

# CITY PLANNING COMMISSION

SEPTEMBER 11, 2023

## MINUTES

The City Planning Commission met in regular session on Monday, September 11, 2023, at 7:15 p.m., (1:02:00) (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), Mr. James Connelly (Zoom – left at 10:00 p.m.), Ms. Rose Elites (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom), and Mr. Aaron Ward (Commission Chamber). (Absent: Armstrong and Straws). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning + Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), and Mr. Jeff Conway, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 7:15 p.m.

Recording Secretary Parker stated that **Special Use Permit Application SP2023-039 for Karin Porter-Williamson for a Short-Term Rental at 4170 Eaton Street** has been withdrawn and there will be no further hearings on this application.

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 may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

The Planning Commission is a voluntary body of citizens, which will review each zoning proposal. For all change of zones, special use permits, vacations, and preliminary plan reviews on tonight's agenda, the Planning Commission makes recommendations to the Unified Government Board of Commissioners, who will then make the final decisions on **Thursday, September 28, 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](mailto: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, September 28, 2023, at 7:00 p.m.**

I will now read the items on the **Consent Agenda (1:09:25):**

## **CONSIDERATION OF AUGUST 14, 2023, PLANNING COMMISSION MINUTES**

**PLAT2023-025 – JOSE MANUEL YEPAZ – SYNOPSIS:** Final Plat for twenty-one (21) multi-family lots at 825 Parallel Avenue.

**PLAN REVIEW APPLICATION PR2023-024 – JOSE MANUEL YEPAZ – SYNOPSIS:** Final Plan Review for townhomes at 825 Parallel Avenue.

*Detailed Outline of Requested Action:* The applicant, Jose Yepaz with WTF Development LLC, is requesting a Final Development Plan and Final Plat to create 23 single-family residential parcels, 19 of which will be for townhomes and four (4) of which are open space tracts. The Plat consists of current parcels #095055—095060, 095068, 095069, and a portion of 095070, which will result in three (3) blocks separated by public rights-of-way. The Final Development Plan is for the proposed development of the subject property: 19 townhomes and four (4) open space tracts to support the residential development.

**PLAT APPLICATION PLAT2023-026 – MICHAEL MAKRIS – SYNOPSIS:** Final Plat for two (2) multi-family lots at 5115 and 5125 Gibbs Road. *Detailed Outline of Requested Action:* The applicant, Michael Makris, P.E. with BHC, is requesting to replat three (3) parcels into one (1) multi-family residential lot to create a townhouse and apartment development on 2.92 acres at 5115 & 5125 Gibbs Road and 2146 South 51<sup>st</sup> Street.

**PLAN REVIEW APPLICATION PR2023-025 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS:** Final Plan Review for auto sales and service at 1401 Merriam Lane. *Detailed Outline of Requested Action:* The applicant, James Sullivan, is requesting approval of a Preliminary and Final Development Plan to expand an auto repair and auto sales business at 1401 Merriam Lane. This property currently operates without a valid Business License; however, the property has an active Special Use Permit and has received a Change of Zone from C-3 Commercial District and M-3 Heavy Industrial District to CP-3 Planned Commercial District.

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 September 11, 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; and,
6. 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. Planning Director Hand stated that Staff would request to remove Plan Review Application PR023-025.

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

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**PLAT2023-025/PR2023-024:**

1. **Per the Board of Zoning Appeals approval, this development is subject to the Narrow Lot Design Guidelines review by Planning and Urban Design Staff prior to obtaining building permits from the Building Inspection Division.**
  - a. **Narrow Lot Design Guidelines review may result in additional variances;**
2. **Previous KCKFD Comments:**
  - a. **Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All buildings to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC.**
  - b. **Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC.**
  - c. **Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side.**
  - d. **Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side.**
  - e. **Roads over 32 feet wide (curb face to curb face) - on street parking allowed on both sides.**

- f. **Dead end access roads 150'+, SHALL comply with Sec. D103.4 and table D103.4, 2012 IFC for min. road width 26'(curb face to curb face) and minimum cul-de-sac diameter of 96';**
- 3. **Per the Northeast Area Plan, all new development within the Lower-Medium Density Residential Land Use Designation must comply with the Narrow Lot Design Guidelines (NLDG). Therefore, Applicant must submit a NLDG application for Block 1, Block 2 and Block 3. Staff must review and approve the submitted NLDG application before new development under PR2023-024 can begin;**
- 4. **Per Sec. 27-460(f) trees are required at not less than one (1) per 4,500 square feet of site area. The subject property is 65,623 square feet; therefore 15 trees are required under this section;**
- 5. **Per Section 27-699(a), the following landscaping requirements shall be met:**
  - a. **The area between the curb of a public street and the property line shall be brought to finish grade and planted in grass. In no case may this area be paved or covered with materials other than grass or an appropriate ground cover, except at approved driveways that shall be paved. Approved street trees may also be planted.**
  - b. **All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.**
  - c. **No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees.**
  - d. **At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;**
- 6. **Per Section 27-699(b), the following screening requirements shall be met:**
  - a. **Screening shall not extend into the sight distance triangle or beyond the required parking or paving setback where side or rear lot lines approach a street right-of-way.**
  - b. **Where the required screening is made ineffective by topographic or other uncontrollable conditions or where the screening would tend to obscure another commercial or industrial use, buffer plantings and/or shade trees may be substituted.**
  - c. **Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.**
  - d. **Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;**
- 7. **Per Section 27-700(b)(1), the following buffering requirements must be met:**

- a. 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. Such buffer plantings may be arranged on any portion of the property and will be in addition to required trees. Provided a revised site and/or landscaping plan to demonstrate that the 30-foot requirement is met.
  - b. 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;
8. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground;
9. Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening;
10. 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 19. District Requirements, Comprehensive 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 the 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;
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](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;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. 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;

14. 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](mailto:info@wycokck.org) prior to construction to arrange this meeting;
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; and,
16. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

**PLAT2023-026:**

1. Shall comply with conditions of approval from COZ2021-047, MPL2021-025 and PR2022-034;
2. The second access on South 51<sup>st</sup> Street had to replat the adjacent fire station parcel, which is moving once the new station is created (in Pierson Park) and is therefore already a Land Bank parcel;
3. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 payable to the Unified Treasurer;
4. Any accessory buildings constructed, 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;
5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
6. Utility easements shall connect with easements established in adjoining properties;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
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. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-

reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;

10. 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](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;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](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;
13. 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,
14. 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](mailto:info@wycokck.org) prior to construction to arrange this meeting.

Recording Secretary Parker stated that the Commission will consider the one (1) item removed from the Consent Agenda.

**PLAN REVIEW APPLICATION PR2023-025 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS:** Final Plan Review for auto sales and service at 1401 Merriam Lane. *Detailed Outline of Requested Action:* The applicant, James Sullivan, is requesting approval of a Preliminary and Final Development Plan to expand an auto repair and auto sales business at 1401 Merriam Lane. This property currently operates without a valid Business License; however, the property has an active Special Use Permit and has received a Change of Zone from C-3 Commercial District and M-3 Heavy Industrial District to CP-3 Planned Commercial District.



**Appeared in Support:**

- James Sullivan, applicant, Sullivan-Palmer Architects, 8621 Johnson Drive, Merriam, Kansas 66202
- Baja Hamel, builder, 11613 Oakman Street, Overland Park, Kansas

**Appeared in Opposition:**

- No one appeared

**Staff Recommendation:** Planning Director Hand stated that this case is related to a Special Use Permit for the auto sales and repair shop that was approved earlier this year. The application before the Commission tonight is the final development plan. This property is in the Rosedale area, just outside the Rosedale Area Plan. Staff received no letters in support nor opposition. There are some older Notices of Violation that would be addressed through this proposed project. Staff would like to add one (1) standard condition that was not included in the conditions of approval in the staff report. The applicant is moving from private septic to public sewer and there is a standard condition about public improvement plans that Staff would like to add.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** Plan Review Application **PR2023-025**:

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. The business may not operate later than 6:00 PM;**
- 2. The applicant shall file for building permits in a timely manner in accordance with the approved plan(s);**
- 3. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**

4. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
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](mailto: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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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](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;
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. 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;
11. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
  - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
12. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
  13. 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,
  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. 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.
  15. As this project is proposing to disconnect from septic and connect to public sewer, 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. Applicant is required to contact the County Engineer at 913-573-5400 or [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting.

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

**Hearing starts at 1:18:44:**

**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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> Street.

Detailed Outline of Requested Action: The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10<sup>th</sup> 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 September 11, 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 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:**

- Christine Brewood, representing the applicant, HJM Architects, 7520 Washington Street, Kansas City, Missouri 64114
- Ivan Pedreros, co-owner of property, 2505 Tracy Avenue, Kansas City, Missouri

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:31:08:** Planning Director Hand stated that there are three (3) applications before the Planning Commission this evening. The Board of Zoning Appeals approved one (1) variance and denied one (1) variance at its meeting earlier this evening. This property is in the Central Area Plan. Staff has received no letters in support nor opposition. There are some old Notices of Violation that relate to the property being vacant which would be addressed by the proposed project. Staff recommends approval subject to the conditions in the staff report. This project will require a final development plan and a final plat. This is a multi-family project, and the Unified Government has multi-

Family Design Guidelines. He stated Condition 5 can be modified to add language that excludes the historic retaining wall and keep the condition as is. Staff believes that Condition 6 should remain as stated. Staff believes that a sidewalk needs to be built on the north side on Gilmore. One block away there is a sidewalk that will be connected one day. This would be the beginning of reconnecting that sidewalk. If the second that is to be platted into a second parcel, a sidewalk would be built when it was developed. At that point there would be a half block gap to connect these sidewalks. Director Hand stated that regarding Condition 11 that is a condition for these entitlements and not an ordinance requirement. Staff feels strongly that a walkable neighborhood is important. Although bike racks are not an ordinance requirement at this time, Staff feels strongly that should be provided. Staff recommends that Condition 11 remain. He further stated that Staff believes Condition 14 should remain the same although it could be eliminated but just like Condition 5 the historic building component could be eliminated. Staff would not require the applicant to paint the downspouts of a historic building to match, but would require this if there was an addition in the future. Relating to the stairs on Gilmore, it was not included in the staff report but was eliminated at the Board of Zoning Appeals meeting. It could be added into the conditions if so directed by the Commission. Staff will address this issue when it is submitted for a State Law Review for building permits. The grounds are the existing site and Staff feels that should be the parcel so the integrity of the old school can be maintained. The second parcel does not have a project before the Commission this evening so moving the line should be addressed in the future if development occurs. Staff would request to be consistent and the stairs condition be added back to the conditions of approval. Condition #3 from the Board of Zoning Appeals should be added to the conditions. As it relates to the plat, Staff does not feel it needs to be discussed as it can be rectified at the final plat stage. Staff agrees that there are two (2) parcels here and where the line should be can be determined between the preliminary plat and final plat.

The Commission directed questions to Director Hand and the applicant. Chairman Carson allowed the applicant additional time to address Director Hand's comments.

**Motion starts at 1:45:30:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Master Plan Amendment MPL2023-007, Change of Zone Application COZ2023-012 and PLAT2023-017 until the October 9, 2023 to allow the Staff and applicant to address the conditions of approval discussed at the meeting this evening:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Not Present</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

**Motion to HOLD OVER Passed 7 to 0**

**Hearing starts at 1:47:01:**

**CHANGE OF ZONE APPLICATION COZ2023-019 – YEKATERINA MAKARENKO -**

**SYNOPSIS:** Change of Zone from CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District to continue to operate an auto repair shop as well as open a garage door installation shop at 7511 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Yekaterina Makarenko, is requesting a Change of Zone from CP-2 Planned General Business District and R-1 Single Family District to CP-3 Planned Commercial District to operate an auto repair shop and a garage door repair shop at 7511 Leavenworth Road. The auto repair shop is a continuation of the use of the property as an auto repair shop, dating back to 1968.

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 September 11, 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:**

- Yekaterina Makarenko, applicant, 7511 Leavenworth Road, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:49:35:** Planning Director Hand stated that the request is for a Change of Zone as it relates to a legal nonconforming auto repair shop. This is one of the operations that has been around long enough that in 2015, the Code was updated to require a variety of different requirements. As this business was already operating, and they have continued to operate as they do not need to meet these new standards.. As they are proposing to add a second business to the site, some site improvements are required that triggers the Commercial Design Guidelines. There is an opportunity to improve the site based on code without requiring a Special Use Permit because they are not expanding the auto repair business. If the request was to expand the auto repair business, a Special Use Permit would be required. This property is in the City-Wide Comprehensive Plan north of Leavenworth Road. Staff received no letters in support nor opposition. There are Notices of Violation as it relates to the maintenance of the property, so those violations need to be addressed and the property maintained. Director Hand further stated that the split zoning on the property is being corrected. The idea was to keep the commercially zoned properties close to Leavenworth Road, even though some of the

businesses, such as this one, go deep into the residential area and could be a nuisance. The rezoning of the property to C-3 not only allows the use of the new garage door installation business, but it also changes all of the property to C-3 zoning. Staff has added a condition that there will be additional landscaping and screening for the expansion for the new business to buffer from residential uses, as well limit further commercial intrusion southward deeper into the subject parcel. Staff recommends approval subject to the conditions in the staff report. He further stated that Conditions 13 and 16 should be removed as they relate to Special Use Permits and amend Condition 18 to remove the reference to Special Use Permits.

**Motion starts at 1:53:14:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-019:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Not Present</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. The applicant shall plant trees in the islands along Leavenworth Road as well as expand landscaping in the rear;**
- 2. Remove all of the gravel parking in the rear of the property;**
- 3. Install a six (6) foot tall opaque fence with masonry columns every 32 feet along the property line that abuts residential properties;**
- 4. Install a fence that separates the residentially zoned portion of the property from the commercially zoned portion of the property;**
- 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 Inspections 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. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**

- 7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 8. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 9. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not**



- reduce the availability of all required parking spaces as required by ordinance;
11. The applicant has filed and maintained a current business occupation tax application;
  12. 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;
  13. Any business in Wyandotte County that is required to obtain a 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 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.
  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 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. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners.

**Hearing starts at 1:54:25:**

**MASTER PLAN AMENDMENT MPL2023-011 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Master Plan Amendment from Residential (Central Area Plan) to Community Commercial (Central Area Plan) at 2324 Grandview Boulevard.

**CHANGE OF ZONE APPLICATION COZ2023-022 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Change of Zone from CP-O Planned Non-Retail Business District to CP-1 Planned Limited Business District to operate a retail candy store at 2324 Grandview Boulevard.

***Detailed Outline of Requested Action:*** The applicant, Alex Elliott, is requesting a Change of Zone from CP-0 Non-Retail Business District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan) to operate a retail shop at 2324 Grandview Boulevard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 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 letter in support from Paul Soptick, Jr. read at the Board of Zoning Appeals meeting earlier this evening; and,
9. 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:**

- Alex Elliot, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:57:45:** Planning Director Hand stated this case is being heard in conjunction with BOZA2023-036 for a parking variance and was approved by the Board of Zoning Appeals earlier this evening. This is an existing retail location that has been vacant for some time. The property is located in the Central Area Plan. Staff has received no letters in support nor opposition. There are some Notices of Violation related to the structure, all of which should be addressed with the building permit and tenant improvement finish. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 1:58:40:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-011:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Not Present</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. Plant two (2) street trees along Grandview Boulevard and one (1) additional tree in the rear yard;**
- 2. Install a bike rack on the property;**
- 3. Install handrails for all steps on the property;**
- 4. This City Planning Commission case is being heard in conjunction with BOZA2023-036. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-036 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](mailto: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. If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 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](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;**
- 9. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 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. 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. 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 Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone COZ2023-022:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Not Present</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Hearing starts at 2:01:20:**

**CHANGE OF ZONE APPLICATION COZ2023-023 – ALEX ELLIOTT WITH ATLAS**

**LAND CONSULTING – SYNOPSIS:** Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural uses, including the keeping of cattle at 3308 North 75<sup>th</sup> Street. *Detailed Outline of Requested Action:* The applicant, Alex Elliott with Atlas Land Consultants, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses, including keeping five (5) cattle, at 3308 North 75<sup>th</sup> 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 September 11, 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:**

- Alex Elliot, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:04:24:** Planning Director Hand stated this application is a Change of Zone to A-G for agricultural purposes. The property is in the City-Wide Comprehensive Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. The property is a little over 16 acres and abuts another property that had a case before the Commission that had its own enforcement issues off Pomery Drive as they were essentially using the property for their commercial business. Staff took particular interest in this case and made sure there were conditions of approval specifically relating to working with the Conservation District. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:05:30:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-023:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. Continue to work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at [wyco.conservation@gmail.com](mailto:wyco.conservation@gmail.com) or (913) 334-6329;**
- 2. Per comments from the Wyandotte County Conservation District, winter disposal of waste needs to be done on the flatter area of the pasture. Soil samples of the pasture need to be taken at least once every two years to ensure the balance of all nutrients;**
- 3. All tress on the property shall be maintained. Any trees that are removed shall be replaced;**
- 4. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;**
- 5. The applicant must strictly adhere to the submitted waste disposal plan, unless directed otherwise by the Conservation District;**

6. 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;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;
8. 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;
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](mailto:signpermits@wycokck.org) to begin this process;
10. 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;
11. Lighting shall be installed to have a 90-degree cutoff;
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](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;
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. 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;

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

**Hearing starts at 2:06:45:**

**SPECIAL USE PERMIT APPLICATION SP2023-017 – WILLIAM WALKER, JR. WITH WALKER REAL ESTATE INVESTMENTS, LLC:** Special Use Permit for a Short-Term Rental in one (1) of the four-plex units (will only be used for Short-Term Rental when the Long-Term Rental unit is vacant) at 15 South 17<sup>th</sup> Street #2. *Detailed Outline of Requested Action:* The applicant, William Walker, Jr., is requesting a Special Use Permit to operate a short-term rental out of one (1) unit (Unit #2) of a multi-family residence with four (4) units at 15 South 17<sup>th</sup> Street. This is not the owner's primary residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 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:**

- William Walker, Jr., applicant, 5708 Northwest 92<sup>nd</sup> Terrace, Kansas City, Missouri 64154

Commissioner Eilts stated that she understood from other hearings that a property could not be used for a short-term rental and long-term rental at the same time. Planning Director Hand stated that requirement was not included in the ordinance.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:10:03:** Planning Director Hand stated that this application is for a non-owner occupied Short-Term Rental Special Use Permit. It is one (1) of four (4) units in an existing legal non-conforming fourplex. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. He stated that there is no off-street parking for this building which is one of the standards in the new Short-Term Rental Ordinance. He stated this is one of the things Staff is going to propose he address during the review of the Short-Term Rental Ordinance with the Planning Commission next May. He further stated that none of the tenants of that space, short, mid or long term have off-street parking. Staff recommends approval for one (1) year subject to the conditions in the staff report.

**Motion starts at 2:11:50:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-017 for one (1) year:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. Any additional repairs not addressed prior to approval of SP2023-017 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;**
- 2. Only one (1) unit of this fourplex may be used as a short-term rental.**
- 3. Maximum number of guests shall be five (5);**



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](http://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](mailto: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](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;
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 2:12:50:**

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

SEPTEMBER 11, 2023

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 September 11, 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:**

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

Planning Commission directed questions to the applicant. The applicant requested that his application be held over for one (1) month to discuss the conditions of approval with staff.

**Present in Opposition:**

- Lisa Erwine, 14423 North 145<sup>th</sup> Street, Director of Property Management for Block Real Estate

**Staff Recommendation starts at 2:22:00:** Planning Director Hand stated that Staff has reviewed and explained the conditions of approval to the applicant. Most of the conditions in the report are standard conditions. He stated that the application was held over before for the staff to explain the conditions of approval to the applicant.

**Motion starts at 2:21:30:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER** Special Use Permit **SP2023-019** for the applicant and staff to discuss the conditions of approval:

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Hearing starts at 2:24:38 and the applicant was not present:**

**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 September 11, 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 2:25:00:** Planning Director Hand stated that there may have been some confusion on the hold over date for this application. The application was held over for 60 days at the July meeting, but the minutes stated October 9<sup>th</sup> and that may be the reason the applicant is not present. Staff recommends that this application be held over until the October 9, 2023, meeting.

**Motion starts at 2:26:58:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER** Special Use Permit **SP2023-025 to the October 9, 2023,**

**City Planning Commission meeting:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>

**Connelly**                    **Aye**  
**Eilts**                        **Aye**  
**Motion to HOLD OVER Passed 8 to 0**

**Hearing starts at 2:27:53:**

**SPECIAL USE PERMIT APPLICATION SP2023-040 – KRISTI D. PRIDDY - SYNOPSIS:**

Special Use Permit to keep livestock at 3425 North 87<sup>th</sup> Street. Detailed Outline of Requested Action: The applicants, Larry and Kristi Priddy, are requesting a Special Use Permit to keep chickens, ducks, and goats on the property at 3425 North 87<sup>th</sup> Street. The applicants previously had a Special Use Permit (SP-2020-25) for the same use, however, that previous Special Use Permit expired in April 2022, over a year prior to their re-application. The applicants are experienced with caring for animals.

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 September 11, 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:**

- Larry and Kristi Priddy, applicants, 3425 North 87<sup>th</sup> Street, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:30:46:** Planning Director Hand stated that the request is for animals on this 1.2-acre piece of property. The property is in the City-Wide Comprehensive Plan north of Midtown and Leavenworth Road area. Staff has received no letters in support nor opposition. There is a Notice of Violation for the lapse of the Special Use Permit. This application is effectively a new Special Use Permit. Staff recommends approval for two (2) years, subject to the conditions in the staff report. There is a standard condition of approval relating to working with the Conservation District on a conservation plan for this 1.2-acre parcel for the number of animals that the conservation plan will dictate. The number of animals allowed will be reflected in the conservation plan put together by the Wyandotte County Conservation District. The Conservation District is backed-up on its reviews at this time and because the Special Use Permit expired, the number of animals needs to be examined, clarified and determined.

**Motion starts at 2:32:44:**

On motion by Ms. Eilts, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-040 for two (2) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at [wycococonservation@gmail.com](mailto:wycococonservation@gmail.com) or (913) 334-6329;**
- 2. All miscellaneous debris shall be cleaned off of the property and stored properly;**
- 3. The applicant shall pave the driveway apron and any parking areas;**
- 4. 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;**
- 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 Inspections 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. 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;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  9. Lighting shall be installed to have a 90-degree cutoff;
  10. 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](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;
  11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  12. 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;
  13. 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;
  14. 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;
  15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
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. 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 2:33:52:**

**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 September 11, 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 76<sup>th</sup> Street, Shawnee, Kansas
- Will Stevens, 411 North Broadway
- Marcy Concolor, 4710 Hutton Road, Kansas City, Kansas, Kansas Department of Corrections
- Max Alcanter, 804 North Main, Lansing, Kansas

The Planning Commission addressed questions to the applicant.



**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:52:10:** Planning Director Hand stated that the request is for a group home. The property is in the Northeast Area Plan. Staff has received both support and opposition on this case. There are some Notices of Violation which were discussed in the comments earlier this evening. Staff recommends approval for two (2) years subject to the conditions in the staff report. He stated that the previous owner had a Special Use Permit that he would not classify as a group home but a transitional emergency shelter that was approved in 2011 for two (2) years. It also had a variance for no parking at the site that stays with the property and is still valid. That is why there is no parking provided off-street. Director Hand stated that in response to an earlier question, the next school is approximately 1700 feet “as the crow flies” away from this property.

The Planning Commission directed questions to Staff and the applicant.

**Motion starts at 2:59:26:**

On motion by Mr. Ernst, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-042 for two (2) years:**

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

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

**Subject to:**

- 1. The property owner shall plant two (2) street trees along North 17<sup>th</sup> Street;**
- 2. There shall be no more than seven (7) guests on site at a time;**
- 3. There shall be one (1) staff member on-site at all times;**
- 4. The following repairs identified in the inspection report shall be performed prior to operation:**
  - a. Downspouts shall be installed to direct water away from the basement and foundation.**
  - b. The basement egress door shall be unblocked, and the locked gate removed.**
  - c. Handrails shall be installed where identified or repaired where identified.**
  - d. Outdoor outlets shall be replaced with GFCI outlets.**

- e. Any loose or exposed wiring shall be repaired by a qualified electrician;
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](mailto: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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
  8. 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;
  9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. No flood lights are allowed;
  10. 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](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;
  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. 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. 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;**
- 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. 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 3:00:48 and the applicant was not present. The application was moved to the end of the agenda and recalled at 4:29:40 and the applicant was not present:**

**SPECIAL USE PERMIT APPLICATION SP2023-044 – UBLESTER GONZALEZ -**

**SYNOPSIS:** Renewal of a Special Use Permit to operate a car audio installation business at 1315 State Avenue (SP2020-100 expired 5/6/2023). Detailed Outline of Requested Action: The applicant, Ublester Gonzalez, is requesting a Special Use Permit for the purpose of operating a car audio installation business at 1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11, 2023.

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 September 11, 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 4:30:10:** Planning Director Hand stated that the request is for renewal of a Special Use Permit for a car audio installation shop on State Avenue. The property is in the Downtown Area Plan. Staff received no letters in support nor opposition. There are numerous Notices of Violation on the property because it includes not just the business in this building, but this lot, which Staff has had ongoing issues. It is all located on one (1) parcel and Staff went through the violations and none are related to this business. Staff recommends approval for five (5) years subject to the conditions in the staff report. The applicant has met all the previous conditions of approval.

**Motion starts at 4:31:30:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-044 for five (5) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;**
- 2. In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;**
- 3. Compliance with the following Commercial Design Guidelines Standards:**
  - a. The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department.**

- b. **Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.**
- c. **Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;**
- 4. **Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;**
- 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 Inspections 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. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 7. **Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 8. **Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 9. **Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle**

- storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  11. The applicant has filed and maintained a current business occupation tax application;
  12. 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;
  13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
  15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of

- the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for 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;
  17. 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,
  18. 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 3:02:10:**

**SPECIAL USE PERMIT APPLICATION SP2023-047 – LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT - SYNOPSIS:** Special Use Permit to operate a Short-Term Rental at 3917 Fisher Street. *Detailed Outline of Requested Action:* The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3917 Fisher Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Fisher.

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 September 11, 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:**

- Lance Pierce, applicant, 3917 Bell Street, Kansas City, Missouri 64111

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103, President of Hanover Heights Neighborhood Group
- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Marissa Butler, 4462 Cambridge, Kansas City, Kansas 66103

**Staff Recommendation starts at 3:16:37:** Planning Director Hand stated that this application is for a non-owner occupied Short-Term Rental Special Use Permit. The property is located in the Rosedale Area Plan. Before tonight’s meeting Staff had received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year, subject to the conditions in the staff report.

The Planning Commission directed questions to the applicant.

**Motion starts at 3:18:44:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-047 for one (1) year:**

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

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

**Subject to:**

- 1. The sidewalk in front of the property shall be repaired and/or replaced;**
- 2. The utility line hanging above the front yard must be raised or relocated;**
- 3. All steps must have a secured handrail installed;**
- 4. Trees must be trimmed in a manner to not impact the utility line above;**
- 5. Maximum number of guests shall be six (6);**
- 6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**



7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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](http://www.hostcompliance.com/tips) (website);
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. 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;
20. 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;
  21. 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;
  22. 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,
  23. 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 SP2023-057 – BETSY MAXFIELD - SYNOPSIS:** Special Use Permit to operate a Short-Term Rental at 4436 Cambridge Street. Detailed Outline of Requested Action: The Applicants, Betsy and Ryan Maxfield, DBA as Hermosa 711 LLC, are requesting a Special Use Permit to operate a short-term rental at 4436 Cambridge Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other unpermitted short-term rental on the block.

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 September 11, 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. Letter received from Valorie Wells Fenton at 4430 State Line Road in favor of this application that Secretary Parker read into the record.

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

**Present in Support:**

- Betsy and Ryan Maxfield, applicants, 1001 West 70<sup>th</sup> Street, Kansas City, Missouri 64113
- Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

**Present in Opposition:**

- Jacob Hobson, 4448 Francis Street, Kansas City, Kansas 66103, President of the Spring Valley Neighborhood Group
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103, President of the Hanover Heights Neighborhood Group
- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Marisa Butler, 4462 Cambridge, Kansas City, Kansas 66103

**Staff Recommendation starts at 3:34:53:** Planning Director Hand stated that Staff is tracking one other unpermitted Short-Term Rental on this block that would need to be closed down if this application is approved by the Board of Commissioners. This request is for a non-owner occupied Short-Term Rental Special Use Permit. This property is in the Rosedale Area Plan. Before tonight, the letter in support read by Ms. Parker, was the only communication received. There were no letters in opposition submitted. There are no Notices of Violation on this property. Staff recommends approval for one (1) year subject to the conditions in the staff report.

**Motion starts at 3:36:01:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-057 for one (1) year:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>

Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Eilts	No

Motion to recommend APPROVAL Passed 7 to 1

Subject to:

1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is two (2). 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](http://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](mailto: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](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;
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 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;
  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.

**Hearing starts at 3:37:08:**

**SPECIAL USE PERMIT APPLICATION SP2023-059 – JORGE RAMIREZ - SYNOPSIS:**

Special Use Permit for a drinking establishment with live entertainment at 4960 State Avenue. *Detailed Outline of Requested Action:* The applicant, Jorge Ramirez, DBA Café Tikal is requesting a Special Use Permit for live entertainment at an existing restaurant at 4960 State 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 September 11, 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:**

- Jorge Ramirez, applicant, 4960 State Avenue, Kansas City, Kansas 66102

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:40:25:** Planning Director Hand stated that the request is for a Special Use Permit for live entertainment at a restaurant. The property is in the City-Wide Comprehensive Plan just off State Avenue in the Mid-Town area. Staff has received no letters in support nor opposition. There are some older Notices of Violation from the previous owner that have all been closed and rectified. Director Hand stated that there have been previous Special Use Permits for entertainment in previous versions of this restaurant, so it is not an unprecedented use for this site. Staff recommends approval for two (2) years, subject to the conditions in the staff report.

**Motion starts at 3:41:23:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-059 for two (2) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>

Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Eilts	Aye

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

**Subject to:**

- 1. The applicant must work with Property Maintenance Compliance (Code Enforcement) and Building Inspections to address all active violations on the property;**
- 2. The applicant shall plant six (6) new trees on the property along State Avenue;**
- 3. The gas line/electrical box on the east side of the building is exposed. A bollard will need to be installed to prevent the gas line from being struck. The applicant will also need to provide screening, such as scrubs to conceal the gas line from sight;**
- 4. The applicant shall install a walkway that leads from State Avenue to the restaurant, as well as crosswalk markings in the parking lot that connect the walkway to the front door;**
- 5. All entertainment must cease by at least 1:00 AM;**
- 6. Doors and windows must stay closed during any entertainment performance;**
- 7. 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;**
- 8. No amplified speakers or entertainment is allowed in outdoor spaces; and,**
- 9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 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](mailto:signpermits@wycokck.org) to begin this process;**
- 11. 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;**
- 12. 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;**
- 13. If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;**

15. **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;**
16. **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;**
17. **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;**
18. **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 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;**
19. **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;**
20. **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;

21. 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,
22. 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 3:42:21:**

**SPECIAL USE PERMIT APPLICATION SP2023-060 – GUNNAR HAND, AICP/UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:**

Special Use Permit for an event space at Legends Field at 1800 Village West Parkway.

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 at Legends Field at 1800 Village West Parkway.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 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, applicant, Planning + Urban Design, 701 North 7<sup>th</sup> Street Suite 423, Kansas City, Kansas 66101

Assistant Counsel Conway directed questions to the applicant.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:45:51:** Planning Director Hand stated that other Staff members reviewed this case. He further stated that a Master Plan Amendment will also need to be submitted for this property. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:47:05:** (NOTE: Mr. Connelly left the meeting)

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-060:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

- 1. Public rights-of-way may not be blocked by trash enclosures or receptacles;**
- 2. Sidewalks shall remain clean and clear of trash and debris;**
- 3. Alcohol can only be provided by licensed vendors;**
- 4. The Unified Government will seek a Master Plan Amendment for the property on behalf of the Monarchs;**
- 5. 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;**
- 6. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;**
- 7. 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](mailto:businesslicense@wycokck.org);**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. 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;
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](mailto:signpermits@wycokck.org) to begin this process;
  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 indefinitely from the publication of the associated Ordinance;
  13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. 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.

**Hearing starts at 3:48:08:**

**SPECIAL USE PERMIT APPLICATION SP2023-061 – TATUM PHILLIP - SYNOPSIS:**

Special Use Permit to operate a Short-Term Rental at 809 Central Avenue. Detailed Outline of Requested Action: The applicant, Tatum Philip, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 809 Central Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 800 block of Central Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) 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 September 11, 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:**

- Tatum Phillip, applicant, 809 Central Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:42:44:** Planning Director Hand stated that this request is for a non-owner occupied Short-Term Rental Special Use Permit. The business has been in operation the last two (2) years and the applicant was notified that they needed to shut down until they received approval. That is the standard language as Staff has been doing the zoning blitz on Short-Term Rentals this past summer. Some of the STRs that have been discovered by Staff have been operating sometimes up to two (2) years without a Special Use Permit. This property is in the Central Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. The rear yard is completely paved. One of the conditions of approval is to address that violation before the renewal date of this Special Use Permit if this application is approved by the Board of Commissioners. Staff recommends approval for one (1) year subject to the conditions in the staff report. Staff would like to add a condition that if the room in the basement is going to be used as a bedroom a building permit will be required and an egress window will need to be added. It is Staff's understanding that at this time, the room will not be used as a bedroom.

The Planning Commission directed questions to Director Hand.

**Motion starts at 3:55:10:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-061 for one (1) year:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>

Armstrong            Not Present  
Beth                    Aye  
Connelly                Not Present  
Eilts                    No

Motion to recommend APPROVAL Passed 6 to 1

Subject to:

1. The entire rear yard of the residence is paved over. The applicant shall modify the driveway to provide the required 60% open space in the rear yard. Demonstrate how the applicant intends to meet this requirement. If the applicant cannot meet this requirement, a variance application shall be filed for;
2. The applicant shall install landscape screening around the air conditioning unit in the rear yard;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is two (2). 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](http://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](mailto: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](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;

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;

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.**
22. **If the basement is to be converted into a fourth bedroom, a building permit must be obtained and subsequently closed out by the applicant to provide an egress window as per building code requirements.**

**Hearing starts at 3:57:42:**

**PLAT APPLICATION PLAT2023-024 – LARRY HAHN - SYNOPSIS:** Preliminary and Final Plat to split one (1) residential lot into two (2) lots (Wooded Acres) at 2620 South 69<sup>th</sup> Street. Detailed Outline of Requested Action: The representative, Larry Hahn with Hahn Surveying, is requesting to subdivide one (1) parcel into two (2) single-family lots to create a developable single-family parcel on 19.77 acres at 2620 South 69<sup>th</sup> 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 September 11, 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:**

- Larry Hahn, representative
- Kenny Khongmaly, applicant

NOTE: Both were on the meeting but were having technical difficulties.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:00:05:** Planning Director Hand stated that this case is being heard in conjunction with BOZA2023-035, which was approved earlier this evening by the Board of Zoning Appeals. This proposal is to take one (1) parcel and create two (2) parcels. This property is in the City-Wide Comprehensive Plan in the Turner area. Staff received no letters in support nor opposition. There are some older Notices of Violation that have been rectified. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 4:01:15:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2023-024:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Eilts</b>	<b>Aye</b>

**Motion to APPROVE Passed 7 to 0**

**Subject to:**

- 1. This plat is in conjunction with BOZA2023-035, an appeal to exceed the 3:1 lot depth-to-width ratio;**
- 2. Maintain the rear of Lot 1 as natural, open space. Create an open space easement to preserve the tree stands;**
- 3. Protect and prevent infiltration from animal waste runoff into Morris Creek;**
- 4. In the future, if animals are kept on the property, contact to the Conservation District at (913) 334-6329 or [wycoco.conservaion@gmail.com](mailto:wycoco.conservaion@gmail.com);**
- 5. When the mylars are submitted to Staff to be recorded, submit the following fees:**
  - a. \$32.00 per page payable to the Register of Deeds; and,**
  - b. \$14.00 payable to the Unified Treasurer;**
- 6. Any accessory buildings constructed, 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;**
- 7. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
- 8. Utility easements shall connect with easements established in adjoining properties;**
- 9. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
- 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. **Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;**
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](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;**
13. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
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](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; and,**
15. **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.**

**Hearing starts at 4:02:15:**

**PLAN REVIEW APPLICATION PR2023-019 – ANDREA RAND WITH ISG - SYNOPSIS:**

Preliminary and Final Plan Review for a self-storage facility at 5200 State Avenue.

***Detailed Outline of Requested Action:*** The applicant, Stuart M. Shoen with 22 SAC, LLC, is requesting a Preliminary and Final Plan Review for a self-storage building. The new development will be constructed on the site of an existing truck rental business; the new development will be constructed on a portion of the existing parking lot. A variance from the parking and landscaping requirements, BOZA2023-023, has been filed in conjunction with PR2023-019.

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 September 11, 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; and,
6. The Notices to property owners.

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

**Present in Support:**

- Andrea Rand, applicant, ISG, 7900 International Drive, Suite 550, Minneapolis, Minnesota representing U-Haul

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:13:33:** Planning Director Hand stated that this case was heard in conjunction with BOZA2023-023 for a parking variance last month, which was approved by the Board of Zoning Appeals. This plan review was held over for one (1) month for the applicant to discuss some of the requested deviations with Staff. This request is for the U-Haul expansion and the property is in the City-Wide Comprehensive Plan in the Midtown neighborhood. Staff received no letters in support nor opposition. There are some old Notices of Violation that have been cleared and rectified. Staff recommends approval with the conditions in the staff report. He further stated that there are deviations being requested that are written into the conditions of approval. The access deviation was removed from the list, but the building orientation is still there. He stated that there is no public entry into the facility as confirmed by the applicant. It is basically a storage facility, so the loading docks and all the ingress/egress is on State Avenue. Staff will never support a building orientation deviation that has not been approved in the past. A former UG employee gave direction to the applicant that led to the path the applicant followed. Director Hand stated that the applicant worked with Staff to resolve one (1) of the two (2) main issues.

**Motion starts at 4:17:28:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Petition PR2023-019:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Eilts</b>	<b>Aye</b>

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

**Subject to:**

1. The following requirements of Commercial Development Guidelines Overlay District have not been met. The applicant is requesting a deviation:
  - a. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
  - b. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch (6") vertical curb, trellis, special railing, bollards, special paving, low seat wall or other architectural features, pedestrian scale lighting, and traffic-calming devices.
  - c. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
  - d. Per Section 27-576(c)(1), Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.
  - e. Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: divisions or breaks in materials; building offsets (projections, recesses, niches); window bays; separate entrances and entry treatment; or variation in rooflines.
  - f. Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.
  - g. Per Section 27-576(h)(1), for new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
  - h. Per Section 27-577(d)(3), landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
  - i. Per Section 27-577(e)(3), groups of parking of between 40 and 50 spaces must be separated by a ten-foot-wide landscaped median or berm, or pedestrian walkway within a landscaped median.
2. All signs in the public right-of-way must be removed before a building permit can be issued.
3. If there is a change of use to the proposed building to where customers are regularly accessing the building, the applicant shall file for a revised Final Development Plan and make site adjustments to accommodate for pedestrian circulation to and from the building both on and off-site.
4. Signage shall be installed on the proposed building to indicate that it is not a publicly accessible building for customers or any other pedestrians.
5. Per Section 27-467(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 327,408 square feet,

- requiring 47 trees be provided on the site plan. Applicant is requesting a variance from this requirement through BOZA2023-023, a simultaneous application.
6. Per Section 27-699(a), the following landscaping requirements must be met:
    - a. The area between the curb of a public street and the property line shall be brought to finish grade and planted in grass. In no case may this area be paved or covered with materials other than grass or an appropriate ground cover, except at approved driveways that shall be paved. Approved street trees may also be planted.
    - b. All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.
    - c. No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees.
    - d. At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.
  7. Per Section 27-699(b), the following screening requirements must be met:
    - a. Screening shall not extend into the sight distance triangle or beyond the required parking or paving setback where side or rear lot lines approach a street right-of-way.
    - b. Where the required screening is made ineffective by topographic or other uncontrollable conditions or where the screening would tend to obscure another commercial or industrial use, buffer plantings and/or shade trees may be substituted.
    - c. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.
    - d. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.
  8. The applicant shall install additional landscaping to screen the loading and service area from State Avenue
  9. The applicant shall add a crosswalk from the existing (western) building into the parking lot.
  10. Per Sections 27-699(b)(3), -699(b)(4), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening.
  11. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground.

12. Per Section 27-467(g), a six (6)-foot high architectural screening is to be provided along the rear property line shared with the adjacent residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas. Per Section 27-577(c)(4), this screening must be 100% sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
13. Per Section 27-577(f)(1), plants that die must be replaced no longer than four (4) months from the date of its death.
14. All signs in the public right-of-way must be removed;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](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;
16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
17. 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;
18. 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;
19. This Board of Zoning Appeals case is being heard in conjunction with PR2023-019. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition PR2023-019 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
20. This City Planning Commission case is being heard in conjunction with BOZA2023-023. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition BOZA2023-023 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
21. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;

22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
23. 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;
24. 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;
25. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](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;
26. 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](mailto:info@wycokck.org) prior to construction to arrange this meeting;
27. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
28. Section 27-467(g) requires that a six foot (6')-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;
29. 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;

30. Plants that die must be replaced no longer than four (4) months from the date of its death;
31. 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; and,
32. 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.

**Hearing starts at 4:19:17:**

**PLAN REVIEW APPLICATION PR2023-021 – NICOLE CURRY WITH BRR**

**ARCHITECTURE - SYNOPSIS:** Final Plan Review to approve building elevation revisions to the previously approved Hudson Apartments at 3600 Rainbow Boulevard. Detailed Outline of Requested Action: The applicant, Jeff Redhage with Hudson Apartments, LLC, is requesting to amend a Final Development Plan to change the exterior material on the rear building elevation from metal paneling (City Planning Commission deviation) to EIFS, which is prohibited in the Rosedale Area Plan – Urban Multi-Family Residential Design Guidelines to build a three (3) story apartment complex to build a 228-unit, five (5) story over two (2) story parking garage apartment building on 2.66 redeveloped 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 September 11, 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; and,
6. The Notices to property owners.

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

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:21:38:** Planning Director Hand stated that this application was held over from the August meeting at the request of the applicant. The applicant received notice of the meeting tonight. This application is a final development plan to amend the exterior material on the rear building elevation for a five (5) story 228-unit apartment building. There is a final development plan in place, and they are under construction. They are asking for cost saving purposes to have the rear of the property clad in EFIS which is a prohibited material in the Multi-Family Design Guidelines. If the word prohibited was used in the zoning code, a variance could not be applied for. As these are design guidelines, the decision is made by the City Planning Commission regarding all deviations. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends denial of this application as EFIS is a specifically prohibited material in the Multi-Family Design Guidelines.

**Motion starts at 4:23:59:**

On motion by Mr. Ernst, seconded by Mr. Beth, the Planning Commission voted as follows to **DENY Petition PR2023-021 as it is not in compliance with the City**

**Ordinances:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Eilts</b>	<b>Aye</b>

**Motion to DENY Passed 7 to 0**

**Hearing starts at 4:25:11:**

**MPL2023-014 – ANNA KRSTULIC WITH STINSON LLP – SYNOPSIS:** Determination of Conformance with Downtown Area Plan of the Downtown Campus Redevelopment Project Plan for mixed-use commercial/residential building and redevelopment of Reardon Center (500 Minnesota Avenue).

**Present in Support:**

- Gunnar H. Hand, AICP, Director of Planning + Urban Design

**Present in Opposition:**

- No one appeared



**Staff Recommendation starts at 4:27:01:** Planning Director Hand stated that with the change in the TIF District, it does change the property and the applicant of the project has been notified that it cannot move forward without a final development plan. This request is specifically asking as per State Statute if the proposed project conforms with the Downtown Area Plan. Staff believes that it does, and Assistant Counsel Conway agreed.

**Motion starts at 4:28:25:**

On motion by Mr. Ernst, seconded by Ms. Eilts, the Planning Commission voted as follows **that the Downtown Campus Redevelopment Project Plan at 500 Minnesota Avenue conforms with the Downtown Area Plan:**

<b>Carson</b>	<b>Chairman</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Eilts</b>	<b>Aye</b>
<b>Motion Passed 7 to 0</b>	

**Miscellaneous:**

Director Hand stated that there will be a special session on PlanKCK at the October 9, 2023, meeting at 5:00 p.m.

There being no further business, the meeting adjourned at 10:45 p.m.