



Urban Planning and Land Use

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February 5, 2018

Partner Engineering and Science, Inc.
Attn: Cody Utterback
12 North Willowood Drive
Yukon, OK 73099

Re: Zoning Verification Letter for 2807 – 2815 Merriam Lane (Merriam Lane Apartments)

This letter is in response to your request for zoning verification on the following property:

Address	Parcel #
2807 – 2815 Merriam Lane	911820

The property listed above is zoned **M-2 General Industrial District**.

The property in question was not granted any variances or zoning relief of any kind. (Special exceptions and conditional use permits do not exist in our zoning ordinance.)

The permitted uses and basic requirements can be found in Chapter 27 of the Kansas City, Kansas, City Code and are set out in the attached information.

Please call the Code Enforcement Department at (913) 573-8600 to see if there are active enforcement cases. Please call the Building Inspection Department at (913) 573-8620 to see if all conditions have been satisfied and an occupancy permit issued.

Sincerely,

Byron Toy, AICP
Principal Planner
Unified Government of Wyandotte County/Kansas City, Kansas
(913) 573-5757
btoy@wycokck.org

Sec. 27-469. M-2 general industrial district.

(a) *Generally.* The purpose of the M-2 general industrial district is to accommodate a broad range of industrial and certain commercial uses, many of which will be of less visual quality and constitute a more intensive use of land than those uses typical of the M-1 district. Location of sites will logically relate to highway, major street, rail or river access although frontage on such a means of access is not always essential. A wide diversity of building sizes, architectural character and occupancy from one property to another is typical. Many uses in this district will have adverse effects on nearby residential property unless substantial buffering, land use transition, and traffic controls are utilized. This section applies to the M-2 general industrial district.

(b) *Permitted uses.* Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:

- (1) Any use permitted in the C-3 commercial district except dwellings, under the standards and requirements of that district.
- (2) Any use permitted in the M-1 light industrial and industrial park district.
- (3) Sales and rental of such items as lumber and other construction materials and supplies, heavy machinery and equipment, steel, food and dairy products, mobile and manufactured homes, monuments, marble, slate, recreation vehicles and equipment, chemicals, fuel.
- (4) Services such as woodworking, machinery and equipment repair, cartage, lawn and building maintenance.
- (5) Services such as railroad terminals, trucking terminals, truck stops, junior poster panel and poster panel advertising, contractor's storage yards.
- (6) Telecommunication towers no more than 250 feet tall.

(c) *Performance standards.* No use of land or buildings in this district shall be allowed to exceed or violate the following standards:

- (1) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 80dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
- (2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction,

set back not less than six feet from the street line and not less than three feet in height.

(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district.

(4) All uses involving storage, handling, use or sale of hazardous and highly flammable or explosive materials (group H occupancies, as defined by the International Building Code as adopted and amended by the unified government) shall notify the building official prior to any such occupancy or any securing of unified government approval, be it an occupational license, zoning approval, building permit, etc. The building official shall determine that all applicable requirements are met and may submit the use to the development review committee for review.

(5) No adult motion picture theaters, adult bookstores or adult video stores shall be established within 500 feet of any church, school (those permitted in residential districts), or any residentially zoned area.

(6) Telecommunication towers shall comply with and be subject to the following:

a. All towers shall be set back from any existing off-site residence a distance no less than the height of the tower.

b. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the governing authority notifying the owner of such abandonment. The landowner shall be responsible for the removal in the event the lessee fails to remove it upon abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

c. Every telecommunication tower shall be subject to administrative review after three years regardless of the approved term of the special use permit or the date such tower was installed in an M-2 or M-3 industrial zone. Reviews will subsequently be required every three years thereafter. At the time of this review the applicant shall demonstrate to the satisfaction of the unified government that:

1. The general appearance of the facility has been adequately maintained. This shall include landscaping, fencing, surfacing, tower appearance, etc.

2. The structural integrity of the tower is uncompromised. A report from a licensed professional engineer shall be submitted by the applicant assuring this.

3. A good faith effort has been made to cooperate with other providers to establish collocation at the tower site. Good faith effort shall include, but is not limited to, timely response to

collocation inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing collocation.

4. The unified government may request that the applicant hire a qualified third party to prepare a report providing measurements of radio frequency radiation emissions and certifying compliance with all applicable regulations.

Failure to adequately demonstrate compliance on any one of these items shall result in the initiation of an enforcement action in municipal court or at district court of the county.

d. In areas where surrounding buildings and facilities are served by underground utilities, all utility lines shall be underground.

e. All towers over 100 feet shall be designed to accommodate at least three communication carriers.

(d) *Height and area standards.* All buildings and other uses of land shall conform to the following minimum standards:

(1) There shall be no minimum or maximum height requirements except that, where a property in this district abuts a zoning district wherein a height limitation is imposed by this division then that same height limitation shall apply to that property in this district within 25 feet of the common property line.

(2) Setbacks from property lines shall be ten feet for buildings and structures, six feet for all parking, loading, display and storage areas, except that along side and rear property lines adjacent to residentially zoned property, a 15-foot setback is required.

For additional standards and information, see division 8 of this article.

(e) *Parking standards.* Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. For additional standards and information, see division 9 of this article.

(f) *Signs.* A broad range of signs is permitted in this district, including wall signs, detached signs and outdoor advertising. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.

(g) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.

(h) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is MP-2 and the procedures are set out in section 27-212.

(i) *Building conversion.* No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Code 1988, § 27-1174; Ord. No. 64690, § 1(27-51), 8-30-1984; Ord. No. 65079, § 5, 11-6-1986; Ord. No. 65417, § 17, 4-6-1989; Ord. No. 66177, § 2, 12-5-1996; Ord. No. O-48-02, § 4, 6-27-2002)