



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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To: City Planning Commission
From: Planning and Urban Design Staff
Date: May 8, 2023
Re: **Special Use Petition SP2023-015**

GENERAL INFORMATION

Applicant:
Roberta Laird

Status of Applicant:
Property Owner
3704 North 99th Street
Kansas City, Kansas 66109

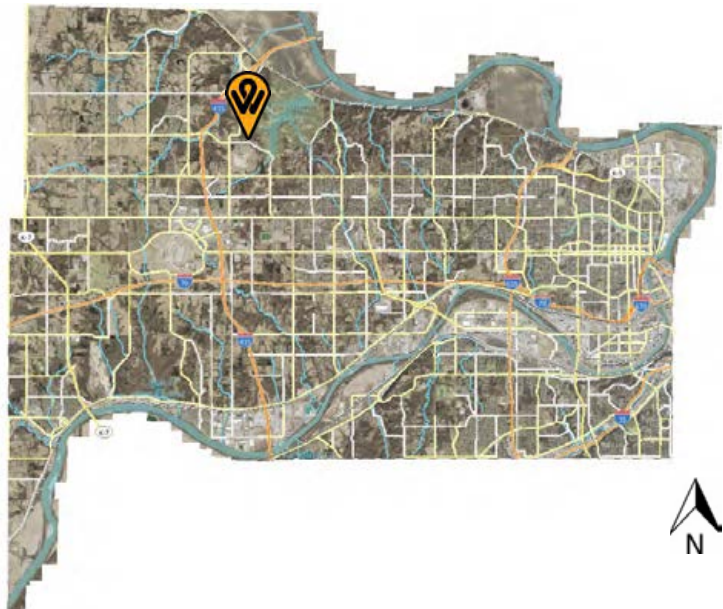
Requested Action:
Renewal of a Home Occupation
Special Use Permit (SP2021-032),
which expires on 5/27/2023).

Date of Application:
March 24, 2024

Purpose:
To continue to operate a
commercial specialty shop in the
applicant's primary residence.

Property Location:
3704 North 99th Street
Kansas City, Kansas 66109

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane



Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture District West: A-G Agriculture District
Adjacent Uses:	North: Large lot single-family residence South: Large lot single-family residence East: Large lot single-family residence West: Large lot single-family residence
Total Tract Size:	1.5 Acres
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this area as Planned Office District. This is to encourage the development of commercial/office. In some cases, this use is located to buffer residential development from more intensive commercial retail development.
Major Street Plan:	The Major Street Plan classifies Donahoo Road as a Class C Thoroughfare and 99th Street as a Local Street.
Parking Requirement:	Section 27-452 requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling in districts that are zoned A-G Agriculture. The property provides 8 parking spaces for customers and at least two (2) for personal vehicles.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023
Public Hearing:	May 8, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has no Notices of Violation.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood and the Leavenworth Road Association group. The neighborhood consists primarily of large lot single family residences on agriculturally zoned lots, however, there are industrial developments currently proposed and/or under construction to the southeast of the subject property.

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

The zoning and uses are set out above. The proposed use could be compatible with neighboring properties if managed properly. The proposed use has the potential to create issues of parking and traffic. Staff has not been made aware of any complaints during the time the property has been used as a commercial specialty shop.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a specialty shop if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

This property is not vacant. It is an existing single-family residence being used as the applicant's primary residence.

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

Special Use Permits are not addressed in the Master Plan. The Prairie Delaware Piper Area Plan designates this area as Planned Office District. This is to encourage the development of commercial/office. This land use designation anticipates future redevelopment of this property, further supported by the addition of the Donahoo Freeway Interchange. Regardless, the proposed use conforms to the Master Plan with a Special Use Permit.

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 has the potential to increase vehicular traffic but should not exceed the capacity of the Class C Thoroughfare and Local Street to accommodate it if managed properly while it functions as a specialty shop.

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 provides a convenience to the public in the form of a specialty shop. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing single-family residence.

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, vibration, dust, and illumination are issues that could be created by the proposed use because of increased traffic and parking. There have been no complaints during the time the property has been used as a home occupation.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted single family residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is being conducted wholly within an existing single-family residence in a rural neighborhood.

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

There is no relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners. If denied, the applicant could not use the property as a specialty shop but may still use the property as their primary residence, rent the property, or sell the property.

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

The proposed use could create issues of overcrowding and undue concentrations of population depending on the number of customers that visit the property. There have been no complaints during the time that this property has been used as a specialty shop.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP-2019-40) for two (2) years in 2019.
- Approval of a Special Use Permit (SP2021-032) for two (2) years in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 18, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Noise
Parking

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. The following previous conditions of approval from SP2021-032 will remain in effect:
 - a. Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years.
 - b. The maximum number of customer vehicles shall be eight (8).

Applicant Response: The hours of operation and number of allowed customer vehicles will remain the same.

2. The unpermitted signage must be removed. This includes the directional sign and the signage by the entrance to the residence.

Applicant Response: Permit application has been requested for the directional sign and the signage by the entrance to the residence.

3. Has the operation of the business changed in any way since the previous approval?

Applicant Response: The operation of the business has not changed in any way since the previous approval.

4. The applicant shall stripe eight (8) parking spaces on the subject property for guest parking.

Applicant Response: Striping for the parking spaces is in negotiations with the James Molloy/Department of Planning + Urban Design.

Staff Response: The applicant had previously striped these spaces, however, when they resealed the driveway, these spaces were not remarked. The applicant had acknowledged and agreed to restripe the spaces upon her previous renewal, however, indicated that "they only agreed to do it so that they would get their permit." The applicant also cited that the spaces were not used and "people park wherever." Staff is going to request that this requirement be kept and met as well as request that the applicant ensure customers are using the marked spaces.

5. How does the applicant intend to communicate with neighbors if there are any issues?

Applicant Response: The applicant will use personal communication with the neighbors as phone numbers and email addresses are not available.

STAFF RECOMMENDATION

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 **SP2023-015** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The applicant shall turn in sign permit applications for the remaining unpermitted signage;**
2. **The applicant shall restripe the eight (8) parking spaces that were previously striped. Additionally, the applicant shall ensure that these spaces are used by customers;**
3. **Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the**

- addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;
4. The maximum number of customer vehicles shall be eight (8);
 5. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
 6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 7. The applicant has filed and maintained a current business occupation tax application;
 8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the

- Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

ATTACHMENTS

Aerial Imagery
 Zoning Map
 Land Use Map
 Site Photos, Taken by Staff, Dated April 7, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use		

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Kansas City, Kansas, City Planning Commission **RECOMMEND APPROVAL** of Petition **SP2023-015** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. _____;
2. _____; And
3. _____.

OR

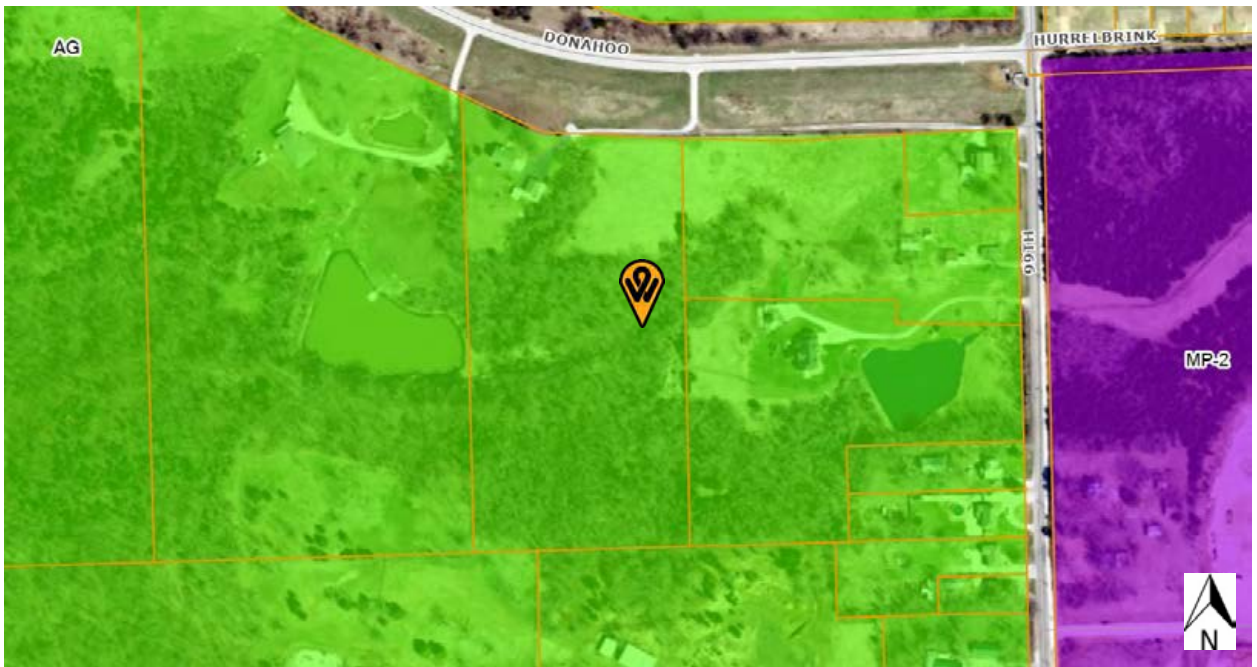
I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **SP2023-015**, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 7, 2023



NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF)
) SS:
COUNTY OF)

Comes now Roberta L. Spaid of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-015
2. That I conducted a neighborhood meeting on April 18, 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Roberta L. Spaid
Affiant

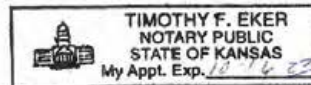
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19 day of April, 20023

My commission expires 16 of oct, 20023

Timothy F. Eker
Notary Public

ACKNOWLEDGMENT

State of KS
 County of Wagonville
 On this 19 day of oct, 2023 Roberta L. Spaid
 Personally appeared before me,
 Who is personally known to me
 Whose identity I verified on the basis of _____
 Whose identity I verified on the oath/affirmation of _____
 a credible witness, to the signer of the foregoing
 document, and he/she acknowledged that he/she signed it.
Timothy F. Eker
 My Commission Expires 10/16/23 Notary



April 18, 2023
Roberta Laird Neighborhood Meeting
Attendees

1. Roberta Laird Currier
2. Rennie Bunkers, Acting Secretary
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

MINUTES OF NEIGHBORHOOD MEETING

Permit #SP2023-015

Roberta S. Laird
3704 N. 99th St.
Kansas City, KS 66109
Phone: 913-334-2480
Cell: 913-449-4897
Email: roberta.laird03@gmail.com

Application No.: SP2023-015
April 18, 2023
3704 N. 99th St.
Kansas City, KS 66109

Meeting was called to order at 5:30 p.m.

People in Attendance: Roberta Laird, Owner
Pennie Bunkers, Acting Secretary

Since there was no one in attendance except for the owner and the secretary, no meeting was held. There had been no concerns submitted by those who were sent invitations to the meeting.

Meeting adjourned at 5:35 p.m.

Note: Remained at the shop location until after 6 p.m. to make sure no one was going to attend.

Minutes taken by Pennie D. Bunkers

Respectfully submitted,



Pennie D. Bunkers

April 7, 2023

Roberta S. Laird
3704 N. 99th St
Kansas City, KS 66109

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP2023-015.

The purpose of this is the renewal of a Home Occupation Special Use Permit for my shop, Simply Unique Gift Boutique, which offers handmade items, gifts, antiques, fabric, alterations, etc. in the basement of my single-family dwelling at 3704 North 99th Street, Kansas City, KS 66109, which has been converted into a shop.

I am having a neighborhood meeting on April 18, 2023 at 5:30 p.m. in the shop at 3704 N. 99th St., Kansas City, KS.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address, phone number or email listed below.

Sincerely,

Roberta S. Laird
3704 N. 99th Street
Kansas City, KS 66109
Phone: 913-334-2480
Cell: 913-449-4897
Email: Roberta.laird03@gmail.com