

CITY PLANNING COMMISSION

NOVEMBER 14, 2022

MINUTES

The City Planning Commission met in regular session on Monday, November 14, 2022, at 7:39 p.m., (1:39) (via Zoom Webinar and the Commission Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber) (left at 10:05 p.m., Mrs. Karen Jones, Vice Chairman (Zoom), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Mark Mohler (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Connelly, Miller, Pauley 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), Mr. Patrick Waters, Senior Counsel (Zoom), were also present.

Chairman Carson called the meeting to order at 7:39 p.m.

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

Please note the following instructions for the meeting:

1. If you are joining by Zoom Video, please make sure you have an appropriate background and plan to stay visible during the meeting.
2. Planning Commission Members - Use the raise your hand feature to speak, after Chairman Carson recognizes you, unmute your microphone and please state your name when you begin to speak.
3. For those in attendance via Zoom or telephone, use the "raise your hand" feature when you want to speak on an issue. The Chairman will recognize you when it is your time to speak, unmute your microphone and state your name and address before giving your comments. If you are attending in person, please come to the microphone at the front of the room when the application is called, and 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, December 1, 2022**. For final plats and final plan reviews heard tonight, the Planning Commission's decision is final and there will not be another hearing. The format for this evening's meeting is as follows:

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

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

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

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

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

Please note that your opinions will be forwarded to the Governing Body for their consideration in making a final decision. In addition, those who received notices for this hearing will again receive them for the hearing on **Thursday, December 1, 2022, at 7:00 p.m.**

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

CONSIDERATION OF THE OCTOBER 10, 2022 PLANNING COMMISSION MINUTES.

SPECIAL USE PERMIT SP2022-061 – TOM GIEFER WITH G & G HOLDINGS LLC –

SYNOPSIS: Renewal of a Special Use Permit (SP-2019-111) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive.

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

PLAN REVIEW APPLICATION PR2022-028 – JOHN ROWE WITH SPEEDY’S

PRESCOTT PLAZA LLC – SYNOPSIS: Final Plan Review to construct a commercial car wash at an existing refueling station and convenience store at 141 South 18th Street.

Detailed Outline of Requested Action: The applicant, John Rowe DBA Speedy's Convenience, is requesting a Final Plan Review for the installation of a car wash at an existing convenience store with gas service. The subject property is a convenience store with an attached fast-casual restaurant and 20 gas pumps under a single canopy. This proposal as received preliminary approval twice before in previous years and received a variance for an encroachment on a front yard setback.

PLAN REVIEW APPLICATION PR2022-038 – NIRAV PATEL WITH SHREE LAXMI 20

LLC – SYNOPSIS: Final Plan Review for a new restaurant at 1714 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Nirav Patel, is requesting a Final Development Plan Review to renovate a drive-thru restaurant at 1714 Village West Parkway.

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? Planning Commissioner Ward stated that he had a conversation with Mark Jones, who is in opposition to this application.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permit; and,
7. The notices to property owners.

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

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. Mr. Mark Jones requested that Special Use Permit SP2022-061 be removed from the Consent Agenda. Planning Director Hand stated Staff would request that Plan Review PR2022-038 be removed from the Consent Agenda.

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

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

Motion to APPROVE Passed: 6 to 0
Subject to:

PR2022-028:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-053. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-053 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. The median at the entrance to Prescott Plaza shall be improved with additional signage as illustrated in the attachment. This shall be completed prior to the opening of the car wash;**
- 3. Should the project’s plans change or deviate from the approved plans submitted, or should changes happen in the field during construction, the Commercial Design Guidelines shall be adhered to. Should deviations from the guidelines occur, the applicant must return to the Planning Commission for additional approval of said deviations per Sec. 27-211(h)(1)a-l.;**
- 4. The Board of Public Utilities (BPU) has recently modified their existing transformer screening distance requirements. Please verify with BPU should any ground electrical equipment be modified;**
- 5. 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;

6. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
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. 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. 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;
11. Any business or land use in Kansas City, Kansas 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;
12. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9 feet wide from the inside of stripe to inside of stripe and 18 feet in length. ADA Stalls must be 8 feet wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle;
 13. Any automotive-related use in Kansas City, Kansas 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;
 14. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas Business Licensing and Building Inspection Divisions;
 15. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. 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;
 18. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

The Planning Commission considered the items that were removed from the Consent Agenda.

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

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

Present in Support:

- No one appeared

Present in Opposition:

- Mark Jones, 1038 South 74th Street, Kansas City, Kansas.

Staff Comments: Planning Director Hand stated that this application was heard by the City Planning Commission and Board of Commissioners earlier this year. The Board of Commissioners remanded the application back to the Planning Commission. The Planning Commission requested a traffic study. The trucks leaving this facility have to cross the railroad tracks south of Kaw Drive and there had been accidents in the past which caused concern. One of the accidents resulted in a fatality. Staff has received a traffic study which was reviewed by the County Engineer and he agrees with the conditions of approval for this case. One of the conditions was to replace the existing signage and add additional signage. The term of approval has been changed from five (5) years to two (2) years. This is the first renewal. Staff received a letter in opposition today and the testimony this evening. Comments were received by the public today. He further stated that Staff has included dust mitigation conditions of approval. Staff has worked with the applicant on traffic and safety issues and dust mitigation. There have been some old Notices of Violation that have been addressed. He stated that Staff recommends approval subject to the conditions in the staff report. The Commission could hold over this application for the petition in opposition to be filed. Chairman Carson stated that this application has been active for months and there has been sufficient time for the petition to be submitted. Director Hand stated that one of the conditions is that the site will be watered down several times a day to control dust mitigation. Chairman Carson stated that if there are violations of the conditions, the Special Use Permit can be brought before the Board of Commissioners revocation.

The Planning Commission directed questions to Staff regarding environmental issues. Director Hand stated that a condition could be added requiring the applicant to work with the Health Department to install dust mitigation devices.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-061:**

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

Motion to recommend APPROVE Passed: 5 to 1
Subject to:

- 1. The applicant must add a “Right Turn Must Turn” sign (R3-3R) for traffic traveling eastbound along Kaw Drive.**
- 2. Modify the existing signage and add a larger stop sign, signage showing the number of tracks, and larger railroad crossbucks to add more visibility and to comply with MUTCD.**
- 3. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;**
- 4. The natural flow of the floodway and floodplain cannot be altered;**
- 5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;**
- 6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:**
 - a) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.**
 - b) Vibration or concussion perceptible without instruments at the property line.**
 - c) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.**
 - d) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;**
- 7. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;**
- 8. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;**
- 9. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;**
- 10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;**
- 11. 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;**
- 12. If issues arise with adjacent property owners and are brought to staff’s attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;**
- 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; and
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.
18. Work with the Health Department to install dust mitigation monitoring devices and the applicant will work with the Health Department on the readings of these levels.

PLAN REVIEW APPLICATION PR2022-038 – NIRAV PATEL WITH SHREE LAXMI 20 LLC – SYNOPSIS: Final Plan Review for a new restaurant at 1714 Village West Parkway. *Detailed Outline of Requested Action:* The applicant, Nirav Patel, is requesting a Final Development Plan Review to renovate a drive-thru restaurant at 1714 Village West Parkway.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Comments: Planning Director Hand stated that this property is the former site of a Sonic Drive-In that is being proposed as a smoothie shop. Staff requested that this item be removed from the Consent Agenda as the applicant is requesting a deviation from the Commercial Design Guidelines which has been granted by the City Planning Commission. The applicant has proposed a sidewalk but Staff does not feel that they have met the intent of the Commercial Design Guidelines. He stated that the Staff can work with the applicant at the building permit process. Staff recommends approval of the application subject to the conditions in the staff report and deny the deviation request.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PR2022-038 and deny the requested deviation by the applicant:**

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

Motion to APPROVE Passed: 6 to 0
Subject to:

- 1. The applicant is requesting a Special Use Permit for a property zoned CP-2 Planned General Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant’s demonstrated compliance with relevant CDGOD regulations for PR2022-038. All listed requirements that are identified as “have not been meet” must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.**
 - a. The following requirements of the Commercial Development Guidelines Overlay District have been met:**
 - i. Section 27-575(d)(9) states that 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.**

- ii. **Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.**
 - iii. **Section 27-575(f)(1) states that there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.**
 - iv. **Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle).**
 - v. **Section 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent.**
 - vi. **Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.**
 - vii. **Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.**
 - viii. **Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.**
 - ix. **Section 27-576(d)(6) states that building elements must not function as signage. The appearance of "franchise architecture" where buildings function as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic or a particular business must be unobtrusive and secondary to the overall architectural design.**
 - x. **Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;**
- b. The following requirements of the Commercial Development Guidelines Overlay District have not been met in which the applicant is requesting a deviation for approval:**
- i. **Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;**
- 2. The applicant shall not paint over the existing brick façade or utilize EIFS façade on over 15% of the structure;**
 - 3. Best management practices shall be utilized for erosion control;**
 - 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 must file and maintain a current business occupation tax application with this office;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. 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;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Recording Secretary Parker stated that the Special Use Permit recommended for approval will be heard by the Board of Commissioners on December 1, 2022 at 7:00 p.m.

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

Hearing starts at 2:11:00:

MASTER PLAN AMENDMENT MPL2022-022 – MARTINA CHAVEZ-JAQUEZ –

SYNOPSIS: Master Plan amendment from Neighborhood Mixed Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan) at 1403 North 7th Street.

CHANGE OF ZONE APPLICATION COZ2022-036 – MARTINA CHAVEZ-JAQUEZ -

SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate an automotive repair business at 1403 North 7th Street.

SPECIAL USE PERMIT APPLICATION SP2022-091 – MARTINA CHAVEZ-JAQUEZ - SYNOPSIS: Special Use Permit to operate an automotive repair business at 1403 North 7th Street.

Detailed Outline of Requested Action: The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The email in opposition submitted by Scott Murray representing a group of homeowners in the immediate vicinity.

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

Present in Support:

- Joselyn, daughter representing the applicant, 1216 South 81st Street, Kansas City, Kansas 66111

Present in Opposition:

- Scott Murray, 625 Everett Avenue, Kansas City, Kansas 66101
- Sylvia King, 617 Freeman Avenue, Kansas City, Kansas 66101

Staff Recommendation starts at 2:23:00: Planning Director Hand stated that this property is in the Northeast Area Master Plan. He stated that no letters in support and three (3) letters in opposition were submitted prior to tonight's meeting. There are Notices of Violation on the property which will be addressed during the redevelopment of this property. Staff recommends denial of the Master Plan Amendment as it is not necessary for this business. They only need the Change of Zone and Special Use Permit. Staff has worked diligently with the applicant on this proposal. The applicant is requesting a deviation regarding the circular drive and Staff recommends denial of the deviation. This issue can be resolved during the building permit stage. Staff has conditioned enhanced landscaping for this project and is requesting service of only passenger vehicles. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 2:27:19:

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

follows to recommend **DENIAL** of **MPL2022-022** due to incompatibility with the **Northeast Area Master Plan**:

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

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

On motion by Mr. Ernst, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL** of **COZ2022-036**:

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

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

Subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. All listed requirements that are identified as "have not been meet" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
 - a. Section 27-464(g) requires that a six (6) foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
 - b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;

- c. **Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;**
 - d. **Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;**
 - e. **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;**
 - f. **Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;**
- 3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met:**
- a. **Section 27-575(d)(9) states that 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;**
 - b. **Section 27-575(f)(1) states that there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.**
- 4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;**
 - 5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;**
 - 6. The applicant shall keep the property under to Property Maintenance Standards;**
 - 7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;**
 - 8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;**
 - 9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;**
 - 10. 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;
11. 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;
 12. 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;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 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. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 19. 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;
20. 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;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
22. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the comprehensive plan amendment upon consideration of the following factors:
- a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change;
23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with

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

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

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-91 and denial of the requested deviation from the Commercial Design Guideline request:**

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

Motion to recommend **APPROVAL** Passed: 4 to 2
Subject to the above conditions

Hearing starts at 2:34:00:

CHANGE OF ZONE APPLICATION COZ2022-039 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-097 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue.

PLAT APPLICATION PLAT2022-035 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Preliminary Plat to create three (3) lots for the Margaritaville Resort Hotel at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44:22: Planning Director Hand stated that this case is for a Change of Zone, Special Use Permit and Preliminary Plat. He stated that the parking variance was approved by the Board of Zoning Appeals earlier this evening. The request is for the new Margaritaville Hotel Resort site located on the former Schlitterbahn site. Staff has received no letters in support and one person spoke in opposition at the Board of Zoning Appeals meeting but could not stay for this meeting. She stated that she will submit a letter in opposition. There are no Notices of Violation on this property. Staff has worked closely with the applicant on this project and will address the requested deviations/changes:

Condition 1(a) – Staff has worked with the applicant on reduction of the use of EIFS and believes that it is still too high. He does not believe they will ever get to 15%. Staff seeks improvement and would request approval of the deviation with improvement.

Condition 1(b) – Staff recommends approval of the deviation as it relates to the parapet screening.

Condition 5 – Staff would always require an applicant to construct a trail. The trail is being constructed by Homefield south of this property. The policy has always been to have an applicant build the trail and not just donate the right-of-way.

Condition 14 – Staff is in agreement with deletion of this condition.

Condition 15 – Staff does not recommend the deviation, but modify the wording as submitted.

Condition 23 – Staff is in favor of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – Staff is not in favor of the modification for an indefinite period for the Special Use Permit. This Special Use Permit is for live entertainment. Indefinite Special Use Permits are for projects with a significant investment. For this project, the significant project is for the hotel and resort. After a successful two-year permit for the live entertainment and bar, the period could be extended. The applicant's financing is not relevant in consideration of these applications.

The Planning Commission directed questions to Staff and Mr. Petersen.

Chairman Carson requested that if available, the proposed deviations are provided to the Commission prior to the meeting so they have the information in front of them.

Chairman Carson allowed Mr. Petersen further to address the Commission to clarify some of his statements.

Director Hand stated that Staff has requested an overall development plan for this property and has not received it to date. Staff has requested the same conditions for Homefield Multi-Family (Milhaus) and Camping World and the deviations were removed.

Chairman Carson directed questions to Staff regarding the length of the trail. Director Hand stated that it would be two (2) miles as this is a large site.

Motion starts at 306:40::

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-039, with the following deviations/modifications:**

Condition 1(a) – Approval with deviation with improvement.

Condition 1(b) – Approval of the deviation as it relates to the parapet screening.

Condition 5 – No change – denial of the requested deviation.

Condition 14 – Deletion of this condition.

Condition 15 – Approval to modify the wording as submitted.

Condition 23 – Approval of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – No change – denial of the requested deviation.

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye

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

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

Subject to:

1. **The following requirements of the Commercial Development Guidelines Overlay District *have not* been met:**
 - a. **Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:**
 - i. **EIFS at the ground level or comprising more than 15 percent of any façade.**

The applicant requests the use of EIFS: South – 39%, West – 38%, East 32% and North 39%. They are seeking a deviation from the Commercial Design Guidelines by the City Planning Commission.

- b. **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.**

The applicant requests the use of an opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building. They are seeking a deviation from the Commercial Design Guidelines by the City Planning Commission;

2. **At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;**
3. **The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;**
4. **The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;**
5. **When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;**
6. **For future live entertainment:**
 - a. **All entertainment must cease by at least 1:00AM;**
 - b. **Doors and windows must stay closed during any entertainment performance;**
 - c. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**

- i. **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
 - ii. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
 - iii. **An I.D. scanner will be used at all times;**
 - iv. **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.**
 - d. **No amplified speakers or entertainment is allowed in outdoor spaces; and,**
 - e. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 7. **Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;**
- 8. **Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;**
- 9. **Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;**
- 10. **Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;**
- 11. **Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;**
- 12. **All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;**
- 13. **All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);**
- 14. **All landscaping shall be irrigated;**

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;
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. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. 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;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
20. 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;
21. 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;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. 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;

24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
25. 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;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2022-097** for two (2) years:

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye

Beth **Aye**
Connelly **Not Present**
Ernst **Aye**
Jones **Aye**
Miller **Not Present**
Mohler **Aye**

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

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE of Plat Application PLAT2022-035:**

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

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

Hearing starts at 3:13:40:

MASTER PLAN AMENDMENT APPLICATION MPL2022-025 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS: Master Plan Amendment from Mixed-Use Commercial (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 822 and 825 North 49th Street.

CHANGE OF ZONE APPLICATION COZ2022-040– DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS - SYNOPSIS: Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District for Water Pollution Control offices and vehicle storage and Police CSI crime lab and parking for storage of vehicles at 822 and 825 North 49th Street.

PLAT2022-036 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS: Preliminary Plat to combine three (3) residential parcels and create one (1) industrial parcel at 822 and 825 North 49th Street.

Detailed Outline of Requested Action: The applicant, David Lotz on behalf of the Unified Government Water Pollution Control and KCKPD, is seeking a Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, Preliminary Plat three (3) lots and build two (2) buildings totaling 77,314 square feet, and a Master Plan Amendment to the City-Wide Master Plan from Mixed-Use to Industrial to allow evidence and tow lots on the property on 36.80 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:26:25: Planning Director Hand stated that Staff has received no letters in support nor in opposition. There are no Notices of Violation. The property is located in the City-Wide Master Plan in the Midtown area. The request is for the more intensive industrial district as it is for a tow lot. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code. Director Hand stated he will address the proposed deviations by the applicant:

#3 – Sidewalk is identified in the goDotte Mobility Plan strategy. Other developers are required to follow this requirement. Staff does not recommend approval of the deviation.

#6 – Does not require any action by the applicant. This is something to think about for the future.

#8 – This is a requirement that downspouts are internalized but the condition can be modified to state that the external downspouts

#20 – This can be changed to just require screening.

Motion starts at 3:30:35:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-025:**

#3 – Deviation is denied

#6 – Deviation is denied

**#8 – Deviation for external downspouts painted to match the building is approved.
#20 – Modification for the parapet alternative is approved.**

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

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

Subject to:

- 1. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code;**
- 2. By instrument of the final plat, North 49th Street, south of Armstrong Avenue, and Ann Avenue shall be vacated, so the Unified Government does not have to maintain the street;**
- 3. Continue the public sidewalk along the north side of Armstrong Avenue, to the east entrance/exit in front of the CSI Lab building and connect to the internal sidewalk;**
- 4. Truck traffic on Muncie Drive should be controlled. Additional signage shall be posted. Coordination with truck drivers to the facility is required;**
- 5. The laydown area, south of the Water Pollution Control building shall have paved (concrete or asphalt) drive aisles and the storage pads for equipment or materials may be asphalt millings;**
- 6. Staff recommends retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three (3) feet above the highest point of the roof;**
- 7. Per Building Inspection Department:
 - a. Caution is advised as part of this property may have been a prior fill site;****
- 8. Downspouts shall be internalized;**
- 9. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses;**
- 10. The automatic gate shall be similar to the proposed fencing that it connects into;**
- 11. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the**

- removal of existing old growth trees during the land disturbance and grading process;
12. The areas around detention basin A and B shall be redesigned to include reforestation areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands;
 13. The open area west of Lot 1 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand and record an open space deed, or at the very least note on the plat as to be preserved in perpetuity;
 14. The tree stands east of the CSI building preserve in perpetuity as open space;
 15. 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 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 running;
The site for the proposed development is 36.80 acres, 160 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-3 Planned Heavy Industrial District;
 16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
 17. All landscaping shall be irrigated;
 18. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 19. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening or an opaque enclosure (wood pickets or metal paneling). Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 20. 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 does not meet this standard. Exhaust fans/hoods and vents should be located in the rear and sides of the roofs, so these penetrations do not project above the roofline and are not visible from public view (North 50th Street, Armstrong Avenue and Muncie Drive);
 21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. All utilities mounted on the wall must be painted to match the building. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;

22. **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;
23. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
24. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
25. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;
26. No heavy, construction truck traffic other than employee parking traffic (i.e., restrict) off Muncie Drive;
27. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west;
28. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
30. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
31. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a

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

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

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-040:**

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

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

Subject to the above conditions

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2022-036:**

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

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

Subject to the above conditions

Hearing starts at 3:35:30:

CHANGE OF ZONE APPLICATION COZ2022-041 – CURTIS PETERSON WITH POLSINELLI PC - SYNOPSIS: Change of Zone from CP-2 Planned General Business Distract to CP-2 Planned General Business District to amend conditions of prior approval

for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street.

PLAN REVIEW APPLICATION PR2022-043 – CURTIS PETERSON WITH POLSINELLI PC - SYNOPSIS: Preliminary and Final Plan Review for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, is seeking for a Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend a condition of approval from COZ #3051 requiring the developer to set aside the southern 15,000 square feet (936 North 90th Street) and establish a Memorandum of Understanding (MOU) with the Foxmoor Neighborhood Association and a Preliminary and Final Development Plan to build a 4,048 square foot gas station/convenience store with six (6) gas pumps on 2.29 acres at 9001 State Avenue and 936 North 90th 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Kathryn Meyer, 2136 South 18th Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:51:20: Planning Director Hand stated that the requested Change of Zone is for amendment of previously approved conditions for this proposed use. He stated that he will address the proposed changes by the applicant:

Condition #1 – Delete agreement with neighborhood on use of 15,000 square foot parcel. He stated that Staff felt it important to honor the original intent of the condition. Staff has also had difficulty connecting with the neighborhood association and the one (1) meeting that was held, it was evident that an agreement was not going to be reached. Staff felt a walking trail around the detention pond would be a good compromise but the neighborhood wanted a park. They did not want to contribute any monetary assistance and the Unified Government cannot pay for a park. Mr. Petersen stated that the detention pond is not on

this parcel; it has been revised and is on their property. Even though they own that parcel, they do not have any plans at this time. Director Hand stated this condition was from 10 years ago and no one showed up at the meeting tonight so he will leave it to the Commission's discretion.

Condition #2 – Staff does not have an issue with the facility being open 24-hours a day.

Condition #4 – Staff would only require the south portion of the second parcel on which the development is located.

Conditions #9 and #10 – These are standards conditions and require no modification.

Condition #11 – Staff will correct if this is in error and the plans were read incorrectly.

Condition #21 – Add at final plan review.

Staff has received no letters in support nor in violation. There are no Notices of Violation. Staff recommends approval, subject to the conditions.

Motions starts at 3:59:12:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-041 and the following requested deviations:**

Delete Condition #1

#2 – Approve deviation for the operation to be open 24/7

#4 – Approve sidewalk modification

Keep #9 and #10 as in the staff report

Delete #11

#21 – address at final

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

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

Subject to:

- 1. The applicant is seeking amend a 2013 Change of Zone (COZ #3051) condition by the Unified Government Board of Commissioners that the original rezoning is contingent upon the applicant and the Foxmoor Neighborhood Association entering into an agreement for the use of the southerly most 15,000 square feet of the site for neighborhood park purposes.**

The applicant discussed with Planning Staff that they have attempted to enter into an agreement in good faith and had signed an agreement with the Foxmoor Neighborhood Association President, but that agreement was not fully executed.

The detention basin has been relocated and moved behind building. The southern 15,000 square foot area of the site remains open space, demarcated as proposed neighborhood park owned by the neighborhood association. This area should be turned into an amenity with other features, such as a trail loop, but that needs to be collaboratively discussed between the Applicant and neighborhood association;

2. The applicant is seeking to amend the hours of operation restriction from beyond 4:00 AM to 12:00 Midnight, except the canopy may be open 24 hours, a previous condition of approval from COZ #3051. The applicant wants to have the ability to have 24-hour operations;
3. Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;
4. 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);
5. 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;
6. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store;
7. 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;
8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
9. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
10. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue;
11. The EIFS on the east façade is greater than the 15 percent permitted per the Commercial Design Guidelines;
12. Downspouts shall be internalized;
13. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;
14. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that 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;
15. 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;

16. **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;
17. **Sec. 27-577(b)(3)** In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six 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;

18. **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;
19. 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);
20. All landscaping shall be irrigated;
21. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
22. 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;

- 23. The following requirements have been provided by the Board of Public Utilities (BPU) as installation and screening requirements for transformers and electrical equipment on the ground:**
- 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-foot clearance from pad when gate doors open;**
 - c. Posts for gate doors must be installed a minimum distance of 10-feet apart in the front;**
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;**
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);**
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10-feet on the front when gate doors open;**
- 24. 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;**
- 25. 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;**
- 26. Gasoline pump canopies shall have masonry wrapped columns that match the main building;**
- 27. Exterior lighting cannot exceed one (1) footcandle at the property line;**
- 28. 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;**
- 29. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;**
- 30. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running;**
- 31. 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;
32. 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;
 33. 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;
 34. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 35. 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;
 36. 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;
 37. 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,
 38. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application PR2022-043:

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye

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

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

Chairman Carson left at 10:05 p.m.

Hearing starts at 4:02:52:

MASTER PLAN AMENDMENT APPLICATION MPL2022-018 – DAVID CUNNINGHAM WITH PARKWAY LIQUOR – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION SP2022-086 – DAVID CUNNINGHAM WITH PARKWAY LIQUOR - SYNOPSIS: Special Use Permit to expand the operation of a current liquor store at 8222 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, David Cunningham, is requesting a Special Use Permit and Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- David Cunningham, applicant, 8222 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:06: Planning Director Hand stated that the corresponding variance was approved by the Board of Zoning Appeals earlier this evening.

Staff has received no letters in support nor in opposition. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 4:06:55:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-018:**

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

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

Subject to:

- 1. The applicant shall install pedestrian markings and restripe the parking lot;**
- 2. The applicant shall repair the trash enclosure;**
- 3. The applicant shall plant three (3) trees along the southern edge of the property;**
- 4. This City Planning Commission case is being heard in conjunction with BOZA2022-055. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 5. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;**
- 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. 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;**
- 8. The applicant has filed and maintained a current business occupation tax application;**

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 existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 21,000 square feet, requiring three (3) trees be provided on the site plan;
12. 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;
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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2022-086:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0
Subject to the above conditions.

Hearing starts at 4:08:45:

SPECIAL USE PERMIT APPLICATION SP2022-094 – CALAWAY MCQUEENY WITH MCQUEENY MANAGEMENT LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4904 Edgehill Drive.

Detailed Outline of Requested Action: The Applicant, Calaway McQueeney, is seeking the approval to operate a short-term rental at 4904 Edgehill Drive. The subject property is in a residential block near the intersection of Swartz and South 51st Street. The owner has recently purchased the property as a fire damaged, unfit structure and is completing renovations.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Calaway McQueeney, applicant, 4904 Edgehill Drive, Kansas City, Kansas 66106
- Allen Tillman, property manager
- Kathryn Meyer, 2136 South 18th Street, Kansas City, Kansas
- Barb Kill, Turner Community Connection, 5548 Pawnee Drive, Kansas City, Kansas 66106
- Shanda Ward, Turner Community Connection

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:16:45: Planning Director Hand stated that this is a request for a short-term rental for a renovated fire-damaged house. The applicant does not live on-site. Staff has received no letters in support nor in opposition. The property is in the Turner area. The Notices of Violation will be addressed in the rehab of the property. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 4:17:45:

On motion by Mr. Ward, seconded by Ms. Armstrong , the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application**

SP2022-094 for one (1) year:

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

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

Subject to:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is four (4);**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must maintain liability insurance;**
5. **Applicant must maintain the property's physical condition through the duration of the permit;**
6. **All reservations shall be a minimum stay of 24 hours;**
7. **No meals shall be prepared in the dwelling by the owner or owner's agent;**
8. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**

9. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit 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. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
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.

Hearing starts at 4:18:35:

SPECIAL USE PERMIT APPLICATION SP2022-095 – MEGAN PAINTER WITH CHWC - SYNOPSIS: Special Use Permit to operate a neighborhood playground at 2515 North 17th Street.

Detailed Outline of Requested Action: The applicant, Megan Painter, with Community Housing of Wyandotte County, is requesting a Special Use Permit for properties at 2513, 2515, and 2517 North 17th Street to operate a privately owned playground. The subject property consists of three (3) separate but adjacent parcels, currently owned by the Wyandotte County Land Bank. The athletic park would be owned and maintained by Community Housing of Wyandotte County.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Megan Painter, applicant, CHWC
- Candie Leonard-Caldwell

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:22:08: Planning Director Hand stated that this request is for a private playground. The applicant sought to build this project at another location earlier this year. Due to neighborhood opposition, the applicant found a new site. This property is in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are multiple Notices of Violation due to it being a vacant lot and all would be addressed through this project. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:23:25:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-095 for two (2) years:**

Carson	Not Present
Pauley	Not Present

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

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

Subject to:

1. The applicant shall preserve all existing trees on the property. Where it is not possible to preserve an existing tree, due to health or safety, a new tree shall be planted;
2. A sidewalk shall be constructed along North 17th Street and Rowland Avenue. The sidewalk along Rowland Avenue shall be four (4) feet wide to conform with the goDotte County-Wide Mobility Plan;
3. In the event that storm water manage issues arise, the applicant shall work to address those issues;
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. 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;
6. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620I
7. 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.orgto confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

9. 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;
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 4:24:11:

SPECIAL USE PERMIT APPLICATION SP2022-099 – CHUCK CUDA WITH AVENUE PARTNERS LLC - SYNOPSIS: Special Use Permit to operate an automotive body repair shop at 3151 Fiberglass Road.

PLAN REVIEW APPLICATION PR2022-042 – CHUCK CUDA WITH AVENUE PARTNERS LLC - SYNOPSIS: Preliminary and Final Plan Review for an automotive body shop at 3151 Fiberglass Road.

Detailed Outline of Requested Action: The applicant, Chuck Cuda with Avenue Partners LLC, is requesting a Special Use Permit and Preliminary and Final Development Plan for the operation of an automotive repair facility at the subject properties of 3141 and 3151 Fiberglass Road. The applicant is the landlord, with the proposed tenant being Dent Wizard International. The property at 3141 Fiberglass has a small parking lot on the North side, although it does not provide all the required parking. The applicant also owns the parcel to the South at 3151 Fiberglass, which is a parking lot with a railroad right of way

easement. The two (2) parcels are both leased by the applicant to Dent Wizard International as part of their tenant agreement and are seeking the approval for the agreement as part of their review. This application is being heard in conjunction with Variance BOZA2022-026 for variances related to minimum parking requirements and parking lot pavement setbacks.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Aaron Moore, Kaw Valley Engineering, representing the applicant, 8040 North Oak Trafficway, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:26:40: Planning Director Hand stated that the request is for an automotive operation. The variance for parking, BOZA2022-056, was approved by the Board of Zoning Appeals earlier this evening. This property is located in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are numerous Notices of Violation that will be addressed during construction. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 4:27:60:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-099 for two (2) years:**

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

Miller **Not Present**
Mohler **Aye**

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

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-056. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-056 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The following improvements shall be made to the property:
 - a. The parking lot shall be restriped.
 - b. The barbed-wire fencing shall be tilted inward
 - c. The trash enclosure shall follow commercial design guidelines if visible from the public street.
 - d. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards.
 - e. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;
3. Vehicle repairs shall not be done in any right-of-way easement or roadway. Vehicles shall be repaired within an enclosed building;
4. A cross-access agreement shall be maintained between the separate parcels;
5. Hours of operation shall be from 7:00 AM to 6:00 PM;
6. Landscaping shall be installed per plan and continuously maintained;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater

- Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. 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;
 15. 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;
 16. 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;
 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively

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

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

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2022-042:**

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

Motion to **APPROVE** Passed: 5 to 0
Subject to the above conditions.

Hearing starts at 4:29:45:

SPECIAL USE PERMIT APPLICATION SP2022-100 – JOHN GAAR WITH FINKLE WILLIAMS ARCHITECTURE - SYNOPSIS: Special Use Permit to keep a storage container to store construction materials at 5841 Swartz Road.

Detailed Outline of Requested Action: The applicant, Bent Bitikofer is requesting a Special Use Permit to keep a storage container to store building materials, airplane parts, and tools on the property at 5841 Swartz Road.

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

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

4. The staff report and attachments dated November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- John Gaar, Finkle Williams Architecture, applicant, 8787 Renner Avenue, Lenexa, Kansas
- Mr. Bitikofer, 2024 South 54th Terrace, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:39:48: Planning Director Hand stated that the request is for a temporary use of land for the storage container. There are multiple buildings on the site. This property is in the City-Wide Master Plan in the Turner area. Staff received no letters in support nor opposition. This case was brought forth through a enforcement action. He understands that the applicant did not know that he needed a Special Use Permit. Staff recommends denial of this application. If the Commission moves forward with a recommendation of approval, Staff has conditions in the staff report that they would like to amend. Staff would recommend that the site be cleaned up and all the accessory structures, except the main one (barn) are removed and a building permit is acquired for the building.

The Planning Commission directed questions to Staff.

Motion starts at 4:43:25:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-100 for two (2) years:**

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

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

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
2. All existing and future driveways must feature curb cuts that are constructed to UG standards;
3. 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;
4. 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;
5. 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;
6. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
7. The property is clean up and all accessory structures, with the except of the barn, are removed.
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; and,
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.

Hearing starts at 4:44:18:

VACATION APPLICATION VAC2022-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Vacation of a utility easement at 12821 and 12827 Hubbard Road.

Detailed Outline of Requested Action: The applicant, Austin Thompson, is requesting the Vacation of a utility easement at 12821 and 12827 Hubbard Road, with the intention to combine lots 37 and 38 into one (1) parcel and construct a single-family residence.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Consulting

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:46:36: Planning Director Hand stated that a vacation applications was approved across the street several months ago. The property is located in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report. Staff would note for the record that this subdivision has a trigger for amenities once 100 building permits have been issued. He stated that if this trend of combining lots continues, Staff is going to recommend denial at permit 99. This is the second combination of lots considered the last several months. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:48:20:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2022-007:**

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

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

Subject to:

1. The applicant will be required to construct a four (4) foot wide, four (4) foot thick sidewalk;
2. Landscaping shall be installed along the western edge of the driveway as to screen the driveway and proposed garage doors from the adjacent property. The landscaping must meet the standards, set out by the Freeman Farms Homeowners association;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
7. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Hearing starts at 4:49:10:

PLAT2022-034 – KATHRYN MEYER - SYNOPSIS: Preliminary and Final Plat (Talladega Heights) for two (2) residential lots at 2715 and 2717 South 37th Street.

Detailed Outline of Requested Action: The applicant, Kathryn Meyer, is seeking a

Preliminary and Final Plat for the subject properties at 2715 and 2717 South 27th Street. The subject property is one (1) parcel consisting of two (2) separate dwelling units, both of which are in severe disrepair after long-term vacancy. The property had four (4) accessory structures providing parking and storage, however they were unable to be salvaged on the property due to poor condition. The prior owner lived in the larger home while their son lived in the second smaller dwelling on the property before passing away, leaving the homes vacant since 2011. The applicant is the new owner of the property who is completing extensive renovations. The homes have been separately addressed and metered for a number of years and have been considered legally non-conforming until their prolonged period of vacancy. This application is presented in conjunction with variance application BOZA2022-051 for multiple variances related to parcel size, dwelling size, and parking.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners; and,
7. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Kathryn Meyer, applicant, 2136 South 18th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:51:40: Planning Director Hand stated that Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:51:50:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2022-034:**

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

Mohler

Aye

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

Subject to:

- 1) This City Planning Commission case is being heard in conjunction with BOZA2022-051. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-051 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 2) When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds;
 - b. \$14.00 for two (2) lots payable to the Unified Treasurer;
- 3) Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
- 4) Utility easements shall connect with easements established in adjoining properties;
- 5) Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
- 6) A cross-access agreement may be needed if parking is shared between properties;
- 7) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 8) All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 9) 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; and,
- 10) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

MISCELLANEOUS:

Short-Term Rental Presentation – Michael Farley, Ordinance Studies Specialist, Planning + Urban Design, presented a summary of what has been developed by Staff for review and comment. (NOTE: The slide presentation is available in the Zoom webinar of this meeting.

November 21, 2022 Training – Director Hand stated that the training will be in-person and

via Zoom. Director Hand would encourage the Commission to attend in-person if possible. Dinner will be served at 5:45 p.m. and the training will begin at 6:00 p.m. in the 5th Floor Conference Room.

There being no further business, the meeting adjourned 11:40 p.m.