

CITY PLANNING COMMISSION

OCTOBER 9, 2023

MINUTES

The City Planning Commission met in regular session on Monday, October 9, 2023, at 7:33 p.m., (1:32:33) Via Zoom Webinar and 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), Ms. Rose Elites (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom), and Mr. Joseph Straws (Zoom). (Absent: Armstrong, Connelly and Ward). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design, Ms. Janet L. Parker, CSC/APC/CMA, Executive Assistant to the Director of Planning + Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), and Mr. Jeff Conway, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 7:33 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.
2. Planning Commission Members attending by Zoom please use the raise your hand feature to speak, after Chairman Carson recognizes you, unmute your microphone and please state your name when you begin to speak. If you are in-person in the Commission Chamber, when Chairman Carson recognizes you, please state your name before speaking.
3. For those members of the public in attendance via Zoom or telephone, use the "raise your hand" feature when you want to speak on an issue. The Chairman will recognize you when it is your time to speak, unmute your microphone and state your name and address before giving your comments. If you are attending in person, please come to the microphone at the front of the room when the application is called, and the Chairman will recognize you when it is your time to speak.
4. Proper meeting decorum is expected of all participating in the meeting and anyone who fails to act properly will 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 26, 2023**. For final plats and final plan reviews heard tonight, the Planning Commission's decision is final and there will not be another hearing. The format

for this evening's meeting is as follows:

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

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

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

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

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

members of the Commission will be asked to disclose those contacts.

Please note that your opinions will be forwarded to the Governing Body for their consideration in making a final decision on **Thursday, October 26, 2023, at 7:00 p.m.**

I will now read the items on the **Consent Agenda (1:39:45):**

CONSIDERATION OF SEPTEMBER 11, 2023, PLANNING COMMISSION MINUTES

SP2023-070 – SARAH CATHERINE BELARDE – SYNOPSIS: Renewal of a Special Use Permit (SP2022-068, expires 10/6/2023) to operate a Short-Term Rental at 3008 South 9th Street. Detailed Outline of Requested Action: The applicants, Sarah Belarde and Javier Saenz, are requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-068, which expires 10/6/2023) to continue to operate a short-term rental at 3008 South 9th Street. This is not the owner's primary residence. This will continue to be the only permitted short-term rental on the 3000 block of South 9th Street.

SP2023-073 – OSCAR FLORES-URRIITIA – SYNOPSIS: Renewal of a Special Use Permit (SP2021-066, expires 12/9/2023) to operate a dog kennel at 4001 North 74th Street. Detailed Outline of Requested Action: The applicant, Oscar Flores, is requesting a renewal of a Home Occupation Special Use Permit to continue the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area.

PLAN REVIEW APPLICATION PR2023-023 – ERIN MORRIS WITH ROSEMANN + ASSOCIATES – SYNOPSIS: Final Plan Review to construct a 17-unit apartment building at 4403 Rainbow Boulevard. Detailed Outline of Requested Action: The applicant, Erin Morris with Rosemann & Associates, P.C., filed a Final Development Plan to build 11,594 square foot, 9-unit short-term rental building (temporary lodging) for families of patients at the University of Kansas Health System at 4325 Rainbow Boulevard.

PLAN REVIEW APPLICATION PR2023-026 – MARICELA ZAMORA – SYNOPSIS: Final Plan Review to approve revisions to the previously approved Pardo's Automotive plan at 4639 Parallel Parkway. Detailed Outline of Requested Action: The applicant, Maricela Zamora with Pardo Automotive, is requesting a Final Plan Review, PR2023-026. This Final Review Plan follows a Preliminary Plan Review conducted as part of a Change of Zone case COZ2022-007, from C-1 Limited Business District to CP-2 Planned General Business District. The Final Plan Review is for the expansion of an auto body shop engaging in light automotive service and maintenance. The building on the subject property is to be expanded by an additional 1,241 square feet.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The 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 anyone wanted to remove an item from the Consent Agenda. (No one responded in the affirmative).

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

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

Motion to APPROVE Passed: 7 to 0

Subject to:

SP2023-070:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **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;**
5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified**

- Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. 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;
 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. The Special Use Permit shall be valid for 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;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

SP2023-073:

1. The following comments from the Wyandotte County Conservation District remain in effect:
 - a. Some of the area has been covered with gravel. If animals are to be allowed to run here, clean up after them will be harder.
 - b. The sod area looks good. Animal waste needs to be cleaned up on a daily basis and disposed of in a proper manner;
2. The following conditions from the previous approval of SP2021-066 remain in effect:
 - a. Applicant maintains proof of Kansas Boarding License and continuously maintain the license through the life of the permit (if approved).
 - b. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance;
3. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any

- building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
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. Lighting shall be installed to have a 90-degree cutoff;
 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. 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;
 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 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;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances,

- conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. 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;
 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. The Special Use Permit shall be valid for 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;
 18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

PR2023-023:

1. In June 2023, the Short-Term Rental Ordinance went into effect, which in the case of multi-family buildings of 7 dwelling units or greater, less than 50 percent of all total units are allowed to be short-term rental units. Planning Staff is honoring SP2021-074, which was applied for and approved prior to the

ordinance, however, all renewals are subject to the Short-Term Rental Ordinance.

Upon expiration of SP2021-074, the property owner, BP-FH, LLC must decide whether to apply for a Change of Zone to a commercial district (e.g., CP-2 Planned General Business District) for a hotel or a Special Use Permit and operate as a hotel and comply with the standards and regulations of lodging and sales tax;

2. All existing and future driveways must feature curb cuts that are constructed to UG standards;
3. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
4. Provide revised building elevations as the PDF that was submitted, page 8 is blank. Staff receives an error message when opening the document.
 - a. Because this is a phased building, the north façade needs to have a treatment that complies with the Rosedale Area Plan – Urban Multi-Family Residential Guidelines;
5. Downspouts shall be painted the same color as the gutter/scuppers;
6. All screening is to be maintained to minimize impacts of conflicting uses;
7. 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;
8. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 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;
9. 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;
10. All landscaping shall be irrigated;
11. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;

- 12. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**
- 13. 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;**
- 14. 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;**
- 15. Regarding BPU transformer screening, the following applies:**
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.**
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.**
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).**
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;**
- 16. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 17. 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;

18. Previous conditions of approval from COZ2021-043, SP2021-074 and MPL2021-023:

- a. This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as CPC case is solely for a change of zone to build an apartment complex:
 - i. This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department.
 - ii. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
- b. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
- c. A building permit is required. Please contact the Building Inspection Department to begin that process;
- d. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
- e. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between 8 – 10 feet wide. The proper site design, future right-of-way dedications may be needed on the plat;
- f. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments.

The bikeshare e-bikes are not for the sole use of the guests staying at Friendship Inn, however, they will have the ability to use an alternate mode of transportation. The UG bikeshare e-bike rack can and will be installed just off the sidewalk along Rainbow Boulevard;

- g. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier;

- h. The contact information for Kathy Bradley, House Manager shall be provided to the business development organization, adjacent neighborhood groups and property owners;**
- i. Per the Rosedale Area Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.**

40 percent or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood**
 - Smooth-faced or split-faced concrete block**
 - Tilt-up concrete panels**
 - Corrugated metal siding**
 - Standard single or double tee concrete systems**
 - Vinyl siding**
 - Glass block**
 - EIFS**
- j. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below:**
 - Minimum side yard setback of 10 feet from property line abutting single family;**
 - Within 30 feet of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,**
 - Within 50 feet of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;**
- k. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;**
- l. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;**
- m. Landscape the west side of the site to soften the front of the building;**
- n. 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;**
- o. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings**

may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;

- p. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per 30 feet of frontage;
- q. All landscaping must be irrigated;
- r. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
- s. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
- t. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
- u. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
- v. Per the Rosedale Area Plan, developments must provide pedestrian scaled lighting spaced every 40 feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
- w. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
- x. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
- y. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
- z. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and 10 feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, a 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
- aa. Per the Rosedale Area 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;
- bb. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
- cc. Shall comply with the sign ordinance;
- dd. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;

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

PR2023-026:

1. **In regard to the removal of the parking lot island extension to the west of the north entrance/exit, one (1) of three (3) requested deviations from the Preliminary Plan Review within COZ2022-007, the concrete island may be removed from the parking lot design;**
2. **In regard to the color and materiality of the dumpster screening, one (1) of three (3) requested deviations from the Preliminary Plan Review within COZ2022-007, the dumpster screening must match both the color and material of the primary building;**
3. **In regard to the proposed height of the retaining wall and fence along the rear yard line of the subject property, one (1) of three (3) requested deviations from the Preliminary Plan Review within COZ2022-007, the total height of the retaining wall and any fence on top of the wall must be less than eight (8) feet in height (as measured by the average grade on both sides of the retaining wall);**
4. **Per Section 27-466(c)(5)b.3, all approved site plans submitted to Staff and/or otherwise attached to this staff report represents a firm commitment on the improvement and maintenance of the site and repeated deviations from that layout in the field will be considered a violation of the provisions of this article and enforced accordingly;**
5. **Per Section 27-593(b)(19), parking of the automobiles under light service, repair, or mechanics shall not be placed within a required parking/paving**

setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-466 through 27-470; parking shall be upgraded to current standards and regulations, including medians, landscaping, and screening; and each automobile shall be in a striped, designated parking space;

6. 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 sideline from the front and/or corner side yard required setback to the rear property line and across the rear property line;
7. All requirements of the Commercial Development Guidelines Overlay District that the Applicant has not requested a deviation from must be met. All requirements are list under “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District #2” within the *Staff Comments and Suggestions* section of this report;
8. All conditions of approval for BOZA2023-007, COZ2022-007, and SP2022-022 must be met or continue to be met;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. The applicant has filed and maintained a current business occupation tax application;
12. 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;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. 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;
15. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
16. Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet,

- requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
17. 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;
 18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
 19. Sec. 27-211(j) In the event of a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing ,or in the event the landowner shall fail to commence, as evidenced by receipt of building buildings and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be constructed abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

Chairman Carson stated that the Special Use Permit Applications will be heard by the Unified Government Board of Commissioners on October 26, 2023, at 7:00 p.m.

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

Hearing starts at 1:44:05:

MASTER PLAN AMENDMENT MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street.

CHANGE OF ZONE APPLICATION COZ2023-012 – TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to RP-5 Planned Apartment District to convert a school into apartments at 290 South 10th Street.

PLAT APPLICATION PLAT2023-017 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Preliminary Plat of Whittier Heights to split the parcel into two (2) lots at 290 South 10th Street.

Detailed Outline of Requested Action: The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10th Street from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District to convert a vacant school into a three (3) story, 20-unit multi-family apartment building, preliminary plat to subdivide the parcel into two (2) lots and amend the Central Area Plan from Public/Semi-Public to High-Density Residential on 0.93 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone and Master Plan applications;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals hearing and City Planning Commission hearing last month.

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

Recording Secretary Parker stated that these applications were held over from last month's meeting to allow the Staff and applicant to address the conditions of approval discussed at the meeting.

Present in Support:

- Christine Brewood, representing the applicant, HJM Architects, 7520 Washington Street, Kansas City, Missouri 64111

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:49:29: Planning Director Hand stated that at last month's meeting variance application BOZA2023-019 was heard by the Board of Zoning Appeals. The Board approved the variance for the parking design standards and denied the side yard setback. As the Applicant's representative noted, they changed the direction of it and therefore the setback requirement was negated. He further stated that this

property is in the Central Area Plan off 10th Street and Gilmore. Staff received no letters in support nor opposition. There are some older Notices of Violation related to the property which would be addressed through the redevelopment of this property. Staff recommends approval subject to the condition in the staff report. A final development plan will be required for this project. The property will be split through the historic site of the school and the agreement was that the retaining wall will remain. Staff reviewed the plan with the State Historic Preservation Office, and they noticed that the site plan they reviewed for their State Law review was a different site plan and since the second parking lot off 10th Street was added that would trigger a second State Law review. However, since the Unified Government now has an agreement with the State Historic Preservation Office, that review will be done by the Planning + Urban Design Department. It will not be reviewed by the Kansas City, Kansas Landmarks Commission as it is not a local Landmark. Director Hand addressed the proposed revisions to the conditions:

1. Condition #5 – Amend to state: Section 27-57(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be stepped. Four (4) feet of terrace is required every 8 feet of wall. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the school is to be maintained in perpetuity.
2. Condition #15 – Amend to state: Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building so as not to be in plain view of the public. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior.
3. No changes to Conditions #8 or #13.

The applicant addressed the condition for the street trees.

Commissioner Eilts stated that when she drove by the site, it appeared there was a fire. Director Hand stated that the extent of the fire could trigger additional reviews.

Motion starts at 1:55:58:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-007:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. These City Planning Commission petitions are being heard in conjunction with BOZA2023-019;**
- 2. Because this is a planned district, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
- 3. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a building permit by the Building Inspection Division;**
- 4. Per the Multi-Family Residential Design Guidelines:**
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.**
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:**
 - i. The primary entrance or entrances to each principal multi-family building; and,**
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.**
 - c. Exterior building materials shall not include the following:**
 - i. Board and batten wood;**
 - ii. Smooth-faced or grey concrete block;**
 - iii. Painted concrete block;**
 - iv. Tilt-up concrete panels;**
 - v. Field painted or pre-finished standard corrugated metal siding;**
 - vi. Standard single or double tee concrete systems; and,**
 - vii. Vinyl siding.**
 - d. Landscaping is required to screen all parking areas and service entries;**
- 5. Section 27-57(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be stepped. Four (4) feet of terrace is required every 8 feet of wall. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the school is to be maintained in perpetuity.**
- 6. The existing stone retaining wall located in the southwest corner of site, adjacent to Gilmore Avenue shall be preserved with the understanding and agreement that as the wall extends north towards the rear property line, the wall which is between at-grade to one (1) foot shall remain in-place until a development plan is created for Whittier Heights, Lot 1;**
- 7. As discussed with the applicant and design team, the stairs on the south side of the site off Gilmore Avenue will be preserved and a sidewalk will connect the stairs to the front door on the east side of the building;**
- 8. The sidewalk along Gilmore Avenue shall extend from the intersection west to the end of the parcel. There will be a small gap between this development and South 11th Street.**
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.**
 - b. A brick sidewalk would be considered an historic feature of the site;**

9. 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);
10. Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
11. 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;
12. Interior parking lots lights shall have 90-degree cutoff fixtures;
13. Install bike racks near the front door or a high trafficked entrance/exit;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
15. 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. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior;
16. Maintain existing trees throughout the site;
17. 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 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 0.93 acres, which requires 9 trees, three (3) additional evergreen or shade trees and 20 shrubs for buffering per the zoning district;

18. Add street trees along South 10th Street and Gilmore Avenue spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy to observe the BPU overhead electrical lines;
19. Remove the falling over volunteer tree along Gilmore Avenue;
20. 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;
21. All new landscaping shall be irrigated with an in-ground, buried irrigation system;
22. 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;
23. 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 an architectural screen;
24. All electrical meter banks, typically on the side of the building shall be screened from public view;
 25. All exterior lighting, whether mounted on a building or within a parking lot 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;
 26. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
 27. 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;
 28. Satellite dishes shall not be erected on the exterior of windowsills. 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;
 29. 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;
 30. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 31. 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;
 32. 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;
33. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
 34. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger 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;
 35. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
 36. 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. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application COZ2023-012:

Carson **Chairman**
Jones **Aye**
Miller **Aye**
Mohler **Aye**
Straws **Aye**
Ward **Not Present**
Armstrong **Not Present**
Beth **Aye**
Connelly **Not Present**
Eilts **Aye**
Ernst **Aye**
Motion to APPROVE Passed: 7 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Ms. Eilts, the Planning Commission voted as follows to **APPROVE PLAT2023-017:**

Carson **Chairman**
Jones **Aye**
Miller **Aye**
Mohler **Aye**
Straws **Aye**
Ward **Not Present**
Armstrong **Not Present**
Beth **Aye**
Connelly **Not Present**
Eilts **Aye**
Ernst **Aye**
Motion to APPROVE Passed: 7 to 0
Subject to the above conditions

Hearing starts at 1:59:25:

CHANGE OF ZONE APPLICATION COZ2023-015 – BRIAN TERRY - SYNOPSIS:
Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming at 3850 North 55th Street.

SPECIAL USE PERMIT APPLICATION SP2023-024 – BRIAN TERRY – SYNOPSIS:
Special Use Permit for grading of the property for hay fields at 3850 North 55th Street.

Detailed Outline of Requested Action: The applicant, Brian Terry, has filed a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming and a Special Use Permit for on-site grading of hay field on 25.13 acres at 3850 North 55th 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

- 6. The Notice in the Wyandotte Echo; and,
- 7. The Notices to property owners.

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

Present in Support:

- Brian Terry, applicant, 3850 North 55th Street, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:52: Planning Director Hand stated that the Change of Zone is for the hay fields and the Special Use Permit is for grading and grubbing to bring the site back to agricultural purposes. The property is in the City-Wide Comprehensive Plan, Staff has received no letters in support nor violation. There are Notices of Violation on the property for work done on the property without a Special Use Permit, which is being addressed through this process. Staff recommends approval of the Change of Zone and the Special Use Permit for two (2) years subject to the conditions in the staff report.

Mr. Terry asked for clarification of the concrete driveway. Director Hand showed the applicant the area that needs to be concrete from the street to the property line and then the remainder of the driveway can be gravel.

Motion starts at 2:04:40:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-015:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. **Hours of operation for balancing the site for grading shall be Monday through Friday, 8:00 AM to 5:00 PM;**
2. **The equipment used on the property will be a 955 loader, crusher, dump trucks, excavator and concrete truck. At the conclusion of the on-site grading, this equipment shall be removed as the keeping of industrial equipment is not**

- permitted on the premises without a Special Use Permit for the Temporary Use of Land for industrial purposes. This Special Use Permit is for on-site grading only;
3. Obtain a hauling permit from the Public Works Department;
 4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 5. All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - a. The existing driveway does not meet UG standards;
 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. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 8. A grading permit is required from the Building Inspection Division prior to earthen material is brought in, removed or relocated on the property;
 9. 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;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is

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

12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
13. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-024:**

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

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

Hearing starts at 2:06:38:

CHANGE OF ZONE APPLICATION COZ2023-017 – VICTOR FRANK MARTINY II –

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep farm animals at 6019 Woodend Avenue and 6029 Oak Grove Road.

PLAT APPLICATION PLAT2023-027 – VICTOR MARTINY II – SYNOPSIS: Preliminary Plat to combine two (2) residential lots into one (1) lot at 6029 Oak Grove Road and 6019 Woodend Avenue.

Detailed Outline of Requested Action: The applicants, Victor Martiny II and Katie Martiny, are requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 6029 Oak Grove Road and 6019 Woodend Avenue. This change of zone is necessitated by the fact that there is not a dwelling unit on the property, and there are multiple accessory structures on the property, which violates R-1 standards for accessory uses. The applicants are also seeking a preliminary and final plat to combine two (2) lots and vacate a portion of the Woodend Avenue right-of-way.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The Testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Victor and Katie Martiny, applicants, 6029 Oak Grove Road, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:09:20: Planning Director Hand stated these applications will combine two (2) lots and vacate a portion of the property. These applications are associated with variance BOZA2023-023, which was approved earlier this evening by the Board of Zoning Appeals. This case was initiated through an unpermitted barn. The property is in the City-Wide Comprehensive Plan in the Turner Morse neighborhood. Staff received no letters in support nor opposition. There is a Notice of Violation which has been addressed through the variance application and these entitlements. Staff recommends approval subject to the conditions in the staff report which includes receiving a retroactive building permit for the barn.

Motion starts at 2:10:40:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-017:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. The following recommendations from the Wyandotte County Conservation District shall be followed, including:
 - a. The stream (Davis Creek) and the drainage areas shall be fenced off, with a buffer of 25 feet on each side to preserve the integrity of the stream.
 - b. Stream crossings with geo-textile and gravel should be installed to provide long-term protection for drainage areas.
 - c. Timber areas should be fenced off as well to keep livestock out.
 - d. Any timber areas that are cleared shall be mulched and seeded.
 - e. Groundcover shall be enhanced;
2. The applicant shall file for a retroactive building permit for any structure that is over 120 square feet that was constructed without a permit;
3. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;
4. This City Planning Commission case is being heard in conjunction with BOZA2023-028. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-028 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
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. 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;
7. Lighting shall be installed to have a 90-degree cutoff;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. 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. 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,
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 Mr. Straws, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PLAT2023-027**:

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

Motion to APPROVE Passed: 7 to 0
Subject to the above conditions

Hearing starts at 2:12:30:

MASTER PLAN AMENDMENT APPLICATION MPL2023-010 – JACKSON

TAYLOR/TWG DEVELOPMENT – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street.

CHANGE OF ZONE APPLICATION COZ2023-020 – JACKSON TAYLOR/TWG

DEVELOPMENT – SYNOPSIS: Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct an apartment complex at 745 North 78th Street.

PLAT APPLICATION PLAT2023-022 – JACKSON TAYLOR/TWG DEVELOPMENT –

SYNOPSIS: Preliminary Plat to combine three (3) lots into one (1) lot to construct an apartment complex at 745 North 78th Street.

Detailed Outline of Requested Action: The applicant, Jackson Taylor with TWG Development, LLC, wants to rezone 745 North 78th Street, 701 North 78th Street, 7624

Tauromee Avenue and 7610 Tauromee Avenue from R-1 Single Family and to RP-5 Planned Apartment Districts to build five (5) three (3) story apartment buildings totaling 152 units and a clubhouse on 24.47 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, attorney representing the applicant, 900 West 48th Place, Kansas City, Missouri

Present in Opposition:

- Arlene Harris, 728 North 75th Terrace, Kansas City, Kansas 66112
- Gary and Kate Stewart, 7522 Orient Avenue, Kansas City, Kansas 66112

Mr. Petersen addressed the comments from those in opposition.

The Planning Commission directed questions to Staff.

Staff Recommendation starts at 2:41:46: Planning Director Hand stated the request is for a 152-apartment complex. The property is in the City-Wide Comprehensive Plan in the Mid-Town neighborhood off 78th Street. Staff received no letters in support nor opposition prior to this evening and did note the opposition at the neighborhood meeting. Staff recommends approval subject to the conditions in the staff report including the Final Development Plan and Final Plat and an emphasis on pedestrian connectivity and the Multi-Family Design Guidelines. He further stated that there was a traffic study completed for this project and was reviewed by the County Traffic Engineer and public improvements are required. Director Hand stated that the Planning Commission has granted a deviation in the past regarding the retaining wall (Condition #2). Regarding Condition #17, Staff typically tries to take all the undeveloped part of a parcel and preserve it for open space to serve as a buffer. If the Planning Commission wishes to exclude this condition, Staff would request some level of buffering be retained to the existing residential parcels based on the testimony this evening. Staff would recommend working with the developer on this condition for a different type of open space easement that is less and would not prevent potential future development. Director Hand stated that this requirement is different as there is a large piece of undeveloped land. Typically, it's a patch of tree stand here or there. He stated that the reason the Staff tried to get those agreements in place now is because there is no way to predict who will be the decision-makers in the future if and

when future development occurs. If it is in the conditions, Staff can look at the staff report and know what was approved.

The Planning Commission directed questions to Staff.

Motion starts at 2:51:00:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-010:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
- 2. The City Planning Commission granted a deviation to the retaining wall design standard so that a single slope retaining wall (i.e., NOT “stepped”) can be built. These non-standard retaining walls are to be designed to blend into the landscape as much as possible, provide above standard landscape screening, and either be made of masonry stone or give the appearance, either by stamping concrete or using stacked concrete blocks to mimic natural stone, including staining the concrete to appear more natural;**
- 3. Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue;**
- 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. Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side. This will require coordination with the Public Works Department regarding the specific type of signaling needed for the crosswalk;**
- 6. A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street;**
- 7. In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west;**

8. 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. The multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

9. Lighting cannot exceed one (1) footcandle at the property line;
10. Interior parking lots lights shall have 90-degree cutoff fixtures;
11. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments);
12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage;
13. Per the City-Wide Comprehensive 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;
14. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) 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. Board and batten are not permitted and shall be removed from the elevations;
15. 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;
16. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
17. An easement shall be recorded to preserve all of the open space directly north of Buildings 1, 2 and the existing detention pond along the project's entire northern boundary in perpetuity. Additionally, a second open space easement shall be recorded along the project's southern boundary of no less than 100 feet abutting the rear yards of 7706, 7718 and 7640 Tauromee Avenue, and wrapping around the entire western property line of 7640 & 7634 Tauromee Avenue, and including the entire land area along the southern driveway access from the S-curve south to Tauromee Avenue to ensure appropriate buffering to adjacent single-family homes;
18. Plant trees around the detention basin;
19. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
20. 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 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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district;

21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk;
22. 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;
23. All landscaping shall be irrigated;
24. 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;
25. 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 an architectural screen;
26. All electrical meter banks, typically on the side of the building shall be screened from public view;
27. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;

28. 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;
29. 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;
30. 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;
31. All existing and future driveways must feature curb cuts that are constructed to UG standards;
32. 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;
33. 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;
34. 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,
35. 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. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-020:**

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

Connelly **Not Present**
Eilts **Aye**
Ernst **Aye**

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

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2023-022**:

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

Motion to APPROVE Passed: 7 to 0
Subject to the above conditions

Hearing starts at 2:54:22:

MASTER PLAN AMENDMENT APPLICATION MPL2023-013 – LONDON FLIGER WITH ATLAS LAND CONSULTANTS – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street.

CHANGE OF ZONE APPLICATION COZ2023-025 – LONDON FLIGER WITH ATLAS LAND CONSULTANTS – SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District to bring an existing duplex into compliance at 3009 North 57th Street.

Detailed Outline of Requested Action: The applicant, Landon Fliger, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two Family District and a Master Plan Amendment from Low Density Residential to Medium Density Residential in the City-Wide Comprehensive Plan to bring a legal, non-conforming duplex into conformance at 3009 and 3011 North 57th 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this

application. No one responded in the affirmative.

Present in Support:

- Landon Fliger, applicant, Atlas Land Consultants, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:56:48: Planning Director Hand stated this is a legal non-conforming in a block with other duplexes. The property is in the City-Wide Comprehensive Plan area. Staff has received no letters in support nor opposition. There are some older Notices of Violation associated with this property that have all been rectified. There are also some police reports on this block as well. Staff recommends approval subject to the conditions in the staff report. He stated that there are two (2) unimproved parking spaces on the property, which is unnecessary as there is a driveway to the rear with two (2) garage spaces underneath this unit as well as other parking. Staff is conditioning that they restore the grass area (where the car is parked) and they can park on the gravel in the driveway, which is right-of-way. Director Hand showed the Commission the multiple utility meters and stated Staff was unable to confirm building permits or if there are more than two (2) units in the structure. A condition was added that if they add a third unit another Change of Zone would be required.

Motion starts at 3:00:30:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-010:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. The pull-in gravel parking in the front-yard of the residence shall be removed. Only parallel parking along North 57th Street is allowed. A right-of-way permit shall be obtained for this parking;**
- 2. The storage area shall not be converted into a third unit. If it is converted into an additional unit, a change of zone will be required;**
- 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 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;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application **COZ2023-025**:

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

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

Hearing starts at 3:02:16:

SPECIAL USE PERMIT APPLICATION SP2023-019 – TIMOTHY OKEOWO WITH REDEEMED CHRISTIAN CHURCH OF GOD - SYNOPSIS: Special Use Permit for the

Temporary Use of Land to keep a shipping container in the parking lot of a church at 8155 Parallel Parkway. Detailed Outline of Requested Action: The applicant, Timothy Okeowo, is requesting a Temporary Use of Land Special Use Permit to keep a shipping container in the parking lot of the Redeemed Christian Church of God at 8155 Parallel Parkway. The applicant intends to store furniture in the container for this church as well as potentially for other church locations. This Special Use Permit is the result of an active Notice of Violation.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative. Recording Secretary Parker stated that this application was held over from last month's meeting for the Staff and applicant to discuss the conditions of approval.

Present in Support:

- Timothy Okeowo, applicant, Pastor of the Redeemed Christian Church of God, 8155 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:05:01: Planning Director Hand stated that this case was held over from September's hearing in order to discuss the conditions of approval with the applicant. The Special Use Permit is for a temporary use of land that has a maximum term of two years with no opportunity for renewal; a permanent storage solution must be determined by the applicant within this two-year time period. This proposed project is in the Citywide Comprehensive Plan area in the Midtown neighborhood. There has been no letters in support, but there was some opposition expressed at last month's City Planning Commission. Staff recommends approval with conditions, including but not limited to rectifying all Notices of Violation, removing the illegal pole sign, obtaining a sign permit for all current unpermitted signage, and planting enhanced landscaping around the storage container that is to be moved to the property's southwest corner to best buffer the use on the site.

Motion starts at 3:06:49:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-019 for two (2)**

years:

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

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

1. The container must be moved to the southwest corner of the property/parking lot;
2. All unpermitted signs on the property must obtain a sign permit;
3. All code enforcement citations must be closed;
4. The applicant shall install additional landscaping along the north and west sides of the property;
5. The abandoned pole sign on the property must be removed;
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. 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. If approved, the applicant must file and maintain a current business occupation application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible

- to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed. The trailer must be removed from the premises;
 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; and,
 17. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners unless otherwise determined by the Director of Planning or their designee. The failure to satisfy all conditions of approval after one (1) year or the term identified by the Director of Planning will result in automatic termination of this Special Use Permit. Termination is not subject to the revocation process identified in Section 27-214(i).

Hearing starts at 3:09:00:

SPECIAL USE PERMIT APPLICATION SP2023-025 – WATHIQ KASSIM - SYNOPSIS:

Renewal of a Special Use Permit (SP-2020-102 – expired 8/5/2023) for an auto body repair shop at 744 Kansas Avenue. Detailed Outline of Requested Action: The applicant, Wathiq Kassim, is requesting renewal of a Special Use Permit to continue to operate (expires on August 5, 2023) an auto body shop at 744 Kansas Avenue. This auto body shop is an expansion of KCK Automotive at 716 Kansas 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Wathiq Kassim, applicant, 744 Kansas Avenue, Kansas City, Kansas 66105

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:10:44: Planning Director Hand stated that this renewal has been held over for several months in order to allow the applicant to finish a previous condition of approval. This would be the 4th renewal of this Special Use Permit for an auto body and repair shop. The proposed project is in the Armourdale Area Plan. Staff has received no letter in support or opposition and there are no Notices of Violation currently on the property. Staff recommends that the project be held over for its final 30 days for a total of 120 days in order to allow the applicant more time to complete the previous conditions of approval.

Motion starts at 3:12:08:

On motion by Ms. Eilts, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER** Special Use Permit **SP2023-025 to the November 13, 2023, City Planning Commission meeting to allow the applicant to complete his last condition of approval:**

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

Motion to HOLD OVER Passed 7 to 0

Hearing starts at 3:13:27:

SPECIAL USE PERMIT APPLICATION SP2023-036 – GUNNAR HAND/UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:

Special Use Permit for an event space with live entertainment and alcohol sales at 600 North 7th Street (Memorial Hall). *Detailed Outline of Requested Action:* The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special Use Permit to operate an event space and host live entertainment and sell of alcohol at 600 North 7th 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Gunnar H. Hand, AICP, Director of Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101
- Megan Duma, 4520 West 765th Street, Prairie Village, KS 66208

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:14:31: Planning Director Hand stated that the proposed Special Use Permit is a retroactive entitlement for Memorial Hall. As the Unified Government has budgeted \$1 million to improve the facility, the Planning Department has been proactive to obtain all the required entitlements to host events, live entertainment and sell alcohol at the concession stands. This proposed project is in the Downtown Area Plan. Staff has received no letters in support nor opposition for the project and there are no Notice of Violations on the property. Staff recommends an indefinite approval with conditions including, but not limited to ending all live entertainment and not necessarily the events by midnight.

The Planning Commission directed questions to Staff.

Motion starts at 3:18:46:

On motion by Ms. Eilts, seconded by Mr. Miller, the Planning Commission voted as

follows to recommend **APPROVAL** of Special Use Permit **SP2023-036**:

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. 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;**
- 2. Alcohol can only be provided by licensed vendors;**
- 3. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;**
- 4. All entertainment shall cease by 12:00 AM;**
- 5. Public rights-of-way may not be blocked by trash enclosures or receptacles;**
- 6. Sidewalks shall remain clean and clear of trash and debris;**
- 7. No amplified speakers are allowed in outdoor spaces;**
- 8. Doors and windows shall remain closed during any entertainment performance;**
- 9. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**

12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid indefinitely from the publication date of the associated ordinance; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Hearing starts at 3:19:50:

SPECIAL USE PERMIT APPLICATION SP2023-041 – MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC. - SYNOPSIS: Special Use Permit to operate a group dwelling unit at 2204 North 5th Street. Detailed Outline of Requested Action: The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 2204 North 5th Street. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit for at least three (3) years.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners;
8. The testimony at the Board of Zoning Appeals meeting earlier this evening; and,
9. The letter in support and email in opposition that were read into the record at the Board of Zoning Appeals meeting.

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

Present in Support:

- Matt Thomas, applicant, 12714 West 76th Street, Shawnee, Kansas
- Kat Phillips, 1723 Quindaro Boulevard, Kansas City, Kansas 66104
- Max Alcanter, 804 North Main Apartment 2D, Lansing, Kansas
- Adria Medland, 6005 Horton Place, St. Louis, Missouri

- Beau Pennington, 8932 Noland Road, Lenexa, Kansas 66215
- Michael Fills, 2204 5th Street, Kansas City, Kansas
- Frank Penchick, 1723 Quindaro Boulevard, Kansas City, Kansas 66104
- Matthew Sobeck, 2204 North 4th Street, Kansas City, Kansas
- Jack Kimlin, 61 Doe Path Lane, Lynn Valley, Kansas
- Robert Lowell, 1442 North Baster Avenue, Wichita, Kansas
- Abraham Ohr, 2044 North 32nd Street, Kansas City, Kansas
- Ashley Thomas, 12714 West 76th Street, Shawnee, Kansas
- Charles Allen, 34 Southwest Granite Lane, Lee's Summit, Missouri
- Jamie Arnell, 1506 East Cresthill, Derby, Kansas
- Will Stevens, 411 North Broadway
- Marcy Concator, 4710 Hutton Road, Kansas City, Kansas, Kansas Department of Corrections

Present in Opposition:

- John Bailey, 2115 North 5th Street, Kansas City, Kansas 66101
- Anthony Adair, 2212 North 5th Street, Kansas City, Kansas 66101
- Elnora Jefferson, 419 Haskell Avenue, Kansas City, Kansas
- Roy Fowler, 8600 Northeastern Avenue, Kansas City, Missouri
- Leroy Williams, 6920 Georgia Avenue, Kansas City, Kansas
- Donna Bassie, 6844 Garfield Avenue, Kansas City, Kansas
- Leonard Mattison, 6221 Tauromee Avenue, Kansas City, Kansas
- Richard Wilson, 730 Nebraska Avenue, Kansas City, Kansas 66101
- Stephen A. Cousin Sr., 9900 Wayne Avenue, Kansas City, Missouri

Staff Recommendation starts at 4:47:38: Planning Director Hand stated that this case was heard in conjunction with BOZA 2023-039, a parking variance, which was denied earlier this evening by the Board of Zoning Appeals. This Special Use Permit (SUP) is for a proposed group home that has been operating with a SUP for at least two years. This proposed project is in the Northeast Area Plan. Staff has received letters in support and opposition in addition to the public testimony heard this evening. There are Notices of Violation on this property that have recently been rectified related to property maintenance and the structure of the building. Staff recommends denial due to the parking issue and that the group home is located on the interior of a residential single-family block on a local serving residential street. Staff has conditions of approval as needed for the City Planning Commission.

The Commission asked questions of Director Hand.

Motion starts at 4:58:32:

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-041 due the denial of the parking variance and incompatibility with the neighborhood:**

Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye

Ward **Not Present**
Armstrong **Not Present**
Beth **Aye**
Connelly **Not Present**
Eilts **Aye**
Ernst **Aye**

Motion to recommend DENIAL Passed: 7 to 0

1. **The project did not obtain a parking variance, has not met their parking requirement to date, and the project is not in character with the residential neighborhood.**

Hearing starts at 5:01:10:

SPECIAL USE PERMIT APPLICATION SP2023-042 – MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC. - SYNOPSIS: Special Use Permit to operate a group dwelling unit at 1723 Quindaro Boulevard (former application SP2020-076 expired 12/10/2022). *Detailed Outline of Requested Action:* The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 1723 Quindaro Boulevard. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Matt Thomas, applicant, 12714 West 76th Street, Shawnee, Kansas
- Kat Phillips, 1723 Quindaro Boulevard, Kansas City, Kansas 66104
- Abraham Ohr, 2044 North 32nd Street, Kansas City, Kansas
- Brandy Potter, unhoused
- Susan Norwood, 6354 Rowland Avenue, Kansas City, Kansas
- In favor – 12 people

Present in Opposition:

- Candie Leonard-Caldwell, President of Organization for Community Preservation LCP

Staff Recommendation starts at 5:29:14: Planning Director Hand stated that this case was remanded back to the City Planning Commission by the Board of Commissioners at their September Planning and Zoning hearing for the applicant to re-engage the community and collect additional input. The proposed project is in the Northeast Area Plan. Staff received both support and opposition from the public. There are Notices of Violation for this property related to property maintenance, which have all since been rectified. Staff recommends approval for two years with conditions.

Motion starts at 5:32:53:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER** Special Use Permit **SP2023-042 until the November 13, 2023 City Planning Commission in order to collect additional public input:**

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

Motion to HOLD OVER Passed: 7 to 0

Hearing starts at 5:37:47:

SPECIAL USE PERMIT APPLICATION SP2023-062 – RACHEL MILLS - SYNOPSIS:

Special Use Permit to operate a drinking establishment at 612 North 5th Street. Detailed Outline of Requested Action: The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Rachel Mills, applicant

Present in Opposition:

- Nancy Chartrand, 417 North 5th Street, Kansas City, Kansas

Staff Recommendation starts at 5:41:58: Planning Director Hand stated that this Special Use Permit is for a drinking establishment. The proposed project is in the Central Are Plan in the Strawberry Hill neighborhood. Staff received no letters in support or opposition before public input was provided at the hearing this evening. There are old Notices of Violation on this property that have all been rectified. Staff recommends approval for two years and does not include live entertainment or events.

The Commission directed questions to Director Hand.

Motion starts at 5:44:33:

On motion by Ms. Eilts, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-062 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 5 to 2

Subject to:

- 1. Hours of operation shall be:**
 - a. Thursday, Friday and Monday: 5:00 PM – 12:00 AM.**
 - b. Saturday and Sunday: 10:00 AM – 12:00 AM.**
 - c. Tuesday and Wednesday: Closed;**
- 2. If a commercial dumpster is placed on west side of the building, it shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;**
- 3. Sidewalks shall remain clean and clear of trash and debris;**
- 4. Alcohol can only be provided by licensed vendors;**
- 5. No amplified speakers are allowed in outdoor spaces;**
- 6. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit;**
- 7. Rideshare will be available for customer transportation;**
- 8. Stripe the parking lot in the rear of the property for the apartment units;**

9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. 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;
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; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
15. No outdoor seating area or drinking outdoors is allowed. All patrons must stay inside of the building in order to minimize noise and other impacts to the surrounding residential neighborhood.

Hearing starts at 5:49:57:

SPECIAL USE PERMIT APPLICATION SP2023-063 – SUMEY RABIE - SYNOPSIS:
Special Use Permit to operate an auto repair shop at 927 Kansas Avenue (SP-2020-97 expired 8/5/2023). Detailed Outline of Requested Action: The applicant, Sumey Rabie,

seeks a renewal for a Special Use Permit to operate an automotive repair, auto body and used vehicle sales business at 927 Kansas 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Sumey Rabie, applicant, 927 Kansas Avenue, Kansas City, Kansas 66105

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:00:08: Planning Director Hand stated that the proposed project is the first renewal of a Special Use Permit for an auto repair and sales. The applicant has yet to start the project since its original approval. The proposed project is in the Armourdale Area Plan. Staff received no letters in support or opposition. There was a Stop Work Order placed on the property for starting work without a permit. There is also an open Notice of Violation for inoperable vehicle storage. Staff recommend denial of the renewal but has conditions of approval for the City Planning Commission if need be.

The Commission directed questions to Director Hand.

Motion starts at 6:05:56:

On motion by Mr. Eilts, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-063:**

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

Motion to recommend DENIAL Passed: 7 to 0

1. **The applicant failed to complete SP-2020-97 conditions of approval requiring site improvements, and other mitigation measures to buffer the use from the adjacent residential properties.**

Hearing starts at 6:07:30 - NOTE: As the applicant was not present, this case was pushed to the end of the agenda, and starts at Zoom File 2 – 29:07:

SPECIAL USE PERMIT APPLICATION SP2023-065 – UMED SAIDOV FOR FRANKS MOTORS INC. - SYNOPSIS: Special Use Permit to operate an auto repair shop at 402 Osage Avenue. Detailed Outline of Requested Action: The applicant, Umed Saidov with Frank Motors, Inc., seeks a Special Use Permit to operate a used automotive dealership in one (1) tenant space of a multi-tenant building at 402 Osage 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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 29:46: Planning Director Hand stated that this Special Use Permit renewal is for auto repair, painting and sales. There are multiple, previous (now expired) Special Use Permits associated with this property. The proposed project is within the Armourdale Area Plan. Staff received no letters in support or opposition. There are Notices of Violation on the property related to property maintenance and working on vehicles in the public right-of-way. Staff recommends denial of this Special Use Permit as they did not meet all the previous conditions of approval. Staff has conditions of approval for the Planning Commission if need be.

Motion starts at 31:30:

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

follows to **recommend DENIAL** of Special Use Permit **SP2023-065**:

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

Motion to recommend DENIAL Passed: 7 to 0

For the following reasons:

- 1. The applicant failed to complete SP-2019-98 conditions of approval requiring site improvements, specifically:**
 - a. Planting 11 trees to comply with the Commercial Design Guidelines;**
 - b. Parking spaces – both for customers and vehicles that are for sale or being repaired are not in striped, designated parking spaces; and,**
 - c. Vehicles are double stacked throughout the property, which does not comply with the Parking Code; and,**
- 2. Vehicles are parked on the property, in an unorganized manner on an unimproved surface has resulted in an overcrowding of land thereby violating Factor to Be Considered #12.**

Hearing starts at 6:08:46:

SPECIAL USE PERMIT APPLICATION SP2023-067 – MEGAN DUMA WITH MD RENTAL HOMES, LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 2706 Espenlaub Lane (SP2021-028 expired 8/5/2023). Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2700 block of Espenlaub Lane. There was previously a Special Use Permit on the property (SP2021-028), however, it lapsed in August 2023. The applicant has continued to operate despite this lapse. There is one (1) other unpermitted short-term rental on the block. Staff has informed that operator that they must cease operation.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,

7. The Notices to property owners.

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

Present in Support:

- Megan Duma, applicant, 4520 West Prairie Village, Kansas

Present in Opposition:

- Betty McGill, 2762 Espenlaub Lane, Kansas City, Kansas
- Cheryl Mendez, 2556 Espenlaub Lane, Kansas City, Kansas

Staff Recommendation starts at 6:28:56: Planning Director Hand stated that this Special Use Permit is a new application as the previous approval lapsed prior to its renewal be requested by the applicant. This is a non-owner-occupied single-family home. There is one other non-permitted short-term rental on this block that if this project is ultimately approved would need to be addressed by Zoning Enforcement. This proposed project is in the Citywide Comprehensive Plan in the Rosedale/Shawnee Heights neighborhood. Staff received no letters in support or opposition prior to the public input received this evening. Staff recommends approval for one year with conditions, including a maximum of 7 people on the property at any given time and up to three automobiles maximum parked off-street.

The Commission directed questions to Director Hand.

Motion starts at 6:32:45:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-067:**

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

Motion to recommend DENIAL failed: 4 to 4

On motion by Mr. Miller, seconded by Mr. Mohler, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP 2023-067 for one year:**

Carson	Aye
Jones	No
Miller	Aye
Mohler	Aye
Straws	Aye

Ward	Not Present
Armstrong	Not Present
Beth	No
Connelly	Not Present
Eilts	No
Ernst	No

Motion to recommend APPROVAL failed: 4 to 4. The agenda item moves forward with NO RECCOMENDATION.

Hearing starts at 6:36:33 - NOTE: As the applicant was not present, this case was moved to the end of the Special Use Permit Applications and starts at Zoom Tape 10:17:

SPECIAL USE PERMIT APPLICATION SP2023-069 – NEAL PALMER - SYNOPSIS:

Special Use Permit for a Short-Term Rental at 2520 North 131st Street. Detailed Outline of Requested Action: The applicant, Neal Palmer, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2520 North 131st Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2520 block of North 131st Street. This short-term rental has been operating without permits since 2022.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Neal Palmer, applicant, 2600 North 131st Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 16:48: Planning Director Hand stated that the Special Use Permit is being requested for a short-term rental. This is a non-owner-occupied property. The proposed project is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support or opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year with conditions, including but not limited to a maximum of seven (7) people on the property at one time, improvement of the driveway apron, and no more than three (3) automobiles parked off-street.

The Planning Commission directed questions to Staff.

Motion starts at 21:40:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-069 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. All repairs identified in the home inspection report shall be completed prior to renewal of this Special Use Permit;**
- 2. The driveway apron shall be paved to UG standards by no later than September 1, 2024 and after major construction of the nearby school is nearing completion and major construction traffic is reduced on North 131st Street.**
- 3. Maximum number of guests shall be 7;**
- 4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. 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;**
- 7. Applicant is to maintain liability insurance;**
- 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
- 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division**

- shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. 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;
 16. 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;
 17. 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;
 18. 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;
 19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is

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

20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Hearing starts at 6:37:53:

SPECIAL USE PERMIT APPLICATION SP2023-071 – JOSH ZERLAN WITH COBALT PROPERTY MANAGEMENT - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 731 North 75th Terrace. *Detailed Outline of Requested Action:* The applicant, Josh Zerlan, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 731 North 75th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of North 75th Terrace. This short-term rental has operated without proper permitting since 2018.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

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

Present in Support:

- Josh Zerlan, 725 North 75th Terrace, Kansas City, Kansas 66112

Present in Opposition:

- Arlene Harris, 728 N 75th Terrace, Kansas City, Kansas
- Teresa Pruitt, 730 N 75th Terrace, Kansas City, Kansas

Applicant responded to questions and concerns of the opposition. The Commission directed questions at Director Hand.

Staff Recommendation starts at Zoom File 2 – 7:20: Planning Director Hand stated that this Special Use Permit is for a short-term rental that has been operating without a Special Use Permit since at least 2018. This is a non-owner-occupied property. The proposed project is in the Citywide Comprehensive Plan area in the Midtown neighborhood. Staff received no letters in support or opposition prior to the public testimony this evening. Staff recommends approval for one (1) year with conditions, including but not limited to a maximum of six (6) people on the property at a time and no more than two (2) off-street parking spaces.

Motion starts at 9:01:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-071 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

- 1. Any repairs not addressed prior to approval of SP2023-071 shall be completed prior to renewal of this Special Use Permit;**
- 2. Maximum number of guests shall be six (6);**
- 3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
- 4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;**
- 6. Applicant is to maintain liability insurance;**
- 7. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host**

Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

- 10. 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;**
- 11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.**
- 12. 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;**
- 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 16. 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;**
- 17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration**

of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Hearing starts at Zoom Tape 2 - 27:31:

PLAT APPLICATION PLAT2023-028 – AUSTIN THOMPSON WITH ATLAS LAND

CONSULTANTS - SYNOPSIS: Preliminary and Final Plat to create two (2) residential lots at 2321 South 63rd Street. *Detailed Outline of Requested Action:* Applicant, Austin Thompson with Atlas Land Consulting, is requesting a Preliminary and Final Plat for the subdivision of one (1) single-family residential parcel into two (2) agriculturally zoned parcels (thereafter “Lot 1” and “Lot 2”). BOZA2023-040 is a simultaneous variance request intended to address these violations.

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 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners; and,
7. The 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:

- Timothy Elliott with Atlas Land Consultants, 14500 Parallel Parkway, Basehor, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 28:08: Planning Director Hand stated that this case is being heard in conjunction with BOZA 2023-040, which was held over earlier this evening by the Board of Zoning Appeals. The proposed plat would split a single parcel into two residential parcels. The proposed project is in the Citywide Comprehensive Plan area in the Turner/Morris neighborhood. Staff received no letters in support or opposition. There are no Notice of Violation on the property. Staff recommends that this case be held over for 30 days.

Motion starts at 28:14:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to **HOLD OVER PLAT2023-028 to the November 13, 2023 City Planning Commission hearing:**

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

Motion to HOLD OVER Passed: 7 to 0

There being no further business, the meeting adjourned at 1:22 a.m.