

# CITY PLANNING COMMISSION

JULY 11, 2022

## MINUTES

The City Planning Commission met in regular session on Monday, July 11, 2022, at 7:10 p.m., (1:10:00) (via Zoom Webinar and the Commissioner Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Zoom), Mrs. Karen Jones, Vice Chairman (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom – left at 10:00 p.m.), Mr. Jim Ernst (Zoom), Mr. Mark Mohler (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Armstrong, Miller, Pauley and Straws). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant (Zoom), Mr. Daniel Kuhn, Assistant Counsel (Zoom), Mr. Patrick Waters, Assistant Counsel (Zoom), and Mr. Byron Toy, AICP, Lead Planner (Zoom), were also present.

Chairman Carson called the meeting to order at 7:10 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.
3. For those 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 Director Hand will inform the Chairman of how many persons wish to speak and how many people want to raise their hand either in favor or opposition.
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, July 28, 2022**. 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 applicant will then answer questions and make a closing statement.
6. 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.
7. 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 and 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.

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, July 28, 2022, at 7:00 p.m.**

I will now read the items on the **Consent Agenda at 1:17:45:**

**CONSIDERATION OF THE JUNE 13, 2022 PLANNING COMMISSION MINUTES.**

**SPECIAL USE PERMIT APPLICATION SP2022-061 – TOM GIEFER WITH G + G HOLDINGS LLC – SYNOPSIS: SYNOPSIS:** Renewal of a Special Use Permit (SP-2019-111 – expires 8/8/2022) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive.

Detailed Outline of Requested Action: The applicant, Tom Grier with G + G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive.

**SPECIAL USE PERMIT APPLICATION SP2022-062 – JOSHUA BRANDON WITH THE BAR KCK – SYNOPSIS:** Renewal of a Special Use Permit (SP2021-019 – expired 6/3/2022) to continue live entertainment at a drinking establishment at 6720 Kaw Drive.

Detailed Outline of Requested Action: The applicant, Joshua and Allyson Brandon, are seeking the renewal of a Special Use Permit for live entertainment at an existing drinking establishment known as The Bar. The applicants had previously stated to have small-scale shows and will not exceed the maximum occupancy of the establishment, which is 63 people. This property has been continuously operating as a drinking establishment, under various ownerships, for over 20 years. It has been continuously operated as a drinking establishment without interruption, no Special Use Permit is required for serving of alcoholic beverages, however, the code does require the approval of a Special Use Permit for live entertainment.

**PLAT2022-018 – BRANDON BECKER – SYNOPSIS:** Final Plat (Piper Creek Estates Second Plat) at 12910 Sewell Avenue.

Detailed Outline of Requested Action: The applicant, Brandon Becker with BCB Holdings, LLC, wants to plat twenty-three (23) single family lots to continue the second phase of Piper Creek Estates on 7.57 acres at 12910 Sewell Avenue.

**PLAN REVIEW APPLICATION PR2022-023 – DELAWARE STORAGE 2 LLC/FIRESIDE FINANCIAL GROUP LLC – SYNOPSIS:** Final Plan Review to construct a self-storage facility at 1342 North 126<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant, Delaware Storage, LLC, filed a Final Development Plan to build a 14,650 square foot addition self-storage facility on one (1) acre at 1342 North 126<sup>th</sup> Street.

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

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

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

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

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

**SP2022-061:**

1. **Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;**
2. **The natural flow of the floodway and floodplain cannot be altered;**
3. **Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;**
4. **Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:**
  - a) **Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.**
  - b) **Vibration or concussion perceptible without instruments at the property line.**
  - c) **Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night**

noise level average to exceed 65 dB(A) for any residence for a sustained period.

- d) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
5. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
6. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
7. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
8. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
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. 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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. 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;
13. 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;
14. 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

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

**SP2022-062:**

1. All entertainment must cease by at least 1:00 AM;
2. An I.D card reader shall be used while live entertainment events are occurring;
3. Doors and windows must stay closed during any entertainment performance;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104, f), including:
  - Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
  - Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
  - An I.D. scanner will be used at all times;
  - At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
5. No amplified speakers or entertainment is allowed in outdoor spaces; and, any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. The windows and doors shall remain closed during any live entertainment events that increase that noise volume above normal bar operations;
7. Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;
8. The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;
9. Live events shall not exceed more than three (3) per calendar week;
10. The applicant has filed and maintained a current business occupation tax application and entertainment license;
11. The applicant must obtain a sign a sign permit for all existing signs. 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;

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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. 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. 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,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**PLAT2022-018:**

1. Sec. 27-454. Lot width: Not less than 65 feet measured at the building line;
2. A temporary cul-de-sac must be added in between Lots 62 and 63 or a turnaround approved by KCKFD on Lot 62 or 63. A restriction shall be added stating: Lot 63 are not buildable nor will building permits be issued until the 131<sup>st</sup> Street is extended to connect to another phase or development.

- a. Signs for “NO PARKING” shall be posted per Sec.D103.6, 2012 IFC.
    - i. Roads 20 to 26 feet wide (curb face to curb face) – NO on street parking either side;
    - ii. Roads 26 to 32 feet wide (curb face to curb face) – Parking on one side; and,
    - iii. Roads over 32 feet wide (curb face to curb face) – on street parking allowed both sides.
3. Per the Prairie Delaware Piper Master Plan: Within Area 1 Lot Width, the requirement for lots in the subdivision is as follows:
  - 80 – 100% 70 feet; and
  - 0 – 20% 50 feet.
4. Per the Prairie Delaware Piper Master Plan, all developments shall be required to have a streetscape. Streetscape elements shall typically include trees, street lighting, sidewalks, and other plantings;
5. Per the Prairie Delaware Piper Master Plan: All major arterial roadways should include sidewalks and crosswalks in order to encourage pedestrian use. Areas where bicycle/pedestrian trails cross major arterials should have special design treatment to warn both user groups of the forthcoming intersection;
6. The minimum residential unit size shall be not less than 1,600 square feet.
7. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 per lot payable to the Unified Treasurer.
8. From COZ #3185: The 8’ pedestrian recreational easement in Tract 2 shall extend west to connect to 131<sup>st</sup> Street when that portion of the development is subdivided;
9. 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 trees 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 no 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 right-of-way abutting the property line. Walks shall be installed in pedestrian easements as may be required by the Planning Commission;
10. 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;
11. Utility easements shall connect with easements established in adjoining properties;
12. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;



- 13. All residential lots shall have two trees per five thousand (5,000) square feet per lot, up to five trees per lot. One tree shall be in the front or corner side of the lot;**
- 14. All residential lots shall have foundation plant materials. These shrubs should be planted along the front yard-foundation of a building. Sides of residential units that are visible from the public right-of-way such as those units on a corner lot should also have some foundation plant materials. Landscape materials within the streetscape shall not be counted as part of the development site landscape standards;**
- 15. Prairie Delaware Piper Master Plan Residential Design Guidelines:**
  - a. Primary materials for the fronts of homes should be: masonry, stucco, cement board, and wood siding;**
  - b. Access materials should include real or cultured masonry materials;**
  - c. For side and rear building facades the use of horizontal lap siding and vertical vinyl siding (minimum 42 gauge) siding is acceptable;**
  - d. Roof materials should be a composite shingle (35 year minimum) or approved equal;**
  - e. Use of plain, flat siding is discouraged as a primary siding material. Use of horizontal siding on the front of the home with panel siding on the sides and rear is discouraged;**
  - f. All sides of a building shall display a similar level of quality and architectural interest. The majority of the building's architectural features and treatments shall not be restricted to a single façade;**
  - g. Incorporate a variety of features such as overhangs, dormers, bay windows, cantilevers, porches, entries, accent materials to provide articulation and interest;**
  - h. Include single story elements such as porches, covered entries and second stories that have a setback from the first floor on two story homes;**
  - i. Fronts of building should be articulated through the use of window-bays, insets, balconies, porches, or stoops related to entrances and windows;**
  - j. The overall residential community should include multiple building elevation designs. One front, side and rear building elevation should not be used on more than 40 percent of the units;**
  - k. Front loaded garages should incorporate at least one of the following guidelines to limit the dominance of garage doors on the front façade:**
    - i. Incorporate upper-level dormers above the garage door, or**
    - ii. Design porches, stoops and/or facades should protrude at least five (5) feet in front of the garage, or**
    - iii. Use trim, windows, and other details to de-emphasize the visual impact of the garage in relation to the rest of the structure.**
  - l. Residential unit within developments of more than twenty-five (25) dwelling units should have a minimum of three (3) distinctive floor plans, with a minimum of three (3) elevations per floor plan; and,**

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

**PR2022-023**

- 1. Per GeoSpatial Services Department, a deed was filed for one (1) acre, however no plat was filed as part of this application. In 2018, Delaware Highlands 7<sup>th</sup> Plat was approved, however, never recorded due to the size of the lot area requirements for A-G Agriculture (WYCO) District;**
- 2. Submit mylars for Delaware Highlands 7<sup>th</sup> Plat with a new jurat and Staff will get the necessary signatures and get the plat recorded with the Register of Deeds;**
- 3. Install a crosswalk, adjacent to North 130<sup>th</sup> Street, along the service drive leading to the pump station between the existing and proposed storage facilities;**
- 4. From BOZA2022-002: A five (5) foot sidewalk must be installed along the east side of the North 130<sup>th</sup> Street right-of-way. The sidewalk must extend to State Avenue in the same dimensions and style as the existing sidewalk to the immediate north of the subject property, including an ADA crosswalk across North 130<sup>th</sup> Street;**
- 5. All lighting, whether mounted on the building or installed on site shall have 90-degree cutoff fixtures. Lighting shall not exceed one (1) footcandle at the property line;**
- 6. Following the Final Development Plan entitlement process, 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;**
- 7. This expansion should match the existing self-storage buildings to the north in terms of materials, fencing, landscaping, and buffering;**
- 8. Per the Commercial Design Guidelines, metal paneling may be used as an accent material and may comprise only fifteen percent (15%) of a façade's exterior building material (per façade);**
- 9. Screen and landscape the perimeter of the south property line effectively screening the development from the public driving north on 130<sup>th</sup> Street;**
- 10. Sec. 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one (1) per 7,000 square feet.**

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

**The proposed site is one (1) acre or 43,560 square feet, so  $43,560/7,000 * 1.75$  equals 10.89 trees, therefore eleven (11) trees are required to be**

planted. This does not include street trees, which are required to be planted along North 130<sup>th</sup> Street at a ratio of one (1) tree per thirty (30) feet of frontage, therefore six (6) trees are required to be planted along North 130<sup>th</sup> Street;

11. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;
12. All landscaping shall be irrigated;
13. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
14. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by a parapet;
15. All electrical meter banks, typically on the side of the building shall be screen from public view;
16. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (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;
17. 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 building(s);
18. 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;
19. 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,  
**20. 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 two (2) Special Use Permits will be heard by the Board of Commissioners on July 28, 2022 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 1:20:03:**

**CHANGE OF ZONE APPLICATION COZ2021-015 – JOHN EMANUELS - SYNOPSIS:**

Change of Zone from A-G Agriculture and C-1 Limited Business Districts to A-G Agriculture, R-1 Single Family and C-1 Limited Business Districts for urban residential uses and church at 4411 North 67<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, John Emanuels, has submitted a Change of Zone from C-1 Limited Business and A-G Agriculture Districts to C-1 Limited Business, A-G Agriculture and R-1 Single-Family Districts for the purposes of creating seven (7) residential (single-family) lots and one (1) commercial lot for Lightland Ministries.

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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- Mike Makris, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, KS 66210
- John Emanuels, applicant
- Daniel Parker, attorney, submitted letter in support

**Present in Opposition:**

- Jessie Villarreal, 4045 North 67<sup>th</sup> Street, Kansas City, Kansas 66104
- Donna Henderson-Hoyt, 6422 Cernech Road, Kansas City, Kansas 66104
- Tony Tucker, 4244 North 67<sup>th</sup> Street, Kansas City, Kansas 66104

**Staff Recommendation starts at 1:53:00:** Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-021 which was approved by the Board of Zoning Appeals earlier this evening. He stated that the Change of Zone is for the creation of seven (7) residential lots and one (1) commercial lot. He further stated that this property is in the City-Wide Master Plan in the Midtown north area. Staff received letters in support and in opposition to this application in addition to the testimony this evening. A stop work order was issued on the property as they were clearing brush potentially without a permit and off their property. They were asked to stop while this application was being assessed. There are older Notices of Violation regarding maintenance, which have all been addressed and closed. The State Historic Preservation Office has reviewed and cleared this project. Staff will continue to review the project and any potential changes with SHPO if the project moves forward. It is important to note that if this project is approved, the applicant will need to submit a plat and a final development plan. Staff worked with the applicant to cluster development on the west side of the parcel in order to maintain open space. Those are conditions germane to the plat and Staff will address those further when the applicant submits the plat. Director Hand stated that a group home by definition is six (6) or more unrelated individuals in the same house, which is not part of this application. As it relates to the roadway width of 67<sup>th</sup> Street, the Unified Government does not have enough money to maintain its existing roads let alone expand another roadway that is not listed as a major investment corridor. Later this evening the Commission will hear a presentation on the mobility plan as it relates to Kansas City, Kansas and Wyandotte County. The applicant was not required to provide a traffic study for this type of use although the Staff is open to that request. Relating to building over the gas pipeline, there is an utility easement that you can build roads over, but you cannot build structures. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to the Staff regarding a traffic study for this project. Director Hand stated that according to the zoning code, the County Engineer, Director of Planning or the City Planning Commission can determine that a traffic study be submitted. He further stated that the County Engineer and Director of Planning determined that a traffic study was not needed for this project. Mr. Makris stated that they would need a 60-day continuance to complete a traffic study.

**Motion starts at 2:01:20:**

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to **HOLD OVER COZ2022-015 for sixty (60) days for a traffic study to be completed:**

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

**Connelly**                      **Aye**  
Motion to **HOLD OVER** Passed: 6 to 0

**Hearing starts at 2:02:10:**

**CHANGE OF ZONE APPLICATION COZ2022-021 – JEFF WIDENER - SYNOPSIS:**

Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory structure for tractor and equipment at 3616 Pomeroy Drive.

*Detailed Outline of Requested Action:* The Applicant, Jeff Widener, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 3616 Pomeroy Drive. The Change of Zone has been requested so that the applicant can add a garden utility building for tools and lawn equipment without the requirement of a single-family dwelling. The Applicant resides next door and maintains the property which is currently vacant grassland with some trees and brush. The Applicant's residential parcel has steep slopes and rolling hills, making it difficult for the Applicant to put the structure on the residential parcel without clearing the timber stand. Because of the difficult sloping terrain, the Applicant wishes to build the utility shed on the adjacent subject property, although its current zoning ordinances do not allow for an accessory structure without a primary residence. The property owner has no desire to build a second residence on the adjacent parcel but does want to maintain it while vacant accordingly. The Applicant wishes to keep the parcel vacant from a residence as he may want to sell it in the future and allow a new owner to build a home to their liking. There is evidence to suggest a downzone from a prior agricultural use, as there were two (2) previous accessory structures without a residence until their demolition in 2003 from storm damage. The Change of Zone has been requested, so that the Applicant can maintain a utility shed on the parcel without the need to build a primary residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Jeff Widener, applicant, 3640 Pomeroy Drive, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:04:56:** Planning Director Hand stated that the applicant is requesting A-G Agriculture zoning to build a shed to maintain the property.

The applicant lives adjacent to this property. The property is in the City-Wide Master Plan area. Staff has received letters in support and no letters in opposition. There are no Notices of Violation on the property. Staff is requesting the applicant obtain a cross-access agreement he plans to use his driveway to access the barn on the adjacent property. He further stated if the applicant wanted animals on the property in the future, he would need a Conservation Plan from the Wyandotte County Conservation District. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:05:56:**

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2021-021:**

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

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

**Subject to:**

- 1. 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;**
- 2. A right of way permit may be required. Please contact the Public Works Department at (913) 573-5311 to begin that process;**
- 3. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;**
- 4. A cross-access agreement shall be filed with the Recorder of Deeds;**
- 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.

**Hearing starts at 2:06:50:**

**SPECIAL USE PERMIT APPLICATION SP2021-069 – PRABHJOT SINGH PADDA**

**WITH UNITED TRUCK REPAIR - SYNOPSIS:** Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP-2019-82 expired 9/26/2021) at 451 South 14<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew a Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking.

City Ordinance Requirements: 27-464 through 27-470 and 27-592 through 27-606

Code Enforcement History: There was one Code Enforcement case on this property for high grass and trash on the property in May 2004.

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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101, representing the applicant



**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:19:40:** Planning Director Hand stated this case has been continued twice; once for 30 days and once for 60 days. Staff has received no new materials in order to complete review of this application although the applicant's representative submitted pictures this morning of some work that happened on the property as per some but not all previous conditions of approval. Staff recommends denial for two (2) reasons; they have not met all the conditions of the previous approval and they have not supplied the materials for Staff to finish its review. The applicant has maxed out his 60 days to request a hold over. The Planning Commission could grant another 30-day extension if the Commission so chooses. Staff recommends denial.

**Motions starts at 2:20:35:**

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL of SP2022-069:**

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

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

**For the following reasons:**

- 1) Applicant did not submit required design documents after a 60-day hold-over by the City Planning Commission on May 9, 2022;
- 2) Applicant did not submit required design documents after a 30-day hold-over by the City Planning Commission on April 11, 2022; and,
- 3) Applicant did not complete required conditions of approval from SP-2019-82;
- 4) Applicant did not submit required design documents.

**Hearing starts at 2:21:50:**

**SPECIAL USE PERMIT APPLICATION SP2021-090 – DANA BLAY WITH DBL ARCHITECTURE, INC. - SYNOPSIS:** Special Use Permit for a liquor store at 146 South 18<sup>th</sup> Street.

**Detailed Outline of Requested Action:** The applicant, Dana Blay with DBL Architecture, is requesting a Special Use Permit for the operation of a new liquor store. The liquor store will be operating in a new building, proposed to be constructed at 146 South 18<sup>th</sup> Street, the site of an existing liquor store. The current liquor store building is proposed to be

demolished, but the ownership of the liquor store business will remain unchanged. The increased size of the new liquor store will require more parking spaces, which the site design will not be able to accommodate; the increased size will also create smaller setbacks from the parcel boundary lines for the building itself as well as the parking spaces; and the boundaries of the subject property are within 1,300 feet from both a church and a park. Therefore, the applicant is simultaneously requesting six (6) variances with the Board of Zoning Appeals.

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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals 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:**

- Dana Blay, applicant, DBL Architecture, 8032 Wenonga Road, Leawood, Kansas 66206

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:25:40:** Planning Director Hand stated that this application is being heard in conjunction with BOZA2021-041, which was approved by the Board of Zoning Appeals earlier this evening. Staff has received one (1) letter in support and no letters in opposition. There are some older Notices of Violation related to graffiti but those have all been closed. Staff has worked extensively with the applicant and architects and this project meets the Commercial Design Guidelines and they are not requesting any deviations. Staff has also worked with the applicant on some enhanced landscaping along their western perimeter adjacent to residential zoning. Staff recommends approval for two (2) years subject to the conditions in the staff report.

**Motion starts at 2:25:28:**

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of SP2021-090 for two (2) years:**

|               |                    |
|---------------|--------------------|
| <b>Carson</b> | <b>Chairman</b>    |
| <b>Ernst</b>  | <b>Aye</b>         |
| <b>Jones</b>  | <b>Aye</b>         |
| <b>Miller</b> | <b>Not Present</b> |
| <b>Mohler</b> | <b>Aye</b>         |

|                  |                    |
|------------------|--------------------|
| <b>Pauley</b>    | <b>Not Present</b> |
| <b>Straws</b>    | <b>Not Present</b> |
| <b>Ward</b>      | <b>Aye</b>         |
| <b>Armstrong</b> | <b>Not Present</b> |
| <b>Beth</b>      | <b>Aye</b>         |
| <b>Connelly</b>  | <b>Aye</b>         |

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

**Subject to:**

1. **Per Section 27-575(d)(8), internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users;**
2. **Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch vertical curb; trellis; special railing; bollards; special paving; low seat wall or other architectural features; pedestrian scale lighting; and, traffic calming devices;**
3. **Per Section 27-577(a)(5), Landscaping shall exceed the typical code requirements by at least 75 percent;**
4. **Per Section 27-577(b)(1), new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curblin of a private easement;**
5. **Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;**
6. **Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;**
7. **Per Section 27-577(d)(1), at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;**
8. **Per Section 27-577(e)(1), parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles;**
9. **Per Section 27-578(b)(3), minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment;**
10. **Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;**
11. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;**

12. This City Planning Commission case is being heard in conjunction with BOZA2021-041. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Appeal BOZA2021-041 by the Board of Zoning Appeals and upon any ordinance publications required by law;
13. The applicant has filed and maintained a current business occupation tax application;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 10,019 square feet, requiring two (2) trees be provided on the site plan.
18. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
19. 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
20. 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;
21. 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;
22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the

- renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use 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 2:27:15:**

**SPECIAL USE PERMIT APPLICATION SP2022-056 – TOBIAS SANDOVAL SUAREZ - SYNOPSIS:** Special Use Permit for the Temporary Use of Land to store construction equipment at 3914 North 59<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Tobias Sandoval-Suarez, wants to have employees park their personal vehicles at his house, then carpool to the job site, keep work trucks, equipment and material associated with the business on the property on 4.81 acres located at 3914 North 59<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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Recording Secretary Parker stated that the Planning Commission heard this application last month and forwarded the application to the Board of Commissioners with a recommendation of approval with conditions. At the June 30, 2022 Board of Commissioners meeting, the application was returned to the Planning Commission as Commissioner Davis wanted to meet with the applicant.

**Present in Support:**

- Tobias Sandoval Suarez, applicant, 3914 North 59<sup>th</sup> Street, Kansas City, Kansas 66104. The applicant stated that he has not heard from Commissioner Davis since the June 30, 2022 meeting and he tried to reach him today.

**Present in Opposition:**

- Andrew Burke, 3948 North 59<sup>th</sup> Street, Kansas City, Kansas 66104
- Keith Gann, 3959 North 60<sup>th</sup> Street, Kansas City, Kansas 66104
- Peter Kovac, 4023 North 59<sup>th</sup> Street, Kansas City, Kansas 66104 (represented by Mr. Burke)

**Staff Recommendation starts at 2:39:07:** Planning Director Hand stated that this application was referred back to the Planning Commission for Commissioner Davis to meet with the applicant. Staff provided the applicant's contact information to the Commissioner's office for the Executive Assistants to organize that meeting. It appears the meeting has not taken place and Staff will continue to reach out to Commissioner Davis. Staff does not feel that this impacts any decision being made tonight. This request is for the Temporary Use of Land, which according to code is only for a maximum two-year period. Staff has made clear to the applicant that he will need to find a permanent solution during this two-year period if the application is approved. The Zoning Enforcement Officer will visit the site at the end of the two (2) years to ensure that the equipment and materials plus employee parking is removed. If it has not been moved, then zoning enforcement will begin their efforts towards compliance. Staff is recommending approval of the application with conditions. He stated that he has not been out to the property in the last week, but the applicant noted that he has paved the driveway apron with concrete and the fence has been removed as it did not meet code standards for fence transparency, the applicant cannot have a fully enclosed fence. Director Hand stated regarding the comments of those in opposition he cannot speak to property values. He stated that the Fire Department issues burn permits. The Zoning Enforcement Officer and Code Enforcement Officer have been to the site. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:43:50:**

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to uphold its previous recommendation and recommends **APPROVAL of SP2022-056 for two (2) years:**

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

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

**Subject to:**

- 1. Temporary Use of Land for Commercial or Industrial Purposes shall not be approved for more than two (2) years, which means this Special Use Permit cannot be renewed for consecutive renewals. A zoning district, C-3/CP-3 Commercial District or higher must be sought elsewhere to park equipment, materials and facilitate parking employee parking;**
- 2. Upon expiration of this Special Use Permit, the equipment storage area and work vehicle parking shall be restored to grass;**
- 3. For the duration of the Special Use Permit, no more than three (3) employees may park on the driveway on the property;**

4. The hours of operation shall be 7:30 AM to 5:00 PM, Monday through Friday.
5. The equipment to be stored may only be a caterpillar loader (skid steer) and a fence stretcher;
6. Fencing along North 59<sup>th</sup> Street shall be at least forty (40%) open and may not exceed four (4) feet in height (in front of the residence). Any fencing behind the front plane of house, including side and rear yards may be up to six (6) feet in height;
7. Barbed wire is prohibited unless it is to enclose open farm land or where farm animals are otherwise permitted;
8. Access to North 60<sup>th</sup> Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59<sup>th</sup> Street;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59<sup>th</sup> Street must be paved concrete in the right-of-way;
10. 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;
11. No site grading or movement of earthen material may occur on the property without a separate Special Use Permit per Sec. 27-593(b)(15).
12. 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;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking 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]. 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 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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed per Sec. 27-593(a)(27). The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of

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

**Hearing starts at 2:44:50:**

**SPECIAL USE PERMIT APPLICATION SP2022-057 – EDWARD J. BAIN - SYNOPSIS:**  
Home Occupation Special Use Permit for a Short-Term Rental at 1324 North 75<sup>th</sup> Drive.

*Detailed Outline of Requested Action:* The applicant, and property owner Edward Bain, is applying for a Home Occupation Special Use Permit to operate a short-term rental at 1324 North 75<sup>th</sup> Drive. This is the applicant's primary residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Recording Secretary Parker stated that Assistant Counsel Patrick Waters has joined the meeting.

**Present in Support:**

- Edward Bain, applicant, 1324 North 75<sup>th</sup> Drive, Kansas City, Kansas 66112
- Linda Moore, 1329 North 75<sup>th</sup> Drive, Kansas City, Kansas 66112

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:49:50:** Planning Director Hand stated that this application is for a short-term rental for a portion of the house. The applicant lives in the residence. This property is in the City-Wide Master Plan in the Mid-Town area. Before tonight Staff received no letters in support nor in opposition. There are some closed Notices of Violation. Staff would request two changes to the conditions of approval. The staff report recommends approval for one (1) year and Staff would request that term be amended to two (2) years. If an applicant lives on-site, it is the Planning Commission policy to recommend approval for two (2) years and if the applicant lives close-by or has a management team then it is recommended for one (1) year for its first entitlement. Staff also requests an additional condition be added that the maximum number of people will be six (6) with a maximum of four (4) cars, as stated by the applicant. Staff recommends approval for two (2) years subject to the revised conditions.



**Motions starts at 2:50:42:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of **SP2022-057** for **two (2) years**:

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

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

**Subject to:**

- 1. Add in CO2 detectors: one near the furnace, one in the hallway of the bedrooms, one in the common area/kitchen, make sure that if you lean on the yard fence that it does not fall over and that all gates open/close safely;**
- 2. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 3. 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;**
- 4. Applicant is to maintain liability insurance;**
- 5. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 6. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 7. 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);**
- 8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 9. 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;

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;
11. Maximum number is (6) people and four (4) cars total; and,
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 2:52:23:**

**SPECIAL USE PERMIT APPLICATION SP2022-59 – KC CABINS LLC - SYNOPSIS:**

Special Use Permit for a Short-Term Rental and event space at 10 South Hallock Street.

*Detailed Outline of Requested Action:* The applicant, LaTonya Pegues with KC Cabins LLC, is seeking approval to operate a short-term rental with event space at 10 S. Hallock. The subject property is in the Strawberry Hill neighborhood. The subject property sits on top of a large hillside and was a large single-family residence that was converted into a mixed-use building to accommodate a home office on the lower level for a former owner. The office area of the structure has a kitchenette and office rooms which, the Applicant is proposing to use for small gatherings such as baby showers and birthday parties. The home is set to be demolished as the site is approved for a future high-rise apartment development.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- LaTonya Pegues, applicant, KC Cabins LLC, 1611 West Pelham Path, Raymore, Missouri 64083
- Brooke Randell, 15025 West 128<sup>th</sup> Street, Olathe, Kansas 66062

**Present in Opposition:**

- Rachel McMeachin, 556 Lowell Avenue, Kansas City, Kansas 66101
- Buck Hessel, 31 South Hallock, Kansas City, Kansas 66101
- Rose Eisles, 506 North 4<sup>th</sup> Street, Kansas City, Kansas 66101

**Staff Recommendation starts at 3:06:50:** Planning Director Hand stated that this request is for a short-term rental and event space while an additional entitlement for the 505 Central project proceeds through the process. This property is in the Central Area Master Plan. Staff has received no letters in support and one (1) letter in opposition in addition to the comments tonight. A stop work order was issued on the property, but no Notice of Violations currently exist. The stop work order led to this application. The staff report notes six (6) guests and three (3) cars for all overnight stays. That does not include parking for events. One of the conditions of approval is to limit events to end at 10:00 p.m. Director Hand stated that there is a correction to the staff report. As this application proposes off-site management for the short-term rental, approval is recommended for one (1) year and not two (2) years as stated in the staff report. He further stated that the Staff will begin review of the Short-Term Rental section of the ordinance in the future.

After discussion between the Planning Commission, Director Hand, Assistant Counsel Waters and the applicant, the applicant withdrew the event portion of their application.

Assistant Counsel Waters stated that the portion of the 505 project before the Standing Committee was approved tonight at the Board of Commissioners hearing and construction of that project should begin in a year (2023).

**Motions starts at 3:21:50:**

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-059 for one (1) year for the short-term rental:**

|               |                    |
|---------------|--------------------|
| <b>Carson</b> | <b>Chairman</b>    |
| <b>Ernst</b>  | <b>Aye</b>         |
| <b>Jones</b>  | <b>Aye</b>         |
| <b>Miller</b> | <b>Not Present</b> |
| <b>Mohler</b> | <b>Aye</b>         |
| <b>Pauley</b> | <b>Not Present</b> |

|                  |                    |
|------------------|--------------------|
| <b>Straws</b>    | <b>Not Present</b> |
| <b>Ward</b>      | <b>No</b>          |
| <b>Armstrong</b> | <b>Not Present</b> |
| <b>Beth</b>      | <b>Aye</b>         |
| <b>Connelly</b>  | <b>No</b>          |

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

**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) **Maximum number of overnight guests shall be six (6);**
- 3) **All parking must be off-street, maximum number of overnight guest vehicles is three (3);**
- 4) **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 5) **Applicant must maintain liability insurance;**
- 6) **Applicant must maintain the property's physical condition through the duration of the permit;**
- 7) **All reservations shall be a minimum stay of 24 hours;**
- 8) **No meals shall be prepared in the dwelling by the owner or owner's agent;**
- 9) **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;**
- 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) **The property must remain in proper maintenance and free of hazards, pests, or infestations.**
- 12) **The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
- 13) **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these**

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

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

**Hearing starts at 3:23:45 and the applicant was not present. The application was moved to the end of the applications and recalled at 4:09:05 and the applicant was not present:**

**SPECIAL USE PERMIT APPLICATION SP2022-60 – ESTER REED - SYNOPSIS:**

Renewal of a Special Use Permit (SU20-00092 – expired 3/4/2022) for the Temporary Use of Land to store dump trucks and other construction equipment at 1610 North 51<sup>st</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Ester Reed, is requesting the renewal of a Special Use Permit (SU2020-00092, expired April 27, 2022) to continue to park a dump truck at their residential property at 1610 North 51st 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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:10:25:** Planning Director Hand stated that this request is for renewal of a Special Use Permit for the Temporary Use of Land for dump truck storage. This would be their fourth approval, third renewal of the permit. As has been the policy for Temporary Uses of Land Special Use Permits, Staff is honoring the continuance and new ones are required to follow the two-year maximum ordinance requirement. This property is in the City-Wide Master Plan area in the Mid-Town area. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. He stated that the last renewal of this case was heard over a year ago. The application was approved with conditions and none of those conditions have been met. They are also storing more dump trucks on the property than allowed. At the time of the last approval, the applicant stated they were going to find a permanent solution and only needed one (1) year. They are not present this evening and have not complied with the conditions of approval nor found a permanent solution as committed to last year. Staff recommends denial.

**Motions starts at 4:12:45:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of SP2022-060 due to non-compliance of the approved stipulations from the last renewal:**

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Not Present</b> |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Not Present</b> |
| <b>Straws</b>    | <b>Not Present</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> |

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

**For the following reason:**

1. **The applicant has not met any of the conditions of their last approval, including installing impervious surface for truck parking, planting or constructing landscaping/screening, or reducing from three (3) trucks to one (1) truck. Additionally, this is a temporary use of land that has been renewed several times. The applicant was made aware with their previous renewal (SU2020-00092) that they need to find a new place to park their trucks.**

**Hearing starts at 3:25:18:**

**SPECIAL USE PERMIT APPLICATION SP2022-65 – SAMIA GUESS - SYNOPSIS:**

Special Use Permit for a Short-Term Rental at 2023 North 85<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The Applicant, Samia Guess, is seeking the approval to operate a short-term rental at 2023 North 85<sup>th</sup> Street. The subject property is in a residential neighborhood that connects to Parallel Parkway with mixed residential and commercial uses. The applicant has recently purchased the home and has completed some renovations and upgrades.

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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Samia Guess, applicant, 6106 Isabel, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:27:40:** Planning Director Hand stated that this is a short-term rental for the entire house. The property is in the City-Wide Master Plan in the Mid-Town area. The request is for six (6) guests and four (4) off-street parking spaces. This is a new short-term rental, and they will not have on-site management. Staff recommends approval for one (1) year subject to the conditions in the staff report.

**Motions starts at 3:28:15:**

On motion by Mr. Ward, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-065 for one (1) year:**

|               |                    |
|---------------|--------------------|
| <b>Carson</b> | <b>Chairman</b>    |
| <b>Ernst</b>  | <b>Aye</b>         |
| <b>Jones</b>  | <b>Aye</b>         |
| <b>Miller</b> | <b>Not Present</b> |
| <b>Mohler</b> | <b>Aye</b>         |

|                  |                    |
|------------------|--------------------|
| <b>Pauley</b>    | <b>Not Present</b> |
| <b>Straws</b>    | <b>Not Present</b> |
| <b>Ward</b>      | <b>Aye</b>         |
| <b>Armstrong</b> | <b>Not Present</b> |
| <b>Beth</b>      | <b>Aye</b>         |
| <b>Connelly</b>  | <b>Aye</b>         |

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

**Subject to:**

- 1. 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;**
- 2. Applicant shall complete the remaining repairs prior to ordinance publication;**
- 3. Maximum number of guests shall be six (6);**
- 4. All parking must be off-street, maximum number of vehicles is four (4);**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must maintain liability insurance;**
- 7. Applicant must maintain the property's physical condition through the duration of the permit;**
- 8. All reservations shall be a minimum stay of 24 hours;**
- 9. No meals shall be prepared in the dwelling by the owner or owner's agent;**
- 10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 11. The owner or owner's agent/operator shall provide a guest book with the following information:**
  - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
  - b) A lead-based paint notification for any property built before 1978.**
  - c) An asbestos notification for any property built before 1981.**
  - 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);**
- 12. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 14. 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. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

**Hearing starts at 3:29:07:**

**VACATION APPLICATION VAC2022-004 – DONNA ROSS - SYNOPSIS:** Vacation of right-of-way to install a fence at 2942 North Bethany Street.

*Detailed Outline of Requested Action:* The applicant, Donna Ross, is seeking to vacate a portion of right-of-way in order to fence in their yard to protect against wild animals at 2942 Bethany 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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners.

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

**Present in Support:**

- Donna Ross, applicant, 2942 North Bethany, Kansas City, Kansas 66104

**Present in Opposition:**

- Carol Thomas, 3000 North Bethany, Kansas City, Kansas 66104

**Staff Recommendation starts at 3:36:50:** Planning Director Hand stated that this is an alley vacation request so the applicant can build a fence south of the alley public right-of-

way that would remain. It is in the Northeast Area Master Plan in the Parkwood neighborhood. Staff has received no letters in support nor opposition. There are some codes Notices of Violation on this property. As a condition of approval Staff is requesting that the applicant upgrade their driveway. It is zoned R-1 and the driveway needs to be an improved surface and the apron should be concrete. From site visits and previous code violations Staff added a condition of approval that no inoperable vehicles or parking on the grass is allowed. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:37:51:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of Vacation **VAC2022-004**:

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

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

**Subject to:**

- 1. The applicant must remove all inoperable vehicles from the property, and work with Code Enforcement to correct and close out any existing violations;**
- 2. The proposed fence that will be constructed shall not cover or impede the existing manhole cover that is on the property line;**
- 3. All vehicles shall either be parked in the driveway, or on the street. Vehicles may not be parked on grass, or any other surface, besides a paved driveway, or on the street;**
- 4. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 5. 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;**

6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
7. 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.

**Hearing starts at 3:38:45:**

**VACATION APPLICATION VAC2022-005 – ANDREA WEISHAUBT WITH ATLAS SURVEYOR - SYNOPSIS:** Vacation of a utility easement at 12750 Hubbard Road.

*Detailed Outline of Requested Action:* The applicant, Andrea Weishaubt with Atlas Land Consulting, is requesting to vacate a utility easement. The vacation is being requested in conjunction with a lot combination of two (2) single-family residential parcels and a variance from the maximum accessory building floor area for a proposed accessory building to be constructed in the side yard of the newly created parcel.

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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners; and,
7. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- Austin Thompson, Atlas Surveyors, 2300 Hutton Road, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:41:25:** Planning Director Hand stated that this application is being heard in conjunction with BOZA2022-031, which was denied earlier this evening by the Board of Zoning Appeals. This is a utility easement between two (2) parcels that the applicant seeks to combine to build an accessory structure. The property is in the Prairie-Delaware-Piper Master Plan. Staff has received letters in support and no

letters in opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:41:58:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of Vacation **VAC2022-005**:

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

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

**Subject to:**

1. **No accessory building which is not in compliance with Section 27-609(2) nor with the Prairie-Delaware-Piper Area Master Plan shall be constructed;**
2. **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;**
3. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
4. **The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**
5. **The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;**
6. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
7. **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
8. **This City Planning Commission case are being heard in conjunction with BOZA2022-031. 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 BOZA2022-031 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;

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

**Hearing starts at 3:42:51:**

**PLAT2022-014 – LARRY HAHN WITH HAHN SURVEYING - SYNOPSIS:** Preliminary and Final Plat (Griggs Place) at 5500 North 107<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, David Griggs, is requesting to plat two (2) large agricultural lots to separate the existing single-family home and detached accessory buildings from the undeveloped portion of the land on 40.33 acres at 5500 North 107<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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners; and,
7. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:44:12:** Planning Director Hand stated that this application is being heard in conjunction with BOA2022-032, which was approved earlier

this evening. He stated the is for two (2) lots in the Prairie-Delaware-Piper Master Plan area. The applicants live on the property and want to divide the lot into two (2) lots so they can have an undeveloped parcel and keep their house and accessory structures on the second proposed parcel. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:45:04:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2022-014:**

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

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

**Subject to:**

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-032. 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 BOZA2022-032 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. When the mylars are submitted to Staff to be recorded, submit the following fees:**
  - a. \$32.00 per page payable to the Register of Deeds; and,**
  - b. \$7.00 per lot payable to the Unified Treasurer.**
- 3. 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;**
- 4. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](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;**
- 5. 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;**
- 6. Utility easements shall connect with easements established in adjoining properties;**
- 7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided; and,**

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

**Hearing starts at 4:45:50:**

**PLAT2022-015 – ANDREW AND KIMBERLEE FALKENSTINE - SYNOPSIS:** Preliminary and Final Plat for two (2) single-family lots at 8316 New Jersey.

**Outline of Requested Action:** The applicants, Andrew Falkenstine and Kimberlee Bruner, have submitted a Preliminary and Final Plat (Falkenstine Estates) to replat one (1) residential lot and create two (2) new residential lots.

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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners.

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

**Present in Support:**

- Kimberlee Falkenstine, applicant, 8316 New Jersey Avenue, Kansas City, Kansas 66112
- Alan Graff, J & J Surveying

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:47:50:** Planning Director Hand stated that the applicants are proposing to split one (1) lot into two (2) lots. The property is in the City-Wide Master Plan in the Mid-Town area. Originally the applicant had submitted a proposal for a cul-de-sac and Staff requested per ordinance to connect to existing Jersey Street stubs on either side of the subject property. In response, the applicants proposed to plat off the existing home as one (1) parcel and the undeveloped land as the second parcel. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:50:30:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2022-015:**

|               |                    |
|---------------|--------------------|
| <b>Carson</b> | <b>Chairman</b>    |
| <b>Ernst</b>  | <b>Aye</b>         |
| <b>Jones</b>  | <b>Aye</b>         |
| <b>Miller</b> | <b>Not Present</b> |

Mohler                   Aye  
Pauley                   Not Present  
Straws                   Not Present  
Ward                     Aye  
Armstrong               Not Present  
Beth                     Aye  
Connelly                 Aye

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

**Subject to:**

1. 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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@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;
2. 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;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. 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;
6. 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;
7. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; and,
8. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district,



or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

**Hearing starts at 3:51:50:**

**PLAT2022-016 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS:** Preliminary Plat (Legends Auto Plaza Fourth Plat) to create one (1) commercial lot at 1701 North 100<sup>th</sup> Terrace.

**PLAN REVIEW APPLICATION PR2022-021 – ERIC GENTRY WITH VICTORY JEEP – SYNOPSIS:** Preliminary Plan Review to construct an auto dealership at 1701 North 100<sup>th</sup> Terrace.

*Detailed Outline of Requested Action:* The applicant, Eric Gentry with Victory Jeep, is seeking approval of a preliminary plan to construct a new auto dealership at 1701 North 100<sup>th</sup> Terrace.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners.

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

**Present in Support:**

- Jeff Briggs, Managing Partner

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:54:37:** Planning Director Hand stated that the plat is to replat two (2) commercial lots for a new dealership with accessory repair services. The property is in the Prairie-Delaware-Piper Master plan, and it does need to comply with both the Commercial Design Guidelines and specific standards for the auto mall at The Legends. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. The applicant will need to come back for both a final plat and final development plan. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:56:02:**

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE PLAT2022-016:**

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

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

**Subject to:**

1. Benches and trash receptacles shall be added in the final development plan;
2. Additionally landscaping on the west side of the building shall be added per the Commercial Design Guidelines;
3. On-site lighting shall comply with the Legends Auto Plaza Design Guidelines;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat.
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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;
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;
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;

12. 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;
13. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided; and,
14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06.

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of **PR2022-021**:

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

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

**Subject to the above conditions**

Commissioner Connelly left the meeting at 10:00 a.m.

**Hearing starts at 3:58:02:**

**PLAT2022-017 – LYNN HOLCOMB WITH RECLAIMED MATERIAL YARD LLC -**

**SYNOPSIS:** Preliminary and Final Plat (57/70 Development) to construct a lay down yard at 11 and 47 South 59<sup>th</sup> Lane and 5701 Kaw Drive.

**PLAN REVIEW APPLICATION PR2022-022 – LYNN HOLCOMB WITH RECLAIMED**

**MATERIAL YARD LLC – SYNOPSIS:** Preliminary and Final Plan Review to construct a lay down yard at 11 and 47 South 59<sup>th</sup> Lane and 5701 Kaw Drive.

Detailed Outline of Requested Action: The applicant, Lynn Holcomb, with Reclaimed Material Yard, LLC, has filed a Preliminary and Final Development Plan and Preliminary and Final Plat to plat two (2) industrial lots to build a large laydown yard and three (3) administrative and maintenance buildings totaling 4,320 square feet on 91.14 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 July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners.

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

**Present in Support:**

- Lynn Holcomb, applicant, 631 Lake Forrest, Bonner Springs, Kansas 66012
- Lance Scott, civil engineer

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:06:56:** Planning Director Hand stated that this request is for a preliminary and final plat and plan review for a lay down yard, three (3) structures; an office, maintenance and storage. This property is in the City-Wide Master Plan in the Riverview neighborhood just south of Kaw Drive adjacent to the Kansas River. Staff has received no letters in support nor opposition. There are some older Notices of Violation related to weeds and such that will be rectified through the development of the property. The office portion of the development needs to meet the Commercial Design Guidelines and the conditions in the staff report cover the other ordinance requirements. Staff recommends approval subject to the conditions in the staff report, including Condition 6 that the applicant requested a deviation from.

**Motion starts at 4:08:00:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2022-017:**

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

**Beth**                      **Aye**  
**Connelly**                **Not Present**  
Motion to **APPROVE** Passed: 5 to 0  
**Subject to:**

1. The Subject Property has been identified as being within a regulatory floodway and floodplain (Zone AE). 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;
2. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
  - a. A survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
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. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
  - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
  - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
5. Sec. 27-211(j) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within eighteen (18) months after final approval has been granted or in the case of subsequent phases each shall be initiated within twenty-four (24) months of issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such a final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Wherever a final plan or section thereof has been abandoned as

provided in this section, no development shall take place on the property until a new development plan has been approved;

6. The laydown area needs to be further defined with drive aisles spurs leading to the storage pads, as the total storage area utilized for the outside laydown storage area is approximately thirty-nine (39) acres. The site plan is does not accurately reflect how materials will likely be stored within the laydown yard;
7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including a circular internal road, ground cover and storm water detention cannot be wholly covered with asphalt millings;
8. Per Sec. 27-574(c)(3) any retaining wall over six (6) feet in height must be terraced. Four (4) feet of terrace is required for every eight (8) feet of wall. The four (4) foot terrace shall be landscaped with shrubs and maintained annually.
9. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
10. Utility easements shall connect with easements established in adjoining properties;
11. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
12. The exterior portion of the building where the office is located shall comply with the Commercial Design Guidelines;
13. The existing slope and vegetation on the north property line shall be preserved. Remove the "Existing trees to remain" note and change to "Existing trees to be preserved". This tree line effectively screens the laydown area and future building sites from the single-family homes to the north (across Kaw Drive) and the public along Kaw Drive;
14. The existing tree stands along the Kansas River shall be preserved. Add a note on the landscape plan;
15. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surrounding of the project to a maximum of one (1) tree per 15,000 square feet of site area.

Based on site area, 91.14 acres, 265 trees are required to be planted. Per Sec. 27-701, existing plan material may be credited toward the minimum number specified for each zoning category. Such existing plan material must, however, be in keeping with the intent of this division. Type, size, and location needs to be noted in the required landscape plan.

As stated previously, preservation of the existing tree stand along Union Pacific Railway and Kaw Drive is of the utmost importance and those trees can count towards the required total;

16. One (1) street tree shall be planted per thirty (30) feet of frontage along South 59<sup>th</sup> Lane;
17. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);

18. Fencing along South 59<sup>th</sup> Lane shall be a privacy fence, up to eight (8) feet in height. The fence may be wood or metal paneling and shall have masonry columns every thirty-two (32) feet running;
19. Sec. 27-470(d)(2) No equipment, material, or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than twenty-five (25) feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
20. Sec. 27-470(d)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
21. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
22. All utility connections (including BPU transformer boxes) shall be screened with landscaping. All utilities mounted on the wall shall be painted to match the building.
  - a. BPU transformer pad shall be completely screened on three sides with a privacy fence or 6-foot junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
23. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
24. 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;
25. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at (913) 573-8780;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;

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

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **PR2022-022**:

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Not Present</b> |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Not Present</b> |
| <b>Straws</b>    | <b>Not Present</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> |

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

**Subject to the above conditions**

**PRESENTATIONS Start at 4:14 (presentations are part of the audio and video):**

Gunnar H. Hand, AICP, Director of Planning + Urban Design, stated that the Commission has the draft plans and would request comments. He stated that the full goDotte plan will be sent to the Commission by the end of the week. The presentations tonight are for information only and next month the plans will be presented to the Commission for consideration of approval.

1. **Northeast Kansas City, Kansas Heritage Trail Plan:** For information only, a presentation of the DRAFT Northeast Kansas City, Kansas Heritage Trail Plan that together with our partners at Groundworks NRG and MARC seeks to define a new heritage trail route from Kaw Point to the Quindaro Townsite. The Plan process has collected stories from across the Northeast community for future wayfinding and



historical markers, aligns strategic multi-benefit trail and stormwater infrastructure investments, and promotes the equitable development of the many underutilized parcels along the proposed route.

➤ Adam Rosa, consultant, Collabo, presented this plan

2. **Merriam Connected Corridor Plan:** For information only, a presentation of the DRAFT Merriam Connected Corridor Plan that together with our partners at KDOT, MARC, KCATA and the Cities of Overland Park, Mission and Merriam seeks to expand multi-modal connectivity across the inter-jurisdictional corridor, and identifies key locations for targeted redevelopment and reinvestment. The Plan identifies gaps in the Turkey Creek Trail network, key intersection improvements, gateway opportunities, and other strategies to create a more walkable, dense and mixed-use corridor.

➤ Shawn Strate, consultant, Olsson Associates, presented this plan

3. **goDotte Countywide Strategic Mobility Plan:** For information only, a presentation of the DRAFT Countywide Strategic Mobility Plan, “goDotte”, that together with our partners at KDOT, MARC, KCATA and the Cities of Bonner Springs, Edwardsville and Lake Quivira seeks to implement the County’s Complete Streets Ordinance and balance the transportation network for all users, modes and abilities. The Plan identifies key trends that together with public input informs its strategies and action plan.

➤ Anthony Gallo, consultant, Kimley-Horn, presented this plan

**Public:**

➤ Elnora Jefferson, spoke on the Northeast KCK Heritage Trail Plan

The Planning Commission directed questions to the Staff and consultants.

There being no further business, the meeting adjourned 11:23 p.m.