

# CITY PLANNING COMMISSION

FEBRUARY 13, 2023

## MINUTES

The City Planning Commission met in regular session on Monday, February 13, 2023, at 7:27 p.m., (1:26:30) (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), Ms. Brandie Armstrong (Commission Chamber), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom), Mr. Jim Ernst, (joined the meeting via Zoom at 7:45 p.m.), Mr. Jake Miller (Zoom) (left the meeting at 9:09 p.m.), Mr. Joseph Straws III (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Jones, Mohler and Pauley). 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. James Molloy, Planner (Zoom), Michael Farley, Ordinance Studies Specialist, and Mr. Patrick Waters, Senior Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 7:27 p.m.

Recording Secretary Parker stated that the following items are removed from the agenda and will be heard on Monday, March 13, 2023:

**COZ2022-046** – Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District, Master Plan Amendment MPL2022-026 and PLAT2023-001 at 13700 Marxen Road have been removed from the agenda this evening due to a Statutory notice requirement issue.

**Item B.1. PLAT2022-044** for Eric Gentry/Victory Jeep at 1701 North 100<sup>th</sup> Terrace is being removed from the Consent Agenda to be heard with the corresponding Preliminary and Final Plan Review Application PR2022-052, which is on the Non-Consent Agenda.

Recording Secretary Parker read the Planning Commission Statement (1:28:41): “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, March 2, 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](mailto:planninginfo@wycokck.org) tomorrow morning. Any application receiving a unanimous vote of recommendation by the Planning Commission will appear on the consent agenda of the Unified Government Board of Commissioners. Unless there is a request to remove an item from the consent agenda by the applicant, a member of the Unified Government Commission, or other interested parties, the Planning Commission's recommendation will be adopted. The consent agenda is heard at the beginning of the meeting at 7:00 p.m.

The Planning Commission will also have a consent agenda as part of their meeting this evening. The Consent Agenda is the first part of the agenda. Items on the Consent Agenda are Final Plats, Final Plans or Special Use Permit Renewals that have received a staff recommendation to approve. Unless there is a request to **REMOVE** an item from the

Consent Agenda by the applicant, a member of the staff, a member of the Planning Commission or other interested parties, the staff recommendation on all the items on the Consent Agenda will be adopted by the Planning Commission at one time.

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

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

Please note that your opinions will be forwarded to the Governing Body for their consideration in making a final decision on **Thursday, March 2, 2023, at 7:00 p.m.**

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

## **CONSIDERATION OF THE JANUARY 9, 2023 PLANNING COMMISSION MINUTES**

### **SPECIAL USE PERMIT APPLICATION SP2022-118 – RYAN STOOPS – SYNOPSIS:**

Renewal of a Special Use Permit (SP-2021-80 – expires 3/10/2023) to operate a short-term rental at 3151 West 45<sup>th</sup> Avenue. Detailed Outline of Requested Action: The Applicant, Ryan Stoops, is seeking to renew their Special Use Permit (which expires on March 10, 2023) to continue the operation of a short-term rental at 3151 West 45<sup>th</sup> Avenue. The subject property is a single-family residence and was recently purchased by the Applicant.

### **PLAN REVIEW APPLICATION PR2022-051 – RICK ECKERT WITH BETTIS ASPHALT AND CONSTRUCTION, INC. – SYNOPSIS:**

Final Plan Review for an asphalt plant for Bettis Asphalt and Construction at 1625 South 86<sup>th</sup> Street. Detailed Outline of Requested Action: The applicant, Rick Eckert with Bettis Asphalt & Construction, Inc., seeks to build an asphalt batch plant that will operate during the construction season on 20.29 acres at 1625 South 86<sup>th</sup> Street.

### **PLAN REVIEW APPLICATION PR2022-053 – GILBERTO GUERRERO – SYNOPSIS:**

Final Plan Review for used auto dealership and auto repair facility at 7512 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Gilberto Gonzalez Guerrero, has filed a Final Development Plan to modify an existing car wash to operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work, and tire changing at 7512 Leavenworth Road.

### **PLAN REVIEW APPLICATION PR2022-054– FERNANDO GOMEZ FOR ENVISION CONSTRUCTION, INC. – SYNOPSIS:**

Final Plan Review for expansion of a church parking lot at 2907 North 81<sup>st</sup> Street. Detailed Outline of Requested Action: The applicant, Fernando Gomez, has filed a Final Development Plan to construct a parking lot expansion with 13 parking spaces and a crosswalk for Kansas Chin Baptist Church at 2907 North 81<sup>st</sup> Street.

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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Special Use Permit; 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. Ms. Rose Eilts, 506 North 4<sup>th</sup> Street, Kansas City, Kansas 66101 requested that SP2022-118 be removed from the Consent Agenda as she would like a moratorium on Short-Term Rentals until the new ordinance, which is going to be presented this evening, is passed.

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

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

**Motion to APPROVE Passed: 6 to 0**

**Subject to:**

**PR2022-051:**

1. **When the Final Plat is submitted, include a plat restriction that only allows an asphalt plant within the MP-3 zoning districts, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;**
2. **Rededicate and preserve the area west of the paved batch plant as open space in perpetuity that is still zoned A-G Agriculture District. The dedication can be listed on the plat in the CCRs, or a deed restriction filed separately with the Register of Deeds;**

3. **Keep existing full growth trees on South 86<sup>th</sup> Street and along Kaw Drive;**
4. **All screening is to be maintained to minimize impacts of conflicting uses;**
5. **Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from the public street;**
6. **Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;**
7. **Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;**
8. **Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center.**

**The site for the proposed development is 20.29 acres, 87 trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;**

9. **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;**
10. **Landscaping around the building and office shall be irrigated;**
11. **Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;**
12. **Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure;**
13. **All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
14. **All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);**
15. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;**
16. **Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or**

- controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
17. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
18. When the office building is constructed and a transformer is sited, BPU's transformer screening applies:
- a. Gate doors are required for all types of screening that are placed in front of the transformers.
  - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10 feet clearance from pad when gate doors open.
  - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
  - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
  - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
  - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open.
19. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
20. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;

21. 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;
22. If approved, the applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
23. 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](mailto: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;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
26. 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,
27. 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.

**PR2022-053:**

1. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
2. Maintain the open space behind the proposed inventory and employee enclosure, as this area is not to be encroached upon for additional storage or ancillary uses;
3. No storage or warehousing of salvaged or wrecked automobile parts is allowed on the property;
4. Sec. 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one (1) per 7,000 square feet of site area.

- a. **Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.**

Therefore, eight (8) trees are required to be planted on-site. This total is no inclusive of parking lot island trees or street trees along Leavenworth Road;

5. **Sec. 27-577(d)(1) At least 75 percent of the length of the 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;**
6. **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:**
  - a. **One (1) tree with a minimum caliper of two (2) inches (ornamentals). Evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.**
  - b. **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;**
7. **Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard. Only 474.4 square feet may be used for outside storage. For example, a vehicle that is going to be serviced and sold on the lot, while servicing, it must be in the rear enclosure;**
8. **No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be within the enclosure;**
9. **No inventory repair or servicing is allowed outside or in public view;**
10. **The inventory lot fence shall be constructed of wood or solid metal paneling, six (6) feet in height with masonry columns every 32 feet running;**
11. **Street trees are required along a Major Street, which Leavenworth Road is classified as a Class B Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;**
12. **All landscaping must be irrigated;**
13. **All screening is to be maintained to minimize impacts of conflicting uses;**
14. **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;**
15. **Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;**
16. **Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure;**
17. **All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate**

- facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
18. 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;
  19. 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;
  20. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
  21. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
  22. Regarding BPU transformer screening, the following applies:
    - a. Gate doors are required for all types of screening that are placed in front of the transformers.
    - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10 feet clearance from pad when gate doors open.
    - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
    - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
    - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
    - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
  23. 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;

24. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
25. 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;
26. If approved, the applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
27. 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](mailto: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;
28. 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;
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](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
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.

**PR2022-054:**

- 1) If there are any future parking lot expansions or additions, the new parking shall accommodate the 15 relocated parking spaces along Roswell Avenue;
- 2) The applicant shall utilize pervious surface for the new parking lot and drive aisle, as to prevent additional water runoff from the new parking lot;
- 3) The applicant shall move the trash receptacle out of the view of the public right-of-way and construct an enclosure around the dumpster;

- 4) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
- 5) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- 6) Should the predicted amount of traffic increase by more than 20 percent, a traffic impact study shall be required;
- 7) 36-inch tall, all-season landscape berms shall be installed every three (3) feet along the west-side of the property, to allow screening from headlights, which would shine into the adjacent residential properties;
- 8) Landscaping shall be installed along the southern edge of the parking lot located behind the church;
- 9) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto: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;
- 10) All existing and future driveways must feature curb cuts that are constructed to UG standards; and,
- 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.

Recording Secretary Parker stated that the Commission will consider the one (1) item removed from the Consent Agenda.

**SPECIAL USE PERMIT APPLICATION SP2022-118 – RYAN STOOPS – SYNOPSIS:**

Renewal of a Special Use Permit (SP-2021-80 – expires 3/10/2023) to operate a short-term rental at 3151 West 45<sup>th</sup> Avenue. Detailed Outline of Requested Action: The Applicant, Ryan Stoops, is seeking to renew their Special Use Permit (which expires on March 10, 2023) to continue the operation of a short-term rental at 3151 West 45<sup>th</sup> Avenue. The subject property is a single-family residence and was recently purchased by the Applicant.

**Present in Support:**

- No one appeared

**Present in Opposition:**

- Rose Eilts stated that she would not have a problem with this renewal, but would like a moratorium on new Short-Term Rental cases.

**Staff Recommendation:** Planning Director Hand stated that this is the second approval, first renewal, for the Short-Term Rental located in the Rosedale Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. The previous approval was for one (1) year, as per non-owner occupied or on-site manager Short-Term Rental protocol. Staff recommends approval for two (2) years, with a maximum of seven (7) people and two (2) off-street parking spaces.

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE SP2022-118**, for two (2) years:

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

**Motion to recommend APPROVAL Passed: 6 to 0**

**Subject to:**

- 1. Maximum number of guests shall be seven (7);**
- 2. All parking must be off-street, maximum number of vehicles is two (2);**
- 3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 4. 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;**
- 5. Applicant is to maintain liability insurance;**
- 6. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);**
- 9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
- 10. The applicant has filed and maintained a current business occupation tax application;**

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

Recording Secretary Parker stated that the Special Use Permit recommended for approval will be heard by the Board of Commissioners on March 2, 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 1:44:11:**

**CHANGE OF ZONE APPLICATION COZ2022-047 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS:** Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4601 Gibbs Road. Detailed Outline of Requested Action: The Applicant, Austin Thompson with Atlas Land Consultants, is seeking the approval of a variance related to a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 4601 Gibbs Road. The subject property was formerly agricultural homestead however the home was demolished, and the parcel was split for a new home construction for the adjacent property approximately 1993. The Change of Zone has been requested so that the Property Owner can construct structures for the maintenance of the property without the requirement to build a dwelling, as the Property Owner lives in the adjacent parcel and has already reached their limit of one (1) accessory structure as allowed by zoning ordinance. This application is being heard in conjunction with BOZA2022-069 for a variance related to lot width to depth ratio.

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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony from 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:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:45:41:** Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-069, which was approved earlier this evening by the Board of Zoning Appeals. The property is in the City-Wide Master Plan area in the Turner neighborhood, just south of Gibbs Road. Staff has received no letters in support nor in opposition. There are some old Notices of Violation as it relates to the property before sale to the current owner. Staff recommends approval with some conditions including, recording an access agreement for the adjacent single-family home uses the curb cut on this property to access their property, restoring an old driveway that no longer has a curb cut back to open space, and maintaining the existing tree stands on it to the south, east and west property lines to maintain some level of screening of those agricultural lands from adjacent single-family homes. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 1:47:24:**

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-047:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0

**Subject to:**

- 1. The City Planning Commission case is being heard in conjunction with BOZA2022-069 (Approved). 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 BOZA2022-069 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;**
- 3. An access agreement must be filed to maintain the drive access between the subject property and the adjacent property at 4611 Gibbs Road;**
- 4. The abandoned driveway and any remaining equipment and debris must be removed. The sod or grass shall be repaired;**
- 5. All parking must be on an improved surface;**
- 6. A timber stand buffer shall be maintained around the perimeter of the property;**
- 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto: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;**
- 8. 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;

9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Commissioner Ernst joined the Commission at 7:45 p.m.

**Hearing starts at 1:49:40:**

**CHANGE OF ZONE APPLICATION COZ2022-052 – MARK WOLFE WITH HOMES**

**REHAB LLC - SYNOPSIS:** Change of Zone from R-1 Single Family District to R-2 Two Family District for a duplex at 4547 Melody Lane. *Detailed Outline of Requested Action:* The Applicant, Mark Wolf with Home Rehab LLC, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two-Family District for the subject property at 4547 Melody Lane. The Change of Zone has been requested so that the Applicant can revert the home into a duplex, which is its original use. The subdivision restrictions require homes in the neighborhood to be built as two-family or duplex homes, however the area was previously downzoned to R-1 without regard to the building's original construction. The home was converted to a single-family home and has fallen into disrepair. The Applicant is the new owner of the property and would like to revert the property to a two-family dwelling to be compliant with the deed requirements. This application is being heard in conjunction with BOZA2022-071 for variances related to setbacks and required rear yard open space.

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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- Mark Wolfe, applicant, 8300 College Boulevard, Suite 100, Overland Park, Kansas 66210

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:52:20:** Planning Director Hand stated that this case was heard in conjunction with Board of Zoning Appeals case BOZA2022-071 which was approved earlier this evening. The request is to change the zoning from R-1 Single Family District to R-2 Two Family District for a legal non-conforming duplex that was blanket rezoned a couple of decades ago to R-1. Staff has received no letters in support nor in opposition. Staff recommends approval with two (2) additional conditions:

1. **All existing and future driveways must feature curb cuts that are constructed to UG standards; and,**
2. **The sidewalk from the front door entrance to the Melody Lane curb shall be repaired and replaced.**

**Motion starts at 1:53:50:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-052:**

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

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

**Subject to:**

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-071 (Approved). 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 BOZA2022-071 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
2. **The parking pad at the front of the property that does not enter the rear yard shall be removed and replaced with sod or landscaping with the curb restored;**
3. **All driveway surfaces shall be upgraded or repaired to asphalt or concrete;**

4. Any units rented to tenants shall obtain a rental license through the rental licensing department. Please contact Rental Licensing at 913-573-8649 for more information;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. The sidewalk from the front door entrance to the Melody Lane curb shall be repaired and replaced; 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 1:54:55:**

**SPECIAL USE PERMIT APPLICATION SP2022-081 – PAULA WESTFIELD-WALLACE -**

**SYNOPSIS:** Special Use Permit to operate a dog kennel at 12200 Donahoo Road.

*Detailed Outline of Requested Action:* The applicant, Paula Westerfield-Wallace, is requesting a Special Use Permit to keep a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo 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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- Paula Westfield-Wallace, applicant, 12200 Donahoo Road, Kansas City, Kansas 66109

- Jamie Cochran, 12220 Donahoo Road, Kansas City, Kansas 66109
- Marvis Hutchings, 12141 Donahoo Road, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:04:42:** Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-075, which was denied earlier this evening by the Board of Zoning Appeals. This Special Use Permit is to keep six (6) dogs and the ordinance limits dogs to three (3). The property is in the Prairie-Delaware-Piper Master Plan area. Before this evening, Staff received no letters in support nor in opposition. Staff recommends approval for two (2) years subject to the conditions in the staff report. One (1) of the conditions of approval is for the applicants to apply for a Change of Zone to R-1 Single Family District so they can have the kennels without the setback requirements.

**Motion starts at 2:05:38:**

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-081 for two (2) years:**

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

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

**Subject to:**

1. **A Change of Zone to R-1 must be applied for within six (6) months of approval of the Special Use Permit;**
2. **The applicant shall ensure that animal waste is regularly cleared;**
3. **Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**
4. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building**

Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. 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;
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. 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;
9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
10. 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,
11. 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 2:06:41:**

**SPECIAL USE PERMIT APPLICATION SP2022-090 – RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING - SYNOPSIS:** Special Use Permit for the expansion of an automotive/heavy truck salvage yard at 919 South 26<sup>th</sup> Street, 919 and 926 South 25<sup>th</sup> Street and 946 South 24<sup>th</sup> Street.

**PLAT2022-041 – RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING – SYNOPSIS:** Final Plat to vacate undeveloped alleyways and streets to create one (1) industrial lot at 919 South 26<sup>th</sup> Street, 919 and 926 South 25<sup>th</sup> Street and 946 South 24<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Riad Baghdadi, is requesting a Special Use Permit and Final Plat for the operation of a heavy truck and semitruck repair facility that includes body work, outdoor storage, and parking. The proposal includes an existing repair shop that will remain, the demolition of an existing building, and the construction of a newer body repair building. The property includes several parcels and Right of Way areas that have been historically used for the proposed use and are being combined with the multiple parcels as part of the Plat.

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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Special Use Permit; 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:**

- Riad Baghdadi, applicant, RB Architecture Engineering, 11611 College Boulevard, Overland Park, Kansas 66210

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:09:56:** Planning Director Hand stated that this is a Special Use Permit being heard in conjunction with PLAT2022-041 for a heavy truck/auto repair facility in the Argentine neighborhood. Multiple properties will be consolidated and upgraded for this operation. There have been a couple of projects that have improved this part of the Argentine area with sidewalks and landscaping. This project will add sidewalk on 26<sup>th</sup> Street, architectural screen walls, and landscaping. Staff has received no letters in

support nor in opposition. There are quite a few old Notices of Violation on this property which will be rectified by this project. Staff recommends approval of the Special Use Permit for two (2) years. The biggest issue on this project is compliance with the Commercial Design Guidelines and Staff has been working with the applicant accordingly. Director Hand stated that the time limit for the Special Use Permit was omitted and it should be recommended for two (2) years.

**Motion starts at 2:11:35:**

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-090 for two (2) years:**

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

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

**Subject to:**

1. **Gravel is not an approved surface. All parking and outdoor storage must be upgraded to concrete or asphalt;**
2. **Ground equipment must meet both the UG Commercial Design Guidelines Standards and BPU equipment standards;**
3. **The Applicant shall make additional changes prior to the approval by the Board of Commissioners:**
  - a. **The parking lot shall be revised to reflect the updated diagonal parking.**
  - b. **The employee parking shall be revised to eliminate the tight corner.**
  - c. **Additional parking shall be formally striped at the front of the existing building and added to the new building.**
  - d. **The lighting shall be noted to be downward facing.**
  - e. **A sawcut detail for landscape installation shall be provided.**
  - f. **The note regarding ground equipment shall be modified to reflect that BPU equipment requirements have been changed.**
  - g. **All applicable comments from GSS and the County Surveyor regarding the Plat shall be revised prior to final posting;**
4. **Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;**
5. **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground.**

- Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
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. Per Director's Interpretation of Section 27-699(e), the following architectural standards have been identified as being good design practices and should be included in the design plans:
    - a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.
    - b. Lighting shall be installed to have a 90-degree cutoff fixtures.
    - c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
  8. Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
  9. Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
  10. Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;
  11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
  12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
  14. Applicant shall comply with all Geospatial Services and County Surveyor Comments prior to the filing of the Plat;
  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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  18. 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.
  19. If approved, the applicant must file and maintain a current business occupation tax application with this office;
  20. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
  21. The approved use is not authorized 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;
  22. 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;

- 23. 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;**
- 24. Any business in Wyandotte County that 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;**
- 25. 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;**
- 26. 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;**
- 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE PLAT2022-041**:

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

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

**Subject to the above conditions**

**Hearing starts at 2:13:33:**

**SPECIAL USE PERMIT APPLICATION SP2022-116 – BILL RICHARDS WITH ROTHWELL CONSTRUCTION - SYNOPSIS:** Special Use Permit to operate a fleet maintenance facility for Frito-Lay at 1105 South 5<sup>th</sup> Street. Detailed Outline of Requested Action: The applicant, Bob Richards with Rothwell Construction, wants to operate a truck maintenance repair facility at the Frito Lay distribution center on 11.05 acres located at 1105 South 5<sup>th</sup> 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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Alex Callow, representing the applicant, Finkle & Williams Architecture, 8787 Renner Boulevard, Suite 100, Lenexa, Kansas

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:16:11:** Planning Director Hand stated the request is for a Special Use Permit to operate a truck maintenance repair facility at the Frito Lay distribution center on 11.05 acres. The property is in the Armourdale Area Master Plan. Staff has received no letters in support nor in opposition. There are no Notices of

Violation. Staff recommends approval of this application for two (2) years with the conditions in the staff report. Specifically, Staff wanted to note that the building must meet the Commercial Design Guidelines and match the materials of the existing distribution center. Staff is also requesting additional enhanced landscaping.

**Motion starts at 2:17:10:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-116 for two (2) years:**

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

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

**Subject to:**

1. **Per Sec. 27-576(e)(1) building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.**

**The exterior building material is 100 percent metal panel, which does not comply with the Commercial Design Guidelines as required by Sec. 27-573(b)(20).**

**Install a 4-foot wainscot masonry band (stone or brick) around the perimeter of the building;**

2. **The design team discussed with Planning the landscape requirements of the overall site construction from 2020. The owner agrees to replace any existing dead trees on site associated with previous project;**
3. **Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs;**
4. **Per Section 27-576(g)(2), three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings;**
5. **Per Section 27-576(g)(3), sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;**
6. **Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted;**

7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. 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](mailto: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;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. 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. 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,

14. 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 2:18:10:**

**SPECIAL USE PERMIT APPLICATION SP2022-119 – ALEX ELLIOT WITH ATLAS LAND CONSULTING - SYNOPSIS:** Special Use Permit for dirt removal from 10702 Donahoo Road. *Detailed Outline of Requested Action:* The applicant, Michael Rhodes, is requesting a Special Use Permit to grade and level the property and utilize it as a borrow site of earthen material for off-site fill at 10702 Donahoo 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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Mike Rhodes, applicant, 10800 Donahoo Road, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:27:36:** Planning Director Hand stated that this Special Use Permit will effectively make this property a borrow site future earthen fill activities. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval for two (2) years subject to the conditions in the staff report. Director Hand stated that the conditions are the standard dust mitigation measures that are attached to any operation that could potentially have a dust or debris issue. The current public right-of-way off Donahoo currently tracks debris and gravel onto the right-of-way. The requirement is that they improve the surface for that driveway, as per Unified Government standards like all driveways meet. He stated that there is no curb on this stretch of Donahoo Road so what would be allowed is an asphalt driveway apron up to the

end of the public right-of-way, and then add a rumble strip behind it so as people come to the site ad hoc there is some maintenance to prevent dirt and gravel from being tracked onto the street. Director Hand stated that it is also a condition of approval that the 100 feet from the northern property line be preserved as a tree stand and not be graded as a part of this project. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Planning Commissioner Ward asked what will occur if the applicant does not comply with the conditions of approval. Director Hand stated that when it comes back for renewal, if the conditions are not met, Staff will recommend denial of the renewal.

**Motion starts at 2:32:25:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-119 for two (2) years:**

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

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

**Subject to:**

- 1. If the scale of the proposed operation changes from what is improved by this Special Use Permit, the applicant shall amend their Special Use Permit;**
- 2. Due to the proposed duration of this project, the applicant shall provide a paved construction entrance apron at the current property entrance as well as provide rumble strips along the remainder of the driveway, where there is only gravel or dirt;**
- 3. Any trees or other landscaping that is removed shall be replaced on site;**
- 4. To mitigate dust, the site and construction entrance shall be watered with a watering truck on days when trucks are leaving the site;**
- 5. The applicant shall maintain a 100-foot buffer, protecting the tree stands from the single-family homes and trees replaced where needed for conformance along the west and north property line;**
- 6. The site shall be seeded and mulched until groundcover is established in areas where work will not occur for more than two (2) weeks and after work is completed on the site;**
- 7. Topsoil needs to be saved and spread over the borrow area when complete. Seed and mulch the area within one week of completion;**
- 8. Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;**

9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
11. 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;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
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 2:33:35:**

**SPECIAL USE PERMIT APPLICATION SP2022-123 – AMELIA INTERIANO WITH FAMILY FIT - SYNOPSIS:** Special Use Permit for an event space at 1957 North 63<sup>rd</sup> Drive. *Detailed Outline of Requested Action:* The applicant, Amelia Interiano, is requesting a Special Use Permit to operate an event space at 1957 North 63<sup>rd</sup> 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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Amelia Interiano, applicant, Family Fit
- Pauly Lee, 2100 North 57<sup>th</sup> Street, Kansas City, Kansas 66104

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:37:06:** Planning Director Hand stated that the request is for a Special Use Permit for an event space. The property is in the City-Wide Master Plan area in the north Mid-Town area. This is an existing commercial strip center. Staff has received no letters in support and one (1) letter in opposition from an adjacent tenant. There have been no Notices of Violation. Staff recommends approval for one (1) years due to the complaints by the adjacent tenant who stated that the applicant is already using

the facility as an event space and the last event trashed the area, subject to the conditions in the staff report.

The Planning Commission directed questions to Staff regarding requirement for a scanner. Director Hand stated that this is a small scale operation and a scanner is one (1) of the standard conditions required. He further explained the different event space standard conditions and Planning Commissioner Connelly asked for a copy of the written standards.

**Motion starts at 2:42:57:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-123 for one (1) year:**

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

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

**Subject to:**

1. **The applicant or a manager must be on site any time the venue is rented out for an event;**
2. **All trash shall be disposed of properly after every event. Applicant/Manager shall walk around the tenant space and through the parking lot to pick up litter and trash debris after each event. The applicant is responsible for managing waste on the property;**
3. **The applicant will be limited to holding events on Friday, Saturday, and Sunday, with the exception of holidays;**
4. **Hours of operation shall be from 4:00 PM to 12:00 AM;**
5. **All entertainment must cease at 12:00 AM;**
6. **Doors and windows must stay closed during any entertainment performance;**
7. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
  - a. **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
  - b. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
  - c. **An I.D. scanner will be used at all times;**
  - d. **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.**
8. **No amplified speakers or entertainment is allowed in outdoor spaces;**

9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
14. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is

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

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

**Hearing starts at 2:43:57:**

**PLAT2022-043 – SCOTT BREWER WITH UNITED METHODIST CHURCH - SYNOPSIS:**

Preliminary and Final Plat to split one (1) residential parcel into two (2) parcels at 1020 South 78<sup>th</sup> Street. *Detailed Outline of Requested Action:* Applicant—Scott Brewer with Great Plains Annual Conference of The United Methodist Church, successor to Grinter United Methodist Church, Inc. f/k/a Grinter’s Chapel of the Methodist Episcopal Church South, and success to Grinter’s Chapel Cemetery Association—is requesting a Preliminary and Final Plat for the subdivision of one (1) single-family residential parcel into two (2) residentially zoned parcels, one (1) parcel (thereafter “Lot 1”) which contains a vacant place of worship, and one (1) parcel (thereafter “Lot 2”) which contains an existing single-family residence.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners; and,
7. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- Patricia Reeder, counsel representing the applicant, 5611 Southwest Arrington Court, Topeka, Kansas

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:47:13:** Planning Director Hand stated that this case was heard in conjunction with BOZA2022-068, which was approved by the Board of Zoning Appeals earlier this evening. This application is to split the house from the church on this single-family zoned parcel. The property is in the City-Wide Master Plan area close to the Kansas River. Staff has received no letters in support nor in opposition. There are some

older Notices of Violation on regarding the vacant church. Staff did not see any of the violations in their site visit. Staff recommends approval with one (1) additional condition; The driveway apron of the single-family home be resurfaced to Unified Government standards.

**Motion starts at 2:48:17:**

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-043:**

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

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

**Subject to:**

1. Due to the vacant nature of the existing church, Grinter Chapel, it is unclear if Lot 1 comply with the current parking minimums. As the church is currently vacant but has an existing parking lot, any question of parking requirements would not arise until the property has been renovated and a certificate of Occupancy is requested. At the time of request for a Certificate of Occupancy, Applicant or their successor's must provide a floor plan demonstrating the maximum amount of seating within the building;
2. The septic system for the church should be inspected to ensure that it is in proper, working order;
3. The driveway apron at 1020 South 78th Street is in need of repair. The driveway apron must be fixed before the lot split can be reflected by the GeoSpatial Services Division;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A Right-of-Way Permit may be required. Applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
8. This City Planning Commission case is being heard in conjunction with BOZA2022-068. Any approval by the City Planning Commission of this case,

and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-068 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.

**Hearing starts at 2:49:25:**

**PLAT2022-044 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS:** Final Plat (Legends Auto Plaza Fourth Plat) for one (1) commercial lot at 1701 North 100<sup>th</sup> Street.

**PLAN REVIEW APPLICATION PR2022-052 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS:** Preliminary and Final Plan Review for Victory Jeep at 1701 North 100<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Eric Gentry with Victory Jeep, is seeking approval of an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan and Final Plat to construct a new automotive dealership (Victory Jeep) at 1701 North 100<sup>th</sup> Terrace.

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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:50:51:** Planning Director Hand stated that these applications are for a new Victory Jeep dealership as a stand-alone dealership at the Legends Auto Mall. The Planning Commission heard and approved the Preliminary Plan Review several months ago for this same dealership. Since that time it has grown to the point that it came back as a Preliminary and Final Plan Review. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:52:20:**

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-044:**

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

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

**Subject to:**

1. **Sec. 27-575(d)(7)** There shall be a hierarchy of internal circulation beginning with site access from the public street.
  - a. **Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;**
  - b. **There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible;**
  - c. **Circulation patterns within parking areas shall be defined by curbs and landscaped islands;**
  - d. **Where possible, groups of buildings should be serviced by dedicated service access lanes;**
2. **Sec. 27-575(d)(8)** states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users” while **Sec. 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”;
3. **Construct a sidewalk on North 100<sup>th</sup> Terrace and connect into the sidewalk network of the development to the front door;**
4. **Sec. 27-575(d)(11)** Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
5. **Sec. 27-575(d)(12)** Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
  - a. **Six-inch vertical curb;**
  - b. **Trellis;**
  - c. **Special railing;**
  - d. **Bollards;**
  - e. **Special paving;**
  - f. **Low seat wall or other architectural features;**
  - g. **Pedestrian scale lighting; or**
  - h. **Traffic calming devices.**

6. **Sec. 27-575(e)(2)** Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
7. **Sec. 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;
8. 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:
  - a. Divisions or breaks in materials;
  - b. Building offsets (projections, recesses, niches);
  - c. Window bays;
  - d. Separate entrances and entry treatment; or
  - e. Variation of rooflines
9. Downspouts on the south elevation shall be internalized;
10. **Sec. 27-577(a)(5)** - Landscaping shall exceed the typical code requirements by at least 75 percent.
  - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43-acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances;
  - b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
11. Landscaping shall be irrigated;
12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to **Sec 27-577(a)(5)** to ensure that the tree requirement is met;
13. **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;
14. **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:
  - a. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage;
  - b. 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;
15. **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;
16. The master plant palette for this development is as follows:
  - a. Autumn Blaze Maple
  - b. Armstrong Columnar Maple
  - c. Imperial Honey Locust

- d. Autumn Brilliance Serviceberry
  - e. Eastern Redbud
  - f. Summer Snow Japanese Tree Lilac
  - g. Eastern White Pine
17. 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;
  18. 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;
  19. Sec. 27-575(g)(3) 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;
  20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
  21. Regarding BPU transformer screening, the following applies:
    - a. Gate doors are required for all types of screening that are placed in front of the transformers.
    - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
    - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
    - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
    - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
    - f. Pad must have a minimum clearance of six (6) feet on each side, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
  22. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  23. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
    - a. All wall mounted signage shall be individual letters;
  24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;

25. 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;
26. Any automotive-related business in Wyandotte County 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;
27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
28. 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](mailto: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;
29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
30. A Right-of-Way Permit is Required. The Applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
31. 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,
32. 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.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of PR2022-052:

<b>Carson</b>	<b>Chairman</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>

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

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

The architect on the project requested a deviation from the conditions. After discussion, it was determined that the requested deviation could be made at the Board of Commissioners meeting on March 2, 2023 and the Planning Commission did not vote to reconsider the decision made on these applications.

**Hearing starts at 3:01:10:**

**MASTER PLAN AMENDMENT APPLICATION MPL2022-29 – JOSH BEUERLEIN -**

**SYNOPSIS:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) to expand the operation of a speech therapy clinic at 8247 Leavenworth Road. *Detailed Outline of Requested Action:* The applicant, Josh Beuerlein, is requesting a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan), 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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Josh Beuerlein, applicant, 4J Enterprises, LLC

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:03:54:** Planning Director Hand stated that this application is the result of a condition of approval for a Change of Zone. This property is in the City-Wide Master Plan area in North Mid-Town adjacent to the Prairie-Delaware-Piper Area Plan. 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 3:04:40:**

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-029:**

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

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

**Subject to:**

- 1. The applicant shall demonstrate compliance with the Commercial Design Guidelines, aside from any approved deviations as part of PR2022-032 in their DRC Building Permit submittal;**
- 2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;**
- 3. 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;**
- 4. The applicant has filed and maintained a current business occupation tax application;**
- 5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 6. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 7. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
- 8. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not**

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

- 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**

Planning Commission Miller left the meeting at 9:09 p.m.

**Hearing starts at 3:06:35:**

**CONSIDERATION OF SHORT-TERM RENTAL ORDINANCE**

**Staff:**

- Gunnar Hand, AICP, Director Planning + Urban Design – provided background on process.
- Michael Farley, Ordinance Studies Specialist – presented Power Point presentation.
- Patrick Waters, Legal Counsel – will look at the New York case Commissioner Connelly cited. He stated there is not much case law in Kansas.

**Planning Commission Questions/Responses:**

- Chairman Carson
- Planning Commissioner Connelly
- Planning Commissioner Beth
- Planning Commissioner Straws
- Planning Commissioner Armstrong
- Planning Commissioner Ward

**Public:**

- Rose Eilts, 506 North 4<sup>th</sup> Street, Kansas City, Kansas 66101
- Donna Henderson White, 6422 Cernech Road, Kansas City, Kansas 66106

Planning Director Hand stated that this presentation was made before the Administration and Human Services Standing Committee at 5:00 p.m. tonight and they held it over until their meeting next month.

Staff was directed to review the proposed ordinance and codify the Short-Term Rental Special Use Permit process as it currently exists. It will not address any dual-permit process and review other than to limit the concentration of Short-Term Rentals.

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