



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101  
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**To:** City Planning Commission  
**From:** Planning and Urban Design Staff  
**Date:** November 14, 2022  
**Re:** **Special Use Petition SP2022-095**

## GENERAL INFORMATION

**Applicant:**  
Megan Painter

**Status of Applicant:**  
Representative  
Community Housing of Wyandotte County  
2 South 14<sup>th</sup> Street  
Kansas City, Kansas 66102

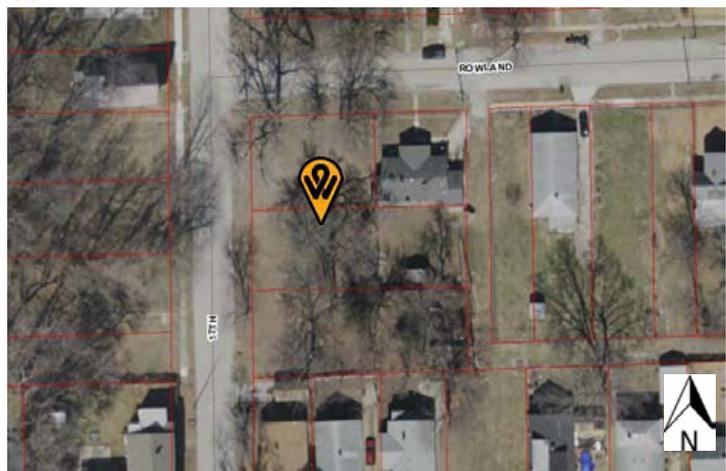
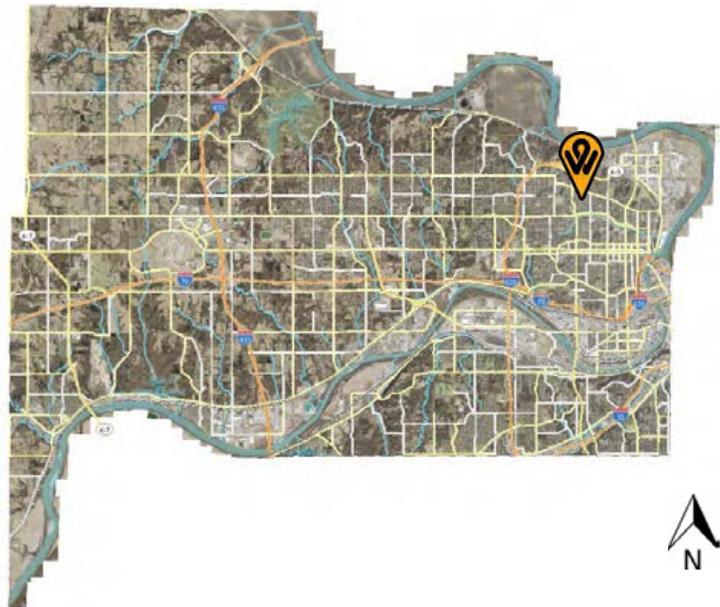
**Requested Action:**  
Approval of a Special Use Permit.

**Date of Application:**  
September 30, 2022

**Purpose:**  
Special Use Permit for a privately owned playground.

**Property Location:**  
2515 North 17<sup>th</sup> Street  
Kansas City, Kansas 66104

**Commission Districts:**  
Commissioner At-Large, District #1  
Melissa Bynum  
District #1 Commissioner:  
Gayle Townsend



<b>Existing Zoning:</b>	R-1(B) Single-Family District
<b>Adjacent Zoning:</b>	<b>North:</b> R-1(B) Single-Family District <b>South:</b> R-1(B) Single-Family District <b>East:</b> R-1(B) Single-Family District <b>West:</b> R-1(B) Single-Family District
<b>Adjacent Uses:</b>	<b>North:</b> Vacant residential lot <b>South:</b> Single family residence <b>East:</b> Vacant residential lot and public right-of-way <b>West:</b> Vacant residential lot
<b>Total Tract Size:</b>	0.42 Acre
<b>Master Plan Designation:</b>	The Northeast Area Master Plan designates this property as Lower-Medium Density, which is intended to promote infill development and investment by allowing additional units compared to the single-family district, while preserving the overall character of existing neighborhoods.
<b>Major Street Plan:</b>	The Major Street Plan designates Rowland Avenue and 17 <sup>th</sup> Street as Local/Neighborhood Streets.
<b>Parking Requirement:</b>	Sec 27-455(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The proposed use is a playground with no structures, and therefore would not require parking to be provided.
<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owner – October 21, 2022
<b>Public Hearing:</b>	November 14, 2022
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	None to date.

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## **PROPOSAL**

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

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. There have been no Noise or Disturbance Complaints.

### **Building, Zoning, or Code Enforcement Complaints:**

1. There has been a history of Notices of Violations on the subject property for weeds, brush, and trash since its acquisition by the Wyandotte County Land Bank

### **Outstanding or Related Permits and Cases:**

1. There are no additional outstanding permits or cases on the subject property.

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The subject property is within the Northeast Statistical Neighborhood and within the Organization for Community Neighborhood Group. The neighborhood features narrow lots and a grid street layout. A significant amount of the parcels is vacant, while the other parcels feature single-family residences. The large number of vacant parcels is part of the reason that the playground is being constructed.

### ***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses of properties are set out above. A playground is a common use within a single-family neighborhood and would serve both current and future development in the neighborhood.

### ***3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

The property is currently three (3) vacant parcels. A park will maintain the undeveloped nature, however, will also provide a new amenity to the neighborhood, which would have a positive effect on nearby properties and the neighborhood as a whole.

**4. *The length of time the property has remained vacant as zoned.***

Aerial photos indicate the property has been vacant since at least 1997.

**5. *The degree of conformance of the proposed use to the Master Plan.***

The proposed use conforms to the Northeast Area Master Plan, which designates this property as Lower-Medium Density, which is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods. A playground is compatible with the intent of the Lower-Medium Density designation, which seeks to promote infill development and investment while preserving the character of the neighborhood. The proposed playground would not alter the character of the neighborhood and would serve a need in the community.

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use would result in the increase in traffic, as patrons may drive to the park, however, the location of the park is intended to serve the immediate community within walking distance of the park. Additionally, since there is no on-site parking, parking will occur on the Street. Traffic, however, should not increase to the point where it exceeds the capacity of Rowland Avenue or North 17<sup>th</sup> Street, both Local Streets.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use is necessary for the welfare of the public, as it provides a safe space for the community to gather and can be a catalyst for future investment within the neighborhood. The proposed use will improve the condition of the property, which will improve the quality and marketability of adjoining properties.

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

Noise and illumination are a typical concern of a playground. A successful playground will attract families and children who will inherently create noise. This could become an issue for nearby properties. There are no hours of operation or lighting plan provided currently, therefore Staff cannot accurately assess the impact. These impacts may be minimal if the space is managed properly. Dust and vibration would also not be a concern as long as the park and its landscaping is managed properly.

**9. *Whether the proposed use will pollute the air, land or water.***

The proposed use is not expected to pollute the air, land, or water. Staff encourages the applicant to design the park for water run-off and stormwater collection and infiltration, as well as incorporate native plants and grasses into the landscaping plan. The applicant should provide a detailed landscape plan, demonstrating the types of plants and grasses used.

**10. *Whether the use would damage or destroy an irreplaceable natural resource.***

The site plan shows landscaping for the proposed park. This will actually enhance and promote natural resources. The applicant should submit a detailed landscape plan demonstrating the location and species of the vegetation. Staff encourages the applicant to incorporate native plants and grasses into the landscape plan.

**11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The proposed use will provide a substantial gain to public health, safety, and welfare, as open space can promote healthy activities and lifestyles, increase community interaction, and increase mental wellbeing, as well as provide a safe gathering space that is easily accessible to nearby residents. Additionally, the reuse of current vacant parcels will have a net positive for local property values and landowners.

**12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

There is the potential for increased traffic and increased on-street parking, as patrons may drive to the park. While there is currently space for on-street parking along North 17<sup>th</sup> Street and Rowland Avenue, consideration must be made to the existing residents, who will see increased traffic and may utilize on-street parking. The increased traffic should be encouraged, however, as it would be as sign of use of the space, as well as provide more “eyes on the street”, which increases safety. Staff contends, however, that most patrons will more than likely walk or bike to the playground rather than drive, therefore, Staff does not believe it is likely that the proposed use will result in the overcrowding of land or cause undue concentrations of population.

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**PREVIOUS ACTIONS**

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None to date.

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting via Phone Conference on October 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Alley Access  
Hours of Operation  
Illumination  
Landscape Plan  
Lighting Plan  
Noise  
Sidewalks  
Site Design  
Stormwater Runoff and Retention

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## STAFF COMMENTS AND SUGGESTIONS

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### Planning and Urban Design Comments:

1. Staff recommends that all existing trees on the subject property be preserved.

*Applicant Response: We plan to preserve as many trees as possible. The health of the tree at the center of the lot is questionable, and we will save what isn't considered a fall danger and what looks healthy. The shade the trees offer is highly valued.*

Staff Response: The applicant shall replace any trees that need to be removed due to health and safety.

2. The applicant shall install sidewalks along North 17<sup>th</sup> Street and Rowland Avenue
  - a. Per the goDotte County-Wide Mobility Plan, Rowland Avenue shall have a four (4) foot sidewalk installed.

*Applicant Response: Noted about the sidewalks. This will be the last item added so that any construction equipment doesn't damage the new sidewalks.*

3. Does the applicant plan to install additional landscaping?

*Applicant Response: None planned for now, but it may be added by neighborhood association in the future. It is our hope to have a few beautification phases to this space.*

4. How does the applicant plan to address stormwater on the property?

*Applicant Response: We don't believe there will be any storm water issues especially since we will not be adding any nonporous surfaces beyond the sidewalks. If there is funding for and need for storm water management, this would provide a good educational/demonstration site opportunity.*

5. What are the playgrounds proposed hours of operation?

*Applicant Response: The neighborhood association will decide hours of operation. Generally, sunup to dusk has been discussed.*

6. Does the applicant propose to install lighting on the property?

*Applicant Response: Our site plan drawing shows 2-3 solar lamp posts.*

### **Planning Engineering Comments:**

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1. None
- B. Items that are conditions of approval:
  - 1. None
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1. None

### **Wyandotte County Conservation District Comments:**

- 1. Equipment should be placed on flatter areas as much as possible.
- 2. Steps will need to be taken to correct the problem if grassy areas become bare.

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## **STAFF RECOMMENDATION**

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Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **SP2022-095** subject to all comments and suggestions outlined in this staff report.

- 1. The applicant shall preserve all existing trees on the property. Where it is not possible to preserve an existing tree, due to health or safety, a new tree shall be planted;**
- 2. A sidewalk shall be constructed along North 17<sup>th</sup> Street and Rowland Avenue. The sidewalk along Rowland Avenue shall be four (4) feet wide to conform with the goDotte County-Wide Mobility Plan;**
- 3. In the event that storm water manage issues arise, the applicant shall work to address those issues;**
- 4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this**

- division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  6. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620
  7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

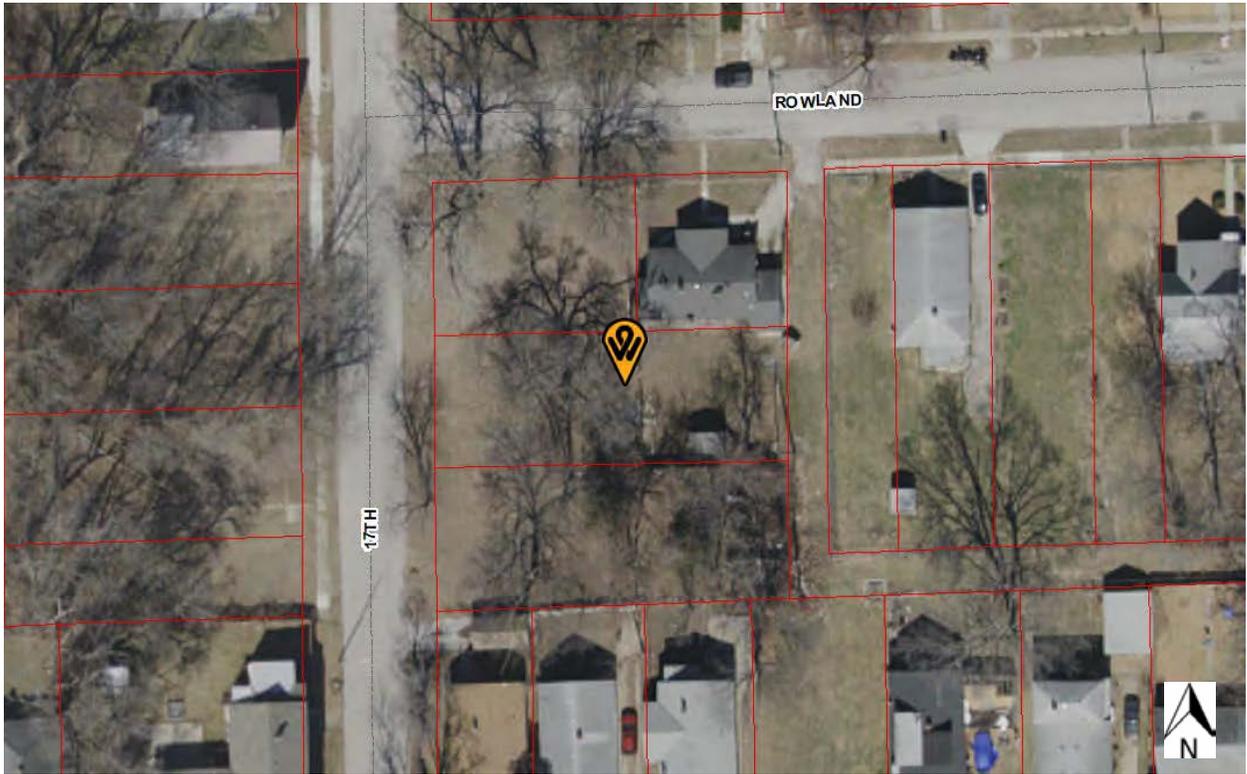


**OR**

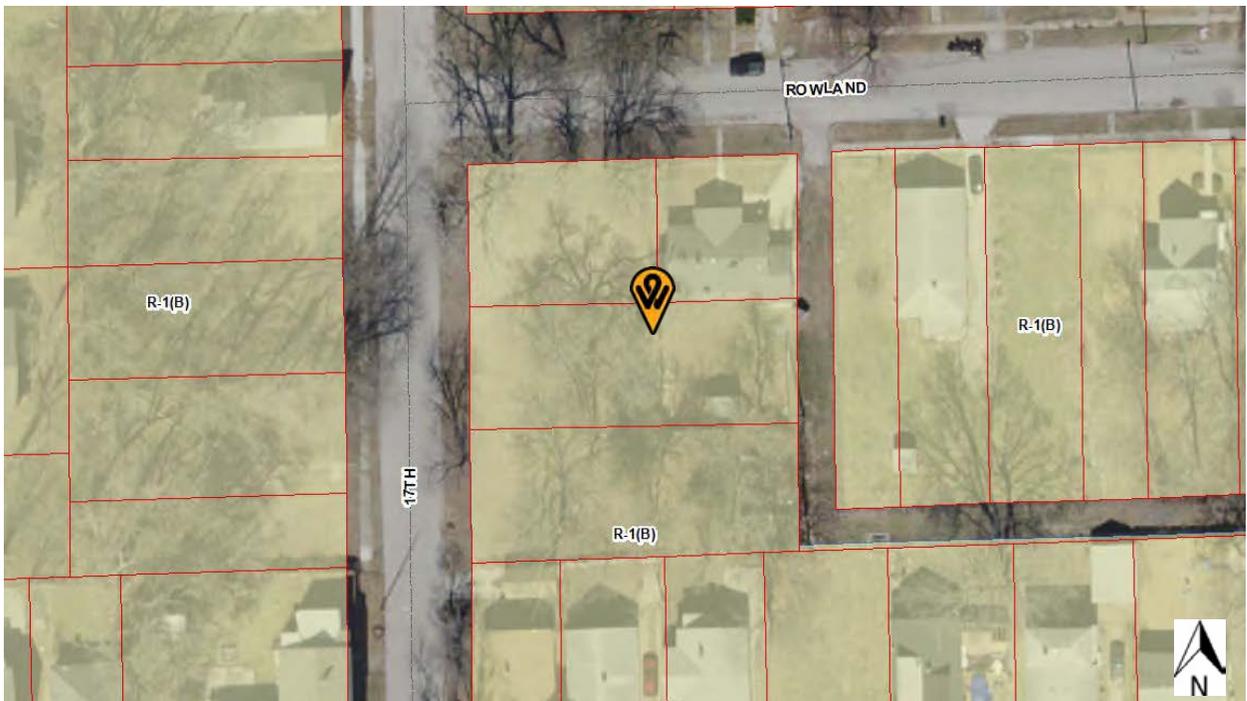
I move the Kansas City, Kansas City Planning Commission recommend **DENIAL** of Petition **SP2022-095**, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

# ATTACHMENTS

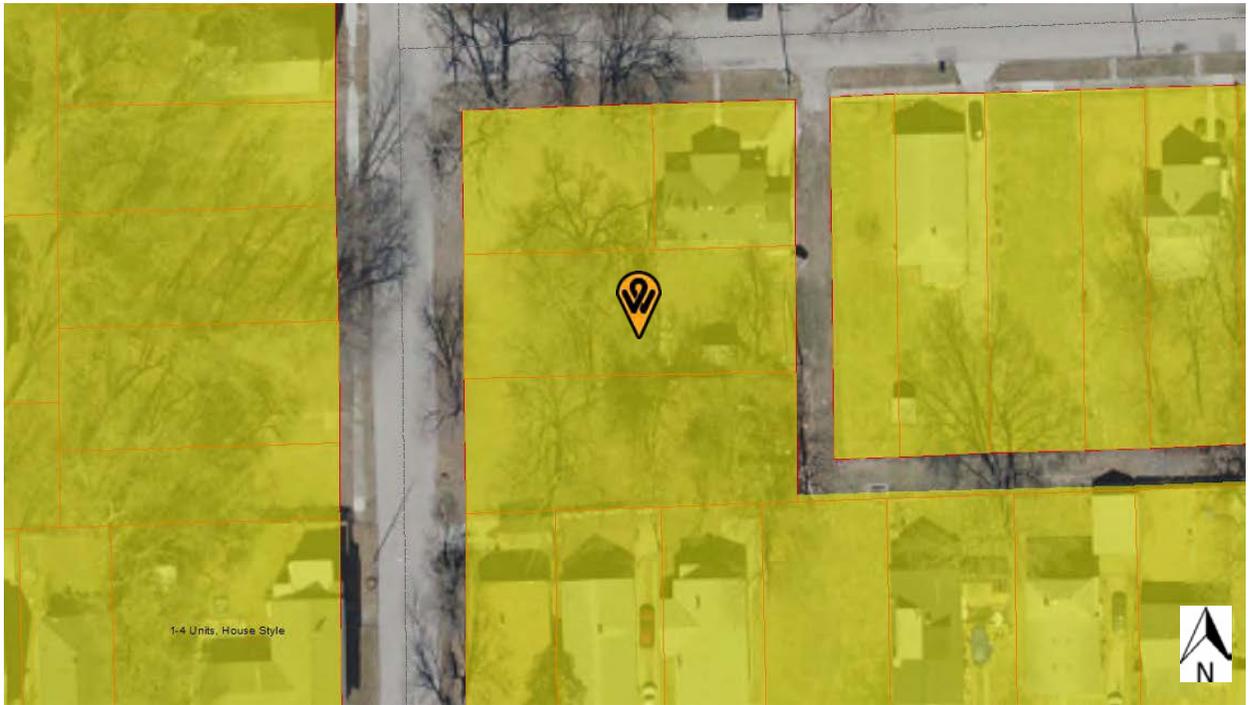
## AERIAL IMAGERY



## ZONING MAP



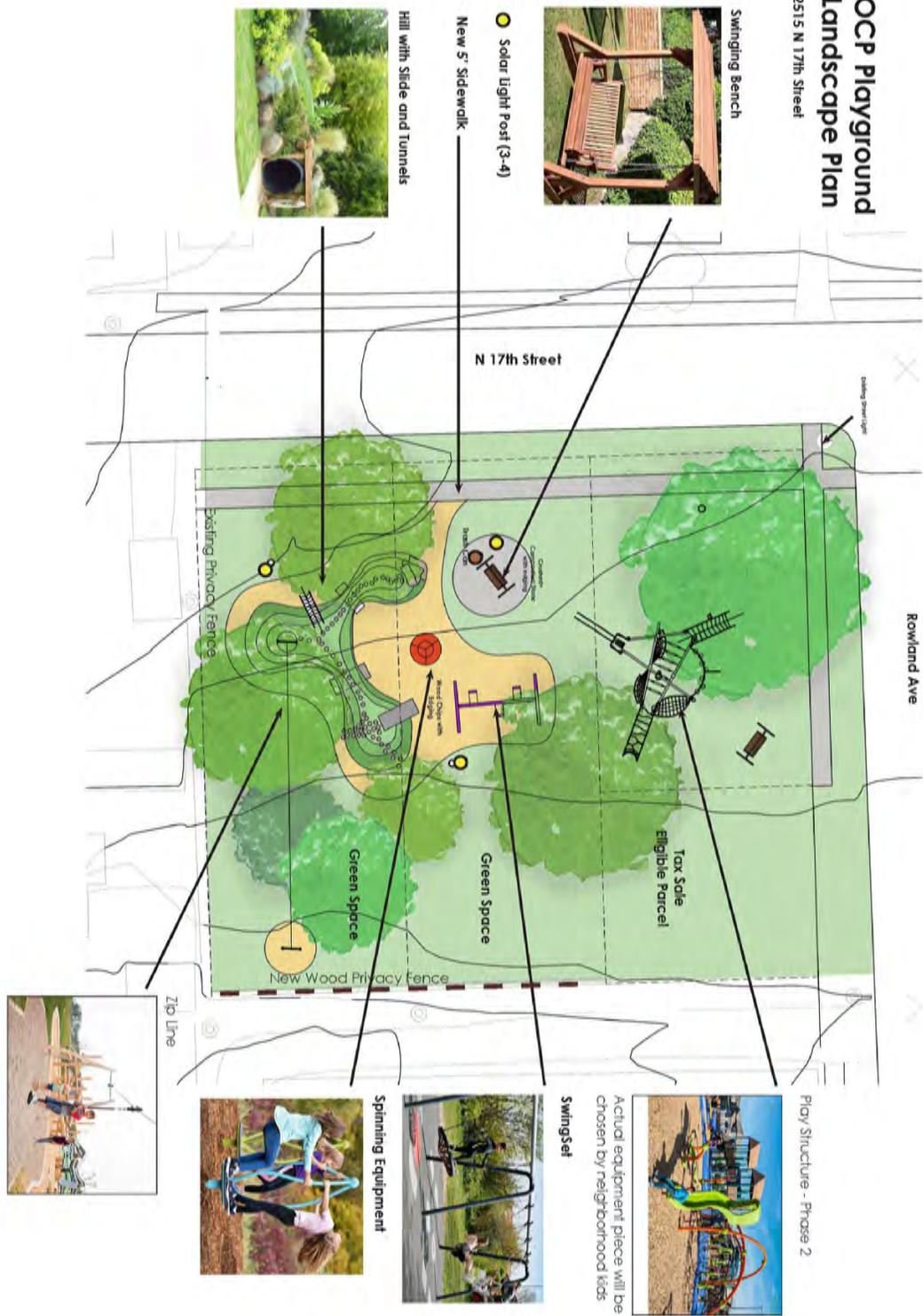
LAND USE MAP



SITE PLAN

**OCP Playground  
Landscape Plan**

2515 N 17th Street



NEIGHBORHOOD MEETING MATERIALS

**SPECIAL USE PERMIT MEETING MINTUES**  
**DEPARTMENT OF URBAN PLANNING AND LAND USE #SP2022-095**  
**ORGANIZATION FOR COMMUNITY PRESERVATION**  
**OCTOBER 31, 2022**  
**VIA TELEPHONE CONFERENCE 6:00-7:00pm**

Meeting was called to Order at 6:05 pm by President, Candie Leonard-Caldwell.

President stated the purpose of meeting and announced the conference call line would be open for an hour to allow anyone notified 200 feet of 2515 North 17<sup>th</sup> Street Kansas City, KS 66104.

Lorena Moore 1527 Rowland Ave. Kansas City, KS 66104, on October 25, 2022, via telephone call with President, Candie Leonard-Caldwell, voiced her opinion of "she does not care if, the playground goes in or she does not care if the playground doesn't."

**PARTICIPANTS ON COFERENCE CALL:**

Candie Leonard-Caldwell, President

Vernell Bates, OCP Member

Doris L. Jenkins, OCP Member

Marchita Butler, OCP Member

Meeting was adjourned by President, Caie Leonard- Caldwell at 6:50pm with no other participants on the conference call.

Respectfully submitted:

Candie Leonard-Caldwell, President

October 20, 2022

KIMBROUGH, SHERRI A  
2515 ALDEN ST.  
KANSAS CITY, KS 66104

SUBJECT: ORGANIZATION FOR COMMUNITY PRESERVATION INC. (OCP)  
NEIGHBORHOOD MEETING

I/We have filed an application with the Department of Urban Planning and Land Use # SP2022-095.

The purpose of this: Special Use Permit  
It is for a Neighborhood playground at the following address: 2515 North 17<sup>th</sup> Street Kansas City, KS 66104.

I/We are having a neighborhood meeting on Monday, October 31, 2022 at 6:00p.m. Via telephone conference/Dial (516) 893-5151 Access Code: 3103651#

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to you joining in on our neighborhood meeting telephone conference call. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,  
Candie Leonard-Caldwell, President (913) 951-7147  
Organization for Community Preservation, Inc. (OCP)  
P.O. Box 171692 Kansas City, KS 66117  
ocpcommunityorganization@gmail.com

Camille L. Caldwell, Vice President  
Organization for Community Preservation, Inc. (OCP)  
P.O. Box 171692 Kansas City, KS 66117  
ocpcommunityorganization@gmail.com

*Call to Order  
6:05 pm  
by President*





SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 2022

