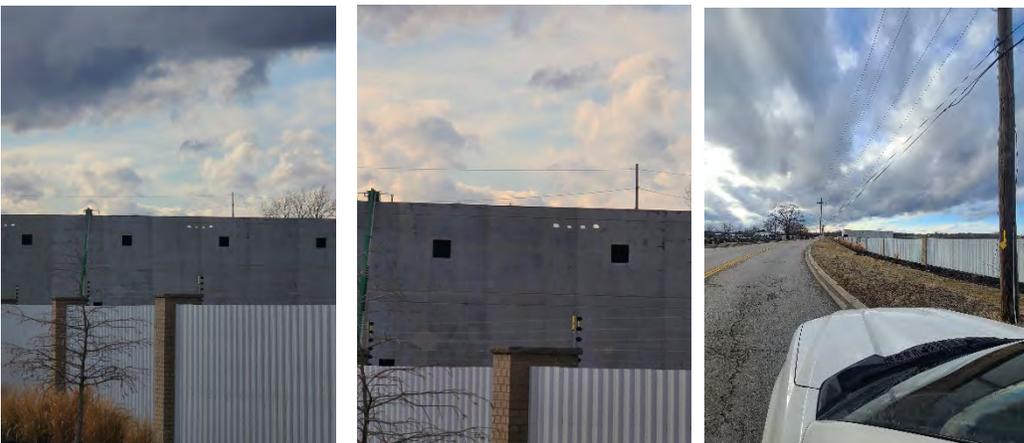
Directly Below: View of the subject building from Kiewit construction site (see “Map of Site Photos Provided by Applicant” within this section for reference).



Directly Below: View of the subject building from Midway U-Pull (see “Map of Site Photos Provided by Applicant” within this section for reference).

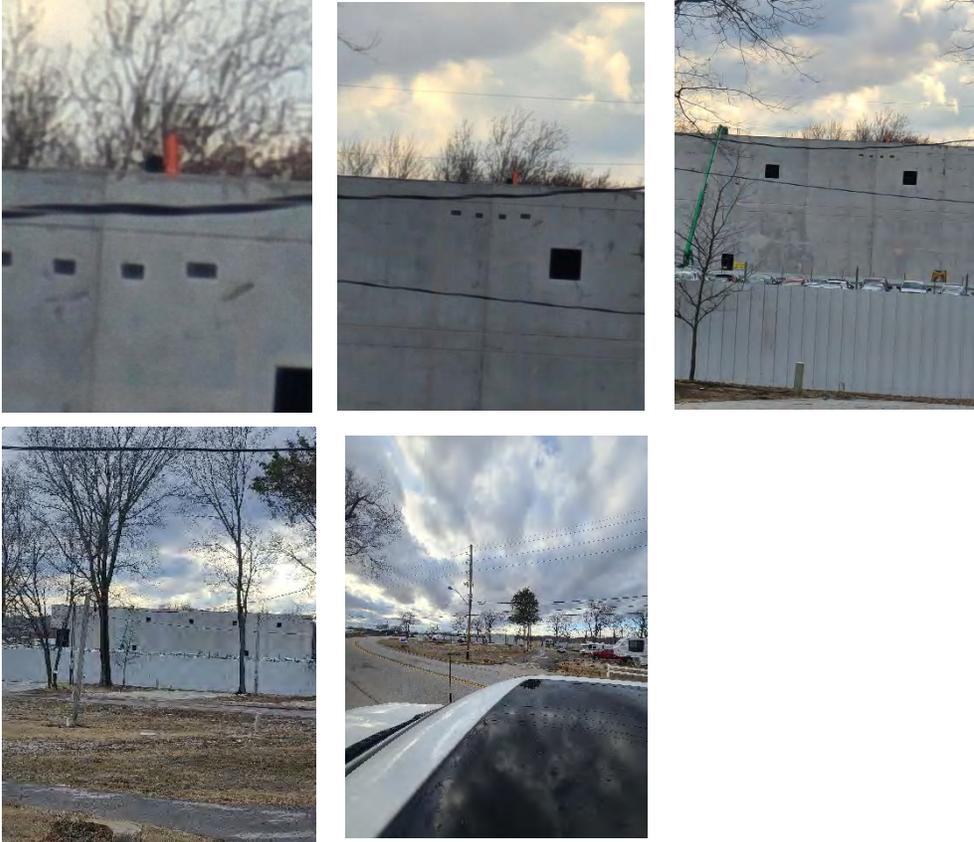


Directly Below: View of the subject building from PronTow (see “Map of Site Photos Provided by Applicant” within this section for reference).

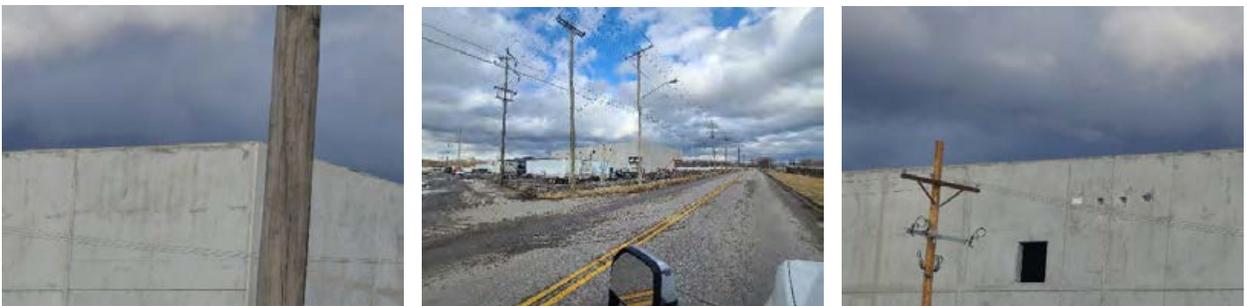


SITE PHOTOS PROVIDED BY APPLICANT, CONT.

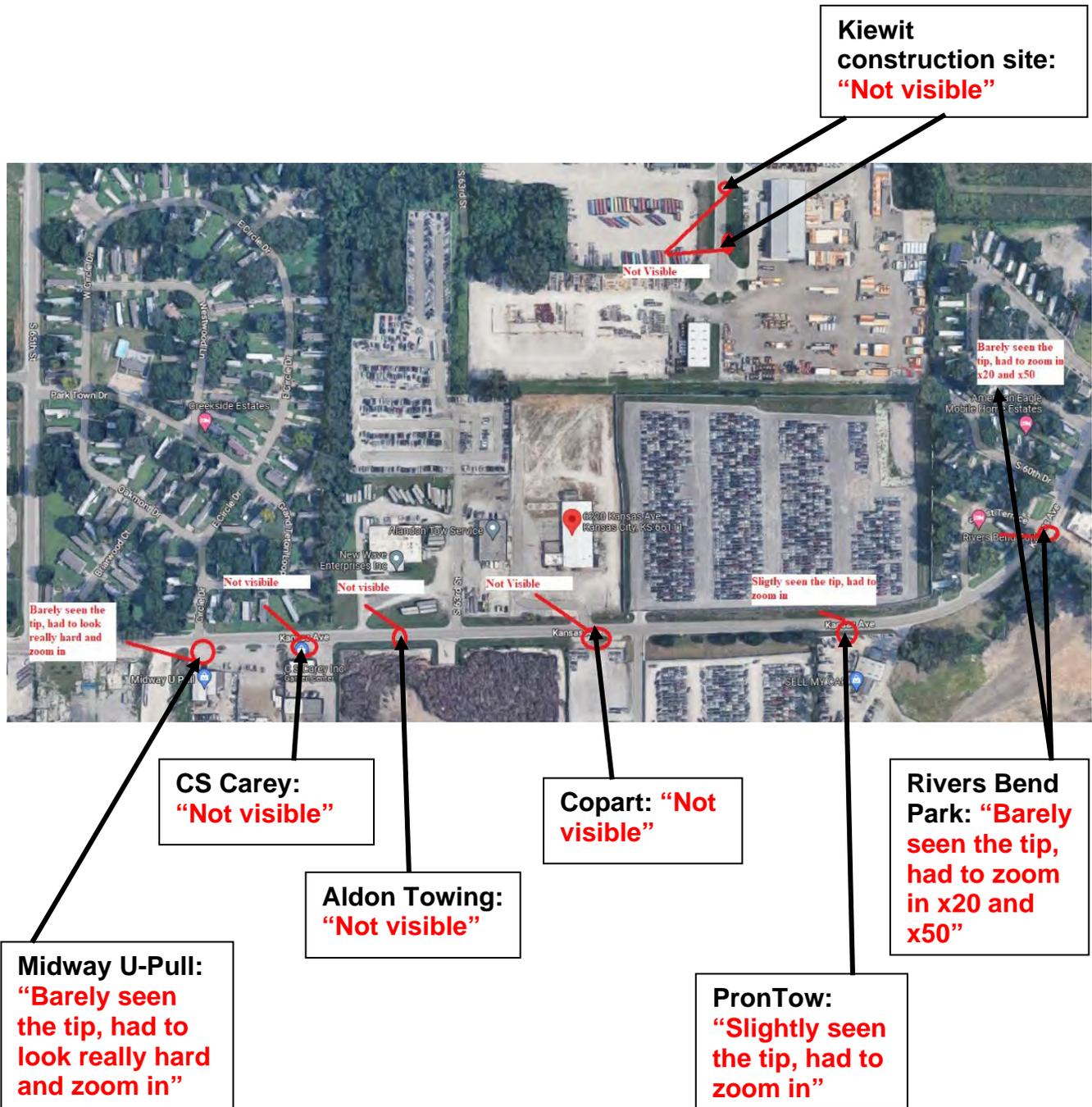
Directly Below: View of the subject building from Rivers Bend Park (see “Map of Site Photos Provided by Applicant” within this section for reference).



Directly Below: View of the subject building from Aldon Towing (see “Map of Site Photos Provided by Applicant” within this section for reference).



MAP OF SITE PHOTOS PROVIDED BY APPLICANT



DRC Pre-Application Meeting Minutes, Dated December 17, 2021

Phillip Henning – 66220 Kansas Ave

Thursday, December 17th, 2021 8:30 AM

Proposal:

Phillip A. Henning of MKEC Engineering, Inc on behalf of Vitaliy Soyarkov of VS Services LLC is requesting a DRC Pre-Application Meeting to discuss permitting requirements to demolish an existing night club (Bermudas) and new construction of a 35' tall 25,000 square foot warehouse with rear docks at 6220 Kansas Ave. M-3 Zoning

Notes:

BPU Water

- Existing 2 and 6 inch lines on the site

BPU Electric

- 3 phase available
- Will remove private area light poles
- One pole serving neighbor will need to remain on property line or be replaced (note proper clearances)
- Submit service request to start working on design and actual power needs
- Communication lines may be a bit low at KS Avenue
- Transformer lead time can be 60 weeks – plan accordingly

Planning

- Building Use – similar to other VS building – be sure to check SUP requirements for future tenants
- Note parking requirements – 45 spaces
- Note landscape 1 tree per 15,000 square feet of site area, street trees
- Screen RTU's (parapet is preferred)
- Note ground mount transformer landscape and door requirements
- No planning Commission requirement

Planning Engineering

- Can provide plans for COPART
- Follow code on general engineering guides
- Storm memo on changes in impervious surface area analyzing detention and BMP requirements (2009 MARC Manual)
- Erosion control per phase
- Sanitary to the south of Kansas Avenue – check existing line to be sure it still functions
- Brief Traffic Memo and Turn Radius sheet
- Retaining walls over 3.5 feet need a design calcs – rail over 3 feet.

Public Works

- Fees will be calculated at permit

Water Pollution Control

- Need TV of Service line if going to be reused.
- Work with WPC on demo termination

Building Inspection

- Separate demo permit required
- 2018 Code set being adopted in March or sooner IBC with, 2018 UPC, 2018 energy code, 2017 NEC

Fire

- Assume sprinklers and hydrant out front
- Trucks can turn around on-site
- FDC on east side if possible

WYDEC

- Jonathan is working with them on NRA (95 percent for 5 years on increase in value) must be 3 million or less.

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/Kansas City, Kansas



DEPARTMENT OF PLANNING + URBAN DESIGN

701 N. 7th Street, Suite 423 (913) 573-5750
Kansas City, Kansas 66101 (913) 573-5796 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. DRC22-0039 Address: 6220 Kansas Avenue

Development Name: VS Services Warehouse (v0) Description: New Building

STAFF ONLY: A D/C F & F H/C R/A

Ordinance Requirements (for plans sealed as of April 11, 2022):

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must submit plans detailing how the following requirements will be accomplished.

1. **Sec. 27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area. Thirteen (13) trees are required to be planted.**
2. **One (1) street tree per 30 foot of frontage is required to be planted along a major street (i.e. Kansas Avenue). There is roughly 312 feet of frontage along Kansas Avenue, therefore ten (10) trees shall be planted. This is in addition to the district requirement.**
3. As indicated on the landscape plan, Sunburst Locust and Autumn Blaze Maple shall be at least 2-½" caliper when planted. Shrubs shall be at least 3 gallons when planted.
 - a. A final certificate of occupancy will not be issued until all seed and sod is fully installed and has taken root.
 - b. Landscaping shall be irrigated.
4. Parking lot shall be paved and striped.
5. Accessible spaces shall be ADA compliant.
 - a. Symbols shall be painted on the ground.
 - b. Sign placards shall be installed in front of the stall at 60" above the finished floor or ground surface measured to the bottom of the sign.
 - c. Access aisle shall be a minimum of 60" wide and extend the full length of the parking stall
 - d. One (1) in every six (6) accessible spaces shall be designated as "Van Accessible".
6. Rooftop mechanical equipment must be screened by the parapet.
7. All driving, loading and maneuvering areas shall be paved, improved surface, either concrete or asphalt.
8. Downspouts and gutters shall be painted a complementary color to building.
9. **Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.**
10. **Sec. 27-699(b)(6) 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. This includes but is not limited to rooftop mechanical equipment.**
11. Wall pack lighting shall have 90-degree cutoff fixtures.
12. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. From the existing pole, electrical power must be underground and not overhead.
13. **BPU transformer pad shall be completely screened on three sides with a wood privacy or metal panel fence or 6-foot junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.**
14. **Sec. 8-250(2) Barbed wire may be used at the top of fences in the M-1 light industrial, M-2 general industrial, and M-3 heavy industrial districts, provided the same are carried on brackets so that the barbed wire shall be placed inside the fence line.**
15. In order to have legitimate signage, a sign permit must be filed with Department of Planning + Urban Design. For assistance, please call (913) 573-5750 or signpermits@wycokck.org.

DRC PLANNING & URBAN DESIGN SIGNED NOTES, DATED AUGUST 12, 2022,
CONT.

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/Kansas City, Kansas



DEPARTMENT OF PLANNING + URBAN DESIGN

701 N. 7th Street, Suite 423 (913) 573-5750
Kansas City, Kansas 66101 (913) 573-5796 fax

NOTE: Items highlighted in BOLD must be addressed prior to departmental approval.

Byron Toy, AICP

Digitally signed by Byron Toy, AICP
DN: cn=Byron Toy, AICP, o=Unified Government of
Wyandotte County/Kansas City, KS, ou=Planning
and Urban Design, email=BToy@wyandotte.org, c=US
Date: 2022.08.27 16:19:26 -0500

Attending DRC Member: Byron Toy, AICP
(913) 573-5757

Date _____

I, Vitaliy Soyarkov, as Manager of the above
referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s),
and give consideration to the recommendation(s) above.

Vitaliy Soyarkov 08/12/2022

Signature and Date

913-313-8031 - vitaliy@vsservicesks.com
Contact Phone Number and Email Address

753 S. 66th Ter, Kansas City, KS 66111

Mailing Address, City, State, and Zip Code

SITE VISIT PHOTOGRAPHS BY STAFF, DATED JANUARY 26, 2023



Top Row (both): View of the subject building from across the Kansas Avenue right-of-way, facing north.

Lower Left: View of the Kansas Avenue right-of-way, facing east.

Lower Right: View of the Kansas Avenue right-of-way, facing west.



SITE VISIT PHOTOGRAPHS BY STAFF, DATED JANUARY 26, 2023, CONT.



Upper Row (both): View of the subject building Rivers Bend Park, facing west-southwest.

Lower Left: View of the subject property from Creekside Estates, facing east.

Lower Right: Additional view of the subject property from Creekside Estates, facing east.



Right: Additional view of the subject property from the Kiewit construction site, facing southwest.

