

CITY PLANNING COMMISSION

DECEMBER 12, 2022

MINUTES

The City Planning Commission met in regular session on Monday, December 12, 2022, at 7:14 p.m., (1:05:17) (via Zoom Webinar and in the Commission Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber), Mrs. Karen Jones, Vice Chairman (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly, (Zoom); Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom), Ms. Susannah Pauley (Zoom), Mr. Joseph Straws III (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Armstrong). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning + Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), Mr. Patrick Waters, Senior Counsel (Zoom), were also present.

Chairman Carson called the meeting to order at 7:14 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 and plan to stay visible during the meeting.
2. Planning Commission Members - Use the raise your hand feature to speak, after Chairman Carson recognizes you, unmute your microphone and please state your name when you begin to speak. If you are in-person in the Commission Chamber, when Chairman Carson recognizes you, please state your name before speaking.
3. For those members of the public in attendance via Zoom or telephone, use the "raise your hand" feature when you want to speak on an issue. The Chairman will recognize you when it is your time to speak, unmute your microphone and state your name and address before giving your comments. If you are attending in person, please come to the microphone at the front of the room when the application is called, and the Chairman will recognize you when it is your time to speak.
4. Proper meeting decorum is expected of all participating in the meeting and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

The Planning Commission is a voluntary body of citizens, which will review each zoning proposal. For all change of zones, special use permits, vacations, and preliminary plan reviews on tonight's agenda, the Planning Commission makes recommendations to the Unified Government Board of Commissioners, who will then make the final decisions on **Thursday, January 12, 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 person 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. In addition, those who received notices for this hearing will again receive them for the hearing on **Thursday, January 12, 2023, at 7:00 p.m.**

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

CONSIDERATION OF THE NOVEMBER 14 AND 21, 2022 PLANNING COMMISSION MINUTES AND TRAINING NOTES.

SPECIAL USE PERMIT APPLICATION SP2022-101 – ADRIENNE BORTZ – SYNOPSIS:

Renewal of a Special Use Permit (SP-2020-37 – expired 10/8/2022) to operate a short-term rental at 1101, 1103, 1107 and 1109 North 79th Terrace. Detailed Outline of Requested Action: The Applicant, Adrienne Bortz with Gabel Rentals, is seeking the approval of the renewal to operate short-term rentals at 1101, 1103, 1107, and 1109 North 79th Terrace. The subject properties are two (2) duplexes for a total of four (4) units situated on a mixed commercial and residential corridor near the intersection of State Avenue and North 79th Street. The owner has previously operated the properties as short-term rentals since 2018 and has two (2) previous Special Use Permits. The applicant is seeking approval for five (5) years.

SPECIAL USE PERMIT APPLICATION SP2022-104 – ANDREA TAPIA WITH KCK

HOUSING AUTHORITY – SYNOPSIS: Renewal of a Special Use Permit (SP-2020-50 – expired 9/3/2022) to operate a truck fleet maintenance center for the Kansas City Kansas Housing Authority at 1300 Meadowlark Lane. Detailed Outline of Requested Action: The applicant, Andrea Tapia, with the Kansas City, Kansas Housing Authority, is requesting a renewal of a Special Use Permit (SP-2020-50), to continue to operate a light auto-repair and general maintenance facility for the Kansas City, Kansas Housing Authority’s vehicle fleet, as well as keep a storage container on site, at 1300 Meadowlark Lane.

PLAN REVIEW APPLICATION PR2022-046 – KATE PFEFFERFORN-MANSKER –

SYNOPSIS: Final Plan Review to construct a parking lot and detention pond at 2729 Cleveland Avenue. Detailed Outline of Requested Action: The applicant, Kate Pfefferkorn-Mansker, is seeking approval of a Final Development Plan to upgrade the parking lot for the Kingdom Hall of Jehovah’s Witnesses congregation located at 2729 Cleveland Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

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

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

Motion to APPROVE Passed: 9 to 0

Subject to:

SP2022-101:

1. The applicant shall plant one (1) tree per parcel in the front yard per Section 27-700(a);
2. Applicant shall make repairs and provide evidence of the following repairs as a result of the home inspection:
 - a) Install smoke and carbon monoxide detectors near the HVAC system, one in the common areas, and verify placement and working condition of all smoke detectors in all units;
 - b) Repair the electrical conduit boot and mast anchoring on the roof; and,
 - c) Ensure all windows open and are operable;
3. Maximum number of guests per unit shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property’s physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner’s agent;
10. 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;
11. The owner or owner’s agent/operator shall provide a guest book with the following information:

- a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978;
 - c) An asbestos notification for any property built before 1981; and,
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 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 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. 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 in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

SP2022-104:

1. The applicant shall dedicate the proposed landscape easement with the Register of Deeds;
2. Additional landscaping shall be installed along Meadowlark in the form of trees, bushes, hedges, or shrubs;

3. **Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 302,988 square feet, requiring 44 trees be provided on the site plan. The applicant must maintain all existing trees or landscaping and replace any landscaping that dies;**
4. **The storage container must be moved to the southwest corner of the parking lot;**
5. **Any miscellaneous materials must be stored either in the storage container or inside. Miscellaneous materials shall not be stored outdoors in an unorganized manner;**
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. **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;**
8. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
9. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
10. **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;
11. 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;
 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

PR2022-046:

1. The applicant and/or property owner shall either file for an administrative lot combination or submit a plat to combine the three (3) parcels into one (1) parcel, unless the property owner intends to utilize the parcels for an alternative use;
2. A six (6) foot tall opaque fence shall be installed along the eastern, western, and southern property lines;
3. An erosion control plan utilizing best management practices will be required if there is grading with the project;
4. 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;
5. The proposed waste receptacle shall match the principal structure in materiality;
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.**

Recording Secretary Parker stated that the Special Use Permits recommended for approval will be heard by the Board of Commissioners on January 12, 2023 at 7:00 p.m.

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

Hearing starts at 1:17:35:

MASTER PLAN AMENDMENT MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road.

CHANGE OF ZONE APPLICATION COZ2022-038 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-1 Planned Limited Business District for a liquor store at 8919 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES - SYNOPSIS: Special Use Permit to operate a liquor store at 8919 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future

development.

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he was contacted by several neighbors with concerns about a liquor store. He was also contacted by Commissioner Kane stating that he had been contacted by several neighbors in opposition.

Present in Support:

- Bryon Ruoff, 330 Architects, representing the applicant
- Anna Brescia, applicant, Richard T. Bryant & Associates, 1111 Main Street, Suite 750, Kansas City, Missouri 64105

Present in Opposition:

- Bethany and James Vogel, 8951 Leavenworth Road, Kansas City, Kansas 66109
- Debbie Cobalt, 3024 North 89th Street, Kansas City, Kansas 66109
- Jeremy Budde, 8833 Leavenworth Road, Kansas City, Kansas 66109
- Sandy McMillian, 3217 East Townsend Court, Kansas City, Kansas 66109
- Ashley Hille, 3132 East Townsend Court, Kansas City, Kansas 66109
- Mathew Callahan, 3033 North 89th Street, Kansas City, Kansas 66109
- Arthur Verbeck, 8910 Leavenworth Road, Kansas City, Kansas 66109
- Christina, 2720 North 90th Street, Kansas City, Kansas 66109
- Rebecca Wright, Wright Liquor Store, 8014 Leavenworth Road, Kansas City, Kansas 66109
- Julie, 3131 East Townsend Court, Kansas City, 66109

Staff Recommendation starts at 1:53:26: Planning Director Hand stated that this property is in the City-Wide Master Plan area and north of the Mid-Town area. Prior to this evening Staff had received no letters in support nor opposition. After the meeting packet was sent to the Commission, calls in opposition were received by Staff. Staff recommended approval of all three (3) entitlements subject to conditions and the Commercial Design Guidelines. He stated that a business with outside activity and/or parking adjacent to residential parcels must close by 1:00 a.m. in this zone district. A final development plan would be required. As it relates to the applicant's request to amend Condition 1, Staff would be amenable to changing it to the length of the existing road which would be North 89th Street to extend the five (5) foot sidewalk off Leavenworth Road. Regarding the Master Plan Amendment and Special Use Permit, based on feedback this evening, the Commission has options. If the Commission does not recommend approval of the liquor store, Staff would recommend that the Commission approve the Change of

Zone to fix the split zoning on this parcel. Staff would also recommending updating the Master Plan. Staff can only find information that it has been a commercial use. Applicant does not want to split the parcel with each parcel having its existing zoning. This existing commercial zoning does not match the land use designation, which is single-family residential. Those in opposition expressed that they did not want any commercial uses on this parcel. If the Commission agrees, then a recommendation of denial would be in order. Staff stands with its original recommendation of approval for all three (3) applications.

The Planning Commission directed questions to Staff.

Motion starts at 2:02:00:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-023 due to the proposed use's incompatibility with the neighborhood:**

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

Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of COZ2022-038 due to the proposed use's incompatibility with the neighborhood:**

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

Motion to recommend **DENIAL** Passed: 9 to 0

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of SP2022-93 due to the proposed use's incompatibility with the neighborhood:**

Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Not Present

Beth **Aye**
Connelly **Aye**
Ernst **Aye**
Jones **Aye**
Miller **Aye**
Mohler **Aye**

Motion to recommend **DENIAL** Passed: 9 to 0

Hearing starts at 2:05:30:

CHANGE OF ZONE APPLICATION COZ2022-042 – ROGER BARRETT WITH SK DESIGN GROUP - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to C-D Central Business District to construct a six (6) story mixed-use development at 810 North 6th Street. *Detailed Outline of Requested Action:* The applicant, Roger Barrett, with SK Design Group, Inc., wants to rezone 810 North 6th Street C-0 Nonretail Business District to C-D Central Business District to build a 60-unit, five (5) story over one (1) story commercial retail/office (six (6) stories total) on 0.53 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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Planning Director Hand stated Staff would recommend holding over this application as the variance application was held over. Mr. Barrett stated that they would like to move forward with the rezoning this evening.

Present in Support:

- Roger Barrett, applicant, SK Design Group
- Neil Martelle, Eagle Point Companies, 125 John Roberts Road, South Portland, Maine
- Edgar Galicia, CABA

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:14:25: Planning Director Hand stated that the request is for a 60-unit, five (5) story over one (1) story of 6,000 square feet of retail. The parking variance was held over by the Board of Zoning Appeals earlier this evening. The property is in the Downtown Area Master Plan. Staff received no letters in support nor opposition

prior to this evening's meeting. There are no Notices of Violation on this property. Staff recommends approval subject to compliance with the Mixed-Use Design Guidelines. One of the conditions of approval is for the applicant to work with UG Public Transit to determine enhancements to the existing, adjacent transit stop. He further stated that the Certificate of Appropriateness was approved by the Landmarks Commission for the rezoning. A second Certificate of Appropriateness will be required at the time of building permit.

The Planning Commission directed questions to Director Hand.

Motion starts at 2:27:35:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-042:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

- 1. A Certificate of Appropriateness is required to be approved by the Landmarks Commission for zoning prior to having this case, COZ2022-042 is presented before the City Planning Commission. This case will not be heard before the City Planning Commission until after a decision is made by the Landmarks Commission. Also, if there are changes to the plan that the Landmarks Commissions make in their Certificate of Appropriateness review, this will affect the site plan/design and/or building elevations.**

Additionally, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;

- 2. This City Planning Commission case is being heard in conjunction with BOZA2022-060. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-060 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 3. Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements along 6th Street or Ann Avenue.**

- Contact Justus Welker, Director of Transportation, at (913) 573-6798 or jwelker@wycokck.org for specific details on what improvements are needed;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
 5. Obtain a shared parking agreement with an adjacent property owner to alleviate the potential single-family neighborhood's concerns about the lack of on-street parking;
 6. Review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the Final Development Plan.
https://www.wycokck.org/WycoKCK/media/Urban-Planning-Land-Use/Documents/Downtown_Master_Plan.pdf;
 7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
 8. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan;
 9. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
 10. Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways;
 11. The proposed retaining wall along the west property line shall be stone masonry, not modular block, or concrete forms;
 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 13. The proposed garage doors shall match the adjacent exterior building façade color;
 14. Downspouts shall be internalized;
 15. Greater emphasis needs to be put upon the ground floor uses and its proximity to Ann Avenue. Need to activate all ground floor on Ann Avenue. Staff would like to further evaluate this issue to see if doors, patio, outdoor patio/seating area can be added along Ann Avenue doors;
 16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
 17. All landscaping shall be irrigated;
 18. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 19. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
 20. All electrical meter banks, typically on the side of the building shall be screened from public view;

21. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
22. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
23. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
24. Regarding the BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - a. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10-foot clearance from pad when gate door is open.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in front.
 - c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - d. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - e. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
25. 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;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division (businesslicense@wycokck.org or 913-573-8780). Their office is located in the Neighborhood Resource Center (NRC), 4953 State Avenue, Kansas City, KS 66102;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;

29. 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;
30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
31. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 2:30:55:

MASTER PLAN AMENDMENT APPLICATION MPL2022-027 – TRENT GADDY WITH JULES BOREL – SYNOPSIS: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane.

CHANGE OF ZONE APPLICATION COZ2022-043 – TRENT GADDY WITH JULES BOREL - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to B-P Planned Business Park District to operate an administrative office with inventory for Jules Borel and Company at 1223 Meadowlark Lane (to replace SP-2020-95 – expires 2/4/2023).

Detailed Outline of Requested Action: The applicant, Trent Gaddy with Jules Borel & Co., LLC, is requesting a Change of Zone and Master Plan Amendment for a developed property. The Change of Zone is a request from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District. The Master Plan Amendment is a request from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan). Both the Change of Zone and the Master Plan Amendment are requested to allow the existing business—receiving, storing, and shipping inventory for watch repair—to be an allowed use under zoning district and master plan regulations. The existing uses are currently allowed under SP-2020-95, a Special Use Permit for temporary use of land for commercial or industrial purposes. The applicant is simultaneously requesting variances from the B-P District parcel size minimum and building setbacks, under BOZA2022-063.

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Trent Gaddy, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:00: Planning Director Hand stated that that these applications are being heard in conjunction with BOZA2022-063, which was approved by the Board of Zoning Appeals earlier this evening. This application is to correct the land entitlement from an ongoing Special Use Permit to a permanent solution to a business park district. Staff has received no letters in support nor in opposition, There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:35:08:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-027:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

- 1. All landscaping plans must follow the preliminary landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-472(g), 27-699(a)(6), and 27-702(1)(a-d);**
- 2. The sidewalk serving the parking lot must be extended and connected to the sidewalk in the Meadowlark Lane right-of-way;**
- 3. Per Section 27-699(b)(5), 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;**
- 4. Per Section 27-699(b)(6), mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view;**
- 5. The parking lot should be repaired and paved subject to UG standards;**
- 6. All conditions stated in the applicant responses to SP-2020-95 remain the same, as attested to by the applicant on November 28, 2022;**

7. 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;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-063. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-063 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-043:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to the above conditions

Hearing starts at 2:37:05:

SPECIAL USE PERMIT APPLICATION SP2022-066 – ROMAN CATHOLIC

ARCHDIOCESE OF KANSAS CITY, KANSAS - SYNOPSIS: Special Use Permit to erect a 140' tall stealth monopole for the installation of lights and communications equipment at Bishop Ward athletic field with ground based supporting equipment at 715 North 16th Street. Detailed Outline of Requested Action: The applicant, the Roman Catholic Archdiocese of Kansas City, Kansas, has filed a Special Use Permit to construct a 140-foot stealth monopole telecommunication tower for Verizon Wireless on stadium lights and associated ground equipment adjacent to the Bishop Ward High School football field/track within a 619 square foot enclosure at 715 North 16th 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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to 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:

- Curtis Holland, Polsinelli, 900 West 48th Place, Kansas City, Missouri 64112
- Jay Dunlap

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:55:45: Planning Director Hand stated that this application is for a wireless communication facility at the Bishop Ward football field. The property is in the Central Area Master Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation that have been addressed. There is a State Statute that allows this type of facility to be initially approved for 10 years. Applicant is requesting the full 10 years. Staff recommends approval subject to the conditions in the staff report including screening and landscaping enhancements. Staff would request to add a condition that all future co-locations also be flush mounted stealth configuration.

Motions starts at 2:58:05:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2022-066:**

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

Motion to recommend APPROVAL Passed 9 to 0

Subject to:

1. If the telecommunication tower should be modified to be more stealth (internalized) than previously designed, Staff requests the City Planning Commission allow the design change to be made at building permitting;
2. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of sixteen (16) feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first twelve (12) months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
5. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;
6. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
7. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. 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;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. All future co-locations also be flush mounted stealth configuration;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these

requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

14. The Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 2:59:16:

SPECIAL USE PERMIT APPLICATION SP2022-070 – MANUEL LOPEZ - SYNOPSIS:

Special Use Permit to keep horses at 1211 North 69th Street. Detailed Outline of Requested Action: The Applicant, Manuel Lopez, is seeking approval to own two (2) horses. The Applicant has less than five (5) acres and is not zoned Agricultural, requiring Special Use Permit. The applicant would like to keep the horses for personal use for time with their grandkids. The applicants have resided at the residence for a number of years after purchasing it as a distressed property and are planning an accessory building and various improvements to the property with the addition of the horses.

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Ms. Parker stated that this application was previously heard and recommended for denial and was remanded back to the Planning Commission by the Board of Commissioners on October 27, 2022 for the applicant to submit additional information to Staff. Staff was to forward the submitted information to the Wyandotte County Conservation District for further review. Staff just received the information today.

Present in Support:

- Dalia Combs, 8320 Orient Drive, Kansas City, Kansas 66112 and requested the
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application be held over for one (1) month.

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 3:02:29: Planning Director Hand stated that Staff concurs with the Applicant's request for a hold over with the understanding that the submission deadline for the January 2023 hearing is December 26, 2022. Staff only received additional information from the Applicant today and they have until December 26, 2022 date to work with the Conservation District and Staff to provide all the required information and reviews in order to update the staff report.

Motion starts at 3:05:30:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application SP2022-070 to January 9, 2023:**

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

Motion to **HOLD OVER** Passed: 9 to 0

Hearing starts at 3:06:

SPECIAL USE PERMIT APPLICATION SP2022-074 – MAHER ALTHALATHINI - SYNOPSIS: Special Use Permit for a used-car dealership with light repair at 1000 Osage Avenue. Detailed Outline of Requested Action: The applicant, Maher Althalathini, is requesting a Special Use Permit to operate an auto-repair shop in a mixed-use at 1000 Osage 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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to 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:

- Maher Althalathini, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:09:34: Planning Director Hand stated that the request is for a Special Use Permit for a light auto repair business. The property is in the Armourdale Area Master Plan just off Osage Avenue. This is an existing parcel and building with a variety of uses. There is a drive-in restaurant and a mixed-use building existing. The business would be located on the first floor with housing above in the mixed-use structure. Staff has received no letters in support nor opposition. There are multiple Notices of Violations and police reports relating to an illegal event space being used on the ground floor of the building. There is a garage door that would be on the front of the building. This is an overcrowded site and Staff sees issues with parking, traffic and vehicles on the lot. Staff recommends denial. If the Commission moves forward with a recommendation of approval, Staff has included conditions accordingly.

Motion starts at 3:12:12:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-074 due to lack of parking and lack of space for the use on the property:**

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

Motion to recommend **DENIAL** Passed: 9 to 0

Hearing starts at 3:13:20:

SPECIAL USE PERMIT APPLICATION SP2022-098 – PAULA GEORGE WITH PARKWOOD DAY SCHOOL LLC - SYNOPSIS: Special Use Permit to operate a childcare center on the campus of KCKCC at 7250 State Avenue. Detailed Outline of Requested Action: The applicant, Paula George, is requesting a of Special Use Permit to operate a child educational center in a building on the campus of Kansas City, Kansas Community College (KCKCC).

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Paula George, applicant, 9823 Rosewood Drive, Overland Park, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:15:35: Planning Director Hand stated that a Special Use Permit for a childcare center was reviewed and approved at this site a few months ago under a previous ownership group. As these Special Use Permits do not transfer to the new owner, the Applicant is before the Commission with the exact same request. Staff recommends approval subject to the exact same conditions for two (2) years.

Motion starts at 3:16:15:

On motion by Mr. Straws, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-098 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. Landscaping shall be installed around the perimeter of the playground as well as around the mechanical equipment on the north side of the structure;
2. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;

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. 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;
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 to begin this process;
6. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 3:17:14:

SPECIAL USE PERMIT APPLICATION SP2022-102 – JESSE VENZOR - SYNOPSIS:

Special Use Permit to operate a short-term rental at 4342 Pearl Street. Detailed Outline of Requested Action: The Applicant, Jesse Venzor, is seeking the approval to operate a short-term rental at 4342 Pearl Street. The subject property is in a residential block near

the intersection of Mission Road and 44th Street. The owner has recently purchased the property as a distressed property and is completing renovations.

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to 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:

- Jesse Venzor, applicant, 5505 West 124th Street, Overland Park, KS 66209

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:20:01: Planning Director Hand stated that the request is for a new short-term rental in the Rosedale Area Master Plan. Staff has received no letters in support nor in opposition. There are old Notices of Violation, pre-dating the current owner, and all of those have been addressed through the rehabilitation of this property. Director Hand stated that Staff has the capability to generate a map showing the existing short-term rentals in the area when a new application is submitted. He showed the Commission a map of other short-term rentals in this area. There are two (2) in the general vicinity, but not on the same block. Since there is no on-site manager, Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 3:21:50:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-102 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0 with 1 abstention

Subject to:

1. Any property owner or business owner keeping 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 (NOTE: The applicant will allow pets at the short-term rental);
2. The driveway apron must be upgraded to UG standards;
3. Applicant must repair the portion of the sidewalk that is in disrepair;
4. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is two (2);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must maintain liability insurance;
9. Applicant must maintain the property's physical condition through the duration of the permit;
10. All reservations shall be a minimum stay of 24 hours;
11. No meals shall be prepared in the dwelling by the owner or owner's agent;
12. 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;
13. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
14. The property must remain in proper maintenance and free of hazards, pests, or infestations;

15. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
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.

Hearing starts at 3:23:40:

SPECIAL USE PERMIT APPLICATION SP2022-103 – MARIA RUIZ WITH ZOUK

CHOREOGRAPHY - SYNOPSIS: Special Use Permit to operate an event space with live entertainment and alcohol sales at 2414 South 34th Street. *Detailed Outline of Requested Action:* The applicants, Maria Ruiz and Gaby Robles, are requesting a Special Use Permit to operate an event space at 2414 North 34th Street. This event hall would operate out of the same tenant space as the existing business, Zouk Choreography.

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,

7. The Notices to property owners.

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

Present in Support:

- Maria Ruiz, applicant, 2446 South 47th Street, Kansas City, Kansas 66106-3504
- Rogelio Manandiola, 6205 East 137th Street, Grandview, Missouri
- Manuel Miguel, 2428 South 47th, Kansas City, Kansas 66106
- Edgar Galicia, Central Area Betterment Association
- Daphne Villa, 2446 South 47th Drive, Kansas City, Kansas 66106
- Sonia Rodriguez, 2237 South 14th Street, Kansas City, Kansas 66103
- Ms. Garcia, 1302 South 35th Street, Kansas City, Kansas 66106

The Planning Commission addressed questions to the Applicant.

Present in Opposition:

- Dennis Grindel, 3419 Gibbs Road, Kansas City, Kansas 66106
- Mary Grindel, 3419 Gibbs Road, Kansas City, Kansas 66106
- Barb Kill, Turner Community Connection, Inc., 5548 Pawnee Drive, Kansas City, Kansas 66106

Staff Recommendation starts at 4:00:42: Planning Director Hand stated that this application is for a live entertainment venue in conjunction with the dance studio. The property is in the City-Wide Master Plan in the Turner neighborhood. Staff received no letters in support and one (1) letter in opposition prior to this meeting. There are Notices of Violation on this property relating to property maintenance. There have been past calls for service for both noise complaints and police reports. Staff cannot verify that the calls were for this specific business. He stated that the business can have up to four (4) events per year before a Special Use Permit is required. Staff recommends approval for two (2) years subject to the conditions in the staff report.

The Planning Commission directed questions to Staff.

Motion starts at 4:09:30:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-103 for two (2) years:**

Carson	Chairman
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	No
Connelly	No
Ernst	No
Jones	Aye

Miller **Aye**
Mohler **Aye**

Motion to recommend **APPROVAL** Passed: 6 to 3

Subject to:

1. The applicant shall be limited to events between the hours of 4:00 pm and 1:00am on Fridays, Saturdays, Sunday, and holidays;
2. The property owner shall restripe the parking lot, including providing four (4) ADA compliant parking spaces, as well as provide parking stops at each parking space;
3. The applicant shall work with KCKPD and Community Policing to ensure that any potential noise complaints or disturbances are dealt with accordingly;
4. The property owner and applicant shall ensure that any waste from events is cleaned up and disposed of within the subject property;
5. All entertainment must cease by at least 1:00 AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article I, Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be

- provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 18. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 4:11:00:

SPECIAL USE PERMIT APPLICATION SP2022-105 – JOHN DAVIDSON WITH DAVIDSON ARCHITECTURE - SYNOPSIS: Special Use Permit for the operation of a truck terminal and maintenance shop at 5010 Speaker Road. Detailed Outline of Requested Action: The Applicant, John Davidson of Davidson Architecture and Engineering, is seeking the approval to operate a truck terminal and heavy truck maintenance facility at 5010 Speaker Road. The subject property is in an industrial block near the intersection of I-635 and K-32 Highways. The applicant represents North American Services, a trucking company which currently operates a property at 5510 Kansas Avenue, although the company is wishing to expand and have a permanent company-owned development as opposed to a leasing. The owner has recently purchased the property as a vacant lot and is proposing two new structures, one for truck

maintenance and one for the terminal.

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- John Davidson, applicant, Davidson Architecture and Engineering, 4301 Indian Creek Parkway, Overland Park, Kansas 66207

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:14:15: Planning Director Hand stated that the request is for a Special Use Permit for a heavy truck operation on a recently vacated property. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 4:14:55:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-105 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. **Trash shall be disposed of in a trash enclosure complying with the Sec. 27-699(b)(5). Tire, oil and other chemical disposal shall be disposed of in accordance local, State and Federal regulations;**
2. **The timber stand on the north and northeast of the property shall be preserved as much as possible. The graded area in the northeast corner shall have additional trees planted where disturbed, damaged, or dead to better control long-term erosion and maintain aesthetics along the Levy Trail;**
3. **No gravel shall be introduced to the property;**
4. **No parking or idling shall be allowed along the driveway stretch from Speaker Road to the main part of the property;**
5. **Access Agreements must be preserved and maintained (or created if non-existent) between all parties who utilize the gate for adequate traffic flow;**
6. **Additional comments by staff during the building permitting process may result in additional revisions prior to the issuance of a building or site permit. All comments by Planning Engineering shall be completed as required and detailed in the separate letters to the applicant;**
7. **The Board of Public Utilities (BPU) has recently revised their requirements for transformer screening. Please verify the transformer meets these requirements or revise:**
 - a) **Gate doors are required for all types of screening that are placed in front of the transformers;**
 - b) **Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10' clearance from pad when gate doors open;**
 - c) **Posts for gate doors must be installed a minimum distance of 10' apart in the front;**
 - d) **For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inch of space between each slat;**
 - e) **Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);**
 - f) **Pad must have a minimum clearance of 6' on each side, 6' on the back and five (5) feet on the front allowing for 10' on the front when gate doors open;**
8. **Staff accommodations in the maintenance shop shall include appropriate and adequate restrooms and changing facilities for all persons who are legally allowed to work regardless of gender identity or orientation;**
9. **Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;**
10. **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;**
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. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 13. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 15. 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;**
- 16. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular**

project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

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

Hearing starts at 4:16:50:

PLAT2022-037 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING -

SYNOPSIS: Preliminary and Final Plat (55th Osage Addition) to create two (2) residential lots at 705 South 55th Street. Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Preliminary and Final Plat to subdivide one (1) parcel into two (2) separate parcels, designated as Lot 1 and Lot 2. Lot 1 will contain the existing place of worship, along with the site's supporting infrastructure such as the parking lot and driveways. Lot 2 will contain the existing single-family residence and a new driveway.

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 December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices 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, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:18:38: Planning Director Hand stated that this application is being heard in conjunction with BOZA2022-059, which was approved earlier this evening by the Board of Zoning Appeals. This property is in the City-Wide Master Plan in the Turner neighborhood. The request is to separate the single-family home from the church. 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, including a trash enclosure for their trash bin. Staff recommends that the trash enclosure is located in the southeast corner of the church parking lot abutting the single-family home driveway already to the rear (east) of the church. He stated that they can use wood fencing for the trash enclosure as requested by Mr. Thompson.

Motion starts at 4:19:31:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2022-037:**

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

Motion to **APPROVE** Passed: 8 to 0

Subject to:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot (\$14.00 for two (2) lots) payable to the Unified Treasurer;
2. Per Section 27-699(b)(5), 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;
3. All landscaping plans must follow the landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-698(a), 27-699(a)(6), and 27-700(a);
4. Comply with all comments incorporated herein by the Wyandotte County Conservation District;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. A Right-of-Way Permit may be 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; and,
9. This City Planning Commission case is being heard in conjunction with BOZA2022-059. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-059 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.

Planning Commissioner Connelly left the meeting during the prior application.

The Planning Commission recessed from 4:20:38 to 4:22:28

Hearing starts at 4:22:30:

PR2022-032 – JOSH BEUERLEIN WITH 4J ENTERPRISES - SYNOPSIS: Preliminary and Final Plan Review to expand a speech therapy business at 8247 Leavenworth Road. *Detailed Outline of Requested Action:* The applicant, Josh Beuerlin, is requesting a Preliminary and Final Development Plan Review, to construct one (1) new structure and expand the parking lot to accommodate an expansion of a speech therapy business at 8247 Leavenworth Road.

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

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

3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; 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:

- Josh Beuerlein, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:26:10: Planning Director Hand stated that this property is in the City-Wide Master 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 including applying for a Master Plan Amendment to Neighborhood Commercial. Staff requests a change to condition #2 to correct a mistake.

Motion starts at 4:28:35:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-032:**

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

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

Subject to:

1. **The applicant shall file for a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) within 60 days of approval by the City Planning Commission;**
2. **The applicant is requesting a Plan Review for a property zoned CP-0 Non-Retail Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant’s demonstrated compliance with relevant CDGOD regulations for PR2022-032. All listed requirements that are identified as “*have not been meet*” must be granted a deviation by the City Planning Commission upon**

specific request by the applicant during the City Planning Commission meeting;

3. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - a. Section 27-575(d)(1) states “Projects must be designed to minimize any increased traffic use of neighborhood streets”.
 - b. Section 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - c. Section 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”.
 - d. Section 27-575(d)(11) states that “Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces”.
 - e. Section 27-575(d)(12) states that “Pedestrian connections must be clearly defined in a combination of two or more of the following ways:”
 - i. Six-inch vertical curb;
 - ii. Trellis;
 - iii. Special railing;
 - iv. Bollards;
 - v. Special paving;
 - vi. Low seat wall or other architectural features;
 - vii. Pedestrian scale lighting; and,
 - viii. Traffic calming devices.
 - f. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - g. Section 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
 - h. Section 27-575(e)(4) states that “Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements”.
 - i. Section 27-575(f)(1) states that “There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots”.
 - j. Section 27-575(f)(2) states that “Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles”.
 - k. Section 27-575(f)(3) states that “Buildings should be oriented primarily to the street”.
 - l. Section 27-575(g)(8) states that “Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development”.
 - m. Section 27-575(g)(3) states that “All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times”.

- n. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatment; or
 - v. Variation of rooflines
- o. Section 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
- p. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - i. The district requirement is one tree per 7,000 square feet of site area. The 0.38 acre site is 15,998 Square Feet, which would require two (2) trees per the Code of Ordinances.
 - ii. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - iii. Landscaping shall be irrigated.
 - iv. The proposed plan needs to provide two (2) trees to provide adequate tree cover. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met.
- q. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.
- r. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - s. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - t. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
- u. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - i. The master plant palette for this development is as follows:
 - ii. Autumn Blaze Maple
 - iii. Armstrong Columnar Maple
 - iv. Imperial Honey Locust
 - v. Autumn Brilliance Serviceberry

- vi. Eastern Redbud
 - vii. Summer Snow Japanese Tree Lilac
 - viii. Eastern White Pine
 - ix. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.
 - v. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building.
 - w. All signage shall comply with the sign code;
4. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the applicant is requesting a deviation for approval:
 - a. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - b. Section 27-575(e)(3) states that “parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback”;
 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 6. If approved, 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. The applicant has filed and maintained a current business occupation tax application with the Business Licensing Division;
 8. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

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

There being no further business, the meeting adjourned 10:40 p.m.