

CITY PLANNING COMMISSION

MAY 8, 2023

MINUTES

The City Planning Commission met in regular session on Monday, May 8, 2023, at 7:26 p.m., (1:26:40) (via Zoom Webinar and in the Commission Chamber of the Municipal Office Building), with the following members present: Mrs. Karen Jones, Vice Chairman Presiding (Commission Chamber), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Ms. Rose Eilts (Commission Chamber), Mr. Jim Ernst, (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom) and Mr. Aaron Ward (Commission Chamber). (Absent: Carson, Connelly 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), Mr. Byron Toy, AICP, Lead Planner (Zoom), and Mr. Jeff Conway, Assistant Counsel (Commission Chamber), were also present.

Chairperson Jones called the meeting to order at 7:26 p.m.

Recording Secretary Parker read the Planning Commission Statement: "We would like to welcome those participating to the meeting of the City Planning Commission. The members are participating remotely by Zoom Webinar or in-person in the Commission Chamber. Mrs. Karen Jones 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, May 25, 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 persons 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 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, May 25, 2023, at 7:00 p.m.**

I will now read the items on the **Consent Agenda (1:33:50)**:

CONSIDERATION OF THE APRIL 10, 2023 PLANNING COMMISSION MINUTES

SPECIAL USE PERMIT APPLICATION SP2022-117 – JESSICA BETTS – SYNOPSIS:

Renewal of a Special Use Permit (SP2021-071) to operate a short-term rental at 749 Locust Avenue. Detailed Outline of Requested Action: The applicant, Jessica Betts, is seeking to renew their Special Use Permit (which expires 2/3/2023) to continue the operation of a short-term rental at 749 Locust Avenue. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnb to market the rental.

SPECIAL USE PERMIT APPLICATION SP2023-015 ROBERTA LAIRD – SYNOPSIS:

Renewal of a Home Occupation Special Use Permit (SP2021-032) for a gift, craft and antique shop at 3704 North 99th Street. Detailed Outline of Requested Action: Detailed Outline of Requested Action: The applicant, Roberta Laird, is requesting the renewal of Special Use Permit SP2021-032, which expires on May 27, 2023. This Home Occupation Special Use Permit allows for the applicant to operate a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement and garage of their home at 3704 North 99th Street.

SPECIAL USE PERMIT APPLICATION SP2023-018 – CURTIS PETERSEN WITH

POLSINELLI PC – SYNOPSIS: Renewal of a Special Use Permit for live entertainment at Chateau Avalon Hotel patio at 695 and 701 Village West Parkway. Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli, on behalf of the property owner, seeks to continue to operate live entertainment on the Chateau Avalon patio, outdoor event space structure and the State Room within the hotel and an event space at 701 Village West Parkway.

PLAT APPLICATION PLAT2023-013 – ANDREW HARRIS WITH REK ENTERPRISE,

INC. – SYNOPSIS: Final Plat to split one (1) parcel at 1232 North 79th Street. Outline of Requested Action: The applicant, Andrew Harris, is requesting a Final Plat to subdivide an existing commercial lot into two (2) separate lots (Village Plaza) at 1232 North 79th Street.

PLAN REVIEW APPLICATION PR2023-001 – BRYAN RUOFF WITH 3F30

ARCHITECTS – SYNOPSIS: Final Plan Review for a fueling station and convenience store at 9001 State Avenue. Detailed Outline of Requested Action: The applicant, Bryan Ruoff with 3F60 Architects, has applied for a Final Development Plan to build a 4,048 square foot convenience store/gas station and six (6) gas canopy pumps on 2.29 acres located at 9001 State Avenue.

PLAN REVIEW APPLICATION PR2023-012 – KATELYN WOLF WITH BARTLETT AND

WEST – SYNOPSIS: Final Plan Review for parts storage shed addition at 6717 and 6720 Berger Avenue. Detailed Outline of Requested Action: The applicant, Katelyn Wolf with P&R Bartlett & West, seeks to build a 9,946 square foot storage building for materials and parts to eliminate storage in shipping containers on 1.86 acres.

PLAN REVIEW APPLICATION PR2023-013 – RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING CONSTRUCTION – SYNOPSIS:

Final Plan Review for expansion and remodel of a c-store at 1313 Quindaro Boulevard. Detailed Outline of Requested Action: The applicant, Riad Baghdadi, with RB Architecture, on behalf of the property owner, Sabiha Tariq, is requesting a Final Site Development Plan Review to expand the convenience store, add a future tenant space, and construct a new gas canopy with six (6) fuel pumps on 0.41 acre at 1313 Quindaro Boulevard.

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 May 8, 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.

Chairperson Jones asked if anyone wanted to remove an item from the Consent Agenda. Planning Commissioner Eilts requested that SP2022-117 be removed. Planning Director Hand stated that Staff would request that SP2023-018 be removed. Ms. Cunningham asked that Plan Review Application PR2023-013 be removed.

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

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

Motion to APPROVE Passed: 7 to 0
Subject to:

SP2023-015:

1. The applicant shall turn in sign permit applications for the remaining unpermitted signage;
2. The applicant shall restripe the eight (8) parking spaces that were previously striped. Additionally, the applicant shall ensure that these spaces are used by customers;
3. Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;
4. The maximum number of customer vehicles shall be eight (8);
5. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. The applicant has filed and maintained a current business occupation tax application;
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and

be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

PLAT2023-013:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds;
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. Any proposed development on Lot 2 must undergo a Preliminary and Final Development Plan Review;
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;

4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. The parking lot shall be repaved or at least repaired. Curbing within the parking lot shall be repaired as well;
7. Any proposed development must maintain the natural topography;
8. The existing tree stand shall be protected and preserved;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards; and,
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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.

PR2023-001:

1. A five (5) foot sidewalk shall extend from the west side of the North 90th Street and Ann Avenue intersection north and connect to the new 10-foot State Avenue sidewalk (previously Change of Zone condition of approval);
2. 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 should be provided, and 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. This will be finalized at the Development Review Committee (DRC) during building permitting;

3. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
4. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store;
5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The

- required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
 7. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall be internalized and discharge at grade, not through the parapet;
 8. Existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south;
 9. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement;
 10. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 2.29 acres, 25 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;
 11. 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;
 12. 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 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 between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;

13. 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;
14. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
15. All landscaping shall be irrigated;

- 16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;**
- 17. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
- 18. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;**
- 19. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;**
- 20. Exterior lighting cannot exceed one (1) footcandle at the property line;**
- 21. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running;**
- 22. 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;**
- 23. 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 of 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.**
- 24. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division**

- shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
25. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
 26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org 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 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. 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 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,
33. 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.

PR2023-012:

1. The parking lot shall be repaved and striped;
2. Truck traffic to and from this site, for the delivery of equipment or materials should be restricted to Berger Avenue and Kaw Drive (Kansas Highway 32). Truck traffic should not be allowed in the single-family neighborhood directly to the west;
3. Overhead doors shall be painted to match the building;
4. Downspouts shall be painted the same color as the gutter/scuppers;
5. Save the large tree along Berger Avenue. Add note on the landscape plan;
6. Provide a landscape plan that complies with COZ2021-011 conditions of approval and the comments below;
7. All screening is to be maintained to minimize impacts of conflicting uses;
8. The buffer will be a combination of 8-foot privacy fence with masonry columns every 32 feet on center (if the existing privacy fence is removed) and enhance the existing landscaping along the west property by installing eight (8) additional evergreen trees to ensure year-round screening. The architectural screen (either a privacy fence or landscaping) should continue along the south property line to the gated entry to screen the front yard of Key Equipment from the single-family residence's side and rear yards, across Berger Avenue and minimize future zoning enforcement actions. This will be finalized with the Final Development Plan;
9. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every 32 feet on center;
10. 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;
11. All landscaping shall be irrigated;

- 12. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and 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;**
- 13. 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;**
- 14. All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;**
- 15. 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. 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 of 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;**
- 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 to begin this process;**
- 17. 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;

18. Per Business Licensing Division:

a. If approved, Tenants will need to file and maintain a current occupation tax application;

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 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 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. 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 prior to construction to arrange this meeting;

23. 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,

24. 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.

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

SPECIAL USE PERMIT APPLICATION SP2022-117 – JESSICA BETTS – SYNOPSIS:

Renewal of a Special Use Permit (SP2021-071) to operate a short-term rental at 749 Locust Avenue. Detailed Outline of Requested Action: The applicant, Jessica Betts, is seeking to renew their Special Use Permit (which expires 2/3/2023) to continue the

operation of a short-term rental at 749 Locust Avenue. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnB to market the rental.

Present in Support:

- Jessica Betts, applicant, owner of 749 Locust Avenue, Kansas City, Kansas 66103
- Ken Reece, 768 Locust Avenue, Kansas City, Kansas 66013

Planning Commissioner Eilts directed questions to the applicant and Staff.

Planning Commissioner Mohler stated that he lives close to this property and has watched the renovations. He stated that this is probably the nicest looking house in the area.

Present in Opposition:

- No one appeared.

Staff Recommendation: Planning Director Hand stated the request is for the renewal of a non-owner-occupied Short-Term Rental. The property is located in the City-Wide Comprehensive Plan in the Rosedale neighborhood. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application SP2022-117 for two (2) years:

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	Aye
Jones	Chairman
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

- 1. The driveway apron must be paved with asphalt. The apron cannot be gravel;**
- 2. Maximum number of guests shall be seven (7);**
- 3. All parking must be off-street, maximum number of vehicles is three (3);**
- 4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
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 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;

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; and,
18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

SPECIAL USE PERMIT APPLICATION SP2023-018 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Renewal of a Special Use Permit for live entertainment at Chateau Avalon Hotel patio at 695 and 701 Village West Parkway. Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli, on behalf of the property owner, seeks to continue to operate live entertainment on the Chateau Avalon patio, outdoor event space structure and the State Room within the hotel and an event space at 701 Village West Parkway.

Present in Support:

- Amy Grant, representing the Applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation: Planning Director Hand stated this request is for renewal of a Special Use Permit for live entertainment and event space at the Chateau Avalon. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval for five (5) years subject to the conditions in the staff report with an amendment to Condition 7. Live entertainment is allowed inside, on the outdoor patio and in an enclosed glass area with doors. Normally Staff includes a standard condition that says no amplified music outside, which would be in conflict with the current request for live entertainment on the patio outside. There are two (2) options for the Commission. One would be to remove Condition #7 and the other would be to amend it and allow amplified music only on the patio and not the other locations. Staff's preference is that the condition is amended to only allow amplified music at the outdoor patio location. There would be no outside speakers at the accessory event spaces. The patio would still be required to meet the noise ordinance from the property line.

Chairperson Jones asked the Applicant if they are in agreement to the proposed
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amendment to Condition #7 and Ms. Grant stated yes.

Motion:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application SP2023-018 for five (5) years:

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

Motion to APPROVE Passed: 7 to 0

Subject to:

1. Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel (as defined in SP2021-033) at the following times:
 - a. Sunday – Thursday: 11:00 AM to 11:00 PM;
 - b. Friday – Saturday: 11:00 AM to 11:00 PM;
2. A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;
3. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
4. In SP2021-033, the applicant reaffirmed that “alcohol will be served at some events. Kansas ABC has inspected the property and licensed the entire four (4) acres for alcohol consumption approval. Records are on file with the UG.”
5. Sidewalks shall remain clean and clear of trash and debris;
6. Alcohol can only be provided by licensed vendor;
7. Outside amplified speakers are only allowed at the outdoor patio event space;
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

PLAN REVIEW APPLICATION PR2023-013 – RIAD BAGHDADI WITH RB

ARCHITECTURE ENGINEERING CONSTRUCTION – SYNOPSIS: Final Plan Review for expansion and remodel of a c-store at 1313 Quindaro Boulevard. Detailed Outline of Requested Action: The applicant, Riad Baghdadi, with RB Architecture, on behalf of the property owner, Sabiha Tariq, is requesting a Final Site Development Plan Review to expand the convenience store, add a future tenant space, and construct a new gas canopy with six (6) fuel pumps on 0.41 acre at 1313 Quindaro Boulevard.

Present in Support:

- Riad Baghdadi, Applicant, RB Architecture, 11661 College Boulevard, Overland Park, Kansas 66210

Present in Opposition:

- Ms. Cunningham, representing Deborah and Christopher Cunningham at 1316 Yecker Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the Applicant.

Staff Recommendation: Planning Director Hand stated this request is for a final development plan to expand a convenience store, add a second retail space and add a gas canopy. The property is in the Northeast Area Plan. Before this evening Staff had received no letters in support nor in violation. There are some older Notices of Violation related to this property and some past code violations that have been rectified and would be further ameliorated through the redevelopment of the site. Staff recommends approval subject to the conditions in the staff report.

Motion:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** Plan Review Application PR2023-013:

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

Motion to APPROVE Passed: 7 to 0

Subject to:

1. The following conditions from COZ2021-054 remain in effect.
 - a. A Special Use Permit is required for the use and a variance from the Board of Zoning Appeals is required because the property is within 1,300 feet from three (3) churches;
 - b. Based on the proposed parking layout, there is not enough parking to accommodate any other uses on the property. Uses that require parking based on Sec. 27-668 will require a variance from the Board of Zoning Appeals before applying for a building permit for a tenant finish with the Building Inspection Department.
 - c. Remove bars on the windows per Criminal Prevention Through Environmental Design (CPTED).
 - d. Hours of operation: 6:00 AM to 12:00 AM Monday through Saturday and 6:00 AM to 11:00 PM on Sunday.

- e. **Underground fuel tanks will be filled after 9:00 PM.**
 - f. **Parking lot shall be repaved and striped.**
 - g. **Gas canopy columns shall be wrapped in masonry.**
 - h. **Keep existing full growth trees along the southeast property line, which effectively screens a portion of the parking lot and building from the single-family residences across the alley. Add additional landscaped bioswale to provide stormwater infiltration behind the building and the green space, south of parking space 13;**
 - i. **Install a security fence parallel with the existing sidewalk on the east side of the building, south to the rear property line to prevent loitering behind the building.**
 - j. **All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view of the parapet.**
 - k. **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.**
 - l. **Install a security fence parallel with the existing sidewalk on the east side of the building, south to the rear property line to prevent loitering behind the building.**
 - m. **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.**
 - n. **All landscaping shall be irrigated.**
- 2. The following Commercial Design Guidelines must be adhered to as per COZ2021-054:**
- a. **Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.**
 - b. **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.**
 - c. **Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.**
 - d. **Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.**
 - e. **Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two (32) feet running.**
 - f. **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 0.41 acres, five (5) 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.

- g. 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 thirty (30) inches at maturity.**
 - h. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view the parapet;**
 - i. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building.**
 - j. Rooftop mechanical equipment must be screened by the parapet of the building.**
 - k. 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.**
 - l. 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:**
 - i. 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 thirty (30) feet of street easement or frontage; and,**
 - ii. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.**
- 3. As required by COZ2021-054, the applicant and their client shall remove the bars off of the window of the current building and provide proof that they have been removed.**
 - 4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
 - 5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.**
 - 6. If approved, the applicant must file and maintain a current business occupation tax application with this office.**

7. 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.
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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
9. All existing and future driveways must feature curb cuts that are constructed to UG standards.
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
11. 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 to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
12. 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 prior to construction to arrange this meeting.
13. 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.
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, and 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.

15. 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.

Recording Secretary Parker stated that the Special Use Permit applications will be heard by the Unified Government Board of Commissioners on May 25, 2023 at 7:00 p.m.

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

Hearing starts at 2:13:43:

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.

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.

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

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

Detailed Outline of Requested Action: The applicant, Chad Schimke, is requesting a Change of Zone, Master Plan Amendment, Preliminary Plat, and Preliminary Development Plan for the operation of a self-storage facility that includes RV and outdoor storage at the subject property of 13700 Marxen Road. The proposal includes multiple self-storage buildings, an RV-storage area, and additional outdoor covered storage area. The current property is zoned for agricultural use and is agricultural land. The subject property has a total of 26.04 acres although only 8.27 acres are proposed for development at this time. This proposal is being heard in conjunction with BOZA2022-077 for variances related to minimum required parking in a C-3 zone. An approved Final Development Plan is also required.

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

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

Present in Support:

- Chad Schimke, applicant, 11710 Kelly Road, Leavenworth, Kansas 66048
- Ty Zander, 7614 Washington Street, Kansas City, Missouri 64114

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- Recording Secretary Parker read a letter in opposition from the City of Lansing Community and Economic Redevelopment Department
- Mike Kenaga, representing Henry and Mary Ellen Kenaga, 23979 131st Street, Leavenworth, Kansas 66048
- 13865 Marxen Road, Kansas City, Kansas 66109
- David Beckenhauer, representing himself and his wife, 13823 Marxen Road, Kansas City, Kansas 66109
- Steve Solis, representing himself and his wife, 13841 Marxen Road, Kansas City, Kansas 66109
- Tom Lewis, representing himself and his wife, 23600 131st Street, Leavenworth, Kansas 66048

Staff Recommendation starts at 2:38:23: Planning Director Hand stated that these applications are being heard in conjunction with BOZA2022-007, which was approved by the Board of Zoning Appeals earlier this evening. The request is for a self-storage facility. Since the application was before the Commission last March, the Applicant has removed the outside storage and created a new covered storage area. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support before this evening and did receive opposition, including the letter that was received late this afternoon and read into the record. There are no Notices of Violation on the property. Staff recommends denial of all three (3) applications as the project is incompatible with the neighborhood character, as well as the adopted Area Plan.

Motion starts at 2:40:10:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2022-026** as the project is incompatible with the neighborhood character as well as the Master Plan:

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

Motion to recommend Passed: 6 to 1

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2022-045** as the project is incompatible with the neighborhood character as well as the Master Plan:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

Motion to recommend Passed: 6 to 1

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to **DENY Plat2023-001 as the project is incompatible with the neighborhood character as well as the Master Plan and the public infrastructure is not sufficient:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

Motion to recommend Passed: 6 to 1

Hearing starts at 2:44:35:

CHANGE OF ZONE APPLICATION COZ2023-008 – JULIAN FLORES WITH 1 CORE CONSTRUCTION LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for a duplex at 410 Ann Avenue. Detailed Outline of Requested Action: The applicant, Julian Flores, wants to rezone the parcel from R-1(B) Single Family District to R-2(B) Two Family District to renovate an existing, vacant residential structure to a duplex on 0.07 acres at 410 Ann 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 May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Julian Flores, applicant, 1700 South 17th Street, Kansas City, Kansas

The Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:09: Planning Director Hand stated that this case was heard in conjunction with BOZA2023-014, which was approved earlier this evening by the Board of Zoning Appeals. The request is a Change of Zone for a legal non-conforming duplex. As the Applicant noted, there have been two (2) utility meters from the Board of Public Utilities and two (2) gas lines from a private company for some time and no evidence in the contrary. Staff research has shown that the property was used as a duplex and also noted that a blanket downzoning occurred in 2000 to single-family zoning without considering the diversity of the Strawberry Hill neighborhood. The property is in the Central Area Plan in the Strawberry Hill area. Staff received no letters in support and one (1) letter in opposition. There have been some Notices of Violation related to the property being vacant for so long. Staff recommends approval subject to the conditions in the staff report, which includes a retroactive building permit to cover the demolition work that had thus far occurred and all proposed future work.⁸

The Planning Commission directed questions to Staff.

Motion starts at 2:53:18:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-008:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	No
Straws	Not Present
Ward	Aye

Motion to recommend **APPROVAL** Passed: 5 to 2

Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2023-014, which is for a reduction of the front yard setback, side yard interior setback and a detached accessory structure accounts for more than 30 percent of the rear yard;**
- 2. For reference, this parcel was downzoned as part of a large neighborhood downzoning known as the Strawberry Hill Neighborhood Downzoning occurring in 2000 (COZ 2592). This property was downzoned from RP-5 Planned Apartment District to R-1(B) Single Family District;**
- 3. The applicant can and will provide two (2) off-street parking spaces between the accessory structure and alley. As a result, the applicant shall install a concrete or asphalt driveway, concrete wheel paths or pervious pavers for two (2) vehicles;**
- 4. In the event the detached accessory structure is demolished, the new, detached accessory structure shall comply with the R-2(B) Two Family District standards and regulations;**
- 5. All future driveways must feature curb cuts that are constructed to UG standards;**
- 6. Both units shall be on separate utilities (water, electrical, sanitary sewer, etc.);**
- 7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
- 8. 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;**
- 9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 10. If rented, a rental license from Rental Licensing Division shall be obtained;**
- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 13. All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.**

Hearing starts at 2:54:25:

CHANGE OF ZONE APPLICATION COZ2023-010 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the existing parcel into two (2) residential lots at 13400 Donahoo Road.

PLAT APPLICATION PLAT2023-012 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Final Plat for two (2) lots at 13400 Donahoo

Detailed Outline of Requested Action: The applicant and representative, Atlas Land Consulting, seeks to rezone 13400 Donahoo Road from A-G Agriculture District (WYCO) to A-G Agriculture District (City) and plat to subdivide the existing parcel into two (2) residential lots on 40.03 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 May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone Application; 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:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Jonah Nelson, property owner, 8024 Apache Road, Lenexa, Kansas 66227

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:58:55: Planning Director Hand stated that the request is to split a parcel into a single-family parcel for their residence and leave a separate parcel for their family business. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. The Planning Commission might remember a Special Use Permit for a distillery on the subject property so there are conditions of approval related to that Special Use Permit which is separate from this request. Staff recommends approval subject to the conditions in the staff report, including the provision of a cross-access agreement.

Motion starts at 3:00:25:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-010:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

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

Subject to:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. The 40-foot access easement from Lot 2 through Lot 1 to Donahoo Road shall be platted in perpetuity as a plat restriction and may not be removed unless there is solely, direct access to a public street without crossing through another parcel;
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local

ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

10. 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,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** Plat Application **PLAT2023-012**:

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

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

Hearing starts at 3:02:22:

SPECIAL USE PERMIT APPLICATION SP2023-012 – JOHN E. BROWN WITH RED BRICK INVESTMENTS, LLC - SYNOPSIS: Special Use Permit for grading to prepare the site for future development at 924 North 98th Street. Detailed Outline of Requested Action: The applicant, John Brown, is requesting a Special Use Permit for grading of the property at 924 North 98th Street for future 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 May 8, 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:

- Buck Driggs, Driggs Design Group, representing the applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:05:34: Planning Director Hand stated that this request is for a Special Use Permit for on-site grading to prepare the property for redevelopment. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years, subject to the conditions in the staff report.

The Planning Commission directed questions to Staff regarding the trees that will be removed, and Staff noted that the conditions of approval include some existing tree stands as a buffer to the two (2) abutting parcels that surround but are not part of this proposed project.

Motion starts at 3:07:30:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-012 for two (2) years:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. **The following recommendations from the Wyandotte County Conservation District shall be used during the grading operation:**
 - a. **Before any grading is done, the silt fence needs to be put in.**
 - b. **Silt fence needs to be placed on the contour as much as possible. The J-hook silt fence is needed on any slopes to reduce the amount of runoff at one time.**

- c. Topsoil needs to be saved. Four (4) to six (6) inches of good topsoil needs to be top dressed over borrow and fill areas.
 - d. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the steep disturbed area.
 - e. All other areas need to be seeded and mulched immediately after grading is completed.
 - f. All erosion control measures need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately;
2. The existing natural buffering will remain in place to buffer and screen the subject property from the surrounding single-family residences;
 3. The proposed construction entrance shall be contained within the subject property, unless there is an access agreement from adjacent property owners;
 4. The applicant shall return for a Change of Zone to a Planned Commercial District once a proposed plan has been developed;
 5. Provide rumble strips along the proposed entrance/exit to limit the amount of dirt that is tracked onto North 98th Street or State Avenue;
 6. Remove the unpermitted temporary signage that is located on the northwest corner of the site;
 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 8. 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;
 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

Hearing starts at 3:08:27:

SPECIAL USE PERMIT APPLICATION SP2023-013 – RUPINDER DHILLION WITH KVL TIRES LLC - SYNOPSIS: Special Use Permit for tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street. *Detailed Outline of Requested Action:* The applicant, Rupinder Dhillon with KVL Tires LLC, seeks to operate a tire repair shop for service and semi-trucks at 336 South 42nd Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;

3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 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:

- Andrea Bough, attorney representing the applicant, Lewis Rice Attorneys, 1010 Walnut, Suite 500, Kansas City, Missouri 64016
- Bryan Ruoff, architect

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:15:26: Planning Director Hand stated that this request is for a Special Use Permit for a tire repair and installation shop. The property is in the City-Wide Comprehensive Plan in the Argentine industrial area. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report. He further stated that Staff did not update the parking summary in the staff report to reflect the most up-to-date site plan submission. The staff report will be updated prior to the Board of Commissioners meeting accordingly. The site plan does not show the 11 trees but there is adequate space for the trees to exist. Staff believes the Applicant can find a design solution for the sidewalk to be built on 42nd Street. Both site plan issues can be addressed at the building permit process. However, if the Staff and Applicant cannot come to an agreement, the Applicant would need to come back to the Planning Commission request the relevant conditions of approval be removed. He stated that the site plan shows a 5' sidewalk. Staff recommends abiding to the code sections listed in the staff report.

The Planning Commission directed questions to Staff and Applicant.

Motion starts at 3:32:20:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-013 for two (2) years:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye

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

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

- 1. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;**
- 2. No parking or idling shall be allowed along the driveway stretch from 42nd Street onto the property;**
- 3. No gravel shall be introduced to the property;**
- 4. Stripe the parking lot for customers between the fence and public right-of-way and truck parking within the fence enclosure;**
- 5. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;**
- 6. Sec. 27-593(b)(20)e. Install/repair sidewalks per code.**

Per the goDotte Mobility Plan, 42nd Street is designated as a Minor Arterial, which requires a five (5) sidewalk. Install a five (5) foot concrete sidewalk along the west side of 42nd Street, maintaining a two (2) foot buffer/median from the back of curb;

- 7. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees in the median on the west side of South 42nd Street;**
- 8. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area.**

Sec. 27-593(b)(20)a.2. Landscaping, screening and façade improvements to meet the Commercial Design Guidelines.

Sec. 27-593(b)(20)d.2. Parking shall be upgraded to current standards and regulations including medians, landscaping and screening.

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

The site is 2.126 acres; therefore 11 trees are required to be planted. These will be noted and provided on the landscape plan for the Change of Occupancy building permit;
If these conditions are not met a Variance application will need to be filed.

- 9. Landscaping shall be irrigated for a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;**
- 10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**
- 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division**

- shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
 13. 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;
 14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 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 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. 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;
 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, and 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply

- at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 21. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 22. 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;
 23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

Hearing starts at 3:33:52:

SPECIAL USE PERMIT APPLICATION SP2023-014 – STEVE SCRAGGS WITH YMCA OF GREATER KANSAS CITY - SYNOPSIS: Special Use Permit for YMCA summer day camp at 3130 North 122nd Street. Detailed Outline of Requested Action: The applicant, Steve Scraggs with YMCA of Greater Kansas City, seeks to operate and host a summer day camp at the Piper USD 203 District office on 19.85 acres at 3130 North 122nd Street.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 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:

- Steve Scraggs, applicant, Executive Director of YMCA of Greater Kansas City, 3100 Broadway, Suite 1020, Kansas City, Missouri 64111

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:36:47: Planning Director Hand stated that this request is for a summer camp. The property is in the Prairie-Delaware-Piper Area Plan in the Piper School District’s offices. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:37:22:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-014 for two (2) years:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye

Mohler Aye
Straws Not Present
Ward Aye

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. Hours of operation shall be generally from 7:00 AM to 6:00 PM. If hours change through the duration of the Special Use Permit that extend beyond 6:00 PM, contact the Planning + Urban Design Department to update Planning Staff;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. 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;
4. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

8. 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;
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

Application Starts at 3:38:10;

SPECIAL USE PERMIT APPLICATION SP2023-016 – TYLER REYNOLDS AND

JUSTINE ROBLES - SYNOPSIS: Renewal of a Special Use Permit (SP2022-012) for a Short-Term Rental at 527 Tenny Avenue. Detailed Outline of Requested Action: The Applicants, Tyler Reynolds and Justine Robles, are request a renewal of a Special Use Permit to operate a short-term rental at 527 Tenny Avenue. The subject property has been used as a rental periodically since 2001 or earlier.

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 May 8, 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:

- Tyler Reynolds, applicant, 536 Tauomee Avenue, Kansas City, Kansas 66101
- Justine Robles, applicant, 536 Tauomee Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:45:03: Planning Director Hand stated that this is a renewal of a Special Use Permit for a short-term rental. The property is in the Central Area Plan in the Strawberry Hill neighborhood. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends denial as the conditions of approval for the previous Short-Term Rental have not been met. He further stated that if the Planning Commission wanted to hold over this application for the driveway condition to be completed, then the Staff's recommendation would change upon completion of that work.

The Planning Commission directed questions to Staff.

The Planning Commission asked the applicant when the driveway work is scheduled to begin. Mr. Reynolds stated May 23, 2023. Ms. Robles stated that it was difficult to obtain contractors because it was such a small project area and they had bigger jobs. She also stated that at the beginning they were trying to build their income from the Short-Term Rental to pay for this work.

Director Hand clarified that the application was approved in March of last year and the Special Use Permit ordinance was approved and published on May 5, 2023, so technically both are correct. The Special Use Permit expired on May 5, 2023 and as they applied before the permit expired, the Applicant is allowed to continue with their operation.

Motion starts at 3:55:45:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application SP2023-016 until the June 12, 2023 meeting to allow the Applicant to complete the driveway improvement:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	No
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

Motion to HOLD OVER Passed: 5 to 2

Hearing starts at 3:57:13:

PLAT APPLICATION PLAT2023-015 – AUSTIN THOMPSON WITH ATLAS LAND

CONSULTING - SYNOPSIS: Preliminary and Final Plat to redraw lines to correct multiple structures constructed on one (1) lot at 8941 Georgia Avenue. Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Preliminary and Final Plat (Harden 1st Estate) to split to property into two (2) separate lots in order to separate the two (2) existing single-family residences at 8941 Georgia 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 May 8, 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 4:01:40: Planning Director Hand stated that the request is for a plat to take a residential parcel and split into two (2) parcels so there are no longer two (2) dwelling units on one (1) lot. This property is in the City-Wide Comprehensive Plan in the Midtown area close to the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor in opposition. There are some Notices of Violation on this property. This started with Staff identifying this property as a Short-Term Rental without a Special Use Permit. Upon issuing the Notice of Violation and working with the applicant, Staff discovered there were two (2) dwelling units on the property. Staff also noticed that there were several accessory structures some of which may not be wholly on the property and may require their own Special Use Permit. This plat is one (1) of the measures to bring this property into compliance as two (2) dwelling units on one (1) single-family parcel is not allowed. There is a condition in the staff report that if the Short-Term Rental is to continue, it will require a Special Use Permit and if the applicant is using the other accessory structure as their business, they will need a Special Use Permit for that activity as well.

The Planning Commission directed questions to Staff and the Applicant.

Motion starts at 4:05:35:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted

as follows to **APPROVE** Plat Application PLAT2023-015:

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds.**
 - b. \$7.00 per lot payable to the Unified Treasurer;****
- 2. The applicant/owner shall return to obtain a Special Use Permit for their Short-Term Rental as well as to store their work vehicles on the property;**
- 3. The applicant/owner shall file a variance for the unpermitted shed, which is over the maximum size allowed in the R-1 Single Family District;**
- 4. The applicant/owner shall file and obtain retroactive building permits for all unpermitted work, including the conversion of the original garage into a residence and the construction of the shed, as well as complete their building permits for the restoration of the residence, which was fire damaged;**
- 5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
- 6. Utility easements shall connect with easements established in adjoining properties;**
- 7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
- 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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all**

covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;

- 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.**

ANNOUNCEMENTS:

Chairman Jones stated that the Planning Commission will have a special meeting prior to the regular June and July meetings at 5:30 p.m. for discussion and approval of the CMIP.

There being no further business, the meeting adjourned at 10:15 p.m.