

CITY PLANNING COMMISSION

OCTOBER 10, 2022

MINUTES

The City Planning Commission met in regular session on Monday, October 10, 2022, at 7:42 p.m., (1:52:00) (via Zoom Webinar and the Commission Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber), Mrs. Karen Jones, Vice Chairman (Zoom), Mr. Duane Beth (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom), Ms. Susannah Pauley (Zoom) left at 10:52 p.m. due to internet issues, Mr. Joseph Straws (Zoom) and Mr. Aaron Ward (Commission Chamber) (Absent: Armstrong and Connelly). 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 and Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), Mr. James Molloy, Planner (Zoom), Mr. Patrick Waters, Senior Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 7:42 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, October 27, 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 and Urban Design Department at planninginfo@wycokck.org tomorrow morning. Any application receiving a unanimous vote of recommendation by the Planning Commission will appear on the consent agenda of the Unified Government Board of Commissioners. Unless there is a request to remove an item from the consent agenda by the applicant, a member of the Unified Government Commission, or other interested parties, the Planning Commission's recommendation will be adopted. The consent agenda is heard at the beginning of the meeting at 7:00 p.m.

The Planning Commission will also have a consent agenda as part of their meeting this evening. 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 or come to the microphone at the front of the Commission Chamber and make your request.

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, October 27, 2022, at 7:00 p.m.**

I will now read the items on the **Consent Agenda at 1:59:06:**

CONSIDERATION OF THE SEPTEMBER 12, 2022 PLANNING COMMISSION MINUTES.

SPECIAL USE PERMIT SP2022-078 – THOMAS W. MORGAN III – SYNOPSIS:

SYNOPSIS: Renewal of a Special Use Permit (SP2020-55 – expired 10/8/2022) for a Short-Term Rental at 819 Southwest Boulevard.

Detailed Outline of Requested Action: The applicant, Thomas Morgan, is seeking approval to operate a short-term rental in a multi-family building at 819 Southwest Boulevard. The subject property is in the Rosedale neighborhood. The applicant purchased the property several years and has completed major renovations. The property was a former single-family residence that was split into a duplex a number of years ago. The property underwent a rezone in 2018 to become conforming. The applicant lives in the upstairs unit while renting the downstairs. The applicant is seeking a five (5) year renewal.

SPECIAL USE PERMIT SP2022-085 – KELLY HORMANN – SYNOPSIS: SYNOPSIS:

Renewal of a Home Occupation Special Use Permit (SP2020-44) for a grooming operation at 7114 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Kelly Hormann, has applied for the renewal of a Home Occupation Special Use Permit to continue the operation of a pet grooming business at the address of 7114 Parallel Parkway. The applicant operates their grooming business out of their basement. The basement of the home has its own side entrance and driveway with a turn around to the East of the home. The applicant has stated their intentions to provide a high-quality grooming service for both dogs and cats.

PLAT2022-033 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Final Plat (Brown Strauss Steel) for one (1) industrial lot at 720 Kindelberger Road.

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC, is requesting a Final Plat to combine two (2) unplatted lots into one (1) parcel to be used for industrial purposes. The existing unplatted lots that make up the subject property are addressed as 720 Kindelberger Road and 3341 Harvester Road. Parking minimum requirements for the subject property have been combined with an existing parcel adjacent across the Harvester Road right-of-way and which is also owned by the applicant's client.

PLAN REVIEW APPLICATION PR2022-029 – JOSE MADEROS WITH MADEROS

PROPERTY LLC – SYNOPSIS: Final Plan Review for a pool, pool house and parking in the Estates of Connor Creek South Subdivision at 5408 North 103rd Street.

Detailed Outline of Requested Action: The applicant, José Maderos with Maderos Property, LLC, has submitted a Preliminary and Final Plan Review for a community pool and pool house to serve the Estates of Connor Creek and Estates of Connor Creek South housing subdivisions. The community pool and pool house collectively satisfy one (1) of

the regular amenities for the Estates of Connor Creek and Estates of Connor Creek South, as required by both the Prairie-Delaware-Piper Area Master Plan and conditions of approval for COZ-2762 and PLAT2021-018. Consistent with previous planning entitlements, including PLAT2021-018, the Estates of Connor Creek and Estates of Connor Creek South are being treated as a single residential development subdivision for the purposes of amenities, density calculations, and infrastructure and utilities development.

PLAN REVIEW APPLICATION PR2022-033 – DR. JESSICA BAIN WITH PIPER USD

203 – SYNOPSIS: Final Plan Review to convert an elementary school into a high school with athletic fields at 13021 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Dr. Jessica Dain with Piper USD 203, is requesting to build a 149,000 square foot addition, football and practice fields, and associated parking to convert Piper Creek Elementary School (grades 3-5) to Piper High School on 73.60 acres at 13021 Leavenworth Road.

PLAN REVIEW APPLICATION PR2022-034 – MIKE MAKRIS WITH BHC RHODES –

SYNOPSIS: Final Plan Review to construct townhomes at 5115 Gibbs Road, 5225 Gibbs Road, and 2416A South 51st Street.

Detailed Outline of Requested Action: The applicant, Mike Makris with BHC, is requesting a Final Plan Review at 5115 & 5125 Gibbs Road and 2416A South 51st Street. The development plan is for a multi-family residential site, consisting of 32 units among five (5) separate townhome buildings and four (4) separate fourplexes.

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

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

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

Carson **Chairman**
Mohler **Aye**

Pauley Aye
Straws Aye
Ward Aye
Armstrong Not Present
Beth Aye
Connelly Not Present
Ernst Aye
Jones Aye
Miller Aye
Motion to APPROVE Passed: 8 to 0
Subject to:

SP2022-078:

1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
2. Maximum number of guests shall be seven (7) in the upstairs unit and no more than seven (7) in any combination between the unit or units on the ground floor. Should the applicant wish to host more than seven (7) guests per unit, a lodging license from the State of Kansas is required;
3. All parking must be off-street, maximum number of vehicles is three (3) per unit including the three off-street parking spaces. The off-street parking spaces should be utilized before on-street parking on Southwest Boulevard;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper main entrance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. 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. Applicant must complete any repairs necessary as a result of the home inspection or from any staff site visit:
 - a. Add a handrail to the exterior steps
 - b. Repair any broken windows/glass
 - c. Repair front steps railing
 - d. Repair decking where evidence of rotting is shown, add additional bolts where needed
 - e. Remove abandoned electrical metering and equipment/weatherhead
 - f. Replace electrical breaker
 - g. Cover exposed wiring/junction boxes
 - h. Ensure all smoke detectors and CO2 detectors are adequately placed throughout the home and are in working condition
 - i. Repair or Replace the TMP Valve in the Water Heater Unit
11. The exterior brick retaining wall around the parking shall be repaired with steps repaired or removed as discussed;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; 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.

SP2022-085:

1. Hours of operate must remain between 7:00 AM and 5:00 PM;
2. No overnight board of animals is permitted;
3. No more than two (2) clients may drop-off and pick-up at the same time;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. 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;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. The Applicant 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. 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 office and with the building inspection office;
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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

PLAT2022-033:

1. The applicant must provide a revised parking plan demonstrating an additional three (3) parking spaces before the PLAT2022-033 mylars can be signed by the Mayor and attested by the Unified Clerk, as per Section 27-215(h)(5)(b);
2. Per Section 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 (6) feet from the street line and not less than three (3) feet in height;
3. Per Section 27-470(d)(3), all accessory materials and products such as lumber, steel and other metals and concrete products that have been previously used shall be totally screened from view from off the premises;
4. Per Section 27-470(d)(4), all uses involving storage, handling, use of sale of hazardous and highly flammable or explosive materials (group H occupancies as defined by the International Building Code as adopted and amended by the unified government) shall notify the building official prior to any such occupancy or any securing of unified government approval be it an occupational license, zoning approval, building permit, etc. The building official shall determine that all applicable requirements are met and may submit the use to the development review committee for review;

5. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
6. The applicant has filed and maintained a current business occupation tax application;
7. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
8. 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. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
10. 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;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
13. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the "Wyandotte County Conservation District Letter, Dated September 13, 2022" in the *Attachments* section of this report.

PR2022-029:

1. Amendments must be made to all plats within the Connor Creek subdivisions to reflect the fact that all Connor Creek subdivision developments will have one (1) single home owners' association, and said home owners' association

- will have ownership of the subject property upon transference of the land from the applicant;
2. Per Section 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. 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;
 3. Per Section 33-12(a), no person shall construct or substantially alter or reconstruct any swimming or wading pool until the plans and specifications have been approved by the Public Health Department. The plans and specifications shall be prepared by a professional engineer or architect licensed to practice in the state and shall be submitted in triplicate to the Public Health Department along with a permit application and such other information as the Public Health Department may require in order to determine if the proposed facility complies with the provisions of this chapter;
 4. The City Planning Commission finds that eight (8) parking spaces, one (1) of which is ADA-compliant, is sufficient for the proposed pool and pool house use;
 5. All parking and landscaping shall be installed as demonstrated on the provided materials, including, but not limited to, those materials attached within this report;
 6. All conditions of approval of COZ-2762 must be met as a condition under this report;
 7. The Prairie-Delaware-Piper Area Master Plan intends that the design and exterior materials of subdivision amenities match, or be architecturally consistent with, the designs and materials of the residential properties within the subdivision(s), which includes, but is not limited to, use of horizontal siding and stone materials as demonstrated by the materials under “Community Pool House Building Elevations” and “Community Pool and Pool House Renderings” within the *Attachments* section of this report;
 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. 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. 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. 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;**
- 13. Per Section 27-699(b)(5), 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;**
- 14. Approval of this case by the City Planning Commission, 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 Final Plan Review, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
- 15. Incorporate Management Best Practices into revised site plans and construction techniques, as per the Wyandotte County Conservation District letter.**

PR2022-033:

- 1. Future athletic fields (i.e., soccer stadium, ticket gate, baseball, and softball fields) require their own Final Development Plans;**
- 2. There needs to be sidewalk expansions/extensions to the “future” fields from the parking lot. Sidewalks should connect to the central, north/south spine;**
- 3. Connect 131st Street sidewalk, south of the detention pond into the internal sidewalk network within the campus. This improvement shall be completed when the athletic fields are constructed or within two (2) years of issuance of the Final Certificate of Occupancy of the addition to convert Piper Prairie Elementary School to Piper High School.**
- 4. Install a sidewalk and crosswalk from North 131st Street east, north of the detention pond, across the drive aisle, connecting to the north portion of the sidewalk adjacent to the rear parking lot. The parking lot is north of the future soccer field. This improvement shall be completed when the athletic fields are constructed or within two (2) years of issuance of the Final Certificate of Occupancy of the addition to convert Piper Prairie Elementary School to Piper High School.**
- 5. There may be right-of-way acquisition along North 131st Street in the future to extend the sidewalk south of the two (2) single family homes rather than going behind them to extend the sidewalk south on North 131st Street when the future fields are submitted for Final Development Plans;**
- 6. Per the goDotte Mobility Plan North 131st Street is designated as a Local Trail. The east side of the street shall have a ten (10) foot concrete trail with a two (2) foot median between the curb and the beginning of the trail terminating at the southern curb cut into the property.
When the last athletic field is constructed, the trail shall continue south along North 131st Street to the school district’s southernmost property line.**
- 7. The school expansion should match the existing school in terms of materials, fencing and landscaping;**
- 8. All downspouts will be internalized;**

- 9. 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;**
- 10. Street tree requirement is one (1) tree per thirty (30) feet of right-of-way frontage, therefore 860 linear feet along 131st Street requires twenty-nine (29) trees. This requirement is in addition to trees required for the site area and within the parking lot;**
- 11. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;**
- 12. Landscaping shall be irrigated;**
- 13. Sec. 27-699(a)(6) Nonindustrial and non-structure parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;**
- 14. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlines is not determined to be necessary. Where more stringent requirements exist, they shall apply.**

The single-family homes that are on either between North 131st Street and the soccer fields shall be screened in addition to residences on the west side of North 131st Street.
- 15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;**
- 16. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
- 17. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.**

Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) footcandle as measured from said property line. This includes lighting installed around the athletic fields. Light shall not cast horizontally or vertically onto adjacent properties;
- 18. 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;
19. 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;
 20. Following the Final Development Plan entitlement process, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 23. 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,
 24. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

PR2022-034:

1. All conditions of approval of COZ2021-047 must be satisfied;
2. As a portion of Parcel #915601 will be split from the remainder of the parcel and combined with Parcel #918901 are part of the Tower View Apartments site, a Preliminary and Final Plat is required;
3. Comply with the comments incorporated both herein by the Kansas City Kansas Fire Department;
4. Comply with the comments incorporated both herein and in the letter by the Wyandotte County Conservation District;
5. A building permit is required. Please contact the Building Inspection Department to begin that process;

6. **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;
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 to begin this process;
8. **The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,**
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—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 Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.**

Recording Secretary Parker stated that the Special Use Permits recommended for approval will be heard by the Board of Commissioners on October 27, 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.

KCK Downtown Commercial Historic District.

Director Hand stated that the staff would request that this item be continued until the November 14, 2022 meeting.

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **HOLDOVER** the KCK Downtown Commercial Historic District presentation/action until the November 14, 2022 meeting:

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

Motion to **HOLD OVER** Passed: 8 to 0

Hearing starts at 2:06:10:

CHANGE OF ZONE APPLICATION COZ2021-048 – BLAIR TANNER WITH TANNER & WHITE PROPERTIES - SYNOPSIS: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard.

Detailed Outline of Requested Action: The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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 October 10, 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;
8. The letters in support and opposition noted at the Board of Zoning Appeals meeting; and,
9. The testimony from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Bob Johnson, Polsinelli, 900 West 48th Place, Kansas City, Missouri 64112
- Blair Tanner, 2000 West 47th Place, Westwood, Kansas 66205
- Aaron Mesmer, Block Real Estate Services
- Greg Kindle, President, Wyandotte Economic Development Council
- Topher Philgreen, President of Topher Enterprises, 4512 Rainbow Boulevard, Kansas City, Kansas 66103
- Jason Sadler, 4507 Francis, Kansas City, Kansas 66103
- Dan Thompson, 4514 Francis Street, Kansas City, Kansas 66103
- Gerald Greer, 4503 Francis Street, Kansas City, Kansas 66103
- Megan Lovelace, 4458 Francis, Kansas City, Kansas 66103

Present in Opposition:

- Shari Wilson, 4529 Francis Street, Kansas City, Kansas 66103
- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Erin Stryka, Rosedale Development Association, 1403 Rainbow Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 3:01:30: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-006 which was approved by the Board of Zoning Appeals earlier this evening. This case was remanded back to the City Planning Commission by the Board of Commissioners in May of 2022 in order to revise and resubmit to address the Master Plan and the shade study. The property is in the Rosedale Area Master Plan and the request is from C-1 Limited Business District and R-1(B) Single Family to RP-6 Planned High-Rise Apartment District to create a seven story, and five-story massing totaling 149 unit multi-family development. Staff has received letters in support and opposition to this proposal as well as the comments at the Board of Zoning Appeals and City Planning Commission meetings this evening. There are no Notices of Violation. Director Hand stated that there is an error in the staff report. If you look at condition #10 it speaks to a deviation specific to the Rosedale Area Master Plan Design Guidelines and its transition to a single-family neighborhood. That condition was written for a previous staff report and should have been removed before the final staff report was posted to the website and distributed. As discussed by the Applicant, there is a single deviation being requested tonight for the length of the building. The 200 foot length of the building is one of the carry over design guidelines from the Multi-Family Design Guidelines from the City-Wide Master Plan that were also incorporated into the Rosedale Master Plan Design Guidelines. All the unique design guidelines in the master plan that in addition to the multi-family design guidelines from the City-Wide Master Plan have been met by this project. The intent was not to have a monolithic building nor have more than a 200' building in a more typical multi-building apartment complex. Staff believes that through the two (2) massings there is a seven-story building up against Rainbow Boulevard and a five-story building against the adjacent single-family neighborhood, plus the articulation in material and setbacks across the five-story massing. He further stated that he would like to note that the Rosedale Area Land Use Master Plan Map includes three defining characteristics: districts, corridors and centers. This location includes all three (3) of those. The Applicant is not requesting a Master Plan Amendment. Director Hand stated that he interprets that the applicant meets the intent of the master plan and design guidelines, which seeks to create the density along Rainbow Boulevard to provide built-in future transit riders and focus on the redevelopment of that commercial corridor at key community centers. A final development plan will be required to come before the Planning Commission if this petition is moved forward. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Director Hand including explaining why the Board of Commissioners remanded the application back to the Planning Commission and how the applicant addressed the items.

Motion starts at 3:11:47:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of COZ2021-048:**

Carson	Chairman
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	No

Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	No

Motion to recommend **APPROVAL** Passed: 6 to 2

1. **A Final Development Plan is required to complete this entitlement process;**
2. **Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
3. **Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
4. **Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;**
5. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:**
 - **Enclosed dog yard with seating area and shade trees;**
 - **Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;**
 - **400 square foot play area with play structure;**
 - **Resident garden area with water access (must be in active use);**
 - **Swimming pool;**
 - **Rooftop patio; or**
 - **Five (5) square feet or greater balconies for all units.**

All buildings must provide enclosed and ground level storage for resident bicycles;

6. **All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;**
7. **Only decorative lighting can be used on the exterior of the building(s);**
8. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;**
9. **This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;**
10. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;**
11. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines,**

screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

12. **Sec. 27-461(f)** A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;

13. **Street trees** are to be provided at one (1) tree for every 30 feet of frontage along a major street;
14. **All overstory trees** shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
15. **All landscaping** shall be irrigated;
16. **All utility connections**, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;
17. **All electrical meter banks**, typically on the side of the building shall be screened from public view;
18. **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. 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;
19. **Per the Rosedale Master Plan**, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
20. **Mechanical equipment** or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
21. **The trash enclosure** shall be internalized in the garage;
22. **Satellite dishes** shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;

- 23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 24. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;**
- 26. 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;**
- 27. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
- 29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,**
- 30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Hearing starts at 3:13:07 and the applicant was not present. The application was recalled at 6:01:20 and the applicant was not present:

CHANGE OF ZONE APPLICATION COZ2022-024 – WYLIE DENTON - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory structure to house cows at 2730 South 69th Street.

Detailed Outline of Requested Action: The applicant, Wylie Denton, is seeking a change of zone from R-1 Single-Family District to A-G Agriculture District, to construct an accessory structure larger than 1,000 square feet and to have cows on the property.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:01:52: Planning Director Hand stated that the request is for agriculture zoning in order to build a couple of accessory structures and keep cows on the property. This property is in the City-Wide Master Plan in the Turner area. The property is large enough to meet the A-G minimum lot size. Staff has not received any letters in support nor in opposition. There are some old Notices of Violation that are not related to this proposal. Staff has requested a conservation plan from the Wyandotte County Conservation District and has conditioned a buffer around the stream to keep it clear of development, livestock and waste. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 6:03:26:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-024:**

Carson	Chairman
Mohler	Aye
Pauley	Not Present
Straws	Aye

Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye

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

Subject to:

- 1. The applicant must obtain a Conservation Plan from the Conservation District before cows are allowed on the property.**
- 2. The applicant must maintain a 25-foot buffer around the creek that runs through the property;**
- 3. The applicant must replant any trees that will be removed;**
- 4. The applicant must remove any waste, not utilized as fertilizer, from the property regularly, as to prevent any potential contamination of water run-off;**
- 5. This case is being heard in conjunction with Board of Zoning Appeals case BOZA2022-037;**
- 6. 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;**
- 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive**

operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; 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 3:14:25:

MASTER PLAN AMENDMENT MPL2022-015 – LIDIA VILLAR WITH LIDIA AND COMPANY, LLC – SYNOPSIS: Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan) at 1218 Kansas Avenue.

CHANGE OF ZONE APPLICATION COZ2022-027 – LIDIA VILLAR WITH LIDIA AND COMPANY, LLC - SYNOPSIS: Change of Zone from R-2(B) Two Family District to CP-1 Planned Limited Business District to construct a neighborhood market at 1218 Kansas Avenue.

Detailed Outline of Requested Action: The applicant, Lidia Villar, is requesting a Change of Zone from R-2(B) Two-Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density to Community Commercial (Armourdale Area Master Plan) for the subject property at 1218 Kansas Avenue. The Change of Zone has been requested so that the applicant can construct a new grocery store with parking lot. The subject property is currently a vacant lot with approximately 15,315 square feet. This application is being heard in conjunction with BOZA2022-042 for variances related to setbacks 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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Jeff Schulzler, representing the applicant, Pluribus Architectural Collaborative LLC, 926 Cherry, Kansas City, Missouri 64106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:17:25: Planning Director Hand stated that Change of Zone COZ2022-027 and Master Plan Amendment MPL2022-015 are being heard in conjunction with BOZA2022-042, which was approved for a parking and setback variance earlier this evening by the Board of Zoning Appeals. The request is for a grocery store on Kansas Avenue in Armourdale. The newly adopted Armourdale Area Master Plan did discuss access to healthy foods and grocery stores as a primary goal for the community. There are multiple what's called bodegas with food access in and around Armourdale but nothing of this size and extent as a grocery store. Staff has received no letters in support nor in opposition. There are some older Notices of Violation which will be addressed as it relates to the development of this project. There are several Commercial Design Guidelines that Staff has been working with the applicant to address. Staff has built in flexibility for the parking variance if there is a redesign of the parking lot. There are four (4) deviations before the Commission tonight to those Commercial Design Guidelines:

1. The first one relates to screening of commercial property to a residential structure. Some level of landscaping, berming and/or screening from the parking lot to the residential uses to the west.
2. The second one is related closely to the same intent as the variance. It is for parking between the front of the building on the street right-of-way for an additional 20 feet. The variance was approved.
3. The third one is an additional deviation for screen of the parking lot. There is not a lot of room to put landscaping around the parking lot.
4. The fourth one is related to the roof top mechanical equipment. In the Commercial Design Guidelines to screen rooftop mechanical equipment, the preference is to build a parapet. Staff has allowed in the past wrapping of those units. It becomes complicated wrapping the units when there are multiple buildings.

Staff is in agreement with deviation request #2 and defers to the decision of the Planning Commission for the remaining three (3) deviations. Staff recommends approval subject to the conditions in the Staff report.

Motion starts at 3:21:10:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-015:**

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

Ernst **Aye**
Jones **Aye**
Miller **Aye**

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

Subject to:

- 1) **This City Planning Commission case is being heard in conjunction with BOZA2022-042;**
- 2) **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 3) **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 15,314.79 square feet, requiring 2 trees be provided on the site plan;**
- 4) **Section 27-464(g) requires that trees are 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;**
- 5) **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 6) **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;**
- 7) **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 office and with the building inspection office;

- 8) Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06 and otherwise adopted by the City-wide Master Plan;**
- 9) The applicant is requesting a Special Use Permit for a property to be zoned as CP-1 Limited 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 COZ2022-027. All listed requirements that are identified as *"have not been met"* must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;**
- 10) The following requirements of the Commercial Development Guidelines Overlay District have been met:**
 - (a) Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;**
 - (b) 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;**
 - (c) 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;**
 - (d) 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;**
 - (e) 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;**
 - (f) 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);**
 - (g) Section 27-575(a)(3) states that street layout should define a cohesive development;**
 - (h) Section 27-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;**
 - (i) Section 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;**
 - (j) 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;

(k) Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;

(l) Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;

11) A deviation to the following requirements of the Commercial Development Guidelines Overlay District has been approved by the City Planning Commission.

(1) 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;

(2) Section 27-575(e)(3) states that parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;

(3) Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

(4) 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.

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

13) Per Section 27-723(a), no sign (including the structure or sign surface or murals) 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) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

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.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-027:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0
Subject to the above conditions

Hearing starts at 3:23:10:

CHANGE OF ZONE APPLICATION COZ2022-029 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from R Rural Residential District (WYCO) to A-G Agriculture District to subdivide 35 acres into four (4) lots at 13205 Parallel Parkway.

PLAT2022-032 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Preliminary and Final Plat (Stimac Addition) for four (4) single-family lots at 13205 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt, is requesting a Change of Zone from R Rural Residential (WYCO) and A-G Agriculture Districts (WYCO) to A-G Agriculture District as well as a Preliminary and Final Plat to create four (4) agricultural lots at 13205 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 October 10, 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 from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Austin Thompson, applicant, Atlas Surveying, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:25:38: Planning Director Hand stated that Change of Zone COZ2022-029 and PLAT2022-032 are being heard in conjunction with BOZA2022-043 for a lot width to depth ratio deviation, which was heard earlier this evening and approved by the Board of Zoning Appeals. The request is to split the parcel into four (4) lots and rezone it to the current agriculture zone and its standards. The property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor in opposition. There are some Notices of Violation on the property as it relates to maintenance. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:226:30:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-029:**

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

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

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-043, heard by the Board of Zoning Appeals, on October 10, 2022;
2. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;
3. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the register of deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
4. Proposed development(s) within this preliminary plat or plans review will require drawings to be submitted with additional information. These additional

- plans may result in additional comments, changes, or conditions before final approval;
5. Approval of this case by the Board of Zoning Appeals, 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 exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 6. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;
 7. Any future development shall work with the Wyandotte County Conservation District and develop a Conservation Plan to address concerns noted by the Conservation District;
 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 10. 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,
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2022-032**:

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

Motion to **APPROVE** Passed: 8 to 0

Subject to the above conditions:

Hearing starts at 3:28:30:

MASTER PLAN AMENDMENT MPL2022-016 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Medium-Density Residential (City-Wide Master Plan) at 4229 Douglas Avenue.

CHANGE OF ZONE APPLICATION COZ2022-030 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4229 Douglas Avenue.

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt with Atlas Surveyors, is seeking to change the zoning district from R-1 Single-Family District to R-2 Two-Family District and amend the Master Plan designation from Low-Density Residential to Medium Density Residential to construct a duplex on the subject property at 4229 Douglas Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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 Surveying, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:32: Planning Director Hand stated that Change of Zone COZ2022-030 and Master Plan Amendment MPL2022-016 are being heard together. The property is in the City-Wide Master Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Having identified the property in the rear as a Landbank property, Staff will work with the UG Land Bank regarding access. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:32:55:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-016:**

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

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

Subject to:

1. The applicant shall coordinate with the Wyandotte County Health Department regarding installation of the septic tank;
2. The applicant shall utilize a silt fence and straw wattles to limit land disturbance within 20 feet of the drainageway;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
6. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local

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

7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
8. Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;
9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
10. 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.
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-030:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0
Subject to the above conditions

Hearing starts at 3:35:35:

CHANGE OF ZONE APPLICATION COZ2022-032 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS - SYNOPSIS: Change of Zone from C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District to correct split zoning and operate a used car dealership with light repair at 1401 Merriam Lane.

Detailed Outline of Requested Action: The applicant, James Sullivan, is requesting a Change of Zone from C-3 Commercial District and M-2 General Industrial District to CP-3 Planned Commercial District to operate a used car-dealership with light auto-repair at 1401 Merriam Lane.

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 October 10, 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:

- Jim Sullivan, applicant, 8621 Johnson Drive, Merriam, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:38:09: Planning Director Hand stated that Change of Zone COZ2022-032 is being heard in conjunction with a Special Use Permit that was heard and approved by the Board of Commissioners last month for auto sales and light auto repair services. As a condition of that approval, Staff requested the applicant to file a Change of Zone application to correct the split zoning on the property. The property is in the City-Wide Master Plan just outside the Rosedale Area Master Plan. Staff received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:39:30:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-032:**

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

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

Subject to:

1. **The applicant will be required to get their septic tank inspected by the Kansas Department of Health and Education and/or the Wyandotte County Health Department;**
2. **The applicant may not pave or park on top of the leech field for the septic tank; This may result in further alteration in the site plan;**
3. **The applicant shall submit for a Final Development Plan review;**
4. **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;**

5. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. 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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

- b. **Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.**
13. **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06; and,**
14. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Commissioner Pauley lost internet service at 10:52 p.m. and was unable to rejoin the meeting.

Hearing starts at 3:40:27:

MASTER PLAN AMENDMENT MPL2022-020 – TODD THOMAS WITH CRITTRION - SYNOPSIS: Master Plan Amendment from Business Park (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) to construct duplexes and other multi-family residences at 1921 North 118th Street. A resolution adopting the Master Plan Amendment is also part of this application.

CHANGE OF ZONE APPLICATION COZ2022-033 – TODD THOMAS WITH CPC LAND ACQUISITION COMPANY - SYNOPSIS: Change of Zone from A-G Agriculture District to RP-4 Planned Garden Apartment District to construct duplexes and other multi-family residences at 1921 North 118th Street.

Detailed Outline of Requested Action: The applicant, Todd Thomas with CPC Land Acquisition Company, LLC, wants to rezone 1921 North 118th Street from A-G Agriculture District to RP-4 Planned Garden Apartment District to build cottage-style single-family homes and duplexes totaling 232 units on 32.19 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 October 10, 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, attorney, representing the applicant, Polsinelli, 900 West 47th Place,

The Planning Commission directed questions to the applicant.

Present in Opposition/Questions/Support:

- Sarah Shafer, 11200 Delaware Parkway, Kansas City, Kansas

Staff Recommendation starts at 4:10:30: Planning Director Hand stated that the proposal includes both COZ2022-053 from A-G Agriculture District to RP-4 Planned Garden Apartment District and MPL2022-020 from Business Park to Medium Density Residential. This property is in the Prairie-Delaware-Piper Master Plan. This is a large parcel the applicant is proposing to build on and it is also a relatively new use typology. At its core it is multi-family and needs to follow the Multi-Family Design Guidelines. Staff did their best to apply the Multi-Family Design Guidelines to essentially a single-family subdivision even though it is one (1) parcel with over 200 total units format. Staff is requesting sidewalks on both Delaware Parkway and State Avenue, which is a 10-foot wide off-street trail as per the goDotte County-Wide Mobility Strategy. Staff tried to work with the applicant extensively to ensure pedestrian circulation, i.e., across the development. The project will have numerous amenities such as the clubhouse, dog park, trails and open space. He stated that the single-family and duplex “pods” layout is not ideal. Staff and the applicant came to an impasse. Staff knows that development will occur directly to the east of this project and Staff is trying to create separation and reintroduce the grid network in-between these two (2) arterial streets as it relates specifically to the private drive connecting Delaware Parkway to State Avenue. Staff is asking that they flip the road so it runs along the edge of their property. As it is designed now, people driving down the public streets will see the back of the garages, which is fine within the development but not on its edges. Staff is requesting that they change that design for the single family pods along State Avenue and the redesigned eastern private road and whatever happens to the east of the property could then align to the proposed private drive built to UG standards. Access to the development would then be behind that road. He stated that he will address the requested deviations but it is important to know that Staff uses these conditions to enforce building permits and final inspections and as such should remain. Director Hand addressed the following requested deviations and the Commission asked questions as he went through the conditions:

3. As discussed previously with Planning Staff, a separate roadway, directly connecting Delaware Parkway to State Avenue was asked to be incorporated into the plans. Traffic calming design and measures can be installed to slow down vehicles to prevent a “drag strip”, but would allow for traffic to bypass the development for major thoroughfare access. In addition to creating the road, flip the residences so their fronts of face the street and their rears open into the green space of the neighborhood pods. Also, the road will create access and division of the future use to the east. **Staff remains a proponent** of a straight-line through street from Delaware Parkway to State Avenue. The street will allow vehicles from Delaware Parkway in Village West Apartments I, II, and III to access State Avenue without driving through the multi-family development – Staff defers to the Commission.

8. Greater emphasis needs to be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees – Staff believes that this condition needs to remain to continue to apply emphasis to the pedestrian entrances to both this development. The condition could be changed to say greater emphasis should be put on pedestrian entrances so Staff can continue to advocate for the design guidelines.

11. The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site –

12. Amenities shall be built in the first phase of the development;

Staff believes this condition needs to remain. This condition and #12 allows the Staff to advocate for two (2) things. One (1) they have to meet all of their amenity requirements, which this project does. Two (2), regardless of phasing, the public improvements should happen in the first phase. There have been many times when the public improvements were tied to future phases and the future phases did not occur. Staff is not asking that the amenities be relocated because they are currently located evenly across this proposed development.

14. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts - If the Commission wishes to remove this condition, a variance would be required. This condition allows continued conversation about future connectivity of the site.

15. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection; - Staff agrees with this change as proposed by the Applicant.

20. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation – Staff has no issue with this deviation. The Planning Commission would need to agree to both the architecture and material deviation proposed by the Applicant. Leaving the condition does not mean that they have to change anything but holds them to the intent of the design guidelines.

21. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal

to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation – Staff has no issue with this deviation. The Planning Commission would need to agree to both the architecture and material deviation proposed by the applicant. Leaving the condition does not mean that they have to change anything, but holds them to the intent of the design guidelines.

23. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site. These tree stands should not be thinned or removed as they provide a natural buffer – The second sentence can be removed as per the request of the applicant.

Director Hand stated Staff recommends approval subject to the conditions in the staff report.

The Planning Commission asked clarification questions for the conditions discussed by Director Hand.

Chairman Carson reopened the hearing for additional comments from Mr. Petersen.

Motion starts at 4:57:19:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-020 with the following changes to the conditions in the staff report:**

1. **Delete Condition #3**
2. **Keep Condition #8**
3. **Keep Condition #11**
4. **Keep Condition #12**
5. **Keep Condition #14**
6. **Modify Condition #15 as per the applicant’s request – storm shelters – Proposed revision: The final development plan will include FEMA compliant storm shelters either in the individual living units or in communal saferooms located at the clubhouse and/or maintenance building.**
7. **Approve the deviation for Condition #20 – façade architecture**
8. **Approve the amendment from staff for Condition #21 – façade materials**
9. **Modify Condition #23 as per the applicant’s request – tree preservation**
10. **And the remaining conditions in the Staff report:**

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

Ernst **No**
Jones **Aye**
Miller **Aye**

Motion to recommend **APPROVAL** Passed: 6 to 1

Subject to:

1. **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;**
2. **Proposed development within this preliminary plat will require civil drawings to be submitted for the final plat;**
3. **Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts;**
4. **In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.**
5. **Per the goDotte Mobility Plan, a 10-foot concrete sidewalk/trail shall be constructed on State Avenue, along the entire southern property line in the right-of-way. See the Regional Trail cross section in the attachments.**
6. **Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one (1) side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except industrial areas and except in subdivision zoned R Rural Residential District. Sidewalks shall be no less than four (4) feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be in the platted street right-of-way abutting the property line.**

A sidewalk on the south side of Delaware Parkway shall be constructed as part of this development. The internal sidewalk network (along the private street) shall connect to the sidewalk along Delaware Parkway;

7. **Greater emphasis should be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees;**
8. **Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1/B1;**
9. **At the end of the stub streets that provide off-street parking, connect into the internal sidewalk network. Additionally, those stub streets that are in the vicinity of the regional trail shall have a sidewalk that connects the internal sidewalk network to the trail network.**
10. **The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of**

the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site;

11. Amenities shall be built in the first phase of the development;
12. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
13. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts;
14. The Final Development Plan will include FEMA compliant storm shelters either in the individual living units or in communal safe rooms located at the clubhouse and/or maintenance building. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection;
15. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.
16. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development);
17. All existing and future driveways must feature curb cuts that are constructed to UG standards;
18. Carports within the development shall match the residences (roof pitch and materials) within the development;
19. The City Planning Commission approved the deviation for architectural design. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.
20. The City Planning Commission approved the deviation for materiality as per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.
21. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
22. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site;
23. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if

required.

- The site is 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district;
24. One (1) street tree shall be provided per 30 feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore 36 trees are required to be planted along State Avenue and 14 trees are required along the Delaware Parkway frontage;
 25. 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;
 26. All landscaping shall be irrigated;
 27. If proposed, all trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 28. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
 29. All electrical meter banks, typically on the side of the building shall be screened from public view;
 30. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 31. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
 32. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 33. 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;
 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. 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;
37. 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,
38. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-033:**

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

Motion to recommend **APPROVAL** Passed: 6 to 1

Subject to the above conditions

Planning Commission took a break from 5:04:02 to 5:08:44

Hearing starts at 5:08:50:

MASTER PLAN AMENDMENT MPL2022-019 – DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT - SYNOPSIS: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 4810 State Avenue. A resolution adopting the Master Plan Amendment is also part of this application.

CHANGE OF ZONE APPLICATION COZ2022-034 – DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT - SYNOPSIS: Change of Zone from CP-1 Planned

Limited Business District to CP-2 Planned General Business District to construct a car wash at 4810 State Avenue.

PLAN REVIEW APPLICATION PR2022-035 - DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT - SYNOPSIS: Final Plan Review to construct a car wash at 4810 State Avenue.

Detailed Outline of Requested Action: The applicant, Derrick Merchant of 7B Building and Development, LLC, is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for the construction of a new car wash. The subject property has a vacant commercial building that has a history of uses such as a steak house, Mexican restaurant, and most recently as an urgent health care clinic. The Change of Zone has been requested so that the applicant can construct and operate a new drive-thru car wash.

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 October 10, 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:

- Fred Darryl, 5440 West 110th Street, Suite 300, Overland Park, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:11:38: Planning Director Hand stated that the request is for a car wash. The property is in the City-Wide Master Plan area. The applicant will demolish the existing building and construct a new car wash. Staff has received no letters in support nor in opposition. There are some old Notices of Violation that will be addressed with this redevelopment. The proposal must meet all Commercial Design Guidelines. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 5:12:40:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-019:**

Carson **Chairman**
Mohler **Aye**

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

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

Subject to:

- 1) **Any grease, sand, oil, or other interceptors shall indicate their lids are both child proof and meet vehicle rating requirements. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
- 2) **Retaining walls shall provide calculations and shall be made of masonry-material, not a smooth-faced concrete masonry unit (CMU) blocking unless wrapped with a masonry finish. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
- 3) **Trash or dumpster enclosures shall meet the requirements of the Commercial Design Guidelines Overlay District. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
- 4) **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 office and with the building inspection office;**
- 5) **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;**
- 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) **Proposed development(s) within this preliminary plat and/or plan review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval;**
- 8) **The applicant is requesting a Change of Zone and Master Plan Amendment for use on or development of a property zoned CP-1 with a proposed Change of Zone to CP-2. Therefore, this property is subject to and shall comply with all applicable regulations under the Commercial Development Guidelines Overlay**

District including landscaping, irrigation, lighting, parking, fences, screening, parapets, recycling or trash enclosures, utility fixtures and equipment, signage, or other requirements as applicable. Change orders, plan changes, or modifications in field, on site, or other remain subject to compliance to the Commercial Development Guidelines Overlay District requirements. Failure to comply with the guidelines may result in the delay of obtaining a Certificate of Occupancy or other enforcement action;

- 9) Section 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 66,572 square feet, requiring 10 trees be provided on the site plan;
- 10) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
- 11) Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
- 12) Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
- 13) Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
- 14) 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' wide from the inside of stripe to inside of stripe and 18' in length. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle;
- 15) Per Section 27-466(c)8, no use is permitted that involves the parking, keeping, storage or continued presence of trucks over 30,000 pounds GVWR rating, semitrailer rigs or portions thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property;
- 16) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept

- directly alongside the building and in a well-kept manner, such screening need not be provided;
- 17) Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 - 18) 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;
 - 19) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 - 20) 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;
 - 21) 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;
 - 22) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 - 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-034:**

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

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

Subject to the above conditions

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2022-035:**

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

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

Subject to the above conditions

Hearing starts at 5:15:15:

SPECIAL USE PERMIT APPLICATION SP2022-050 – TIM GATES WITH AGNES

GATES REALTY - SYNOPSIS: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 1005 Osage Avenue.

Detailed Outline of Requested Action: The applicant, Tim Gates, is seeking a new Special Use Permit for live entertainment at an existing restaurant with bar at 1005 and 1007 Osage. The Applicant is a representative for the property owner, whose son wants to do performances in the restaurant with his band while people are dining and to have occasional small parties with entertainment. The two (2) properties have been joined to create a semi-open floor plan on the street level to accommodate the existing restaurant and dance floor while 1005 Osage retains a second level with apartments. The total square footage for the combined buildings is 6,660 square feet. This application is being heard in conjunction with BOZA2022-041 for minimum parking lot setbacks and for number of parking spaces required.

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

1. The City's currently adopted zoning and subdivision regulations;

2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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:

- Tim Gates, applicant, Agnes Gates Realty, 2045 South 74th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:18:09: Planning Director Hand stated that this case was heard in conjunction with BOZA2022-041, which was approved for a parking variance earlier this evening by the Board of Zoning Appeals. Staff and the applicant worked through multiple issues. The property is in the Armourdale Area Master Plan. Many of the conditions of approval relate to the clean-up of the property which the applicant is willing to do. Staff is in agreement with the end time of the live entertainment. If there are issues, the times can be adjusted at the time of renewal. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 5:18:55:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of SP2022-50 for two (2) years:**

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

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

Subject to:

- 1) **This City Planning Commission case is being heard in conjunction with BOZA2022-041. 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 BOZA2022-041 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.

- 2) The inoperable vehicles must be removed from the parking lot.
- 3) The boat must be removed from the parking lot.
- 4) The storage container must be removed from the parking lot.
- 5) Building materials, fluid container, inoperable restaurant equipment, salvage material, and all other debris, defunct equipment, and trash must be removed from the property's exterior, including the roof.
- 6) The rear fenced-in area must be free of all salvage material and equipment. The fenced area must be removed or modified, as it blocks the rear emergency exit from the current restaurant. This exit must remain unblocked and allow for unrestrained access of persons to exit.
- 7) An architect or registered professional must submit a new as-builts of the building including the storage room and cooler additions.
- 8) An architect or registered professional must submit a new site plan to include a six (6) foot setback for a fence and landscape buffer at the front of the parking lot on the Osage frontage per Section 27-467(d)(2)e. The approval of a variance for this site plan may be required.
- 9) Lighting must be upgraded to down-ward facing lighting per the Commercial Design Guidelines
- 10) Any non-permitted signage must obtain sign permits, including any murals or other painted signage.
- 11) A building permit must be obtained on any modifications of the property not previously captured in permits, including but not limited to the cooler, freezer, side stairwell into basement, and any other modifications.
- 12) A new TCO/CO shall be obtained. The Current CO issued in 2017 is listed as incomplete with corrections and repairs needed. Additionally, a passing TCO/CO inspection may be required once the parking lot is completed at either or both locations as well as the interior of the building.
- 13) Rental licensing must be obtained on the dwellings units if they become rented to the public.
- 14) Fencing must be repaired or replaced where needed and added where required.
- 15) Trash and other disposals shall be enclosed in a structure comparable with the requirements of the Commercial Design Guidelines.
- 16) The building shall be painted in a uniform color.
- 17) Any business or land use in Kansas City, KS that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.

- 18) All entertainment must cease by at least 1:00AM**
- 19) Doors and windows must stay closed during any entertainment performance.**
- 20) Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - a) 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;**
 - b) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
 - c) An I.D. scanner will be used at all times;**
 - d) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.**
 - e) No amplified speakers or entertainment is allowed in outdoor spaces; and**
 - f) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.**
- 21) 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.**
- 22) 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.**
- 23) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**
- 24) All existing and future driveways must feature curb cuts that are constructed to UG standards.**
- 25) 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.**
- 26) 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.**
- 27) 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.**
- 28) A Right-of-Way Permit is Required. The applicant is required to contact the**

Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

- 29) Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 17249.799 square feet, requiring 3 trees be provided on the site plan.
- 30) Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas.
- 31) Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.
- 32) Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.
- 33) Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground.
- 34) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.
- 35) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
- 36) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 37) 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.
- 38) Any business in Kansas City, Kansas that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through

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

- 39) 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.
- 40) 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.
- 41) 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.
- 42) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 5:19:50:

SPECIAL USE PERMIT APPLICATION SP2022-064 – GEOFREY KIGENYI WITH THE SOLID ROCK PROPERTIES LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4410 Rainbow Boulevard.

Detailed Outline of Requested Action: The Applicant, Geoffrey Kigenyi DBA The Solid Rock Properties, is seeking the approval to operate a short-term rental at 4410 Rainbow Boulevard. The subject property is in a residential block on the Rainbow Boulevard commercial corridor.

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 October 10, 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:

- Geoffrey Kigenyi, applicant, 4410 Rainbow Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:22:19: Planning Director Hand stated that the request is for a Short-Term Rental and this is the first request for this property. The Applicant does not live on the property nor have an on-site manager. The property is in the Rosedale Area Master Plan. Staff received no letters in support nor in opposition. There are old Notices of Violation on the property that will be addressed by this project. The request is for seven (7) guests maximum and three (3) off-street parking spaces. As is the policy of the Commission for new Short-Term Rentals without an on-site manager. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 5:23:08:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-064 for one (1) year:**

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

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

Subject to:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3);**

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must maintain liability insurance;
5. Applicant must maintain the property's physical condition through the duration of the permit;
6. All reservations shall be a minimum stay of 24 hours;
7. No meals shall be prepared in the dwelling by the owner or owner's agent;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit shall be valid for 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 5:24:07 and the applicant was not present. The application was recalled at 6:04 and the applicant was not present:

SPECIAL USE PERMIT APPLICATION SP2022-070 – MANUEL LOPEZ - SYNOPSIS:
Special Use Permit to keep horses at 1211 North 69th Street.

Detailed Outline of Requested Action: The Applicant, Manuel Lopez, is seeking approval to own two (2) horses. The Applicant has less than five (5) acres and is not zoned Agricultural, requiring Special Use Permit. The applicant would like to keep the horses for personal use for time with their grandkids. The applicants have resided at the residence for a number of years after purchasing it as a distressed property and are planning an accessory building and various improvements to the property with the addition of the horses.

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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:04:40: Planning Director Hand stated that the request is for two (2) horses on a little more than two (2) acres. The property is in the City-Wide Master Plan area. Staff received no letters in support and one (1) letter in opposition. There is an existing Notice of Violation for the gravel driveway on the property. The Conservation District has recommended denial as they do not feel that the property is suitable for keeping of horses. Staff has asked for additional information concerning the care of the horses and Staff does not know if the horses belong to the applicant or if he is keeping them for someone else. Staff recommends denial of this application.

Motion starts at 6:06:08:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-070:**

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

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

For the following reasons:

- 1. The applicant did not provide significant demonstration of on-site plans for shelter, watering, waste disposal, and exercise;**
- 2. The applicant did not clear the land with regards to soil conservation, which will be further exasperated by the presence of horses on a lot in which no sacrifice lot has been identified. There has not been sufficient time to grow new pasture on the cleared land before introducing horses or other livestock; and,**
- 3. Staff discussion with a concerned neighbor has raised concerns about who will actually maintain ownership and care of the horses, particularly during times of extended travel or during inclement weather.**
- 4. Recommendation of denial by the Wyandotte County Conservation District.**

Hearing starts at 5:25:45:

SPECIAL USE PERMIT APPLICATION SP2022-088 – JOE DELLOIACOVO WITH CYNTOX LLC - SYNOPSIS: Special Use Permit to operate a medical waste transfer station at 200 Function Road.

Detailed Outline of Requested Action: The applicant, Joe Delloiacovo with Cyntox, LLC, is seeking the approval to continue operations at a medical waste processing and transfer facility. The property has maintained the use for a number of years under the name MedAssure Heartland LLC, but has recently been acquired by Cyntox, LLC, requiring the re-approval of the Special Use Permit, as they are non-transferrable. The processing of medical waste uses moist heat rather than hazardous materials, burning, or combustion. Additionally, there are no harmful air emissions or wastewater pollutants, and the facility is KDHE licensed. The subject property was built in 1959 and includes 18,012 square feet of building space and a large, improved parking area for trucks, storage, and maneuvering. The building consists of multiple tenants, however, this tenant only utilizes the parking area to the west and the rear of the property. The 2012 SUP also included plans for a future treatment plant at the building, however that proposal did not come to fruition and the company only remains only as a transfer station. The applicant is requesting another 10-year renewal as a transfer station under the new company name.

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 October 10, 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 Quick, representing the applicant, 16200 Foster Street, Overland Park, Kansas
- Joe Delloiacovo, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:30:22: Planning Director Hand stated that the request is for a medical waste transfer facility. The property is located in the Northeast Area Master Plan in the Fairfax District. Staff has received no letters in support nor in opposition. There are several old Notices of Violation that have been remediated and closed. Staff is requesting the extension of the sidewalk across this property, additional landscaping and other conditions of approval. While there might be multiple tenants in this building, the Planning Commission can apply conditions for improvements to the property as they see fit. Staff recommends approval for 10 years subject to the conditions in the staff report.

Mr. Delloiacovo stated that the upgrades are not areas that they occupy and would be the responsibility of the property owner. Chairman Carson stated that the Applicant will need to discuss with the property owner as they are part of the conditions of approval. Director Hand stated that the applicant has six (6) months to make the improvements. It is Staff's policy that if the improvements are not made, Staff will recommend denial at the time of renewal. He stated that Staff would be agreeable to striking Number 1, items d, e, g and h. Director Hand stated that the application could be held over for one (1) month for the Applicant to discuss the conditions with the landlord if they desire. Mr. Delloiacovo stated that he would like a decision this evening.

Motion starts at 5:37:42:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-088 for ten (10) years striking Number 1, items d, e, g and h:**

Carson **Chairman**
Mohler **Aye**

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

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

Subject to:

- 1) The following site plan updates are required to meet design criteria and/or ordinance requirements:
 - a) Per Section 8-250(2) the barbed wire must be adjusted to tilt inward.
 - b) To provide adequate connectivity per the Northeast Area Master Plan, the sidewalk connecting from the adjacent parcel west shall be continued with a path leading to the front door of the property as indicated on the staff site plan.
 - c) Per Section 27-700, a maximum of one (1) tree per every 15,000 square feet of site area could be requested. The maximum required trees is nine (9) and staff is proposing three (3) trees be added to the property as indicated on the staff site plan.
 - d) The front parking stripes shall be re-striped in accordance with Sections 27-667-27-676.
- 2) 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.
- 3) 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' wide from the inside of stripe to inside of stripe and 18' in length. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle.
- 4) 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;
- 5) 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 office and with the building inspection office.
 - 6) The Subject Property has been identified as being within a floodplain and/or floodway. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit. This may result in additional building, plan, or site changes as required.
 - 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) The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
 - 9) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
 - 10) All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - 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) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
 - 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 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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

Hearing starts at 5:39:00:

VACATION APPLICATION VAC2022-006 – PATRICK JOYCE WITH ANDERSON

ENGINEERING - SYNOPSIS: Vacation of a utility easement at 324 and 328 North 64th Terrace.

Detailed Outline of Requested Action: The applicant, Patrick Joyce with Anderson Engineering, is requesting to vacate a portion of a utility easement at 324 and 328 North 64th Terrace.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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:

- Patrick Joyce, applicant, Anderson Engineering

Present in Opposition/Questions:

- Kyle Richmond, 6410 Riverview, Kansas City, Kansas 66102

Staff Recommendation starts at 5:42:32: Planning Director Hand stated that this is a utility easement request. The property has already been through the lot split process where the property line was changed and a new utility easement was rededicated down the property line. When the property line was moved a 5' easement on both sides was created so the single-family parcels maintain 5' utility easements. This request is to remove the excess easement on either side of the new property line. The request does not change anything for the member of the public in attendance's property. Staff recommends approval subject to the conditions in the Staff report.

Motion starts at 5:43:42:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2022-006:**

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

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

Subject to:

- 1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building;**
- 2. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 3. 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;**

4. **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;**
5. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,**
6. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Hearing starts at 5:44:30:

PLAT2022-027 – HEATHER TROWER WITH LEGACY DEVELOPMENT, LLC -

SYNOPSIS: Final Plat (The Legends at Village West, Sixth Plat) for one (1) commercial lot at 1875 Village West Parkway.

PLAN REVIEW APPLICATION PR2022-027 - HEATHER TROWER WITH LEGACY DEVELOPMENT, LLC - SYNOPSIS:

Preliminary and Final Plan Review to construct a multi-tenant space with a drive-thru at 1875 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Heather Trower with Legacy Development, LLC, wants to build a two (2) tenant restaurant, 6,400 square foot building and plat on (1) commercial lot on 0.58 acres at 1875 Village West 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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Judd Claussen, representing the applicant, Phelps Engineering, 1270 North Winchester, Olathe, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:47:45: Planning Director Hand stated that the request is for a final plat and preliminary and final plan review. The property is located in the Prairie-Delaware-Piper Master Plan area. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff has requested the Applicant to follow the Commercial Design Guidelines as well as create a direct connection to the front door of the new two (2) tenant building from Village West Parkway. Staff recommend approval subject to the conditions in the staff report.

Motion starts at 5:48:58:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2022-027:**

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

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

Subject to:

- 1. One (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces;**
- 2. Greater emphasis should be placed on pedestrian connectivity to the interior part of the Legends Outlets, guests walking within the development should not have to drive to these restaurants. See Granite City, Vision Works, and Village West Dentistry pad site as an example.
 - a) Add a sidewalk/pedestrian path from east side the main entrance drive, off Village West Parkway to the front door of the building;****
- 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 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;**
- 4. Utility easements shall connect with easements established in adjoining properties;**
- 5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**

6. The proposed stucco paneling must be true stucco, not a panel installation system;
7. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

Review the pad sites around The Legends Outlets and incorporate more modular face brick and fiber cement siding. The primary building material is stucco, per the Exterior Finish Legend, however, the building elevations note EIFS;

8. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or,
 - e. Variation in rooflines.

The south, east and west elevations do not reflect these aforementioned techniques. Incorporate them into all four sides of the building;

9. The exterior doors along the sides and rear shall be painted to match the building or a complimentary color as the primary building;
10. Downspouts shall be internalized;
11. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must exceed a maximum height of 30 inches at maturity.

There are bare patches along Village West Parkway that need to be replanted and enhanced to screen the drive-thru lane from Village West Parkway;

12. Sec. 27-577(d)(2) At least seventy-five (75) percent of the length of building foundations facing public street, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

The front of the building, facing north needs plantings around the foundation of the building;

13. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, six (6) trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines. This does not include the street trees to be planted along Village West Parkway, which is one (1) tree per thirty (30) feet of frontage along a Major Street, trees planted within parking lot islands, and junipers required for screening BPU transformers and ground mounted utilities;
14. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the

- development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
15. All landscaping shall be irrigated;
 16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
 17. All rooftop mechanical equipment shall be screened from public view by the parapet. The public view extends to the boundary of the property line and public right-of-way;
 18. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback five (5) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 19. 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;
 20. 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;
 21. 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;
 22. 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;
 23. 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; and,
 24. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-027:**

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

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

Subject to the above conditions

Hearing starts at 5:50:52:

PLAN REVIEW APPLICATION PR2022-020 – FERNANDO GOMEZ WITH ENVISION CONSTRUCTION - SYNOPSIS: Preliminary Plan Review for the construction of a parking lot at 2907 North 81st Street.

Detailed Outline of Requested Action: The applicant, Fernando Gomez, is requesting a Preliminary Plan Review to construct a parking lot with 13 parking spaces and a crosswalk at 2907 North 81st 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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Fernando Gomez, applicant, Bishop Construction

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:53:05: Planning Director Hand stated that the request is to construct a parking lot for a church. This is a preliminary plan review so a final plan review will be required. The proposed parking is for additional ADA and/or close-in elderly parking. There are existing parking lots on-site and Staff tried to have the applicant

consolidate the parking areas as it is dangerous backing out onto Roswell Avenue and this new lot appears duplicate of close-in ADA access from the current lot, but the Applicant was not in agreement. Staff included conditions for landscaping to screen the homes across 81st Street. Staff recommend approval subject to the conditions in the staff report.

Motion starts at 5:54:58:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-020:**

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

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

Subject to:

1. **36 inch tall, all-season landscape berms shall be installed every three (3) feet along the west-side of the property, to allow screening from headlights, which would shine into the adjacent residential properties;**
2. **Landscaping shall be installed along the southern edge of the parking lot located behind the church;**
3. **The applicant shall utilize pervious surface for the new parking lot and drive isle, as to prevent additional water run-off from the new parking lot;**
4. **The applicant shall apply for a Final Development Plan;**
5. **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;**
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. **Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than**

the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

10. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
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.

Hearing starts at 5:55:50:

PLAN REVIEW APPLICATION PR2022-036 – ALEX ELLIOTT WITH ATLAS LAND SURVEYORS - SYNOPSIS: Preliminary Plan Review to construct a two-story building for senior citizens at 11013 Haskell Avenue.

Detailed Outline of Requested Action: The applicant, Andrew Danner with AMD Partners, LLC, has applied for a Preliminary Plan Review to build a two (2) story, 34-unit, 37,248 square foot senior living building on 3.62 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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Mathew Danner, developer, 5775 Northwest 64th Terrace, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:59:05: Planning Director Hand stated that that the proposal is for a new senior development. The zoning is C-O District and does not require a Change of Zone as the use is allowed in this zoning. Staff has conditioned that they comply with the Multi-Family Guidelines. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 6:00:13:

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-036:**

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

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

Subject to:

- 1. A Final Development Plan is required to be submitted to complete this entitlement process;**
- 2. Per Sec. 27-463(b)(1) Any use permitted in the RP-4 Garden Apartment District under the standards of that district, except single-family and two-family dwellings are not permitted in this district;**
- 3. Install a sidewalk along Haskell Avenue;**
- 4. Install a painted hatched crosswalk across the driveway approach;**
- 5. Relocate the proposed sidewalk from Haskell Avenue south in front of the trash enclosure further west and install a painted crosswalk across the drive aisle. The proposed ADA ramp terminates in front of the trash enclosure;**
- 6. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.**

Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a maximum of one (1) evergreen or one (2) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Buffering plantings will be required in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8)

dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 3.62 acres, which requires 23 trees, six (6) additional evergreen or shade trees and 34 shrubs for buffering per the zoning district;

7. Plant trees around the retention basins, more than what is shown to buffer the single-family home from this development;
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
9. All landscaping shall be irrigated;
10. A six (6) foot privacy fence with masonry columns every 32 feet running shall be constructed along the perimeter of the west property line, abutting the A-G Agriculture and R-1 Single Family Districts. Staff can discuss with the applicant during the Final Development Plan regarding keeping the existing tree stands, but also installing the fence to meet the code requirement;
11. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
12. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
13. All electrical meter banks, typically on the side of the building shall be screened from public view;
14. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
15. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
16. Satellite dishes shall not be erected on the exterior of patios, balconies, or rooftops. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
17. All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. No light may cast on adjacent right-of-way or on adjoining property. Lighting cannot exceed one (1) footcandle at the property line;
18. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division

- shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
19. 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;
 20. 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;
 21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 23. 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,
 24. 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 Starts at 6:10:28:

Planning Director Hand outlined the upcoming meeting dates:

1. October 27, 2022 Board of Commissioners meeting at 7:00 p.m.
2. November 14, 2022 Special Meeting at 5:00 p.m. – CMIP and Discussion of Short-Term Rental.
2. November 14, 2022 Board of Zoning Appeals and City Planning Commission meeting at 6:00 p.m. Presentation of Downtown Historic District.
3. November 21, 2022 at 6:00 p.m. - Planning Commission Training – Zoom and In-Person.
4. December 12, 2022 Board of Zoning Appeals and City Planning Commission meeting at 6:00 p.m. – Consideration of Short-Term Rental Ordinance.

There being no further business, the meeting adjourned 12:15 a.m. on October 11, 2022.