

# CITY PLANNING COMMISSION

JANUARY 9, 2023

## MINUTES

The City Planning Commission met in regular session on Monday, January 9, 2023, at 7:12 p.m., (1:12:02) (via Zoom Webinar and in the Commission Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber), Mrs. Karen Jones, Vice Chairman (Zoom), Mr. Duane Beth (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Joseph Straws III (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Armstrong, Connelly, Miller, Mohler and Pauley). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design, who joined the meeting at 10:04 p.m., (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning + Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Commission Chamber), Mr. James Molloy (Commission Chamber), and Mr. Jeff Conway, Assistant Counsel (Commission Chamber) who left at 8:24 p.m. and Mr. Patrick Waters, Senior Legal Counsel (Commission Chamber), who joined the meeting at 8:24 p.m., were also present.

Chairman Carson called the meeting to order at 7:12 p.m.

Recording Secretary Parker read the Planning Commission Statement: "We would like to welcome those participating to the meeting of the City Planning Commission. The members are participating remotely by Zoom Webinar or in-person in the Commission Chamber. Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

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

The Planning Commission is a voluntary body of citizens, which will review each zoning proposal. For all change of zones, special use permits, vacations, and preliminary plan reviews on tonight's agenda, the Planning Commission makes recommendations to the Unified Government Board of Commissioners, who will then make the final decisions on

**Thursday, January 26, 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. In addition, those who received notices for this hearing will again receive them for the hearing on **Thursday, January 26, 2023, at 7:00 p.m.**

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

## **CONSIDERATION OF THE DECEMBER 12, 2022 PLANNING COMMISSION MINUTES**

### **SPECIAL USE PERMIT APPLICATION SP2022-107 – NATALIE MCNUTT – SYNOPSIS:**

Renewal of a Special Use Permit (SP-2021-77 – expires 3/10/2023) to operate a short-term rental at 3801 Lloyd Street. Detailed Outline of Requested Action: The Applicant, Natalie McNutt, is seeking approval for the operation of a short-term rental at 3801 Lloyd Street. The subject property is a single-family residence on a dead-end street.

**SPECIAL USE PERMIT APPLICATION SP2022-111 – JASON NEWMAN WITH EXCANZE PROPERTIES – SYNOPSIS:** Renewal of a Special Use Permit (SP-2020-84 – expired 12/10/2022) for a short-term rental at 4112 Booth Street. Detailed Outline of Requested Action: The applicant, Jason Newman, is seeking the renewal of Special Use Permit SP-2020-84, to continue the operation of a short-term rental at 4112 Booth Street.

**SPECIAL USE PERMIT APPLICATION SP2022-115 – NATHANIEL SCHOTANUS WITH RANGE 23 BREWING – SYNOPSIS:** Renewal of a Special Use Permit (SP-2020-72 – expires 2/4/2023) to operate a microbrewery at 13400 Donahoo Road. Detailed Outline of Requested Action: The applicants, Karen and Nathaniel Schotanus, are requesting a Special Use Permit to operate a microbrewery at 13400 Donahoo Road. The microbrewery would brew and serve both beer and non-alcoholic beverages.

**PLAN REVIEW APPLICATION PR2022-044 – OLIVER HUTCHISON WITH DAVIDSON ARCHITECTURE & ENGINEERING – SYNOPSIS:** Final Plan Review for a laydown yard and asphalt drive at 340 South 59<sup>th</sup> Lane. Detailed Outline of Requested Action: The applicant, Oliver Hutchinson, is requesting approval of a Final Development Plan for the expansion of an existing lay-down yard at 340 South 59<sup>th</sup> Street.

**PLAN REVIEW APPLICATION PR2022-048 – TIMOTHY ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Final Plan Review to construct a senior living facility at 11013 Haskell Avenue. Detailed Outline of Requested Action: The applicant, Andrew Danner with AMD Partners, LLC, has applied for a Final Plan Review to build a two (2) story, 34-unit, 37,248 square foot senior living building on 3.62 acres.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 9, 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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. Mr. Jason Newman requested that SP2022-111 be removed from the Consent Agenda.

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

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

**Motion to APPROVE Passed: 5 to 0**  
**Subject to:**

**SP2022-107:**

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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
  11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;
  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. 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;
  14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
  16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

**SP2022-115:**

1. Hours of operation shall be from Thursday and Friday 12:00 PM to 7:00 PM and Saturday 11:00 AM to 4:00 PM;
2. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, State, and Federal waste disposal regulations;
3. 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;
4. 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;
5. The applicant has filed and maintained a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works

during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

10. 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;
11. 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;
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. 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
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of

**Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

**PR2022-044:**

- 1. The applicant shall install a landscape buffer, landscape buffer area with a row of trees spaced no more than 40 feet apart, and hedges, shrubs, or bushes in between the trees spaced every eight (8) feet;**
- 2. The drive isle may not be made with asphalt millings. The lay down pads may be asphalt millings;**
- 3. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
  - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.**
  - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.**
- 4. 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;**
- 5. The applicant has filed and maintained a current business occupation tax application;**
- 6. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 7. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a**



grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

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

**PR2022-048:**

1. Per Sec. 27-463(b)(1) Any use permitted in the RP-4 garden apartment district under the standards of that district, except that single-family and two-family dwellings are not permitted in this district;
2. The senior living building must provide a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361);
3. Relocate the proposed sidewalk from Haskell Avenue south in front of the trash enclosure further west and install a painted crosswalk across the drive aisle. The proposed ADA ramp terminates in front of the trash enclosure;
4. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

**Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a maximum of one (1) evergreen or one (2) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Buffering plantings will be required in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.**

**The site is 3.62 acres, which requires 23 trees, six (6) additional evergreen or shade trees and 34 shrubs for buffering per the zoning district;**

5. Plant trees around the retention basins, more than what is shown to buffer the single-family home from this development;
6. 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;
7. All landscaping shall be irrigated;
8. A six (6) foot privacy fence with masonry columns every 32 feet running shall be constructed along the perimeter of the west property line, abutting the A-G Agriculture and R-1 Single Family Districts;
9. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;

10. 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;
11. All electrical meter banks, typically on the side of the building shall be screened from public view;
12. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. 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;
13. Satellite dishes shall not be erected on the exterior of patios, balconies, or rooftops. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
14. All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. No light may cast on adjacent right-of-way or on adjoining property. Lighting cannot exceed one (1) footcandle at the property line;
15. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
16. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;
17. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](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;
20. 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,

21. 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 application that was removed from the Consent Agenda.

**SPECIAL USE PERMIT APPLICATION SP2022-111 – JASON NEWMAN WITH EXCANZEE PROPERTIES – SYNOPSIS:** Renewal of a Special Use Permit (SP-2020-84 – expired 12/10/2022) for a short-term rental at 4112 Booth Street. Detailed Outline of Requested Action: The applicant, Jason Newman, is seeking the renewal of Special Use Permit SP-2020-84, to continue the operation of a short-term rental at 4112 Booth Street.

**Present in Support:**

- Jason Newman, applicant, 4112 Booth Street, Kansas City, Kansas 66103

**Present in Opposition:**

- No one appeared

**Staff Recommendation:** Planner Toy stated that with approval of a short-term rental, without an on-site manager, the timeframe is 1 year, 2 years, 2 years and then 5 years having no other issues with the property and its operation and maintenance. (NOTE: This was an error on the part of Staff as the second 2 year approval does not occur unless there are issues.) This is the third time this application has been heard which would be a two-year term. If the Applicant comes back for another approval, the approval period would be five (5) years. Staff recommends approval for two (2) years subject to the conditions in the staff report.

On motion by Mr. Straws, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-111 for two (2) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>

Jones                      Aye  
Miller                     Not Present  
Mohler                    Not Present  
Pauley                    Not Present  
Motion to APPROVE Passed: 5 to 0  
Subject to:

1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
2. All remaining required repairs must be completed within 60 days of approval;
3. Maximum number of guests shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper main entrance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. The owner or owner's agent/operator shall provide a guest book with the following information:
  - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
  - b. A lead-based paint notification for any property built before 1978.
  - c. An asbestos notification for any property built before 1981.
  - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply

- at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  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.

Recording Secretary Parker stated that the Special Use Permits recommended for approval will be heard by the Board of Commissioners on January 26, 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 1:28:58:**

**CHANGE OF ZONE APPLICATION COZ2021-048 – BLAIR TANNER WITH TANNER & WHITE PROPERTIES - SYNOPSIS:** Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard. *Detailed Outline of Requested Action:* The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 9, 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;
8. The testimony from the Board of Zoning Appeals meeting earlier this evening; and,
9. The letter in opposition received after distribution of the meeting packet from Valorie Wells Fenton.

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

**Present in Support:**

- Bob Johnson, applicant, Polsinelli, 900 West 48<sup>th</sup> Place, Kansas City, Missouri
- Aaron Mesmer, 4622 Pennsylvania, Kansas City, Missouri
- Dan Thompson, 4514 Francis Street, Kansas City, Kansas 66103
- Makenzie Gabriel, 4448 Cambridge Street, Kansas City, Kansas 66103
- Jerry Greer, 4503 Francis Street, Kansas City, Kansas 66103

The Commission directed questions to the applicant.

**Present in Opposition:**

- Kelly White, 4441 Francis Street, Kansas City, Kansas 66103
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103
- Chris Steineger, 4529 Francis Street, Kansas City, Kansas 66103
- Rose Eilts, 506 North 4<sup>th</sup> Street, Kansas City, Kansas 66102
- Valorie Wells Fenton, 4430 State Line Road, Kansas City, Kansas 66103
- Jill Folsom, 4446 Francis Street, Kansas City, Kansas 66103
- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Jerri Moulder, 31 South Hallock Street, Kansas City, Kansas 66102

**Staff Recommendation starts at 2:10:35:** Planner Toy stated that there was a reference made to CVS, McDonald's and Boulevard Townhomes. Those projects were all approved prior to 2016 when the plan was approved. The Hudson development at 36<sup>th</sup> and Rainbow has received the same massing deviation that this development is seeking. This project was remanded back by the Board of Commissioners on December 1, 2022 to the Planning Commission due to an error in noticing property owners within 200 feet as was the Board of Zoning Appeals application. Nothing has changed since the Planning Commission considered the application in October 2022. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Staff.

**Motion starts at 2:12:50:**

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2021-048:**

<b>Carson</b>	<b>Chairman</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>No</b>
<b>Armstrong</b>	<b>Not Present</b>

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

Motion to recommend **APPROVAL** Passed: 4 to 1

**Subject to:**

- 1. A Final Development Plan is required to complete this entitlement process;**
- 2. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
- 3. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
- 4. Paint an east/west crosswalk along Francis Street, north/south across West 46<sup>th</sup> Avenue on the west side of Francis Street, and across West 46<sup>th</sup> Avenue at Rainbow Boulevard;**
- 5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:**
  - Enclosed dog yard with seating area and shade trees;**
  - Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;**
  - 400 square foot play area with play structure;**
  - Resident garden area with water access (must be in active use);**
  - Swimming pool;**
  - Rooftop patio; or**
  - Five (5) square feet or greater balconies for all units.**

**All buildings must provide enclosed and ground level storage for resident bicycles;**

- 6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;**
- 7. Only decorative lighting can be used on the exterior of the building(s);**
- 8. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;**
- 9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46<sup>th</sup> Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;**
- 10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade**

from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;

11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;

13. Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;
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. All landscaping shall be irrigated;
16. 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 the parapet;
17. All electrical meter banks, typically on the side of the building shall be screened from public view;
18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
20. 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;
21. The trash enclosure shall be internalized in the garage;
22. Satellite dishes shall not be erected on the exterior of patios and decks.



- Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
23. 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;
  24. 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;
  25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
  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;
  27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  28. 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;
  29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
  30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Hearing starts at 2:13:50:**

**CHANGE OF ZONE APPLICATION COZ2022-044 – ANTHONY FICARA - SYNOPSIS:**

Change of Zone from R-1 Single Family District to A-G Agriculture District for a bee farm/garden at 6822 Berry Road. *Detailed Outline of Requested Action:* The applicant, Anthony Ficara, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6822 Berry Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, gardening, and beekeeping. The applicant has lived at the property a number of years and seeks to expand their existing agricultural uses. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and construct a new barn on the parcel without the need for variances. The parcel had a second single-family residence addressed as 6814 Berry Road until the current applicant demolished it in 2019. This former home site is the new barn's proposed location. This petition will be heard in conjunction with BOZA2022-061 for variances related to minimum lot size and setback requirements.

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 January 9, 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:**

- Anthony Ficara, applicant, 6822 Berry Road, Kansas City, Kansas 66106

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:17:15:** Planner Toy stated that Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:17:36:**

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-044:**

<b>Carson</b>	<b>Chairman</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>

Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present
Pauley	Not Present

Motion to recommend **APPROVAL** Passed: 5 to 0

**Subject to:**

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-061. 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 BOZA2022-061 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. Should livestock be introduced or timber stand improvements to be made, an updated Conservation District Plan is required;**
- 3. A water source shall be maintained on the property and be provided prior to the introduction of an apiary.**
- 4. The exterior debris and materials shall be removed or properly stored from public view.**
- 5. If approved, any newly constructed buildings or accessory structures must follow the setbacks of the AG Agricultural District.**
- 6. Driveway approaches shall be upgraded to an improved surface, such as asphalt or concrete, per UG standards. The front circle drive shall be all asphalt or concrete.**
- 7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.**
- 8. 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;**
- 9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all**

applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

10. 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,
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 2:18:32:**

**CHANGE OF ZONE APPLICATION COZ2022-048 – 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 6340 Riverview Avenue. Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consultants, is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 6340 Riverview Road. The Change of Zone has been requested so that the applicant can construct structures for the maintenance of the property without the requirement to first build a dwelling or the need for additional variances. The applicant wishes to build a shed to keep landscaping and mowing equipment on the property. This application is being heard in conjunction with BOZA2022-067 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 January 9, 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:**

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

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:20:34:** Planner Toy stated that Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:20:48:**

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-048:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

**Subject to:**

- 1. This This City Planning Commission case is being heard in conjunction with BOZA2022-067. 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 BOZA2022-067 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. Should livestock be introduced, an updated Conservation District Plan is required;**
- 3. A timber stand buffer shall be maintained or planted around the perimeter of the property to provide screening and buffering to adjacent property;**
- 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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all**

applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

6. 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,
7. 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.

Patrick Waters joined the Commission at 8:21 p.m.

**Hearing starts at 2:21:40:**

**CHANGE OF ZONE APPLICATION COZ2022-049 – KORB MAXWELL WITH POLSINELLI - SYNOPSIS:** Change of Zone from CP-2 Planned General Business District to A-G Agriculture District for the American Royal development at 11787 American Royal Way. *Detailed Outline of Requested Action:* The applicant, Korb Maxwell with Polsinelli PC, seeks to rezone 11787 Parallel Parkway from CP-2 Planned General Business District to A-G Agriculture District to build a parking lot for the American Royal complex on 12.02 acres rather than a hotel and associated parking as previously approved in 2020.

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 January 9, 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:**

- Kevin Lee, Polsinelli, 900 West 48<sup>th</sup> Place, Kansas City, Missouri

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:29:58:** Planner Toy stated that Staff is amenable to amending Condition #1 as stated by the Applicant. Staff recommends approval subject to the conditions in the staff report, including the amendment to Condition #1.

**Motion starts at 2:30:30:**

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-049:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

**Subject to:**

- 1. The use of the property is not an agriculture use as defined per Sec. 27-340, therefore is not subject to Sec. 27-675(b)(2). No gravel is permitted for parking within the American Royal building site east of 118th Street. Parking lots shall be an improved surface, asphalt or concrete and comply with UG Standards. However, parking areas in the northwest and southeast portions of the American Royal building site shall be permitted to be gravel for a period not to exceed five (5) years from the issuance of a building permit for the American Royal project;**
- 2. In addition to establishing greater pedestrian connectivity between the proposed parking lot and the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so drivers in vehicles are alert to look for pedestrians;**
- 3. If and when fencing is proposed to be constructed, the fencing around the perimeter of development shall be similar to the fencing around the perimeter of the Kansas Speedway parking lots, which is wrought iron with masonry columns. Both sites are zoned A-G Agriculture District, but are commercial in nature. In the end, the American Royal will be a high-quality development and the perimeter fencing along the streets will be one of the first and last parts of the development that visitors will notice upon entering and leaving the site;**
- 4. Lighting cannot exceed one (1) footcandle at the property line;**
- 5. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood. Exterior lighting shall have 90-degree cutoffs fixtures;**

6. Over the road truck shall not be parked on the property overnight. Livestock trucks and other similar vehicles shall be clustered together and parked close to the building as possible to minimize the view from the public right-of-way;
7. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property of Lot 2;
8. Minimum four (4) foot pedestrian path with landscape buffer and pedestrian lighting is required from parking areas to buildings;
9. Any proposed wind turbines must comply with the wind turbine ordinance;
10. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. State Avenue is classified as Class A Thoroughfare and 118<sup>th</sup> Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street;
11. Based on the landscaping requirements in the A-G Agriculture District for the parking lot, one (1) tree per 7,000 square feet of site area, the number of trees are required for Lot 2 is 75 trees. This does not include the requirement for street trees along 118<sup>th</sup> Street and State Avenue and parking lot islands;
12. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved are wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
13. 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;
14. All landscaping shall be irrigated;
15. 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;
16. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. 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;



18. All electrical meter banks, typically on the side of the building shall be screened from public view;
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. For any new building on Lot 2 or parts thereof, 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;
21. Regarding the BPU transformer screening, the following applies:
  - a. Gate doors are required for all types of screening that are placed in front of the transformers;
  - 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-foot clearance from pad when gate door is open;
  - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in 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) feet on the front allowing for 10 feet on the front when gate doors open; and,
22. 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;
23. If special on-site signage as specified in Sec. 27-739 is desired, new Special Use Permit is required;
24. 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;
25. All existing and future driveways must feature curb cuts that are constructed to UG standards;
26. 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;

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; and,

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

**Hearing starts at 2:31:52:**

**CHANGE OF ZONE APPLICATION COZ2022-050 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS - SYNOPSIS:** Change of Zone from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts to RP-5 Planned Apartment District to construct a senior living facility at 2300 and 2302 North 113<sup>th</sup> Place.

**PLAT2022-042 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS:** Preliminary Plat to combine two (2) residential lots into one (1) lot to construct a senior living facility at 2300 and 2302 North 113<sup>th</sup> Place.

*Detailed Outline of Requested Action:* The applicant and representative, David Lotz with Continental Consulting Engineers, Inc., seeks to rezone 2302 North 113<sup>th</sup> Place from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts and RP-5 Planned Apartment District to build one (1), three (3) story building totaling 40 units and connect to an existing 120-unit senior living facility totaling 140 units on 6.58 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 9, 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 Change of Zone; and,
7. The Notices to property owners.

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

**Present in Support:**

- David Lotz, applicant, Continental Consulting Engineers, Inc., 11006 Parallel Parkway, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:37:34:** Planner Toy stated Staff has one (1) change in condition #9. Mr. Lotz discussed having a masonry wall/privacy fence along the west property line. In the report where it says memory care building, it should state independent living building. With that change, Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:38:25:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-050:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

**Subject to:**

- 1. Because this is a planned district, a Final Development Plan and Final Plat are required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
- 2. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;**
- 3. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;**
- 4. Add a raised crosswalk or stamped and colored concrete between the covered pedestrian connection of The Piper Assisted Living and Memory Care facility and the Piper Village Independent Living facility;**
- 5. Walking trail, picnic tables, lawn games, raised gardens areas are amenities to be used by all residents;**
- 6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).**

**For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the**

structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;

7. Lighting cannot exceed one (1) footcandle at the property line;
8. Interior parking lots lights shall have 90-degree cutoff fixtures;
9. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary.

Hazelwood Assisted Living aka The Piper built a small berm and planted buffer plantings to screen their parking lot from the duplexes to the southeast, but did not install them per the approved plans.

The standard for an architectural screen abutting single-family or two-family uses is a wood privacy or metal panel fence with masonry columns installed every 32 feet running, which shall be constructed along the west property line of the independent living building;

10. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 2.59 acres, which requires 28 trees, five (5) additional evergreen or shade trees and 40 shrubs for buffering per the zoning district;

11. Street trees shall be planted with the landscaping for the development is installed;
12. 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;
13. All landscaping shall be irrigated;
14. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
15. 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;
16. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. 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, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
18. 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;
19. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
20. 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;
21. 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;

22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
23. 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;
24. 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,
25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PLAT2022-042:**

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

Motion to **APPROVE** Passed: 5 to 0

**Subject to the above conditions**

**Hearing starts at 2:40:29 and the applicant was not present. The application was moved to the end of the agenda and recalled at 4:12:00 and the applicant was not present.**

**SPECIAL USE PERMIT APPLICATION SP2022-089 – ROGELIO FALCON - SYNOPSIS:**

Special Use Permit for the Temporary Use of Land to keep two (2) storage containers on a residential lot at 444 North 10<sup>th</sup> Street. *Detailed Outline of Requested Action:* The applicant, Rogelio Falcon, is requesting a Special Use Permit to keep a storage container to store furniture on the property at 444 North 10<sup>th</sup> Street. The applicant would like to keep

the containers for up to one (1) year to store furniture that they are transporting to family out of town.

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 January 9, 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:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:12:42:** Planning Director Hand stated that the request is for a Special Use Permit for the Temporary Use of Land to keep two (2) storage containers on the property. This application is a result of an enforcement action. This property is in the Central Area Master Plan. This is a very urban location and the Applicant owns the single-family home and he is storing the containers on an abutting vacant piece of property. The enforcement action was put on hold pending the result of this Special Use Permit. Staff has not been able to communicate with the Applicant through phone, email and on-site visits. He has not held a neighborhood meeting nor responded to the draft staff report. Staff recommends denial for the reasons stated. If the Planning Commission would like to approve the Special Use Permit, it would need to first be held over to provide the Applicant additional time to hold a neighborhood meeting and address Staff comments and requests.

**Motion starts at 4:13:50:**

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-089 due to the applicant not holding a neighborhood meeting or responding to questions and request for information from Staff:**

<b>Carson</b>	<b>Chairman</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>

Jones                      Aye  
Miller                     Not Present  
Mohler                    Not Present  
Pauley                    Not Present

Motion to recommend **DENIAL** Passed: 5 to 0

**Hearing starts at 2:42:00:**

**SPECIAL USE PERMIT APPLICATION SP2022-108 – ANNE MARCHAEL WITH BUSINESS LAW ADVISORS - SYNOPSIS:** Special Use Permit for the Temporary Use of Land to keep equipment and materials related to a roofing business at 6541 Donahoo Road. *Detailed Outline of Requested Action:* The applicant, Anne Marchael with Business Law Advisors, is representing Shamrock Roofing and Construction. The applicant is requesting to temporarily keep roofing materials and a skid steer at the subject property at 6541 Donahoo. The subject property is a large lot single-family residence with a large garage and garden shed. The Applicant purchased excessive materials during Covid, anticipating a material shortage, and purchased more than their current warehouse could accommodate and has been storing material at the off-site residential location. The applicant is seeking the Special Use Permit to keep materials at the property until the inventory is reduced and they can move the remaining materials back into their warehouse or they use them on projects.

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 January 9, 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:**

- Anne Marchael, applicant, Business Law Advisors, 8700 Monrovia, Suite 210, Lenexa, Kansas 66215
- Gary Armstrong, 6541 Donahoo Road, Kansas City, Kansas 66104

The Planning Commission directed questions to the applicant and property owner.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:46:28:** Planner Toy stated that the Special Use Permit is only for a maximum of two (2) years as it is for the temporary use of land and cannot be renewed. As the applicant stated, they will remove the gravel and restore it back to grass,



which is one (1) of the conditions of approval. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Staff regarding enforcement after the two (2) years or if there are violations during the term of approval. This application is in response to a Code Violation. Planner Toy stated that if there are issues during the term of approval, the application can be brought before the Board of Commissioners for consideration of revocation of the Special Use Permit. If after the two (2) year approval, the property has not been cleaned up, citations, court appearances and fines will restart as part of the enforcement action.

**Motion starts at 2:49:26:**

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-108 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

**Subject to:**

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 2. This Special Use Permit cannot be renewed at the end of the two (2) year period. The applicant or property owner shall find a new location for the storage of materials and equipment.**
- 3. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.**
- 4. Trips shall be limited to two (2) per day – once in the morning at the start of business and once at the end of the business day.**

5. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
6. The automotive salvage parts near the front of the property shall be removed or located inside the garage.
7. No new materials shall be brought to the property. Exposed materials shall have a tarp or other cover to increase screening.
8. The skid steer shall always be kept behind the fence and screened from view.
9. If approved, the applicant must continue to file and maintain a current business occupation tax application.
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 in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspector@wycokck.org](mailto:buildinginspector@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Hearing starts at 2:50:25:**

**SPECIAL USE PERMIT APPLICATION SP2022-109 – SHERRI BAILEY-SCOTT -**

**SYNOPSIS:** Home Occupation Special Use Permit to operate a chiropractic office at 5331 Miami Avenue. Detailed Outline of Requested Action: The applicant, Sherri Bailey-Scott, is

requesting a Home Occupation Special Use Permit to operate a chiropractic practice at her residence at 5331 Miami Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 9, 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:**

- Sherri Bailey-Scott, applicant, 5331 Miami Avenue, Kansas City, Kansas 66106

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:52:42:** Planner Toy stated Staff has conditioned one (1) customer at a time and off-street parking. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:53:08:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-109 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

**Subject to:**

1. **The applicant will see patients four (4) times a week, generally between 9:00 AM – 6:00 PM (Tuesday, Wednesday and Friday), and 10:00 AM – 1:30 PM (Saturday);**

2. The driveway apron must be paved with asphalt and brought up to the code standard, set by Section 27-673;
3. The business will be limited to having one (1) client on-site at a time, due to the limited on-site parking provided;
4. All parking must be off-street in the driveway;
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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. The applicant must file and maintain a current business occupation tax application;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. 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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with

the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

**Hearing starts at 2:54:00:**

**SPECIAL USE PERMIT APPLICATION SP2022-113 – LYNNE BEAVER - SYNOPSIS:**

Special Use Permit to operate an event space at 2651 South 34<sup>th</sup> Street. Detailed Outline of Requested Action: The applicant, Lynne Beaver, is requesting a Special Use Permit to operate an agriculturally oriented event space at 2951 South 34<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 January 9, 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:**

- Bill Hutton, attorney representing the applicant, 509 Armstrong Avenue, Kansas City, Kansas 66101

**Present in Opposition:**

- Fred Harmon, 3303 Forest Avenue, Kansas City, Kansas 66106
- Jason Winfrey, 2905 South 34<sup>th</sup> Street, Kansas City, Kansas 66106 (appeared with questions)
- Mark Monnington, 3211 Forest Avenue, Kansas City, Kansas 66106
- Mary Dickerson, 3035 North 33<sup>rd</sup> Street, Kansas City, Kansas 66106
- Hannah Monnington, 3211 Forest Avenue, Kansas City, Kansas 66106
- Joshua Monnington, 1935 High Drive, Leavenworth, Kansas and until recently at 3211 Forest Avenue, Kansas City, Kansas 66106
- Daciela Andradee, 3010 South 32<sup>nd</sup> Street, Kansas City, Kansas 66106
- Cindy Fuller, 3307 Forest Avenue, Kansas City, Kansas 66106

The Commission and Staff directed questions to the applicant's representative.

**Staff Recommendation starts at 3:30:** Planner Toy stated that he understands the concerns by the neighbors with the commercial type use of this property and how it is being used now and how it could be used in the future. The agricultural use of the property such as classes, etc. needs to be separated from the event space itself, which will have events such as weddings, birthday parties, and bridal showers. Staff would add a Condition 22 that no fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance. Condition 23 would state that this permit could be brought before the Board of Commissioners for revocation if there are violations of any of the conditions of approval. Staff would also like to amend Condition 20 from approval for two (2) years to one (1) year. Staff recommends approval subject to the revised conditions in the staff report.

The Planning Commission directed questions regarding noise and past applications for live entertainment that have been approved previously to Staff.

**Motion starts at 3:37:25:**

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-113 for one (1) year:**

<b>Carson</b>	<b>Aye</b>
<b>Straws</b>	<b>No</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>No</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Not Present</b>
<b>Mohler</b>	<b>Not Present</b>
<b>Pauley</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 4 to 2

**Subject to:**

- 1. All entertainment must cease by at least 1:00AM;**
- 2. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;**
- 3. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 4. All trash and debris from any event shall be picked up the day/night of the event and disposed of properly;**
- 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. The applicant shall file a Final Development Plan within 60 days of approval of the Special Use Permit, otherwise this petition is null and void;**
- 7. The proposed parking lot must be paved according to Section 27-675(a);**

8. The two (2) shipping containers on the property shall be removed or must receive a Special Use Permit;
9. The applicant must maintain all existing trees, as well as add trees as demonstrated in their site concept;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. 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;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. 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. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified

**Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**

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

**Hearing starts at 3:39:55:**

**SPECIAL USE PERMIT APPLICATION SP2022-114 – MIKE ODELL WITH HOLIDAY SAND AND GRAVEL - SYNOPSIS:** Special Use Permit to operate a sand excavation and sand processing operation at 4403 North 42<sup>nd</sup> Street. *Detailed Outline of Requested Action:* The applicant, Mike Odell with Holliday Sand & Gravel, wants to operate a sand dredging, excavation and processing business, and transport sand by barge down the Missouri River on 458 acres at 4403 North 42<sup>nd</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 January 9, 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. Letter in support from Todd Geiger with Geiger Ready Mix



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

**Present in Support:**

- Kevin Foutes, 7355 West 162<sup>nd</sup> Terrace, Overland Park, Kansas
- Randy Gordon, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66102
- Angela Lawson, Assistant UG Chief Counsel spoke concerning the letter submitted by Bill Johnson of the Board of Public Utilities with additional conditions of approval for this application.

**Present in Opposition:**

- No one appeared

Planning Director Hand joined the meeting at 4:04:00 (10:04 pm)

**Staff Recommendation starts at 4:04:00:** Planning Director Hand stated that the request is for a sand excavation and processing operation. This property is in the City-Wide Master Plan in the north Midtown area. Staff has received one (1) letter in support and no letters in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report and the additional conditions from the Board of Public Utilities.

**Motion starts at 4:05:30:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-114 for five (5) years:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

**Subject to:**

1. **No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning + Urban Design Department at 913-573-5750 and/or [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org) for assistance. If archeological resources are**

found refer to the National Park Service National Register Bulletin 36 for more information <https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>;

2. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
3. Continue to coordinate with the US Army Corps of Engineers (USACE) and obtain the necessary permits with the Department of the Army;
4. Existing trees and vegetation along the shoreline shall be preserved with the exception of the area specific to the dock access, loading stockpile and conveyor/access road line;
5. Site restoration and reclamation shall commence immediately following the removal of the barge loading dock/access road;
6. Normal operating hours: Earthmoving for stripping and reclamation – 7:00 AM to 5:00 PM weekdays and dredging, processing and barge loading – 10 to 24 hours per day. Operations would typically be Monday through Friday or Saturday as outlined in our submitted project operation plan.
  - a. Hours of operation for earthmoving for stripping and reclamation shall be during daylight hours. Exceptions shall be made for occasional large-scale earthmoving operations occurring on Saturdays and/or Sundays, due to imminent weather conditions (i.e. flooding) and unusual peak demand. Contractor/Operator shall provide 24-hour advance notice to the Unified Government Planning + Urban Design office of any large scale after hours and/or weekend operations;
7. Restrooms shall be provided in a manner that is approved by the Building Inspection Department;
8. Dust has the potential to be a problem. The site (disturbed ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 47<sup>th</sup> Street;
9. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
10. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. A Right-of-Way Permit is required for the driveway extension. 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;
13. 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;

14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
17. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Board of Public Utilities Conditions:**

1. During the term of this permit, Holliday will procure and continuously maintain, at its' sole expense, a location-specific Pollution Legal Liability (PLL) insurance policy which meets the requirements in Exhibit B of the September 1, 2022 letter from BPU General Manager Bill Johnson.
2. Holliday shall adopt all assurances set out in the Project Development Plan and obtain all such other permits as identified therein.
3. Holliday shall provide BPU all final governmental permits and updates of those permits.
4. Holliday shall provide for reasonable future reimbursements for BPU's future outside experts necessary to review project related environmental reports or changes in project conditions.
5. Holliday will timely share its water quality monitoring results with BPU.

**Hearing starts at 4:07:14:**

**PLAT2022-039 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING -**

**SYNOPSIS:** Preliminary and Final Plat to create three (3) residential lots at 811 North 55<sup>th</sup> Street. Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting to plat one (1) lot into three (3) single family lots to build three (3) single family homes on 11.97 acres at 811 North 55<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 January 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

**Present in Support:**

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

**Present in Opposition/Questions:**

- Mr. Larry Murphy, 1010 North 54<sup>th</sup> Street, Kansas City, Kansas 66102

**Staff Recommendation starts at 4:10:27:** Planning Director Hand stated that the application is a preliminary and final plat to split one (1) parcel into three (3) lots. The property is in the City-Wide Master Plan in the Midtown area. 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 4:10:56:**

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2022-039:**

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

Motion to **APPROVE** Passed: 5 to 0

**Subject to:**

- 1. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds.**
  - b. \$7.00 per lot payable to the Unified Treasurer;****
- 2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
- 3. Utility easements shall connect with easements established in adjoining properties;**
- 4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.**
- 5. Maintain the ridgelines, existing topography throughout the property;**
- 6. 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. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;**
- 7. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;**
- 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;**
- 9. All existing and future driveways must feature curb cuts that are constructed to UG standards. The County Engineer will allow an asphalt driveway apron up to the edge of pavement in the right-of-way;**
- 10. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](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;

11. 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,
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.

**ELECTION OF OFFICERS** – The following officers were unanimously elected:

**Chairman:** Jeff Carson

**Vice Chairman:** Karen Jones

There being no further business, the meeting adjourned at 10:19 p.m.