

# CITY PLANNING COMMISSION

MARCH 13, 2023

## MINUTES

The City Planning Commission met in regular session on Monday, March 13, 2023, at 8:04 p.m., (2:04) (via Zoom Webinar and in the Commission Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber), Mrs. Karen Jones, Vice Chairman (Zoom), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom – left at 10:15 p.m.), Mr. Jim Ernst, (Zoom), Mr. Jake Miller (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Mohler and Straws). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design, (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning + Urban Design (Zoom), and Mr. Jeff Conway, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 8:04 p.m.

The Planning Commission considered the following three (3) items as the corresponding appeal was held over at the Board of Zoning Appeals meeting.

### **CHANGE OF ZONE APPLICATION COZ2022-045 – CHAD SCHIMKE - SYNOPSIS:**

Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District to construct a self-storage facility at 13700 Marxen Road.

### **MASTER PLAN AMENDMENT APPLICATION MPL2022-026 – CHAD SCHIMKE -**

**SYNOPSIS:** Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road.

### **PRELIMINARY PLAT APPLICATION PLAT2023-001 – CHAD SCHIMKE - SYNOPSIS:**

Preliminary Plat to separate commercial and agricultural zoning at 13700 Marxen Road.

On motion by Mr. Miller, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER** these three (3) applications until the April 10, 2023 meeting:

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

**Motion to HOLD OVER Passed: 7 to 0**

Recording Secretary Parker read the Planning Commission Statement (2:09:20): “We would like to welcome those participating to the meeting of the City Planning Commission. The members are participating remotely by Zoom Webinar or in-person in

the Commission Chamber. Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

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

The Planning Commission is a voluntary body of citizens, which will review each zoning proposal. For all change of zones, special use permits, vacations, and preliminary plan reviews on tonight's agenda, the Planning Commission makes recommendations to the Unified Government Board of Commissioners, who will then make the final decisions on **Thursday, March 30, 2023**. For final plats and final plan reviews heard tonight, the Planning Commission's decision is final and there will not be another hearing. The format for this evening's meeting is as follows:

1. The applicant will make the opening statement explaining the proposal. Please note that the applicant will be given fifteen (15) minutes to present their case. The fifteen (15) minutes includes the applicant, consultants, and other members of the applicant's team.
2. Members of the Planning Commission will then address any questions they may have to the applicant. Any persons wishing to speak in favor will be called upon and allowed to do so at that time.
3. Then those persons in opposition will be called upon and allowed to make their statements and ask questions. Please note that each member of the public who wishes to speak will be given five (5) minutes to express their opinions. Time may not be shared between speakers.
4. A speaker may request to extend their time and the Planning Commission may by two-thirds (2/3) majority vote extend any speaker's time in five (5) minute increments.
5. The Chairman will ask for a show of hands of those person in support and in opposition that do not wish to speak.
6. The applicant will then answer questions and make a closing statement.
7. The public hearing portion of the meeting will be closed, and the public will only be allowed to address the Commission if a question is directed to them.
8. The Planning Commission will discuss the application and make their recommendation.

If persons in opposition want to formally protest a change of zone or special use permit, a means is available by a legal protest petition which can be obtained along with the necessary instructions, by emailing the Planning + Urban Design Department at [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org) tomorrow morning. Any application receiving a unanimous vote of recommendation by the Planning Commission will appear on the consent agenda of the Unified Government Board of Commissioners. Unless there is a request to remove an item from the consent agenda by the applicant, a member of the Unified Government Commission, or other interested parties, the Planning Commission's recommendation will be adopted. The consent agenda is heard at the beginning of the meeting at 7:00 p.m.

The Planning Commission will also have a consent agenda as part of their meeting this evening. The Consent Agenda is the first part of the agenda. Items on the Consent Agenda are Final Plats, Final Plans or Special Use Permit Renewals that have received a staff recommendation to approve. Unless there is a request to **REMOVE** an item from the Consent Agenda by the applicant, a member of the staff, a member of the Planning Commission or other interested parties, the staff recommendation on all the items on the Consent Agenda will be adopted by the Planning Commission at one time.

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

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

Please note that your opinions will be forwarded to the Governing Body for their consideration in making a final decision on **Thursday, March 30, 2023, at 7:00 p.m.**

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

## **CONSIDERATION OF THE FEBRUARY 13, 2023 PLANNING COMMISSION MINUTES**

**PLAT APPLICATION PLAT2023-003 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS, INC. – SYNOPSIS:** Final Plat (Unified Government Public Facilities No. 1, First Plat) for the Unified Government tow lot and facilities at 822 and 825 North 49<sup>th</sup> Street.

**PLAN REVIEW APPLICATION PR2023-007 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS, INC. – SYNOPSIS:** Final Plan Review for the Unified Government tow lot and facilities at 822 and 825 North 49<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, David Lotz with Continental Consulting Engineers, Inc. on behalf of the Unified Government Water Pollution Control and KCKPD, is seeking a Final Development Plan and Final Plat for three (3) lots and to build two (2) buildings totaling 77,314 square feet to develop evidence and tow lots on the property on 36.80 acres.

**PLAT APPLICATION PLAT2023-004 – CURTIS PETERSEN WITH POLSINELLI –**

**SYNOPSIS:** Final Plat (Homefield Margaritaville) for the Margaritaville Hotel and Resort at 9800 State Avenue

**PLAN REVIEW APPLICATION PR2023-008 – CURTIS PETERSEN WITH POLSINELLI –**

**SYNOPSIS:** Final Plan Review for the Margaritaville Hotel and Resort at 9800 State Avenue

*Detailed Outline of Requested Action:* The applicant, Brian Lavery with Continental Consulting Engineers, Inc., is seeking a Final Development Plan and Final Plat to plat one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant on 26.62 acres.

**PLAT APPLICATION PLAT2023-005 – KORB MAXWELL WITH POLSINELLI –**

**SYNOPSIS:** Final Plat (American Royal) for the American Royal development at 11645 American Royal Drive.

**PLAN REVIEW APPLICATION PR2023-009 – KORB MAXWELL WITH POLSINELLI –**

**SYNOPSIS:** Final Plan Review for the American Royal development at 11645 American Royal Drive.

*Detailed Outline of Requested Action:* The applicant, Korb Maxwell with Polsinelli PC, seeks a Final Development Plan and Final Plat to replat one (1) lot to build an 853,537 square foot American Royal complex, which includes two (2) arenas, one (1) barn, an education center, an outdoor arena, office and storage buildings on 125.55 acres.

**PLAT APPLICATION PLAT2023-008 – DUSTIN BURTON WITH RENAISSANCE**

**CONSULTING – SYNOPSIS:** Final Plat (Cottages of Village West) for a multi-family development at 11100 State Avenue.

**PLAN REVIEW APPLICATION PR2023-006 – DUSTIN BURTON WITH RENAISSANCE**

**CONSULTING – SYNOPSIS:** Final Plan Review for a multi-family development at 11100 State Avenue.

*Detailed Outline of Requested Action:* The applicant, Todd Thomas with CPC Land Acquisition Company LLC, seeks a Final Development Plan and Final Plat to plat one (1) multi-family lot to build cottage-style, single-family homes and duplexes totaling 232 units, a clubhouse, and other on-site amenities on 32.19 acres.

**PLAN REVIEW APPLICATION PR2023-002 – MATT GALLINGER WITH AMERICAN**

**CONCRETE COMPANY - SYNOPSIS:** Final Plan Review for a proposed addition to American Concrete Company at 6945 Inland Drive.

*Detailed Outline of Requested Action:* The applicant, Matt Gallinger, is requesting a Final Development Plan Review to add a 10,000 square foot addition and a crane to the American Concrete Company facility at 6945 Inland Drive.

**PLAN REVIEW APPLICATION PR2023-003 – RYAN SWINFORD WITH CHICK-FIL-A,**

**INC. – SYNOPSIS:** Final Plan Review for Chick-Fil-A site alterations to alter the drive-

through lanes to increase stacking capacity at 10770 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Ryan Swinford with Chick-Fil-A, is requesting a Final Plan Review at 10770 Parallel Parkway, for a site alteration to include one (1) additional drive-thru lane and a redesign of the parking lot.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda. Mr. Curtis Petersen requested the following items be removed from the Consent Agenda: PLAT2023-004, PR2023-008, PLAT2023-008, and PR2023-006. Planning Director Hand requested that PR2023-003 be removed from the Consent Agenda

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

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

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

**PLAT2023-0003/PR2023-007:**

1. **If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code;**
2. **By instrument of the plat, North 49<sup>th</sup> Street, south of Armstrong Avenue, and Ann Avenue shall be vacated, so the Unified Government does not have to maintain the street;**

3. Continue the public sidewalk along the north side of Armstrong Avenue, to the east entrance/exit in front of the CSI Lab building and connect to the internal sidewalk;
4. The laydown area, south of the Water Pollution Control building shall have paved (concrete or asphalt) drive aisles and the storage pads for equipment or materials may be asphalt millings;
5. Per Building Inspection Department:
  - (a) Caution is advised as part of this property may have been a prior fill site;
6. Downspouts and scuppers shall be painted to match the building/roof;
7. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses;
8. Remove chain link fence with fabric on the outside from the fence details;
9. The automatic gate shall match the proposed fencing;
10. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the removal of existing old growth trees during the land disturbance and grading process;
11. The areas around detention basin A and B shall be redesigned to include reforesting areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands;
12. The open area west of Lot 1 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand and record an open space deed, or at the very least note on the plat as to be preserved in perpetuity;
13. The tree stands east of the CSI building preserve in perpetuity as open space;
14. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
15. All landscaping shall be irrigated;
16. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure;
  - (a) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site

- orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
18. Exhaust fans/hoods and vents should be located in the rear and sides of the roofs, so these penetrations do not project above the roofline and are not visible from public view (North 50<sup>th</sup> Street, Armstrong Avenue and Muncie Drive);
  19. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. All utilities mounted on the wall must be painted to match the building. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
  20. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
  21. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
  22. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  23. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;
  24. No heavy, construction truck traffic other than employee parking traffic (i.e., restrict) off Muncie Drive;
  25. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west;
  26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to

- confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
29. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
  30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
  31. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

**PLAT2023-005/PR2023-009:**

1. Any proposed wind turbines must comply with the wind turbine ordinance;
2. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
3. State Avenue is classified as Class A Thoroughfare and 118<sup>th</sup> Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street;
4. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property;
5. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
6. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so drivers in vehicles are alert to look for pedestrians;
7. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. We are located at the Neighborhood Resource Center , 4953 State Avenue, Kansas City, KS 66101, (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);



8. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
9. Utility easements shall connect with easements established in adjoining properties;
10. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
11. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be painted to match the building. Overflow drains shall be at grade and hidden by vegetation;
12. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building;
13. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved are wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
14. Landscaping around the building and within parking lot islands shall be irrigated. This 2019 condition of approval was approved with the COZ #3210, American Royal Preliminary Plat, SP-2019-116, MP-2019-6;
15. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
16. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
17. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
18. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
19. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
20. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
21. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;

22. Due to the sloped roofs of the proposed buildings, all new All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by paneling that is harmonious with the building, in addition to landscaping and vegetation;
23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
24. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
25. All existing and future driveways must feature curb cuts that are constructed to UG standards;
26. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
27. All the below requirements shall be adhered to and be added as a general note on the plan set. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however all requirements must be completed for all items not secured by the bond;
28. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater

Quality, Streets, and Retaining Walls, or other requirements as applicable;  
and,

30. Per Section 27-210(j) All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

**PR2023-002:**

1. As part of the goDotte County-Wide Mobility Plan, a trail is to be constructed along Holiday Drive. The applicant shall construct a 10-foot-wide sidewalk/trail along the southern property line along Holiday Drive;
2. Any landscaping that has died must be replaced and replanted;
3. The drive aisle shall be concrete or asphalt. The lay down pads where materials are stored may be asphalt millings;
4. The new building addition shall match the existing building in materiality and fenestration;
5. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
6. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels;
7. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. The applicant has filed and maintained a current business occupation tax application;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

13. **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,**
14. **The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.**

Recording Secretary Parker stated that the Commission will consider the applications that were removed from the Consent Agenda.

**PLAT APPLICATION PLAT2023-004 – CURTIS PETERSEN WITH POLSINELLI –**

**SYNOPSIS:** Final Plat (Homefield Margaritaville) for the Margaritaville Hotel and Resort at 9800 State Avenue

**PLAN REVIEW APPLICATION PR2023-008 – CURTIS PETERSEN WITH POLSINELLI –**

**SYNOPSIS:** Final Plan Review for the Margaritaville Hotel and Resort at 9800 State Avenue

*Detailed Outline of Requested Action:* The applicant, Brian Lavery with Continental Consulting Engineers, Inc., is seeking a Final Development Plan and Final Plat to plat one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant on 26.62 acres.

**Appeared in Support:**

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48<sup>th</sup> Place, Suite 900, Kansas City, MO 64112

**Planning Director Recommendation:** Planning Director Hand stated Staff recommends approval with the changes noted by the developer's representative. He stated that the Board of Commissioners revised Conditions 1, 11 and 13 at the hearing on the Change of Zone application that need to carry over to these applications.

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to **APPROVE PLAT2023-004:**

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

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

**Subject to:**

- 1. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98<sup>th</sup> Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98<sup>th</sup> Street as part of the signalization project;**
- 2. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;**
- 3. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;**
- 4. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;**
- 5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide;**
- 6. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;**
- 7. Utility easements shall connect with easements established in adjoining properties;**
- 8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
- 9. Interconnect the detention basin sidewalks to the internal sidewalk network throughout this development;**

10. The five (5) foot sidewalk along the west side of the entrance drive from 98<sup>th</sup> Street shall continue north and connect to the internal sidewalk network within the development;
11. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building;
12. A 50-foot easement shall be provided throughout the site to connect Parallel Parkway, North 98<sup>th</sup> Street and North 94<sup>th</sup> Street as these are identified as trail connections in the goDotte Mobility Plan;
13. For future live entertainment:
  - (a) All entertainment must cease by at least 1:00 AM.
  - (b) Doors and windows must stay closed during any entertainment performance.
  - (c) Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
    - (i) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
    - (ii) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
    - (iii) An I.D. scanner will be used at all times;
    - (iv) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
  - (d) No amplified speakers or entertainment is allowed in outdoor spaces; and,
  - (e) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
14. Downspouts and scuppers shall be recessed into the corners of the buildings and painted to match the building;
15. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building;
16. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent.

The subject property 26.62 acres, requiring 299 trees be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;

17. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
18. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;

19. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
20. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
21. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
22. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
23. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
24. All landscaping shall be irrigated around the buildings and parking lot islands;
25. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
26. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
27. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to



- confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  29. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  30. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
  31. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
  32. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,

**Per Sec. 27-211(j) All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or designee.**

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to **APPROVE** Petition PR2023-008

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

MARCH 13, 2023



**Ernst**                    **Aye**  
**Jones**                   **Aye**  
**Miller**                  **Aye**  
**Mohler**                 **Not Present**  
**Straws**                 **Not Present**  
**Ward**                    **Aye**

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

**PLAT APPLICATION PLAT2023-008 – DUSTIN BURTON WITH RENAISSANCE CONSULTING – SYNOPSIS:** Final Plat (Cottages of Village West) for a multi-family development at 11100 State Avenue.

**PLAN REVIEW APPLICATION PR2023-006 – DUSTIN BURTON WITH RENAISSANCE CONSULTING – SYNOPSIS:** Final Plan Review for a multi-family development at 11100 State Avenue.

*Detailed Outline of Requested Action:* The applicant, Todd Thomas with CPC Land Acquisition Company LLC, seeks a Final Development Plan and Final Plat to plat one (1) multi-family lot to build cottage-style, single-family homes and duplexes totaling 232 units, a clubhouse, and other on-site amenities on 32.19 acres.

**Appeared in Support:**

- Curt Petersen, attorney representing the applicant, Polsinelli PC, 900 West 48<sup>th</sup> Place, Suite 900, Kansas City, MO 64112

**Planning Director Recommendation:**

- Planning Director Hand stated that this is the first time the Commission has reviewed a project with this typology. Staff recommends approval of these applications subject to the conditions as presented in the staff report, which does not include the deletion of Condition #1 as requested by the applicant’s representative. Director Hand showed the Commission on the plan the homes that Staff is recommending face State Avenue. The Planning Commission will need to review the deviation requested and determine whether or not to approve the request.

The Planning Commission directed questions to the Staff and the Applicant regarding the deviation.

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PLAT2023-008**

**Carson**                    **Chairman**  
**Armstrong**               **Aye**  
**Beth**                        **Aye**  
**Connelly**                  **Aye**  
**Ernst**                      **Aye**  
**Jones**                      **Aye**  
**Miller**                     **Aye**  
**Mohler**                    **Not Present**

**Straws**                      **Not Present**  
**Ward**                         **Aye**

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

**Subject to:**

- 1. Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk between these curb cuts;**
- 2. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;**
- 3. Greater emphasis needs to be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access;**
- 4. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees;**
- 5. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1 and B1;**
- 6. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site;**
- 7. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
- 8. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts;**
- 9. The final development plan will include FEMA compliant storm shelters either in the individual living units or in communal safe rooms located at the Clubhouse and/or Maintenance Building;**
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 11. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior**

alternative is to be provided.

- Install a five (5) foot sidewalk along the length of the property line adjacent to Delaware Parkway;
12. Per the goDotte Mobility Plan, a 10-foot concrete sidewalk/trail shall be constructed on State Avenue, along the entire southern property line at the right-of-way;
  13. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
  14. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
  15. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
  16. Utility easements shall connect with easements established in adjoining properties;
  17. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
  18. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade;
  19. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Hardy board (cementitious siding) is considered a masonry material. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that 40 percent of each façade is indeed stone or brick;
  20. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
  21. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site. Note on the Final Plat;
  22. Provide a site line cross-sections and perspective drawings of the development along Delaware Parkway, State Avenue, from the east and west property lines, and within the development itself;
  23. 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;
  24. Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in

addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district;

25. One (1) street tree shall be provided per 30 feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore 36 trees are required to be planted along State Avenue and 14 trees are required along the Delaware Parkway frontage;
26. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
27. All landscaping shall be irrigated;
28. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
29. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
30. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
31. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
32. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
33. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
34. All electrical meter banks, typically on the side of the building shall be screened from public view;
35. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
36. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified

- government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
37. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  38. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  39. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  40. 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;
  41. All the below requirements shall be adhered to and be added as a general note on the plan set. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however all requirements must be completed for all items not secured by the bond;

- 42. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
- 43. 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,
- 44. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PR2023-006**

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

**Motion to recommend APPROVAL Passed: 6 to 1**  
**Subject to the above conditions.**

**PLAN REVIEW APPLICATION PR2023-003 – RYAN SWINFORD WITH CHICK-FIL-A, INC. – SYNOPSIS:** Final Plan Review for Chick-Fil-A site alterations to alter the drive-through lanes to increase stacking capacity at 10770 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Ryan Swinford with Chick-Fil-A, is requesting a Final Plan Review at 10770 Parallel Parkway, for a site alteration to include one (1) additional drive-thru lane and a redesign of the parking lot.

Planning Director Hand stated that Staff removed this item from the Consent Agenda to add the same condition that was added to the Board of Zoning Appeal case regarding the sidewalk connection that is reflected on the plans but he also wants it in the conditions.

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PR2023-003**

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>

Miller                   Aye  
Mohler                  Not Present  
Straws                  Not Present  
Ward                    Aye

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. The site design shall be in compliance with all materials submitted to Staff as part of PR2023-003, including canopy materials, pedestrian access facilities, parking, and landscaping;
2. Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department. Applicant shall submit an irrigation plan sheet when landscape plan is approved;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
5. This City Planning Commission case is being heard in conjunction with BOZA2023-002. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-002 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
6. The applicant has filed and maintained a current business occupation tax application;
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. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
9. Section 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 54,635 square feet, requiring eight (8) trees be provided on the site plan;
10. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
11. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on

- the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
12. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
  13. As per the Planning Director's interpretation of the Commercial Design Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans: Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized; Lighting shall be installed to have a 90-degree cutoff; and, in addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
  14. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
  15. The Department of Planning & Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
  16. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
  17. A direct pedestrian connection shall be constructed from the sidewalk along Parallel Parkway to the primary pedestrian entrance of the existing building.

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

**Hearing starts at 2:45:21:**

**CHANGE OF ZONE APPLICATION COZ2022-037 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS:** Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to construct a multi-family property with group home and



transitional housing at 915 Barnett Avenue.

**MASTER PLAN AMENDMENT MPL2022-024 – COLBY KIRK WITH CAP OUT INVESTMENTS, LLC – SYNOPSIS:** Master Plan Amendment from Urban Density (Central Area Master Plan) to Medium-Density Residential (Central Area Master Plan) at 915 Barnett Avenue.

**SPECIAL USE PERMIT APPLICATION SP2022-092 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS:** Special Use Permit to operate a group home and transitional housing at 915 Barnett Avenue.

Detailed Outline of Requested Action: The applicant, Colby Kirk, with Cap Out Investments LLC, has filed a Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District, Master Plan Amendment from Urban Density to Medium Density Residential (Central Area Master Plan) and a Special Use Permit for temporary/transitional housing for 9 residential units.

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

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

**Present in Support:**

- Colby Kirk, applicant, 4300 Harrison Street, Kansas City, Missouri 64110
- Rachel Erpelding, Executive Director, Kim Wilson Housing

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:53:35:** Planning Director Hand stated that these applications are in conjunction with Appeal BOZA2022-050 which was approved earlier this evening. The property is located in the Central Area Master Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation due to the property being vacant and they will be addressed with this proposed development. Staff recommends approval of these applications with the conditions in the staff report.

**Motion starts at 2:55:25:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as

follows to recommend **APPROVAL** of Master Plan Amendment Application  
**MPL2022-024:**

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

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

**Subject to:**

- 1. This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;**
- 2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9<sup>th</sup> Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;**
- 3. Provide the contact information of property manager to the residents in the neighborhood;**
- 4. Implement the following items into the residence:**
  - a. Working smoke detectors in each bedroom plus each level of the unit/house;**
  - b. GFCI outlets required in bathrooms;**
  - c. Double keyed locks are not allowed;**
  - d. Copper cannot be used for gas supply lines;**
  - e. Windows must be operable, not blocked or boarded;**
  - f. Handrails are required at sets of four (4) or more stairs/ risers;**
  - g. Hot water tank and furnace must be vented properly and operational; and,**
  - h. Electric panel and circuits must be safe.**
- 5. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;**
- 6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;**
- 7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;**
- 8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;**
- 9. Preserve the trees in the front and rear yard;**
- 10. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;**

11. **Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;**
12. **All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;**
13. **All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;**
14. **All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;**
15. **All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;**
16. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;**
17. **Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;**
18. **If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);**
19. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
20. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
21. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
22. **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;**
23. **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;

24. 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;
25. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-037:**

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

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

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-092:**

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

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

**Hearing starts at 2:58:00:**

**CHANGE OF ZONE APPLICATION COZ2022-053 – ADAM WILLIAMS - SYNOPSIS:**

Change of Zone from RP-1A Planned Two Family and A-G Agriculture (WYCO) Districts to RP-2 Planned Two Family District for attached two (2) family home development at 12601 Hollingsworth Road and 12600 Par Lane (Dub’s Dread Golf Course).

**MASTER PLAN AMENDMENT MPL2022-030 – ADAM WILLIAMS – SYNOPSIS:** Master Plan Amendment from Open Space (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) at 12601 Hollingsworth Road and 12600 Par Lane (Dub’s Dread Golf Course).

*Detailed Outline of Requested Action:* The applicant, Adam Williams, seeks to rezone 12601 Hollingsworth Road and 12600 Par Lane from A-G Agriculture and RP-1A Planned Suburban Residential Districts (WYCO) to RP-2 Planned Two Family District to build 78 duplex buildings, totaling 156-units on 41.94 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 March 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson, Commissioner Miller, Commissioner Beth and Commissioner Ward stated that they have been contacted by numerous adjoining property owners.

**Present in Support:**

- Mr. Minnis, 1189 North 400 Road, Baldwin City, Kansas 66006
- Frank Bryant, 12801 Hollingsworth Road, Kansas City, Kansas 66109
- Greg Kindle, Wyandotte Economic Development Council
- Kevin Burgess, 12816 Hollingsworth Road, Kansas City, Kansas 66109

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- There 18 persons present that did not speak
- David Brooke, 4729 Canaan Lake Drive, Kansas City, Kansas, and also speaking on behalf of the Piper Lake Homeowners Association
- Sara Miller, 4814 North 130<sup>th</sup> Street, Kansas City, Kansas 66109
- Jerry Godell, 12410 Meadow Lane, Kansas City, Kansas 66109
- Cheryl Edwards, 12525 Hollingsworth Road, Kansas City, Kansas 66109
- Bill Edwards, 12525 Hollingsworth Road, Kansas City, Kansas 66109
- Mike Young, 5217 North 123<sup>rd</sup> Street, Kansas City, Kansas 66109
- Jerry Smith, 13030 Augusta Lane, Kansas City, Kansas 66109
- Nancy Zielke, 12421 Hollingsworth Road, Kansas City, Kansas 66109
- Gary Wietharn, 5030 North 130<sup>th</sup> Street, Kansas City, Kansas 66109
- Sharon McMillian, 5227 North 130<sup>th</sup> Terrace, Kansas City, Kansas 66109
- Tom McMillian, 5227 North 130<sup>th</sup> Terrace, Kansas City, Kansas 66109
- Laura Arenas

**Staff Recommendation starts at 4:06:11:** Planning Director Hand stated that the request is for 78 duplex buildings totaling 156 units on 41.94 acres around Dub’s Dread Golf Course. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received one (1) letter in support and multiple letters in opposition including the testimony given this evening. Director Hand stated that there are no Notices of Violation on this property. Staff recommends approval of the Change of Zone application, which includes a preliminary development plan. The Applicant will need to come back with a Final Development Plan and Final Plat for consideration. Staff focused on pedestrian-connectivity as well as future amenities. If the Commission is concerned about when the amenities would be built, Staff would recommend amending Condition #5 to include the amenities in Phase 1 of the development. There is a history in this area of developers wanting to develop property and then were hit with the 2008 crash and did not fulfill their commitments. Staff recommends holding over this case to a designated time if the Commission feels that a traffic study and additional stormwater reviews are warranted. He stated that the land use allows more density than what is being proposed. This project pulls out the land use from the Prairie-Delaware-Piper Master Plan and into the City-Wide Master Plan as that plan only allows multi-family developments with multiple typologies (e.g. townhouses, single-family).

The Planning Commission directed questions to Staff.

**Motion starts at 4:15:15:**

On motion by Mr. Miller, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2022-030 due to incompatibility with the neighborhood and plan as the area is single-family homes and there are no duplexes in the area:**

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

**Ernst**                    **Aye**  
**Jones**                   **Aye**  
**Miller**                  **Aye**  
**Mohler**                 **Not Present**  
**Straws**                 **Not Present**  
**Ward**                    **Aye**

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

On motion by Mr. Miller, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2022-053 due to incompatibility with the character of neighborhood:**

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

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

Planning Commissioner Connelly left the meeting at 10:15 p.m.

**Hearing starts at 4:17:40:**

**CHANGE OF ZONE APPLICATION COZ2023-002 – ANDREW GRIBBLE/KIMLEY HORN & ASSOCIATES - SYNOPSIS:** Change of Zone from No Zoning to RP-5 Planned Apartment District for a proposed multi-family apartment development at 6909 State Avenue.

**MASTER PLAN AMENDMENT MPL2023-003 – ANDREW GIBBLE/KIMLEY HORN & ASSOCIATES – SYNOPSIS:** Master Plan Amendment from No Designation to High-Density Residential (City-Wide Master Plan) for a proposed multi-family apartment development at 6909 State Avenue.

Detailed Outline of Requested Action: The applicant, Gabe Fritz, is requesting a Change of Zone from No Zone to RP-5 Apartment District and a Master Plan Amendment from no designation to High-Density Residential to construct the Winterwood multi-family development at 6909 State Avenue. The development will consist of 8 four (4) story buildings totaling 192 total units.

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 March 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,

7. The Notices to property owners.

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

**Present in Support:**

- Curt Petersen, attorney representing the applicant and Winterwood LLC, the developer, 800 West 48<sup>th</sup> Street, Kansas City, Missouri

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:35:25:** Planning Director Hand stated that the request is for an apartment development. The property is in the City-Wide Master Plan in the Mid-Town area. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval of the project but denial of the requested deviations. He stated that Staff would accept the deviation regarding the downspouts in Condition #2. Staff feels that it is important to follow the Multi-Family Guidelines. If there are issues with traffic there are other alternatives such as traffic calming, drive aisle, etc.

The Planning Commission directed questions to Staff.

**Motion starts at 4:42:40:**

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of MPL2023-003:**

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

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

**Subject to:**

1. **The applicant is seeking a deviation from the Multi-Family Design Guidelines requirement to orient buildings towards the roadway.**
  - a. **The City Planning Commission did not grant this deviation, therefore the following conditions shall apply:**
    - i. **The Final Site Development Plan shall demonstrate the positions of Building #2 and the adjacent parking lot to the South being swapped, to where Building #2 fronts State Avenue; and,**



- ii. Applicant shall provide either a six (6) foot tall opaque fence or additional, enhanced landscape screening along the eastern property line in their final site development plan.
2. Downspouts will be painted to architecturally blend into the building and/or recessed into the corners of buildings as to not be in plain view of the public.
3. Additional crosswalk markings and signage shall be added to the site plan prior to the Final Site Development Plan;
4. Bike racks should be provided throughout the site to allow for bike storage. The applicant shall demonstrate this on the Final Site Development Plan;
5. The siding shall not consist of batten board. The lap siding shall be installed horizontally and should be of a cementitious material;
6. 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. The site is 10.04 acres, which requires 97 trees, exclusive of the street trees and parking lot island trees requirements;
7. Sec. 27-577(b)(3) Street trees are required to be provided for every thirty (30) feet of street easement or frontage. As part of the future Final Development Plan the landscape plan shall reflect this requirement along State Avenue and College Parkway;
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
9. All landscaping shall be irrigated;
10. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;

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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. 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;
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
19. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and

requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

20. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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,
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-002:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0  
**Subject to the above conditions.**

**Hearing starts at 4:46:45:**

**SPECIAL USE PERMIT APPLICATION SP2023-001 – ADAM AND DANIELLE BOYLE WITH 526 PROPERTIES LLC - SYNOPSIS:** Special Use Permit to operate a short-term rental at 802 North 82<sup>nd</sup> Terrace.

Detailed Outline of Requested Action: The applicants, Adam and Danielle Boyle, are requesting a Special Use Permit to operate a short-term rental at 802 North 82<sup>nd</sup> Terrace. This is not the owner’s primary 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 March 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Adam Boyle, applicant

**Present in Opposition:**

- Mary Slane, 8211 Ann Avenue, Kansas City, Kansas

**Staff Recommendation starts at 4:53:** Planning Director Hand stated that the request is for a Special Use Permit for a short-term rental. This is not the owner’s primary residence with off-site management. The property is in the City-Wide Master Plan area in the Mid-Town area. Staff has received no letters in support nor opposition. There are no Notices of Violation or police reports. Staff recommends approval for one (1) year with three (3) cars maximum off-street and a total of seven (7) people maximum.

**Motion starts at 4:53:40:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-001 for one (1) year:**

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>

**Mohler**                      **Not Present**  
**Straws**                     **Not Present**  
**Ward**                        **Aye**

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

**Subject to:**

- 1. The applicant shall provide proof to staff of the following repairs prior to their ordinance being approved by the Board of Commissioners**
  - a. The stairs shall be repaired or replaced to create a consistent height between stairs;**
  - b. The basement stairs shall have a fire barrier installed;**
  - c. An anti-tip bracket shall be installed on the gas range/stove;**
  - d. A TPR valve shall be installed on the water heater that extends to within 6” of the floor;**
  - e. The trees in the rear yard shall be trimmed to clear branches from the overhead service wires;**
  - f. The abandoned wiring shall be removed from the electrical panel;**
  - g. Any identified ungrounded outlet shall be grounded;**
  - h. Replace the flexible gas line with a rigid gas line; and,**
- 2. 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;**
- 3. Maximum number of guests shall be seven (7);**
- 4. All parking must be off-street, maximum number of vehicles is three (3);**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must maintain liability insurance;**
- 7. Applicant must maintain the property’s physical condition through the duration of the permit;**
- 8. All reservations shall be a minimum stay of 24 hours;**
- 9. No meals shall be prepared in the dwelling by the owner or owner’s agent;**
- 10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;**
- 11. The owner or owner’s agent/operator shall provide a guest book with the following information:**
  - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
  - b. A lead-based paint notification for any property built before 1978.**
  - c. An asbestos notification for any property built before 1981.**

- d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations.
  13. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
  14. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
  15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
  18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,

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

**Hearing starts at 4:54:45:**

**SPECIAL USE PERMIT APPLICATION SP2023-003 – ALEXANDRA BURNHAM WITH SPRINGFIELD LLC - SYNOPSIS:** Special Use Permit to operate a short-term rental at 4101 Fisher Street.

*Detailed Outline of Requested Action:* The applicant, Alexandra Barnum, is requesting a Special Use Permit to operate a short-term rental at 4101 Fisher Street. This is not the applicant's primary 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 March 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Alexandra Burnham, applicant, 3430 Gall Ocean Drive, Fort Lauderdale, Florida
- Tyler Shirk, property manager for the applicant

**Present in Opposition:**

- Terry Smith, 5950 Sherry Lane, Dallas, Texas

**Staff Recommendation starts at 5:03:30:** Planning Director Hand stated that this is another new short-term rental with no on-site manager. The property is located in the Rosedale Area Plan. Staff has received no letters in support but has received letters in opposition. There are no Notices of Violation. Staff recommends approval for one (1) year with a maximum of seven (7) people and three (3) off-street parking spaces.

**Motion starts at 5:04:15:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-003 for one (1) year:**

**Carson** Chairman

MARCH 13, 2023

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

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

**Subject to:**

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 2. All repairs must be made to the property prior to operation;**
- 3. Maximum number of guests shall be seven (7);**
- 4. All parking must be off-street, maximum number of vehicles is three (3);**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must maintain liability insurance;**
- 7. Applicant must maintain the property's physical condition through the duration of the permit;**
- 8. All reservations shall be a minimum stay of 24 hours;**
- 9. No meals shall be prepared in the dwelling by the owner or owner's agent;**
- 10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 11. The owner or owner's agent/operator shall provide a guest book with the following information:**
  - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
  - b. A lead-based paint notification for any property built before 1978.**
  - c. An asbestos notification for any property built before 1981.**
  - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);**
- 12. The property must remain in proper maintenance and free of hazards, pests, or infestations.**
- 13. The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
- 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that**



- both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. 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;
  16. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
  17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
  18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

**Hearing starts at 5:05:15:**

**SPECIAL USE PERMIT APPLICATION SP2023-004 – TOM PROEBSTLE WITH SKYLINE PROPERTY DEVELOPMENT, LLC - SYNOPSIS:** Special Use Permit to operate a short-term rental at 10 South Hallock Street.

*Detailed Outline of Requested Action:* The applicant, Tom Proebstle, is seeking approval to operate a short-term rental with event space at 10 South Hallock. The resident is not owner’s primary address. Additionally, the home is set to be demolished as the site is approved for a future high-rise apartment development.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

**Present in Support:**

- Tom Proebstle, applicant, Skyline Property Development, 1615 Baltimore Avenue, Kansas City, Missouri
- Steve Simpson, partner

**Present in Opposition:**

- Jerri Moulder, 31 South Hallock, Kansas City, Kansas 66101

**Staff Recommendation starts at 5:13:52:** Planning Director Hand stated that this is a new applicant requesting continuation of a short-term rental at this address with no on-site manager. The property is in the Central Area Plan. Staff has received no letters in support, but has received letters in opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year with a maximum of seven (7) people and three (3) off-street parking spaces. He stated that the building has been modified for offices, but it can still be lived in for a short period of time. The previous application was for an event space and short-term rental. This request is only for a short-term rental. The building was originally a law office.

**Motion starts at 5:15:18:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-004 for one (1) year:**

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

**Motion to recommend APPROVAL Passed: 5 to 1**

**Subject to:**

- 1. Maximum number of guests shall be 7;**
- 2. All parking must be off-street, maximum number of vehicles is three (3);**
- 3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 4. Applicant must maintain liability insurance;**
- 5. Applicant must maintain the property's physical condition through the duration of the permit;**
- 6. All reservations shall be a minimum stay of 24 hours;**
- 7. No meals shall be prepared in the dwelling by the owner or owner's agent;**
- 8. 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;**
- 9. The owner or owner's agent/operator shall provide a guest book with the following information:**
  - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
  - b. A lead-based paint notification for any property built before 1978.**
  - c. An asbestos notification for any property built before 1981.**
  - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);**
- 10. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 11. Entertainment hours are limited to 10:00 AM to 12:00 AM;**
- 12. All entertainment must cease by 11:00 PM;**
- 13. All other applicable noise ordinance standards must be followed per Section 22-128;**
- 14. Doors and windows must stay closed during any entertainment performance;**
- 15. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 16. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the**

- applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
  18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
  21. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,
  22. 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.

Director Hand addressed Mrs. Moulder's question about the notices not being sent in Spanish. In the current notice there is a paragraph in Spanish at the bottom of the notices directing people how to request assistance with an interpreter.

**Hearing starts at 5:18:10:**

**VACATION APPLICATION VAC2023-001 – RYAN SIMPSON WITH OLSSON -  
SYNOPSIS:** Vacation of right-of-way at 438 South 26<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The Applicant, Ryan Simpson DBA Olsson, is seeking approval for the vacation of the Right-of-Way at 2600 Bayard Avenue. The subject property is a roadway that runs parallel to the Union Pacific Railroad tracks that lie South of City Park and Interstate I-70. The Vacation has been requested to privatize the roadway as part of the construction of a detention pond with a controlled access gate for the Union Pacific Railroad Company as part of a larger improvement project. An additional portion of the property has been dedicated for public Right-of-Way as an alternative route to reach the Levee Trail, which was previously accessed via the area requested to be vacated.

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

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

**Present in Support:**

- Ryan Simpson, Olsson Associates, 2111 South 67<sup>th</sup> Street, Suite 200, Omaha, Nebraska 68106
- Ben Jones, Union Pacific Railroad

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 5:21:45:** Planning Director Hand stated that Staff has been working with the railroad on this vacation at the end of 26<sup>th</sup> Street in Armourdale. The Unified Government will retain access for both the Kaw Valley Drainage District and future bike/pedestrian connections access easement as part of the application. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 5:22:29:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2023-001:**

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

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

**Subject to:**

- 1. An access agreement with the Kaw Valley Drainage District shall be maintained;**
- 2. Construction and access shall be coordinated with the Kaw Valley Drainage District and associated parties or contractors to ensure smooth transition and access to any roadway during construction phases;**
- 3. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;**
- 4. 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;**
- 5. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;**
- 6. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,**
- 7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

**Hearing starts at 5:23:22:**

**PLAT APPLICATION PLAT2023-002 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS:** Preliminary and Final Plat (Oakland Acres) to create five (5) residential lots at 1030 Oakland Avenue.

*Outline of Requested Action:* The applicant, Austin Thompson, is requesting a Preliminary and Final Plat to create five (5) residential lots (Swift Estates) at 1026-1038 Oakland Avenue. This is a replat of Lots 41-50 of the Wyandotte City Plat.

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

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

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

**Present in Support:**

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

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 5:25:26:** Planning Director Hand stated that the request is for a preliminary and final plat to create five (5) lots out of three (3) Landbank lots. If the plat is approved, the five (5) lots could be developed either as duplexes or single-family homes. This property is in the Northeast Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the three (3) parcels of land. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 5:25:58:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2023-002:**

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

**Straws**                      **Not Present**  
**Ward**                        **Aye**  
**Motion to APPROVE Passed: 6 to 0**  
**Subject to:**

1. When the mylars are submitted to Planning and Urban Design Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$6.00 per lot payable to the Unified Treasurer;
2. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspector@wycokck.org](mailto:buildinginspector@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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,
7. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

**Hearing starts at 5:27:00:**

**PLAT APPLICATION PLAT2023-006 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS:** Preliminary and Final Plat (Canaan Lake West Estates) to split the lot at 12602 Hollingsworth Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.



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

**Present in Support:**

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

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 5:20:00:** Planning Director Hand stated that since the corresponding variance application was denied earlier this evening by the Board of Zoning Appeals, this plat has to be redrawn so it no longer needs the variance. Staff recommends that this application be held over for 30 days for the plat to be revised.

**Motion starts at 5:29:50:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Plat Application PLAT2023-006 for a revised preliminary and final plat to be submitted for the April 10, 2023 meeting:**

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

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

**Hearing starts at 5:30:47:**

**PLAT APPLICATION PLAT2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS:** Final Plat (Villas of Piper Valley) to add restrictions at 11465 Webster Avenue.

**PLAN REVIEW APPLICATION PR2023-037 – DARYL RAKOSKI - SYNOPSIS:** Preliminary and Final Plan Review to construct 62 single-family homes at 11465 Webster Avenue.

**Detailed Outline of Requested Action:** The applicant, Daryl Rakoski with Premium Buildings LLC, has applied for a Preliminary and Final Development Plan to add an additional floor plan (previously three (3) and reduce two (2) floor plan square footages below the 1,600 square foot Prairie Delaware Piper Master Plan Area 1 Single Family Detached Residential Unit Size requirement for Villas of Piper Valley, Phase 1 located at 11465 Webster Avenue). A Final Plat has been filed to amend the subdivision to make the development age restricted. The Capri floor plan is proposed to be 1,418 square feet, a

deviation of 182 square feet and the Palazzo floor plan is proposed to be 1,519, a deviation of 81 square feet.

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

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

**Present in Support:**

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

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 5:35:48:** Planning Director Hand stated that this subdivision is located in the Prairie-Delaware-Piper Area Plan and has already been approved. Phase 1 and Phase 2 are being graded and Phase 1 has been platted. The applicant is requesting to change the plat to add language for the age restriction and the plan review to add an existing unit type that is under the current 1600 square feet minimum that is currently required without the age restriction. The proposal adds great diversity and smaller homes as long as it meets the age restriction. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Staff.

**Motion starts at 5:56:21:**

On motion by Mr. Ernst, seconded by Mr. Ward, the Planning Commission voted as follows to **HOLD OVER Plat Application PLAT2023-007 until the April 10, 2023 meeting for the Applicant to determine if they still want the age restriction or pursue another path to allow for smaller square foot unit sizes. Staff recommends that if the Applicant wants to move forward that they should seek a Master Plan Amendment to remove the subdivision from the Prairie-Delaware-Piper Master Plan:**

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

Ernst                   Aye  
Jones                  Aye  
Miller                 Aye  
Mohler                Not Present  
Straws                Not Present  
Ward                  Aye  
**Motion to HOLD OVER Passed: 6 to 0**

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **HOLD OVER of Plan Review Application PR2022-037 until the April 10, 2023 meeting for the above reasons:**

Carson                Chairman  
Armstrong            Aye  
Beth                  Aye  
Connelly              Not Present  
Ernst                 Aye  
Jones                 Aye  
Miller                Aye  
Mohler                Not Present  
Straws                Not Present  
Ward                  Aye  
**Motion to HOLD OVER Passed: 6 to 0**

**Hearing starts at 5:58:08:**

**PLAN REVIEW APPLICATION PR2022-049 – EIAD MUSALLET, LLC - SYNOPSIS:**  
Preliminary Plan Review for a convenience store with retail and kitchen at 5648 State Avenue.

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

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

Detailed Outline of Requested Action: The applicant, Eiad Musallet with P&R Diversified, Inc., seeks to build a 3,500 square foot convenience store, 2,000 square foot retail tenant space, and 1,000 square foot kitchen/restaurant and construct a new gas canopy with 8 fuel pumps on 1.61 acres.

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

**Present in Support:**

- Tom Nolte, Nolte & Associates
- Michael Davis
- Dan Finn, Phelps Engineering

- Elad Musallet, applicant, P&R Diversified, Inc.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 6:02:35:** Planning Director Hand stated that this request is a preliminary plan review to build a 6,500 square foot convenience store and retail space. The property is in the City-Wide Comprehensive Plan in the Midtown area. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval and the Commission needs to consider the requested deviation by the Applicant from the Commercial Design Guidelines for building orientation. The building sits behind the gas canopy and therefore behind the parking. Staff has no comment on the requested deviation. Also, if they are over parked, Staff is agreeable to four (4) parking spaces being removed in the future final development plan.

**Motion starts at 6:05:55:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-049:**

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

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

**Subject to:**

1. The following requirements of the **Commercial Development Guidelines Overlay District** *have not* been met in which the applicant is requesting a deviation for approval:

**Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind or in the interior of a block.**

**The applicant wants to have the gas canopy pump and a portion of customer parking between the building and the right-of-way;**

2. **Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time;**
3. **For future reference, a Special Use Permit is for a liquor store and a variance from the separation distance of the Schlagle Stadium and KCKPS Central Kitchen are required;**

4. Parking lot shall be repaved and striped;
5. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems. Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path;
6. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.  
 Show the transit stop in front of the property on the site plan. A bench is provided, but a bus shelter may be warranted. Further discussion with KCATA is necessary. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or [rhurst@wycokck.org](mailto:rhurst@wycokck.org);
7. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building;
8. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
  - a. EIFS at the ground level or comprising more than 15 percent of any façade;
9. Keep existing full growth trees along the east property line, which effectively screens a portion of the parking lot and building from the property to the east;
10. Enhance landscaping along the north and east property lines;
11. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
12. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 1.61 acres, 18 trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;
13. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
14. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
15. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage;
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;

16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
17. All landscaping shall be irrigated;
18. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
  - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy;
20. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
21. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
22. Regarding BPU transformer screening, the following applies:
  - a. Gate doors are required for all types of screening that are placed in front of the transformers.
  - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
  - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
  - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
  - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
  - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division

- shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
24. The existing pole sign needs to be removed as it is in violation of Sec. 27-725(c);
  25. Per Business Licensing Division: If approved, occupying businesses must file and maintain a current business occupation tax application with our office located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102, (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
  26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  29. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
  30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
  31. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular

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

**Hearing starts at 6:07:00:**

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

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

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

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

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

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 6:08:47:** Planning Director Hand stated that the reason this application is before the Commission is because the Applicant’s representative did not address the Commission until after the application was completed. At the March 2, 2023 Board of Commissioners meeting, the Applicant requested that the petition be returned to the Planning Commission to request deviations to the Commercial Design Guidelines. The project was already approved several months ago but has grown in size, and a new plan review is required. The plat application was approved last month. The deviation that is being requested is for the front façade of the dealership. The front facade does not have



any masonry and the Commercial Design Guidelines requires masonry on each façade. The Applicant is proposing masonry on the other three (3) sides but not the front façade as they want a metal paneling. Director Hand stated that Staff is not opposed to the deviation.

**Motion starts at 6:10:35:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PR2022-052:**

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

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

**Subject to:**

The following requirements of the Commercial Development Design Guidelines Overlay District have not been met, and the Applicant has been granted a deviation for:

- A. Per Section 27-576(e)(2) the specific metal paneling may be used for more than 15 percent (the entire front façade) of only the front facing façade of the building.
  1. Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
    - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;
    - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible;
    - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands;
    - d. Where possible, groups of buildings should be serviced by dedicated service access lanes;
  2. Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users” while Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”;
  3. Construct a sidewalk on North 100<sup>th</sup> Terrace and connect into the sidewalk network of the development to the front door;
  4. Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
  5. Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:

- a. Six-inch vertical curb;
  - b. Trellis;
  - c. Special railing;
  - d. Bollards;
  - e. Special paving;
  - f. Low seat wall or other architectural features;
  - g. Pedestrian scale lighting; or
  - h. Traffic calming devices.
6. **Sec. 27-575(e)(2)** Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
  7. **Sec. 27-576(h)(1)** For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior;
  8. The elevations demonstrate a continuous facade along the South and North elevations. **Sec. 27-576(c)(2)** In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
    - a. Divisions or breaks in materials;
    - b. Building offsets (projections, recesses, niches);
    - c. Window bays;
    - d. Separate entrances and entry treatment; or
    - e. Variation of rooflines
  9. Downspouts on the south elevation shall be internalized;
  10. **Sec. 27-577(a)(5)** - Landscaping shall exceed the typical code requirements by at least 75 percent.
    - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43-acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances;
    - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
  11. Landscaping shall be irrigated;
  12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to **Sec 27-577(a)(5)** to ensure that the tree requirement is met;
  13. **Sec. 27-577(b)(2)** Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
  14. **Sec. 27-577(b)(3)** In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
    - a. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage;
    - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;

15. **Sec. 27-577(d)(1)** At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
16. The master plant palette for this development is as follows:
  - a. Autumn Blaze Maple
  - b. Armstrong Columnar Maple
  - c. Imperial Honey Locust
  - d. Autumn Brilliance Serviceberry
  - e. Eastern Redbud
  - f. Summer Snow Japanese Tree Lilac
  - g. Eastern White Pine
17. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
18. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
19. **Sec. 27-575(g)(3)** All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
21. Regarding BPU transformer screening, the following applies:
  - a. Gate doors are required for all types of screening that are placed in front of the transformers.
  - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
  - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
  - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
  - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
  - f. Pad must have a minimum clearance of six (6) feet on each side, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;

22. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
23. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
  - a. All wall mounted signage shall be individual letters;
24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
25. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
26. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
28. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The Applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
30. A Right-of-Way Permit is Required. The Applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
31. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

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

**Hearing starts at 6:11:45:**

**CONSIDERATION OF SHORT-TERM RENTAL ORDINANCE**

**Staff:**

- Gunnar Hand, AICP, Director Planning + Urban Design
- Michael Farley, Ordinance Studies Specialist

**Planning Commission Questions/Responses:**

- Chairman Jeff Carson gave a synopsis to the Commission on last month's discussion and his discussion with Michael Farley today.

The Planning Commission suggested a subcommittee to discuss the ordinance, having a special meeting, Planning Commission submitting their comments, or Staff revising the ordinance for the April meeting. Chairman Carson stated that he will discuss with Director Hand.

There being no further business, the meeting adjourned at 12:27 a.m.