

CITY PLANNING COMMISSION

JUNE 13, 2022

MINUTES

The City Planning Commission met in regular session on Monday, June 13, 2022, at 7:59 p.m., (1:59) (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), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom), Mr. Jim Ernst (Zoom), Mr. Mark Mohler (Zoom), Ms. Susannah Pauley (Zoom), Mr. Joseph Straws III (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Miller). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant (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 7:59 p.m.

Recording Secretary Parker stated that the following applications are being removed from the agenda tonight:

COZ2022-015 – John Emanuels at 4411 North 67th Street – This application has a corresponding variance BOZA2022-021, which was removed from the Board of Zoning Appeals Agenda this evening, due to an error in the publication in the newspaper. This application will be heard on August 8, 2022.

SP2021-090 – Dana Blay with DBL Architecture, Inc. at 146 South 18th Street – This application has a corresponding variance BOZA2021-041, which was removed from the Board of Zoning Appeals Agenda this evening, due to an error in the staff report. This application will be heard on July 11, 2022.

SP2021-087 – Nathan and Molly Ney, Special Use Permit for a Short-Term Rental at 2513 West 46th Avenue. The applicants withdrew their application today so there will be no further hearings on this application.

Recording Secretary Parker read the **Planning Commission Statement**: “We would like to welcome those participating to the meeting of the City Planning Commission. Members are participating either in-person in the Commission or Zoom Webinar. Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

1. If you are joining by Zoom Video, please make sure you have an appropriate background and plan to stay visible during the meeting.
2. Planning Commission Members - Use the raise your hand feature to speak, after Chairman Carson recognizes you, unmute your microphone and please state your name when you begin to speak. If you need to recuse or if you need a personal break, use the raise your hand feature.
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 and Direct Hand will inform the Chairman of those person that wish to speak.

4. Proper meeting decorum is expected of all participating in the meeting and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

The Planning Commission is a voluntary body of citizens, which will review each zoning proposal. For all change of zones, special use permits, vacations, and preliminary plan reviews on tonight's agenda, the Planning Commission makes recommendations to the Unified Government Board of Commissioners, who will then make the final decisions on **Thursday, June 30, 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 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. However, the only items on the Consent Agenda this evening are the April and May minutes.

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, June 30, 2022, at 7:00 p.m.**

I will now read the items on the **Consent Agenda at 2:06:**

CONSIDERATION OF THE APRIL 11, 2022 SPECIAL HEARING AND REGULAR HEARING MINUTES.

CONSIDERATION OF THE MAY 9, 2022 CITY PLANNING COMMISSION MINUTES.

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

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

Motion to APPROVE Passed: 9 to 0

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

Hearing starts at 2:08:

CHANGE OF ZONE APPLICATION COZ2021-034 – JEFF MEADOR WITH OPEN DOOR HOMES - SYNOPSIS: Change of Zone from RP-1(B) Planned Single Family District to RP-5 Planned Apartment District to build two (2) triplex units at 4136 Springfield. Detailed Outline of Requested Action: The applicant, Jeff Meador with Open Door Homes, Inc., wants to rezone the property from R-1(B) Single Family District to RP-5 Planned Apartment District to build one (1) fourplex (rowhome) building, totaling four (4) units on 0.29 acres at 4136 Springfield 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 June 13, 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:

- Jeff Meador, applicant, Open Door Homes, Inc., 2920 Merriam Lane, Kansas City, Kansas 66106

Present in Opposition:

- There were 6 persons present in the Chamber including the following that spoke
 - a. Greg Hall, owner of property at 4131 Springfield, Kansas City, Kansas 66103
 - b. Joy McCann, 4132 Springfield, Kansas City, Kansas City, Kansas 66103

Secretary Parker stated that an email in opposition was received from Kristi Segura, 4132 Springfield, Kansas City, Kansas 66103.

Staff Recommendation starts at 2:16:38: Planning Director Hand stated that this case is being heard in conjunction with Board of Zoning Appeals case BOZA2021-028 which was approved by the Board of Zoning Appeals earlier this evening. This request is to change the zoning from RP-1(B) Single Family District to RP-5 Planned Apartment District. He stated that there is RP-5 zoning in the vicinity of the neighborhood across the street on Fisher and down the street on Springfield Avenue. It is currently a vacant piece of property in the Rosedale Area Master Plan. Staff has received no letters in support and there is some opposition to the project. There are some old Notices of Violation related to this property. Staff recommends approval and finds that the project does meet the Rosedale Area Master Plan Multi-Family Design Guidelines. Director Hand further stated that if density or typologies are a concern, there are other types of multi-family in the RP-5 zone. Technically townhomes are in the R-3 District but it requires a one-acre minimum. He stated that the zoning could be approved with a condition that only R-3 uses are allowed and a deed could be recorded.

Motion starts at 2:18:40:

On motion by Mr. Mohler, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of COZ2021-034**

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

Subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2021-028**, which seeks a variance to build to build one (1) fourplex building, totaling four (4) units between thirteen (13) and twenty (20) feet from the front property line on 0.29 acres at 4136 Springfield Street;
2. The rowhome (fourplex) attached single-family homes need to match the character of the neighborhood which is predominately single-family in nature. The existing residences along the Springfield Street have their front yards facing the west side of the street, whereas the rear of these single-family homes have access to Fisher Street by way of a rear yard driveway. The single-family homes on Fisher Street are on the west side of the street and abuts the rear lots of single-family residences along Lloyd Street;
3. Must comply with the **Rosedale Urban Multi-Family Residential Design Guidelines**;
4. Review the **Urban Multi-Family Residential Design Guidelines**, attached herein and incorporate these guidelines into the site plan and building elevations;
5. Provide a four (4) foot, pedestrian sidewalk to Springfield Street;
6. The driveway has been relocated to the rear, off Fisher Street and minimize the curb cuts by creating a semi-circle driveway for the four (4) units. Rear loaded garage and driveways matches the character of the single-family home neighborhood, specifically on the west side of Springfield Street;
7. Proposed site trees shall comply with the approved Parks Department Street Tree list;
8. The exterior building materials shall comply with the **Rosedale Urban Multi-Family Residential Design Guidelines**;
9. **Sec. 27-460(f)** A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;
10. Three (3) trees are required to be planted in the front yard. Per **Sec. 27-702** shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;
11. **Sec. 27-700(b)(1)** Buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-O, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;
12. If rented, a rental license from Rental Licensing Division shall be obtained;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an

existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

14. All future driveways must feature curb cuts that are constructed to UG standards;
15. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
16. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
17. All four (4) units shall be on separate utilities (water, electrical, sanitary sewer, etc.);
18. 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,
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 2:20:01:

MASTER PLAN AMENDMENT MPL2022-009 – JIM CALVERT WITH WORCESTER INVESTMENT – SYNOPSIS: Master Plan Amendment from Planned Commercial and Planned Mixed Residential (Prairie-Delaware-Piper Master Plan) to Medium Density Residential (City-Wide Master Plan) at 2341 and 2017 North 104th Terrace and 10332 Parallel Parkway.

CHANGE OF ZONE APPLICATION COZ2022-013 – JIM CALVERT WITH WORCESTER INVESTMENT - SYNOPSIS: Change of Zone from A-G Agriculture and R-1 Single Family Districts to RP-2 Planned Two Family and RP-5 Planned Apartment Districts for a mixed density residential development (duplexes and apartment buildings – Residences At The Legends) at 2341 and 2017 North 104th Terrace and 10332 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Jim Calvert with Worcester Investments, wants to rezone 2341 North 104th Terrace, 10332 Parallel Parkway and 2017 North 104th Terrace from A-G Agriculture District to RP-2 Planned Two Family and RP-5 Planned Apartment Districts build ten (10) single family lots, twenty-nine (29) duplexes totaling fifty-eight (58) units and eight (8), three (3) story and two (2), four (4) story apartment buildings totaling 344-units on 38.3 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 June 13, 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. Commissioner Ward stated that he lives in this area and received notice of the neighborhood meeting from the developer and attended the meeting. Commissioner Beth stated that he attended the neighborhood meeting prior to his appointment to the Commission.

Present in Support:

- Jim Calvert, applicant, Worcester Investment, 720 Main Street, Kansas City, Missouri 64105
- Rudy Beese

Present in Opposition:

- **5 total in opposition in the Commission Chamber** with the following speaking:
 - a. Lynn Melton, 4028 Independence Boulevard, Kansas City, Kansas 66109
 - b. Erica Turney, Westmore Downs, 10600 Cleveland Avenue, Kansas City, Kansas 66109
 - c. Jim Reitemeir, Westmore Downs, 10519 Rowland Avenue, Kansas City, Kansas 66109
 - d. Kellie Raveill, 10605 Rowland Avenue, Kansas City, Kansas 66109
- **In opposition via Zoom**
 - a. Erica Hupka, Westmore Downs, 10629 Cleveland Avenue, Kansas City, Kansas 66109
 - b. Mary Jane Smith, Westmore Downs, 10738 Rowland Court, Kansas City, Kansas 66109
 - c. Deanna Beason, Westmore Downs, 10522 Haskell Avenue, Kansas City, Kansas 66104
 - d. Emma Lee, Westmore Downs, 10526 Haskell Avenue, Kansas City, Kansas 66109
 - e. Jennifer Fisher, Prairie Country, 2615 North 107th Street, Kansas City, Kansas 66109
 - f. Martin Trujillo, Westmore Downs, 10533 Haskell Avenue, Kansas City, Kansas 66109
 - g. John Raveill, 10605 Rowland Avenue, Kansas City, Kansas 66109
 - h. Brenda Waters, 10602 Rowland, Kansas City, Kansas 66109
 - i. Dana Bye, 10708 Augusta Drive, Kansas City, Kansas 66109
 - j. Christina Bridge, Westmore Downs, 10530 Rowland Avenue, Kansas City, Kansas 66109
 - k. Amanda Parkhill, 2227 North 104th Terrace, Kansas City, Kansas 66109
 - l. Mark Parkhill, 2227 North 104th Terrace, Kansas City, Kansas 66109
 - m. Heather Smith, Westmore Downs, 10528 Cleveland Avenue, Kansas City, Kansas 66109
 - n. Andrea Morales, 10612 Haskell, Kansas City, Kansas 66109

- o. Laura Jennings, Westmore Downs, 10605 Cleveland Avenue, Kansas City, Kansas 66109

Planning Commission directed questions to staff.

Staff Recommendation starts at 3:18:17: Planning Director Hand stated that this change of zone and master plan amendment are being heard for 10 single-family lots for 29 duplexes and 10 multi-family apartment buildings. This property is in the Prairie-Delaware-Piper Master Plan area. Staff has received no letters in support and has received letters in opposition along with the testimony given at the hearing this evening. He stated that there are no Notices of Violation on this property. Staff does have an issue as it relates to access to Parallel Parkway and its coordination with Kansas Department of Transportation (KDOT). There cannot be an access to a development like this attaching to an existing residential street. It has to attach to either a collector or access to a collector or an arterial. Staff has written a condition of approval that in the final development plan this issue will be discussed and figured out with KDOT. He further stated that contrary to some testimony this evening, Staff has been in constant contact with the Kansas Department of Transportation specially the UG County Engineer and KDOT's local district engineer. In addition to the two (2) applications being heard tonight, a plat application will need to be filed that will include the three (3) different zoning classifications. Staff has conditioned that the development comply with the Commercial Design Guidelines. Staff has additional conditions to take to the final development plan as relates to those guidelines. Director Hand stated that the applicant has made significant changes in the plans from the initial submittal. Staff recommends approval subject to the conditions in the staff report.

Planning Commissioner Connelly asked if he could see the traffic study; Director Hand stated that Staff will send the document to him. He stated that Staff would have provided the document to anyone that requested it. The traffic study was reviewed by the County Engineer and a third-party traffic engineer as the Unified Government does not have a Traffic Engineer on staff at this time.

The Planning Commission directed additional questions to Staff.

Motion starts at 3:26:36:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-009 due to the incompatibility of the project with the Prairie-Delaware-Piper Master Plan relating to infrastructure, safety and traffic:**

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

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

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **DENIAL of COZ2022-013 for the reasons stated above:**

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

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

Hearing starts at 3:30:25:

CHANGE OF ZONE APPLICATION COZ2022-017 – KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC - SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct a single-family residence with urban farming at 3015 and 3020 Baltimore Street.

SPECIAL USE PERMIT APPLICATION SP2022-045 – KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC - SYNOPSIS: Home Occupation Special Use Permit to sell produce and farm goods grown on the property at 3015 and 3020 Baltimore Street.

PLAT2022-011 - KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC - SYNOPSIS: Preliminary Plat for two (2) single-family lots at 3015 and 3020 Baltimore Street.

Detailed Outline of Requested Action: The applicant, Kalla McLaughlin with City Beautiful, LLC, is requesting a Change of Zone, Preliminary Plat, and Special Use Permit for the subject property, currently two (2) separate parcels at 3015 and 3020 North Baltimore Street. The Change of Zone is from RP-5 Planned Apartment District to A-G Agriculture District. The Preliminary Plat will combine the two (2) existing parcels, and vacates a public right-of-way and utility easement to create one (1) single-family parcel totaling 3.79 acres. The Special Use Permit is for the sale of produce and farm products that have been respectively grown and processed on the subject property.

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 June 13, 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:

- Kallie McLaughlin, applicant, 4000 Denton Road, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:37:54: Planning Director Hand stated that these three (3) applications are being heard in conjunction with BOZA2022-025 which was approved by the Board of Zoning Appeals earlier this evening. This is a Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District for agricultural purposes and a Special Use Permit to do canning, sales and homesteading agro-tourism on this site. He further stated for the applicant to live on the site a replat of two (2) parcels and some right-of-way and some utilities is also being considered. Director Hand stated that Ms. McLaughlin is employed by the Unified Government in the Planning + Urban Design Department. She was not in any meetings, discussions or have input for her applications in order to avoid a conflict of interest. This property is in the Parkwood Historic District and in the Northeast Area Master Plan. He stated that the applicant has a conservation plan and discussed tonight enhanced landscaping and screening and maintenance of tree stands to shield the adjacent neighbors from this development. Before the house is constructed, the applicant will be required to file a Certificate of Appropriateness before a building permit can be pulled and approved by the Landmarks Commission. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:39:45:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-017**

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

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

Subject to:

- 1) **Compliance with all recommendations made by the Wyandotte County Conservation District, including those recommendations made through the site-specific conservation plan or other documents;**
- 2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
- 3) **Any additional violations created in the development process must receive a separate variance;**
- 4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
- 5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
- 6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 7) **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;**
- 9) **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 10) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**
- 11) **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
- 12) **These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-045:**

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

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

Subject to

- 1) All relevant setback requirements must be met and properly demonstrated on the Final Plat;
- 2) Any additional violations created in the development process must receive a separate variance;
- 3) All relevant landscaping and screening requirements must be met within 18 months of approval;
- 4) The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;
- 5) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 6) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 7) The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;
- 8) 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;
- 9) All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);
- 10) 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;

- 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) These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 15) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the**

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE PLAT2022-011**:

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

Motion to **APPROVE** Passed: 9 to 0

Subject to:

- 1) **A Final Plat must be approved before the MCLAUGHLIN ADDITION may be filed;**
- 2) **All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
- 3) **Any additional violations created in the development process must receive a separate variance;**
- 4) **All relevant landscaping and screening requirements must be met within 18 months of approval;**
- 5) **The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
- 6) **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 7) **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 8) **The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;**
- 9) **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 10) **All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);**

- 11) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 12) These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.

Hearing starts at 3:42:50:

CHANGE OF ZONE APPLICATION COZ2022-018 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the lot at 3430 North 115th Street.

Detailed Outline of Requested Action: The applicant, Judith Tramposh, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District (City) for the purposes of creating a preliminary and final plat for two (2) lots that will expand the subject property at 3430 North 115th Street.

CHANGE OF ZONE APPLICATION COZ2022-019 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the lot at 3548 North 115th Street.

Detailed Outline of Requested Action: The applicant, John Sass, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District for the purposes of creating a Preliminary and Final Plat on the property at 3548 North 115th Street.

PLAT2022-012 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Final Plat for two (2) residential lots (Sass Addition) at 3430 and 3548 North 115th Street.

Detailed Outline of Requested Action: The applicant, John Sass, has submitted a Preliminary and Final Plat (Sass Addition) to replat two (2) agricultural lots at 3430 North 115th Street and 3548 North 115th 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 June 13, 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:

- Andrea Weishaubt, applicant, Atlas Surveyors, 2300 Hutton Road, Kansas City, Kansas
- Mark and Nancy Evans, 3515 North 115th Street, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:46:45: Planning Director Hand stated that that the two (2) change of zone applications and plat are being heard together. One (1) property owner is purchasing additional property from the other and they need to replat the property and as they do that they are removing the properties from A-G (WYCO) zoning from before unification. The new zoning will be A-G Agriculture (City) District. The properties are in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor in opposition. He stated that there are no Notices of Violation on the property. Staff does have one (1) condition of approval. On a site visit, Staff noticed that some of the gravel from the stable was tracking into the public right-of-way. Staff has conditioned a mitigation measure to prevent tracking of gravel in the future. Staff recommends approval of all three (3) applications subject to the conditions in the staff report.

Motion starts at 3:48:00:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-018:**

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

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

Subject to

1. The applicant shall ensure that gravel from their gravel driveway does not track onto North 115th Street. If any gravel tracks onto North 115th Street, the applicant shall clean the roadway;
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 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 exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. The applicant must file and maintain a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
10. 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; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of

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

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-019:**

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

Motion to recommend **APPROVAL** Passed: 9 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 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;**
- 2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 3. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 4. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;**
- 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. 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; and,
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE PLAT2022-012**:

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

Motion to **APPROVE** Passed: 9 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 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;
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 to begin this process;
4. The applicant must file and maintain a current business occupation tax application;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;

6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
7. 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;
8. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; and,
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 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 3:51:45:

SPECIAL USE PERMIT APPLICATION SP2022-017 – ALMA BARAJAS - SYNOPSIS:

Renewal of a Home Occupation Special Use Permit (SP-2016-85 – expired 12/1/2021) for a beauty salon at 5044 Powell Avenue.

Detailed Outline of Requested Action: The applicant, Alma Barajas, is seeking a renewal of a Special Use Permit for a Home Occupation (SP-2016-85) at 5044 Powell Avenue, to continue to operate a beauty salon. The Special Use permit was approved initially in 2009 (SP-2009-22) for two (2) years and was renewed in 2011 (SP-2011-19) and 2016 (SP-2016-85), both for five (5) years. Ms. Barajas’s takes care of her children and wishes to continue to operate the beauty salon at her home to continue to supervise her children during the day.

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 June 13, 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:

- Alma Barajas, applicant, represented by her son

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:55:20: Planning Director Hand stated this is the third renewal and fourth approval for this home occupation hair salon. The property is in the Turner area and is part of the City-Wide Master Plan. Staff received no letters in support nor in opposition. There are some very old noise violations on the property and Staff does not believe the violations pertain to this project. The applicant has stated that she will only have two (2) people at a time at most. The condition in the staff report states that closing is at 6:00 p.m. As a clarification for two (2) of the existing conditions Staff would like to amend them to say that all parking for customers has to be off street in their driveway and the hours of operation will be 10:00 a.m. to 6:00 p.m. Director Hand stated Staff confirmed the hours of operation with the applicant. With these two (2) changes Staff recommends approval for ten (10) years, subject to the conditions in the staff report.

Motions starts at 3:56:35:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-017 for ten (10) years:**

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

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

Subject to

1. The applicant may not serve more than two (2) clients at a time;
2. The applicant shall not operate after 10:00 a.m. to 6:00 PM on any day;
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 to begin this process;

4. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
5. The applicant has filed and maintained a current business occupation tax application;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
7. 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;
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. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 3:57:45:

SPECIAL USE PERMIT APPLICATION SP2022-041 – HARIOT SINGH WITH ELITE MOTORS GROUP KC - SYNOPSIS: Special Use Permit for auto sales at 2205 South 88th Street.

Detailed Outline of Requested Action: The applicant, Hariot Singh DBA Elite Motor Group KC, is requesting a Special Use Permit for the operation of an automotive sales facility as a co-tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The automotive portion of the business involves the purchase of like-new vehicles for resale on a virtual platform without the regular or frequent presence of customers. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-047.

SPECIAL USE PERMIT APPLICATION SP2022-047 – MANJIT KAUR WITH CITY TRUCK AND TIRE REPAIR - SYNOPSIS: Special Use Permit for auto repair at 2205 South 88th Street.

Detailed Outline of Requested Action: The applicant, Manjit Kaur DBA City Truck & Tire Repair, is requesting a Special Use Permit for the operation of an automotive sales facility as a tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. The applicant currently operates at 6666 Inland Drive. This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-041.

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 June 13, 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:

- Harjot Singh, applicant, 2205 South 88th Street, Kansas City, Kansas, 66111, representing both applications

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:01:37: Planning Director Hand stated that these two (2) special use permits are being heard together as these are two tenants co-locating in the same building at this address. These are two (2) separate businesses, and each requires its own special use permit. This property is in the Riverview neighborhood of the City-Wide Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. The property is not in the floodplain but basically everything south of Kaw Drive is in the floodplain. He further stated that both projects need to comply with the Commercial Design Guidelines even though they are in an industrial district. Staff included conditions of approval from the Commercial Design Guidelines such as restriping the parking lot, enhanced landscaping, fixing some of the curbs and other improvements to the property. Staff would like to add a condition of approval that says it needs to meet the Commercial Design Guidelines and all of the things that are required by this type of special use permit use in the Code of Ordinances. All of the items in the Commercial Design Guidelines were not listed but can be picked up at the building permit stage. Staff recommends approval subject to the revised conditions.

Motion starts at 4:03:40:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-041:**

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

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

Subject to:

- 1. Please provide an inventory of all structures and their status with LOMR-F;**
- 2. The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;**
- 3. The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;**
- 4. The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;**

5. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;
6. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
12. 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 percent (1%) 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 property 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;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating

- within the components during conditions of flooding;
14. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;
 15. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
 16. 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;
 - c. 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:
 - i. Certificate of elevation shall be provided when the top of the first floor has been constructed;
 - ii. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
 17. 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;
 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle

- parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 20. Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;
 21. 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;
 22. Compliance with the Commercial Design Guidelines to be reviewed at the DRC;
 23. 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,
 24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of SP2022-047:

Carson **Chairman**

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

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

Subject to:

1. Please provide an inventory of all structures and their status with LOMR-F;
2. The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;
3. The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;
4. The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;
5. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;
6. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
12. 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 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 property 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;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
14. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;
15. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that
- a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
16. 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;
 - c. 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:
 - i. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - ii. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO).
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement

- staff upon request;
21. Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;
 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 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 Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 4:06:18:

SPECIAL USE PERMIT APPLICATION SP2022-048 – COPART OF KANSAS, INC. -

SYNOPSIS: Renewal of a Special Use Permit (SP-20209-24 – expires 7/30/2022) to continue to store boats, trailers, vehicles, construction equipment and farm equipment for retail sales at 8440 Gibbs Road.

Detailed Outline of Requested Action: The applicant, Jay Healy with George Butler Associates Inc, is seeking the renewal of a Special Use Permit SP2020-029 which expires on July 30, 2022 to store damaged and undamaged boats, operable and inoperable trailers, vehicles, construction equipment, and farm equipment for retail sales at 8440 and 8600 Gibbs Road. The property will also be used for wholesales online retail auctions and will feature an accessory office to handle shipping and receiving as well as customer parking.

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 June 13, 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:

- Ben Stephens, representing the applicant, 34485 East Hayden Lake Road, Hayden, Idaho

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:11:48: Planning Director Hand stated that this Special Use Permit renewal will be their first renewal and potentially second approval. This property is in the Riverview area in the City-Wide Master Plan. Staff has received no letters in support and one (1) letter in opposition. Director Hand stated that there is an outstanding building permit because they have not completed all of their conditions of approval related to the project. They are asking to change one (1) of the conditions of approval which can be done during renewal. Because they have not completed their project and not met all of their conditions of approval, Staff recommends denial. Director Hand stated that he believes there is a solution to this issue that he can discuss with the Commission.

Chairman Carson asked the applicant to explain the building permits that he has acquired. After his explanation, the applicant stated that he was not aware that one (1) of the building permits was not closed out and will take care of it.

Director Hand stated that there are many types of building permits and the one that has not been closed out is the site permit. That is what gets closed out when all the landscaping, sidewalks and fences are completed. That is why Staff is recommending denial as this permit has not been closed out. If the Planning Commission wishes to recommend approval of this application, the condition concerning the masonry columns would need to be amended or deleted on the north façade. If that is the recommendation, staff would request some enhanced landscaping on the north façade, in addition what was already planned. He further stated that when renewals come before the Commission and the previous conditions of approval have not been met, Staff will continue to recommend denial. Director Hand stated that if this application is approved, the Special Use Permit ordinance can be held until the building permit is closed out.

Mr. Stevens stated that there was some confusion on the site plan as they built to the approved site plan that they had, which was apparently not the correct plan. They would have to take down the fence on the back and rebuild with the columns included.

Director Hand stated that when the application is called by Ms. Parker each month, part of what she states that is included in the case is: "The staff report and attachments dated June 13, 2022; The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;"

Motion starts at 4:29:25:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-048:**

Carson	Chairman
Connelly	Aye
Ernst	Aye

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

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

Subject to:

1. Enhanced landscaping along the north property line approved by Staff in lieu of the masonry columns;
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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
3. 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;
4. 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;
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. 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;
7. 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,
8. 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.

The Commission took a break from 4:31:38 to 4:36:50.

Hearing starts at 4:36:52:

SPECIAL USE PERMIT APPLICATION SP2022-052 – LINDA SIEMENS WITH CULTIVATE KANSAS CITY - SYNOPSIS: Renewal of a Special Use Permit (SP-2019-2 – expired 1/31/2021) to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 North 1st Street.

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 2089 North 1st Street on the Juniper Gardens Apartment Complex. The subject property is a large housing development in which half the buildings have been demolished, leaving the land vacant. This property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate

KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does sell farm products on site during quarterly sales of starter plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property since 2012. The Special Use Permits have been maintained except for last year's permit, as they had had no guidance on if their lease would be renewed at the time of the current Special Use Permit's Expiration.

SPECIAL USE PERMIT APPLICATION SP2022-053 – BRIEN DARBY WITH CULTIVATE KANSAS CITY - SYNOPSIS: Special Use Permit to keep storage containers and a greenhouse at 1810 North 1st Street.

Detailed Outline of Requested Action: The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 1810 North 1st Street as a continuation of the programming on the Juniper Gardens Apartment Complex. The subject property is known as Stowe Park and is adjacent to a large housing development in which half the buildings have been demolished, leaving the land vacant. The adjacent property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does not sell farm products on this site but utilizes the larger adjacent site at Juniper Gardens for sales. The Stowe Park site does incorporate plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmers markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property at Juniper Gardens since 2012 and is looking to expand with the purchase of Stowe Park. The Applicant is proposing two additional storage containers, a greenhouse, and a garden shed. These structures are temporary until further determination of the course of action is decided at the adjacent Juniper Gardens site.

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 June 13, 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:

- Linda Siemens, applicant, 300 East 39th Street, Kansas City, Missouri 64111
- Brien Darby, Cultivate Kansas City, 300 East 39th Street, Kansas City, Missouri 64111
- Samar Fetahovic, Manager of New Roots for Refugees Program 444 Shawnee Road, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:45:37: Planning Director Hand stated that these applications are being heard together. This is the fourth renewal and fifth potential approval. This is the New Roots for Refugees urban farm and there are several containers on each of the properties. This proposal is in Juniper Gardens in the Northeast Area Master Plan. Staff received no letters in support nor opposition. There are no Notices of Violation on either property. As a condition of approval, Staff has noted that any expansion of new containers on the site would require a new updated Special Use Permit. Staff recommends approval of both applications for two (2) years, subject to the conditions in the staff report.

Planning Commissioner Connelly asked Staff if anything can be done about the condition of Juniper Gardens regarding the overgrown weeds, etc.? Planning Director Hand stated this is a code enforcement issue and Staff will make a note of this and during the off-season if there is an issue, forward to the Property Compliance (Code Enforcement) Department.

Motion starts at 4:49:51:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-052:**

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

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

Subject to:

- 1) **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 2) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**

- 3) Should additional shipping containers be needed beyond seven (7), a modification to the Special Use Permit is required;
- 4) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 5) Any business or land use in Kansas City, KS 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) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin that process;
- 7) 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;
- 8) Any business in Kansas City, Kansas that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 9) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 10) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that

both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 11) 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,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of SP2022-053 for two (2) years:

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

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

Subject to:

- 1) The applicant must keep a current annual Business License/Occupation Tax Receipt;
- 2) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 3) Should additional shipping containers be needed beyond two (2), a modification to the Special Use Permit is required;
- 4) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

- 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) Any business or land use in Kansas City, KS 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.
- 7) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin that process;
- 8) Any business in Kansas City, Kansas that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 9) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 10) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 11) 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,

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

Hearing starts at 4:52:15:

SPECIAL USE PERMIT APPLICATION SP2022-055 – MARC WINKLER WITH PURPLE HOLDINGS, LLC - SYNOPSIS: Special Use Permit to operate a short-term rental at 620 Tenny Avenue.

Detailed Outline of Requested Action: The applicant, Marc Winkler, is seeking approval to operate a short-term rental at 630 Tenny Avenue. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed some renovations as it was a distressed property.

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 June 13, 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:

- Marc Winkler, applicant, Purple Holdings, LLC, 11100 North 72nd Terrace, Shawnee, Kansas 66203

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:54:15: Planning Director Hand stated that the request is for a short-term rental. The property is located in the Strawberry Hill area in the Central Area Master Plan. Staff has received no letters in support nor in opposition. There are some old notices of violation on this property but all of them have been addressed through the rehabilitation and redevelopment of the property by the applicant. He stated that the

applicant is seeking a maximum of four (4) people and one (1) car. Staff has included some conditions of approval pertaining to making sure that using a residential property for a commercial use is up to code. Staff has been asking all short-term applicants to comply with the list of requirements pertaining to their use. Staff has requested that these items be completed by the Board of Commissioners meeting. Director Hand stated that he would note that this is a legal non-conforming property and in this zoning district two off-street parking spaces are required. This is a narrow lot, and the site is so constrained that only a one-car garage is able to fit off the alley to the rear of the property. The applicant has not changed the building footprint or expanded the square feet but has converted one (1) of the rooms into a second bedroom. There may be people that come to the site that may need to park one (1) car on the street. If the garage was torn down and a pad for two (2) cars was constructed, a variance might be necessary depending on how much concrete is needed to build the two-car pad. Staff recommends approval for one (1) year as this is a new application, subject to the conditions in the staff report. If the conditions are not completed by the June 30th meeting, Staff will hold the Special Use Permit ordinance.

Motion starts at 4:58:55:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-055 for one (1) year:**

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

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

Subject to:

- 1. The following building repairs must be made prior to any guest or tenant occupation:**
 - a. Repair the mortar around the front wall near stairs.**
 - b. Repair holes in the siding at ground level where pests could enter.**
 - c. Repair mortar on garage.**
 - d. Repair holes in soffit/fascia where there are signs of rodent/pest infestation.**
 - e. Repair windows. All windows must be operable with ease.**
 - f. Evidence of working GFCI outlet receptacles shall be given in the kitchen, bathrooms, or any weather exposed areas.**
 - g. Smoke and Carbon Monoxide detectors must be present and in verifiable working condition.**
 - h. The sump pump must be in working condition, complete with a cover.**
 - i. Railing must be replaced on the front porch and up the front stairs.**
- 2. Maximum number of guests shall be four (4);**
- 3. All parking must be off-street, maximum number of vehicles is one (1);**

4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. 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;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper main entrance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. 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 (website);
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. 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;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that 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;
13. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is

not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

Hearing starts at 5:00:14:

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 59th 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 59th 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 June 13, 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:

- Tobias Sandoval, applicant, 3914 North 59th Street, Kansas City, Kansas 66104
- James Mallinson, 4125 North 59th Street, Kansas City, Kansas 66104

Present in Opposition:

- Andrew Burke, 3948 North 59th Street, Kansas City, Kansas 66104
- Keith Gann, 3959 North 60th Street, Kansas City, Kansas 66104
- Peter Kovac, 4023 North 59th Street, Kansas City, Kansas 66104 had been present but had to leave and Mr. Burke read his comments into the record.

Staff Recommendation starts at 5:13:25: Planning Director Hand stated that this Special Use Permit is for the temporary use of land which means that according to code it is only for two (2) years maximum with no renewal with this case and any temporary uses of land moving forward with the Unified Government. The applicant is using the property for his commercial business. This property is in the north midtown neighborhood in the City-Wide Master Plan. Staff has received no letters in support and has received letters in opposition.

There are Notices of Violation on the property relating to this use which necessitated the Special Use Permit; it started as a code violation case. Staff has worked with the applicant on hours of operation, ingress and egress with his employees and the equipment and storage on-site. Director Hand stated that the Fire Department issues and enforces all burn permits in response to one of the questions by the opposition. Staff recommends approval for two (2) years to allow the applicant time to find a location for his equipment and employees, subject to the conditions in the staff report.

Motion starts at 5:16:15:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-056 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 9 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 59th 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 60th Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59th Street;**
9. **All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59th 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 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 5:17:30:

PRELIMINARY PLAT APPLICATION PLAT2022-013 – WIL ANDERSON WITH BHC RHODES - SYNOPSIS: Preliminary Plat for the Rock Island Commercial Development (Rock Island Bridge on the Kaw) at 0 Kansas Avenue (557 River Park Drive).

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC, is requesting to preliminary plat one (1) commercial lot to create a parcel for the Rock Island Bridge at 0 Kansas Avenue (proposed address).

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 June 13, 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:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:20:00: Planning Director Hand stated that staff recommends approval subject to the conditions in the staff report.

Motion starts at 5:20:25:

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE PLAT2022-013:**

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

Motion to **APPROVE** Passed: 9 to 0

Subject to:

1. **The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA.**

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. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds.
 - b. \$7.00 per lot payable to the Unified Treasurer;
3. 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;
4. Utility easements shall connect with easements established in adjoining properties;
5. 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,
6. Proposed development within this preliminary plat will require civil drawings to accompany the condominium plat as final plat.

Hearing starts at 5:21:30:

MPL2022-012 - Consideration of an amendment to special use permits for telecommunications towers on light poles used for stadiums and athletic fields in residential zones; amending **Section 27-593** of Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

Present in Support:

- Gunnar H. Hand, AICP, Director of Planning

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:23:40: Planning Director Hand stated that Staff recommends approval.

Motion starts at 5:24:10:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of this ordinance amendment:

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

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

Hearing starts at 5:25:05:

MPL2022-013 AN ORDINANCE (Streets for People) permanently expanding the ability of farmers' markets, mobile vending, and mobile markets to sell food, drinks, and merchandise on public rights-of-way and parking lots, amending portions of **Sections 27-340, 27-608 to 27-614, and 27-617 to 27-620** to, and removing **Section 27-621** from, Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

AN ORDINANCE permanently expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots and parklets, and allowing Open Streets for recreational use, amending **Sections 32-62, 32-100 to 32-102 and 32-185**, Article III and **Sections 32-380 to 32-381**, Article VIII, and removing **Sections 32-103 and 32-186**, Article III, and **Section 32-186**, Article VIII of Chapter 32 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

Present in Support:

- Gunnar H. Hand, AICP, Director of Planning (presentation is part of this Zoom meeting.)

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:38: Planning Director Hand stated Staff recommends approval. Director Hand stated there is one (1) change staff would like to made and that is to collection bins. This is recycling collection bins, ripple glass in particular. Staff included it in the accessory uses when updating the code. The ripple glass in the text in front of the Commission says it has to be 20 feet from the rear and Staff meant to allow it in the rear or side yard. Those standards do include screening for adjacent residential uses no matter where they are located on the site. With that one small change, and any grammatic or typographical errors, Staff would ask for grace to do one (1) final review of both of these ordinances.

Motion starts at 5:45:35:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of the amendment to Chapter 27 with the changes proposed by Staff:**

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

Armstrong
Beth

Aye
Aye

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

There being no further business, the meeting adjourned 11:47 p.m.