

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

**PLANNING & ZONING AND
REGULAR SESSION
SEPTEMBER 30, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 30, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Markley, Commissioner Sixth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Carol Godsil, Deputy UG Clerk; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Administrative Assistant; Alley Porter, Commission Liaison, Renee Ramirez, Human Resources Director; Shakeva Christian, HR Manager; and Dave Wimberly, Risk Manager.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, many people are attending remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting and those comments are included in the record of the meeting. The public also has an opportunity to provide brief comments from the lobby of the Municipal Office Building.

Mayor Alvey called the meeting to order. Would the Clerk please call the roll?

Roll call: Ramirez, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey. (Commissioner Johnson was present but muted and did not acknowledge his presence.)

Mayor Alvey provided the invocation.

Mayor Alvey asked, are there any revisions to tonight's agenda? **Carol Godsil, Deputy UG Clerk**, said there are no revisions.

Mayor Alvey said we have two parts to our meeting. The Planning and Zoning is handled first followed by the Regular Commission. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Ms. Godsil read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mayor Alvey asked, does any member of the Commission, the County Administrator, or public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Commissioner McKiernan said I've had contact with proponents of SP2021-052 and contact with proponents of SP2021-062. **Commissioner Bynum** said I've heard from proponents of SP2021-52 and opponents of SP2021-52. **Commissioner Johnson** said proponents of SP2021-052. **Commissioner Burroughs** said proponents of 2021-018, 2021-062, proponents; and proponents for MPL2021-006. **Commissioner Kane** said proponents for 2021-052 and SP062, both from proponents. **Commissioner Ramirez** said from proponents SP2021-052. **Commissioner Philbrook** said proponents of SP2021-052. **Mayor Alvey** said I've had contact with SP2021-052 and opponents of SP2021-052. **Commissioner Burroughs** said I did miss 052 also, proponents.

Ms. Godsil read the items on the Planning & Zoning Consent Agenda.

Mayor Alvey asked, does any member of the Commission, the County Administrator, or public wish to set aside any item on the Planning & Zoning Consent Agenda? If an item is not set aside, all items on the Planning & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Have we received any requests from the public to set aside any item? **Ms. Godsil** said no request has been received. **Mayor Alvey** asked, does any member of the Commission or Administrator wish to set aside any item? Seeing none, is there anybody present or on the call?

Mayor Alvey asked, Mr. Hand, you had mention that there might be someone who wanted to pull an item. **Gunnar Hand, Director of Planning and Urban Development**, said I did just notice that someone raised their hand and lowered their hand. It's a local citizen. I'm not sure who that is. **Corrina West** said I am with Special Permit Application 2021-052, on record, naming myself as a pro se party here. **Mayor Alvey** asked, are you asking to remove this from the Consent Agenda? **Ms. West** said yes.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve all items, except the set aside item.** Roll call was taken and there were nine "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 211036...CHANGE OF ZONE APPLICATION COZ2021-005 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District for additional parking and buildings for Providence Medical Center at 8741 Parallel Parkway,

and

MASTER PLAN AMENDMENT ITEM NO. 1 – 211050...MPL2021-013 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Master Plan Amendment from Low-Density Residential to Public/Semi-Public (City-Wide Master Plan) at 8741 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Joe McLaughlin with BHC Rhodes, is requesting a Change of Zone from R-1 Single Family District to CP-0 Planned NonRetail Business District for Lot 2 of the Providence Medical Center 2nd Plat. The Change of Zone is being requested in order to allow for future expansion of the Providence Medical Center campus. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-005 and Master Plan Amendment MP2021-013, subject to:

- 1) This staff report is for COZ2021-005, a Change of Zone (as well as for MPL2021013, a Master Plan Amendment). Per Section 27-211(e)(2), a Change of Zone to a planned district requires a Preliminary Plan Review as part of the rezoning process. As such, a Final Plan Review will subsequently be required for the subject property. All conditions of approval passed with COZ2021-005 must be reflected in the submitted plans and conditions of approval for the future Final Plan Review. Changes in the Final Plan Review from the approved Change of Zone/Preliminary Plan Review must not be considered significant, pursuant to Section 27-211(h)(1)a-l. If any changes to the approved Change of Zone/Preliminary Plan Review are deemed significant, the applicant must resubmit a revised Preliminary Plan Review for approval by the City Planning Commission and the Board of Commissioners. The following changes between the Change of Zone/Preliminary Plan Review and Final Plan Review are considered significant:
 - a. Any changes that exceed the provisions of subsection (f) of this section or other terms specified by the Planning Commission and/or Unified Government Board of Commissioners;
 - b. Increases in density or intensity of residential uses by more than five percent (5%);
 - c. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent (5%) or 5,000 square feet, whichever is less;
 - d. Increases of lot coverage by more than five percent (5%);
 - e. Changes of architectural style that will make the project less compatible with surrounding uses;
 - f. Changes in ownership patterns or stages of construction that will lead to a different development concept;
 - g. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities;
 - h. Decreases of any peripheral setback of more than five percent (5%);
 - i. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas;
 - j. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries;
 - k. Modification or removal of conditions or stipulations to the preliminary development plan approval; or
 - l. Modifications that change, amend, or violate the terms of the comprehensive plan;
- 2) Future development must connect to Parallel Parkway and all existing campus transportation nodes and provide pedestrian access;

- 3) All future on-site development will be subject to the regulations of the CP-0 Planned Non-Retail Business District and the Commercial Development Guidelines Overlay District;
- 4) Per Section 27-463(g), 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 parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property;
- 5) Per Section 27-463(g), one (1) tree is required for every 7,000 square feet of site area. The subject property's site area is 205,986 square feet, which requires 30 trees. The current landscape plan only demonstrates 26 trees, which is four (4) trees fewer than required. The applicant must submit a revised landscape plan, in conjunction with the requisite Final Plan Review, that demonstrates at least 30 trees;
- 6) Per Section 27-700(b)(1), buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three 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. Buffer plantings will be in addition to required trees. In the C-0/CP-0 District, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property;
- 7) Future development requires a Final Plan Review;
- 8) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 9) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 10) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 12) Site improvements that include land disturbance activity on greater than 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—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan to approve Change of Zone Application COZ2021-005 and Master Plan Amendment MPL2021-013, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211037...CHANGE OF ZONE APPLICATION COZ2021-012, RAY SAWYER

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for horses at 3726 North 47th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ray Sawyer, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District. The Change of Zone is being requested in order to allow the applicant to keep four (4) horses, six (6) steers, and 10 chickens on his property. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-012, subject to:

- 1) No more than four (4) horses may be stabled on the property;
- 2) The six (6) identified steers may be stabled on the property until they are sold;
- 3) Per the Conservation Plan for the subject property, the following conditions must be met:
 - a. The horse stable on Lot One (1) must be repaired by November 1, 2021, in order for there to be adequate shelter for the on-site horses throughout the winter;
 - b. The asphalt material in Lot Two (2) must be removed in preparation for topsoil to be installed on the lot. The asphalt must be removed before, and the topsoil installed on, September 11, 2021. Six (6) to eight (8) inches of topsoil must be applied to Lot Two (2), and the lot must be seeded and mulched as soon as the topsoil is applied;
 - c. The existing corral and steer shed must be moved to Lot Three (3) in order to be fully within the subject property. The six (6) steers must be kept on the subject property;
 - d. The illegal fill material—such as concrete, asphalt, and other unauthorized fill—on Lot Four (4) must be leveled out and buried. Topsoil must be installed on Lot Four (4), along with proper mulching and seeding. The size of the fill material shall comply with Appendix J of the International Building Code (IBC);
 - e. All other requirements of the Conservation Plan, including the plan of care in the general livestock husbandry notes, must be met and followed;
- 4) Any outstanding code violations found on the property will be addressed and rectified through the Notice of Violation process;
- 5) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division (913-573-8620) to begin the process;
- 6) All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;

- 7) Driveways must be constructed and/or updated to comply with Section 27- 575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
- 8) The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;
- 9) 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 Code of Ordinances. 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; and 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;
- 10) Site improvements that include land disturbance activity on greater than 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—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2021-012, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211039...CHANGE OF ZONE APPLICATION COZ2021-026 – MARTY T. ARLING WITH KAW VALLEY ENGINEERING

Synopsis: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for a 31-acre urban equestrian sanctuary for both horses and residents who reside and traverse there at 4600 Parkview Avenue and 4551 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Martin Arling with Kaw Valley Engineering, on behalf of Amy Strother, property owner, wants to rezone a heavily wooded and undeveloped area to create an urban equestrian sanctuary with a therapeutic barn, club house, trail, and parking lot. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-026, subject to:

1. Subject to approval, a Final Development Plan shall be submitted for this project;
2. In the future, in order to vacate a portion of Parkview Avenue to better align the driveway with Parkview Avenue to the west, across North 47th Street, the applicant shall submit a vacation application or subdivision application (preliminary and final plat);
3. In the future, renting out bedrooms for short-term rentals requires a Special Use Permit;
4. Sec. 27-340 Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire sale. This is a private riding stable, similar to private horse stables on Donahoo Road that offer private lessons to individuals in addition to boarding horses with large barns and riding arenas. There are loading/unloading areas on these properties for vehicle and horse trailers parking;
5. Subsequent Phase 2 will require its own Change of Zone and Final Development Plan, specifically 4249 Sortor Drive, which is not included a part of this petition;
6. Either file a replat to combine the 4600 Parkview Avenue, 4551 Sloan Avenue or consolidate these two parcels together via lot combination with the GeoSpatial Services Department so 4551 Sloan Avenue (0.97 acres) is incorporated into a parcel that is over five (5) acres for A-G Agriculture District. Otherwise, you may require a variance;
7. The hours of operation shall be seasonally from dawn to dusk;
8. As part of the Final Development Plan, finish the conservation plan that specifically addresses managing on-site grazing an animal waste throughout the year with Cheri Miller, Wyandotte County Conservation District at (913) 334-6329;
9. The proposed gravel is acceptable for horses to maneuver as they enter and exit the paddock, but the surface upon which vehicles and trailers load and unload horses must be paved with asphalt or concrete;
10. The parking lot shall be paved with asphalt or concrete, striped accordingly and comply with the ADA requirements;
11. Obtain a right-of-way permit from Public Works Department to build an apron;
12. To keep with the rural character of the neighborhood, no signage shall be displayed along 47th Street;
13. Maintain all tree stands to create a buffer to adjacent residential uses;

14. 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, Sec. 8-610 through Sec. 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;
15. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
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.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2021-026, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 211040...SPECIAL USE PERMIT APPLICATION SP2021-029 – NADIA GRIFFITT WITH LATIN QUARTERS, INC.

Synopsis: Special Use Permit for a drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Nadia Griffitt, is requesting the approval of a Special Use Permit. This business was previously allowed to operate as a drinking establishment with live entertainment under Special Use Permit SP-2016-70, which expired on January 26, 2019. This Special Use Permit allowed for the operation of a restaurant, bar, catering business, and live entertainment at 508 Kansas Avenue. Because of the time that has lapsed since this Special Use Permit expired, this application cannot be considered a renewal. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-029 for one (1) year, subject to:

- 1) The applicant must comply with all Fire Department comments, including the comments stemming from the July 9, 2021 Inspection Report;
- 2) The hours of operation are as follows: Monday-Thursday, 5:00 pm – 11:00 pm; Friday and Saturday, 5:00 pm – 2:00 am.; Sunday, occasionally (the applicant must provide hours of operation for Sundays, even if the space is only open occasionally)
- 3) Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled.
- 4) The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1) c.
- 5) Attendance is limited to 289, the legal occupancy of the building.
- 6) Live entertainment events must comply with the following requirements:
 - a. All entertainment must cease by at least 1:00 am;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. 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;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 7) Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.
- 8) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation; Total public area has been established by the applicant as 4,000 square feet— 2,600 square feet on the first floor and 1,600 square feet on the second floor.
- 9) The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be striped, any potholes or cracks in the pavement must be repaired, ADA-compliant parking proximate to the entrance must be installed, per the submitted parking plan;
- 10) Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property;
- 11) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 12) An owner must always be present on-site during hours of operation;
- 13) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;

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

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-029 for one year, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211041...SPECIAL USE PERMIT APPLICATION SP2021-034 – ATTIF ABBAS WITH ZAYN COMMERCIAL, LLC

Synopsis: Special Use Permit for liquor sales in conjunction with existing convenience store/gas station at 8537 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Attif Abbas with Zayn Commercial, LLC, is requesting a Special Use Permit for the sale of liquor at a convenience store and gas station. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-0034, for two (2) years, subject to:

- 1) The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021, that addresses the following:
 - a. Per Section 27-464(g), 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 parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

- b. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
 - c. Per Section 27-577(c):
 - i. The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.
 - ii. Landscape and streetscape design should be used to enhance the frontage of primary roadways.
 - d. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
 - e. Per Section 27-577(d):
 - i. At least 75 percent (%) of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - ii. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
 - f. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas.
 - g. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;
 - h. Per Section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet. $(33,541/7,000) * 1.75 = 8.4$; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
- 2) Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:
- a. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;
 - b. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
 - c. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
 - d. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;
 - e. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a

- block. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
- f. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;
 - g. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;
 - a. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - b. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots;
 - c. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
 - d. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
 - e. 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;
 - f. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
- 3) Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;
 - 4) There appears to a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:
 - a. The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.
 - b. Does not create a significant lack of parking.
 - c. Dumpster style recycling facilities must be screened on three sides.
 - d. Overflow dumping around the facility is not allowed.
 - e. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;
 - 5) The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;
 - 6) In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;
 - 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - 8) The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
 - a. Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;

- b. Freestanding pole/pylon signs are not permitted;
 - c. Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted;
 - d. The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit;
- 9) The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;
 - 10) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 - 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; and,
 - 12) 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.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-034 for two years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211042...SPECIAL USE PERMIT APPLICATION SP2021-045 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for auto storage and maintenance building at 1037 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. A paved driveway apron will

allow vehicles to access the building from South 26th Street. The site plan proposes a building measuring 80' x 50', a total of 4,000 square feet. There is a pre-existing building in the southeast corner of the subject property, measuring 3,321 square feet. Both buildings are collectively served by 20 parking spaces, two (2) of which are ADA-compliant. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-045 for two (2) years, subject to:

- 1) Per Section 27-470(b)(7), extended or dead storage of motor vehicles requires a Special Use Permit. The applicant has not identified extended or dead storage of motor vehicles in their Special Use Permit application. Therefore, all vehicles stored on the subject property must be operable;
- 2) The revised parking plan submitted by the applicant to Staff shows 20 total parking spaces in two (2) separate parking lots on site, which exceeds the M-3 zoning district parking minimum. Two (2) of these parking spaces are ADA-compliant, one (1) at each grouping of parking spaces. This parking arrangement must be maintained;
- 3) The applicant must comply with the respective site, parking, landscaping, and turning plans as submitted to Staff in this report, unless written conditions in this report and/or modifications made by the City Planning Commission, or the Board of Commissioners supersede the plans;
- 4) Per Section 27-593(b)(20) c.1.ii, commercial uses in new buildings in industrial districts shall be subject to commercial design guidelines. Therefore, the proposed building must conform to the Commercial Development Guidelines Overlay District, Sections 27-573 through 27-578;
- 5) Per Section 27-593(b)(20) c.2, modifications shall be made to the existing building:
 - a) Restoring original brick,
 - b) Any necessary repair of the façade,
 - c) New doors or windows if existing fixtures are in disrepair,
 - d) Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed, and tuck pointed, and
 - e) For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required;
- 6) The landscaping plan shall continue to comply with Section 27-470(h): "All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.";
- 7) The site landscaping is required to meet the Commercial Design Guidelines Overlay District per Sec. 27-593(b)(20) a.2. The total quantity of trees is exclusive of the street tree requirement and buffering/screening requirements. This can and will be resolved during building permitting with the Development Review Committee; Per the submitted landscaping plan, a sidewalk must be installed along the frontage of the subject property;
- 8) Per Section 27-673 (c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate;
- 9) The stormwater runoff plan, demonstrating the changes in surface water runoff after the construction of the building and the steps taken to address such changes in runoff onto the adjacent properties and rights-of-way, must be provided to Staff by September 22, 2021.

- 10) Improve the alleyway from the northern-most point adjacent to the subject property to the intersection with Argentine Boulevard;
- 11) Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required in the M-3 Heavy Industrial Zoning District;
- 12) Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening;
- 13) Each automobile shall be in a striped, designated parking space, trucks shall not be parking on the existing gravel surface. Please revise the area labeled truck storage to show paved surfaces. At a minimum all drive aisles must be paved and asphalt millings provided for all storage areas;
- 14) All salvage, debris, and outdoor storage shall be removed from the site and the site shall be maintained in an orderly manner. The truck storage shall include only operable trucks and trailers;
- 15) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 16) Per Section 27-673(a), any lights used to illuminate the parking area shall be so arranged, located, or screened as to direct light away from any adjoining or abutting residential district. 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 17) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 18) A Right-of-Way permit is required for construction that requires either temporary use or alteration of the public right-of-way. Please contact the Public Works Department at (913) 573-5311 to begin that process;
- 19) 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 (Section 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;
- 20) 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;
- 21) 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;

- 22) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 23) 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.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit SP2021-045 for two years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 211043...SPECIAL USE PERMIT APPLICATION SP2021-052 – CORINNA WEST

Synopsis: Special Use Permit to keep 12 breeding adult ducks at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Corinna West, is requesting a Special Use Permit to keep 12 breeding ducks and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to continue keeping ducks at their primary residence. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-052 for two (2) years for eight (8) adult ducks, subject to:

- 1) Per the conservation plan, up to eight (8) mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those eight (8) ducks;
- 2) Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;

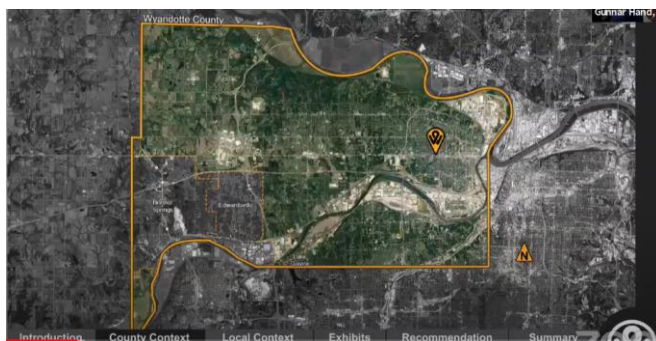
- 3) Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
- 4) Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to eight (8) ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
- 5) Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
- 6) Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions:
 - a) Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
 - b) Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming to compacted and no longer slow water movement; and,
 - c) Most to the above can be completed by repurposing materials on the property;
- 7) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;
- 8) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 9) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 10) Any 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 Code of Ordinances. 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; and 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; and,

- 11) 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.

Case	
SP2021-052	
Petitioner	Address
Corinna West	1921 Nebraska Avenue, Kansas City, Kansas 66106
Synopsis	
The applicant, Corinna West, is requesting a Special Use Permit to keep 12 breeding ducks and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to continue keeping ducks at their primary residence.	
Introducing County Context Local Context Exhibits Recommendation Summary	

Gunnar Hand, Director of Planning and Urban Development, said Special Use Permit 2021-052 is for the keeping of more than 6 fowl as per the zoning ordinance. The applicant had requested 12 ducks.



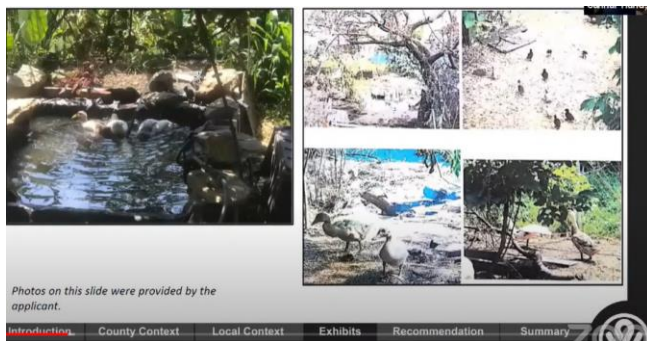
This is in the Northeast Area Master Plan area,



specifically, in the Westheight Historic District along Nebraska Avenue.



The applicant had a review with the Conservation District. The Conservation District did visit the site and provide



feedback to staff regarding their recommendations. Staff included those as conditions of approval. There are multiple conditions as they relate to the maintenance of the yard

Public Opposition	Public Support
None to date.	None to date.

Staff Recommendation
Approval

Introduction County Context Local Context Exhibits Recommendation Summary

as well as a recommendation for only 8 adult ducks. The number of ducklings—I believe Ms. West raises ducklings and sells them, but the keeping of ducklings is not enumerated, so she can have as many ducklings but they cannot grow to maturity. She's limited to, as per these conditions, 8 breeding pairs.

Staff recommends approval with 8 ducks, and the remainder of the Conservation District's conditions, for two years.

Mayor Alvey said, Gunnar, the special use permit to keep 12 breeding adult ducks. **Mr. Hand** said that was the request. The conditions of approval, based on our reviewing agency of the Conservation District, limited that to 8 so staff went along with the Conservation District's recommendation for 8, which still requires a SUP. **Mayor Alvey** said thank you. I did not see the next note.

Conditions of Approval
1. Per the conservation plan, up to eight (8) mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those eight (8) ducks; 2. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest; 3. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth; 4. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to eight (8) ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard; 5. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients; is published in the newspaper;

Introduction County Context Local Context Exhibits Recommendation Summary

Mr. Hand said I would also just mention, I did hear some, regarding this case, proponents and opponents. Up until this point, staff has received no letters of support/opposition. There are some old NOV's, but very old ones. The outstanding NOV on the property is in relation to the number of ducks on the property without a special use permit, which is the corrective action that we hear tonight.

Corinna West, US Olympic Team

Fighting for Justice for 4 ducks



Corrina West, 1921 Nebraska Ave., said there's only 9 of the living Cayugas in the state of Kansas, and I am one of them. I'm going to fight to the death here as a gladiator for 4 ducks.

Fighting for 4 ducks

**Cayugas are very rare - only domesticated
duck breed native to North America**



These ducks are very rare. Cayugas are the only domesticated duck breed native to North America. If you can see them, part of the fact is that you can't see them, which is why they're good against predators. In this picture, there's actually 1 brown duck, 2 blue ducks, and 5 black ducks. Trying to keep black, brown and blue together is why this is—in fact, we just got awarded today some money from a department in Kansas who's helping us to preserve the genetics.

Progress of Special Permit to date:

conversation shortened for clarity:

City: We only recommend 8 ducks not 12 since you don't have enough Hydric plants on site.

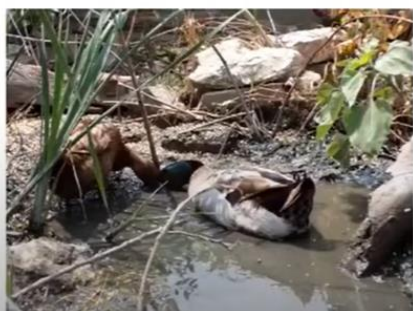
Corinna: Um, I have a lot of hydric plants. Like 1,200 of them. Please change the recommendation to 12 ducks.

Commissioners: We are going to side with the staff.

Today's request: Please change the recommendation to 12 ducks. Everything is fine and good at my farm.

The progress of the special permit today—this is a shortening of a conversation for clarity. The city said 8 ducks and not 12 since we don't have enough hydric plants on site. So today's request is let's go to 12 ducks and not 8, and everything is all and good around here.

Hydric Plants: Cattail, Grass, Sunflower



This is a hydric plant right here. If you can see my pointer, this is a cattail. This is two of the brown. This is also a hydric plant. A hydric plant is one that is defined as tolerating dirty water and wet, wet feet so the roots can be wet. This is a cattail. This is a Russian Sunflower. This is grass back here. All of that is alive in dirty water so, therefore, by definition, it's a hydric plant.

Hydric Plants: Mulberry, Burdock, Cherry



There are three more hydric plants in this photo: cherry, burdock, and there's lower age trees growing up in this.

Hydric Plants: Grapes, Persimmon

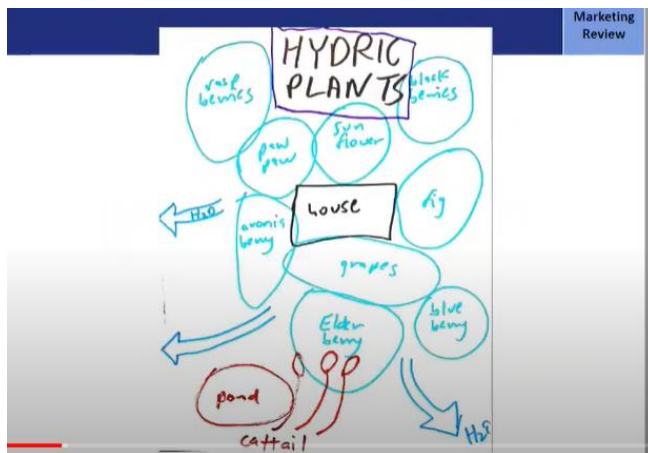


There's two more hydric plants on site: grapes, persimmon. These are a branch of a Persimmon tree.

Hydric Plants: Asparagus, Locust, Mulberry



This is another—there's 3 more hydric plants on site and some nice ducks. This is locust. I'm not sure if it's honey locust or black locust, again, mulberry and these are purple passion, asparagus.



This is a map of the hydric plants around my house with a rough estimate of the square footage that they take up. The drainage goes this way or this way, according to my choice.



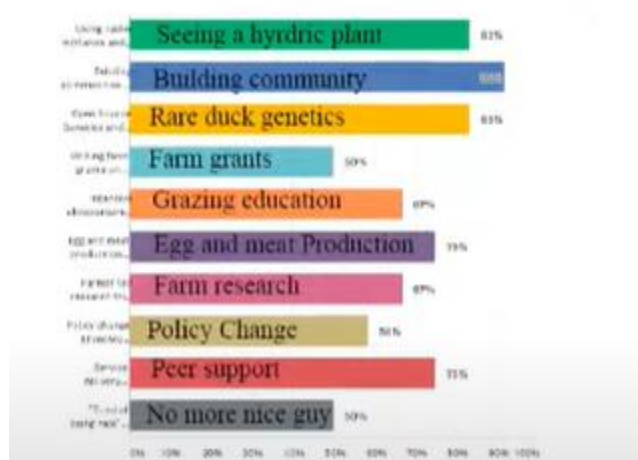
There's quite a few hydric plants. What I mean by my choice is that diversion of drainage is a best practice in stormwater management. If you want to soak up the most water, then you use a best practice in stormwater management. We have swales, porous concrete, native plants. Here are plans for native plants, a pond, and then the diversion showing that the water can go either way.

SP 2021 – 052 Comments received

- “You have done this for years, I don't have any problem with it.”
- "The ducks aren't any kind of problem.”
- Two house up to west: “This is fine as long as you keep the flying ducks out of my swimming pool.”
- Across the street: “I don't know why the city keeps sending me mail about this.”
- It doesn't seem like a big deal at all, I barely even know you have ducks.”

So, we have received positive comments. They have come in orally as I went around and talked to my neighbors. Most of my neighbors didn't know I had ducks. Ducks are quiet. Drakes, the boys, are almost silent

What ideas do you like about our farm?



This is a survey monkey we did of people connected with our farm. What ideas do they like, 83% of them had never seen wetlands in action, building community, rare ducks. Most people don't know about grazing education because my farm is only a quarter of an acre, you can see all of it all at once.

September 30, 2021

Venture Problem:	IDEA FAIR 2021
USA Duck Team Overview: Personal Duck Flock, Hatchery, Network of Farmers	
Level #1 (microentrepreneur): Personal Duck Flock maintained at 1921 Nebraska Avenue KCK 66102	
Level #2 (small business): Hatchery located at commercial space at 1854 Minnesota Avenue KCK. Currently 5 Employees.	
Level #3 (Large business): A network of 70 Hatchery supply farmers in Kansas and Missouri. Projected for 130 Employees and Microentrepreneurs within 3 years.	

Olympians try harder, another reason to approve this. Level one on micro-entrepreneurship so basically all your unemployed folks in Wyandotte County started micro-entrepreneurship: lawnmowers, because I'm a good entrepreneur. I moved it up into a small business where I have 5 employees. I have already created 106 jobs defined in 1099s that I have issued in the last 10 years.

SP 2021-052	Marketing Review
Olympians Try Harder: Corinna West, MS, CPS	
2020 Kansas Agricultural \$100K startup innovated 2019 Healthcare Messaging Federal Contractor \$1.3 million delivered 2018 Kauffman Foundation KC Connector \$10K collaborated 2017 UMKC Entrepreneurial-Scholars \$270K raised US Olympic Team, Proven Outcomes, 106 Jobs Created I am the job creator, for I am an entrepreneur.	

When I project 130 jobs in 3 years, that's proven outcome.

Current Partners Helping Us Develop Approach:

Heartland Consumer Network, AgrAbility, MU Extension



This is me proving outcomes.

Wellness, Wordworks and Poetry for Personal Power				MARKETING STRATEGY
Previous Collaborators, Partners, Customers, and Funders (in green)				
All-time list for Duck Team USA founder				
Revenue Stream	National Partners	Statewide Partners	Regional Partners	
Peer Support Recruitment, Business Development	Federal SAMHSA, CDC, Federal BRSS-TACS program, SCRA	Kansas Consumer Advisory Council, Missouri Federation of Advocates	UMKC E-Scholars, KCVLAA, Prime Health Foundation	
Peer Support Implementation, Advocacy, Research Partners	National Empowerment Center, Consumer Clearinghouse, The Scattergood Foundation	Kansas Mental Health Coalition, NAMI-KS, Kansas Health Foundation, Consensus KC, CCSR Wichita	Mental Health America of the Heartland, Truman Medical Center, ReDiscover, Creating Community Solutions	
Farm Development	MU Extension for sustainable farming,	Kansas 4H, Heartland Consumer Network,	KU School of Public Health, Arts KC, Health Forward Foundation	

These are current partners helping us develop our approach. This is funders, the entities that I control and receive. I'll tell you; I've worked with federal governments for 10 years and this local government is a lot harder than all these other state and government entities that have funded me and my business in the past.

Operations Cost Summary						MARKETING STRATEGY
Total labor costs in direct costs						
	Year 1	Year 2	Year 3	Year 4	Year 5	
Total contracting labor amount	\$491,250	\$1,142,000	\$2,555,000	\$5,190,000	\$10,450,000	
Total number of contractors supervised	50	103	215	380	650	
Total labor costs in house but already included in direct costs (to market and supervise contractors)	\$273,550	\$427,350	\$653,100	\$1,018,000	\$2,036,400	
Total FTE of supervisors	8.66	12.93	18.36	27.48	55.15	
Other labor costs not in direct costs						
Management FTE labor needed to supervise supervisors (assuming 6 managers per supervisor)	1.44	2.15	3.06	4.58	9.19	
Management cost (assuming \$45K salary), with founder filling role in first year	\$-	\$96,956	\$137,706	\$206,091	\$413,638	
Director labor needed to supervise managers (assuming 3 admins per manager)	.48	.72	1.02	1.53	3.06	
Director cost (assuming \$60K salary), with founder filling role in first year	\$-	\$43,092	\$61,203	\$91,596	\$183,639	
Accounting and HR FTE's	.48	.72	1.02	1.53	3.06	
Accounting and HR costs (assuming \$40K salary)	\$19,248	\$28,728	\$40,802	\$61,064	\$122,559	
Web development FTE's	10	40	1.02	1.50	3.00	
Web developer costs (assuming \$60K salary)	\$6,000	\$24,000	\$61,203	\$90,000	\$180,000	
In House Labor Costs not in Direct Costs	\$25,248	\$192,770	\$300,914	\$448,751	\$900,036	
Total Number of In House Staff FTE	11.17	16.92	24.48	36.61	73.47	

If you're interested in business plans—

Marketing Review



Our Innovation: We are on track for creation of 100 + jobs for microentrepreneurs.

Bottom line: Many microentrepreneurs start in arts, farming, cooking or other tasks they know. If this city does not support us another one will.

so bottom line, micro-entrepreneurs in Kansas City start in arts, farming, and cooking. If it's hard for me as a tiny little business to fight for 12 ducks, it's going to be hard for everyone else in this city that needs to start a business and get employed, and transition into the new workforce that we have. We're opening up our venture accelerator. As soon as our landlord gets it fixed up—and that's at Hoel Parkway and Minnesota and we have slots already for 2 micro-entrepreneurs to move in. That's called the hatchery. That's my presentation on 8 versus 12 ducks.

Mayor Alvey said, I will now open the public hearing and ask the Clerk if she received any notification from the public who wished to express comments in favor of this item. **Ms. Godsil** said no communications were received.

Mayor Alvey asked, is there anyone present who would like to speak in favor? Nobody in the lobby? **Ms. Godsil** said no one in the lobby.

Mayor Alvey asked, is there anyone who would like to speak in opposition? Have we received any notification from the public in opposition? **Ms. Godsil** said no notifications of opposition were received.

Mayor Alvey closed the public hearing. Commission, questions or comments?

Commissioner Johnson said I think I've finally gotten over my audio challenges tonight. Ms. West, thank you for this application and for the work that you're doing in terms of breeding ducks. I appreciate you as a neighbor of the Westheight Neighborhood Association.

I am not an expert in this particular area, but just as a matter of practical contemplation on this matter, I'm actually—I was actually pleased somewhat, I guess, that the Planning and Zoning Department would consider increasing the number of ducks allowed at all. Certainly from 6 to 8, I was not one to get into the debate of how many, but I was actually—when I saw the increase or the approval of an increase, and that it was unanimously approved by the Planning and Zoning Commission that we would increase it, I actually looked at that as a good compromise.

From my perspective, I'd like to see how this goes over the next two years. We can always make application for more at a later date if, in fact, we don't have any problems with that.

There also have not been any opposition that were submitted directly and formally through the process that we have. I have been made aware of some opposition to this as well as some of my fellow commissioners. With that, I certainly am appreciative of the recommendation from staff and what has been approved by our Planning and Zoning Commission and support that as well.

Mayor Alvey asked, is that a motion? **Commissioner Johnson** said I will make it a motion, yes. I know we have another person—a couple of others that have their hands raised as well.

Action: **Commissioner Johnson made a motion to approve for 8 ducks.**

Commissioner Philbrook said I appreciate our Planning and Zoning folks actually paying attention to recommendations from Conservation folks because in the past, sometimes they've been ignored. Did I hear Commissioner Johnson say that he had not received any opposition to the ducks? **Commissioner Johnson** said I have not formally, but I am aware of the opposition, I'm sorry. **Commissioner Philbrook** said you are aware of the opposition. Well, I'm not really aware of the opposition. Is it people that are close by this location or just in general? **Commissioner Johnson** asked, Mayor, is it appropriate for me to respond? **Mayor Alvey** said sure. **Commissioner Johnson** said yes, it is, Commissioner. **Commissioner Philbrook** asked, so it is people close by? **Commissioner Johnson** said, yes, Commissioner. **Commissioner Philbrook** said, well, we have to take those into consideration. That's why we have codes, doggonit.

I agree with you, Commissioner Johnson, that yes, we need to go ahead and limit that. I'm happy to see that it went to 8 and I think we need to revisit it in a year or two to see how things are going and to see if all of these changes have been made and how things are looking.

I wish you the best of luck in your future endeavor, so thank you for being an entrepreneur.

Mayor Alvey asked, is that a second, Commissioner Philbrook? **Commissioner Philbrook** said, sure. Yes, boss; we'll call that a second.

Action: **Commissioner Philbrook seconded Commissioner Johnson's motion to approve for 8 ducks.**

Mayor Alvey said I see that—Ms. West, I cannot accommodate you to make any more comments, unfortunately. I would direct a question, Ms. West. No I will not. I take that back. Sorry. We have a motion and a second. Roll call, please.

Roll call was taken on the motion to approve SP2021-052 for 8 ducks, subject to the stipulations, and there were nine "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 211044...SPECIAL USE PERMIT APPLICATION SP2021-065 – ADRIENNE BORTZ WITH BORTZ PROPERTY INVESTMENT, LLC

Synopsis: Special Use Permit for a Short-Term Rental/Airbnb at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Adrienne & Randy Bortz DBA Bortz Property Investment, LLC, is seeking approval for the operation of a short-term rental at 4138 Lloyd Avenue. This is not the applicant's primary residence. The applicant owns the LLC in which the property is titled and has been in business since 2019. The applicant and her husband will co-manage the property. The applicant will not be living at the property and will operate the property through an off-site office. The owner has registered the property with the rental office and obtained an inspection at the time of purchase. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-065 for one (1) year, subject to:

1. The maximum number of guests, which has been deemed appropriate for the available accommodations shall be four (4);
2. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);
3. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be two (2);
4. 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;
5. 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. 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. Include the contact information for Host Compliance: 913-246-5133;
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
9. 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 in order to begin the renewal process. Any

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit SP2021-065 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 211046...SPECIAL USE PERMIT APPLICATION SP2021-066 – OSCAR FLORES-URRITIA

Synopsis: Special Use Permit for a kennel/doggie day care and boarding operation at 4001 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Oscar Flores-Urritia, has applied for a Special Use Permit (Home Occupation) to begin the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area. The property was previously used for the same purpose with similar operations by a different business before the business relocated out of town. The applicant has stated that pet owners are responsible for pet transportation during daycare hours. The applicant stated that between 8 and 10 dogs will be dropped off during daycare hours and then play from 11:00am to 3:00pm on their acreage, before owners will return to pick the dogs back up. The applicant also expressed that they would board dogs overnight and the number boarded at any one time varies. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-066 for two (2) years, subject to:

1. Applicant maintains proof of Kansas Boarding License and continuously maintain the license through the life of the permit (if approved).
2. Adhere to the Standards in Section 11 above regarding animal keeping.
3. Commit to a daily waste disposal per conservation comments below.
4. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance.
5. If approved, applicant will need to register and file the occupation tax application with the business license office.
6. 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.

7. The Special Use Permit shall be valid for two (2) 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 in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit SP2021-066 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT APPLICATIONS

ITEM NO. 1 – 211049...MASTER PLAN AMENDMENT MPL2021-013 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Master Plan Amendment from Low-Density Residential to Public/Semi-Public (City-Wide Master Plan) at 8741 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Petition COZ2021-005.

ITEM NO. 2 – 211050...MASTER PLAN AMENDMENT MPL2021-014 – RON WU

Synopsis: Master Plan Amendment from Low-Density Residential to Medium-Density Residential (City-Wide Master Plan) at 609 and 611 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2021-014, subject to:

1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,
2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment MPL2021-014, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211051...MASTER PLAN AMENDMENT MPL2021-015 – RON WU

Synopsis: Master Plan Amendment from Low-Density Residential to Medium-Density Residential (City-Wide Master Plan) at 617 and 619. The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 617 – 619 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2021-015, subject to:

1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,
2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment MPL2021-015, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ORDINANCE AMENDMENT

ITEM NO. 1 – 211047...AN AMENDMENT

Synopsis: Amendment to modify Section 27, Division 5, Subdivision 3 of the Floodplain District to allow after the fact permitting of structures within the floodplain that conformed to the ordinance at the time they were built, submitted by Gunnar Hand, Director of Planning and Urban Development.

Action: **ORDINANCE NO. O-136-21**, “An ordinance amending language to address retroactive the issuance of permits for construction within the floodplain in Section 27-552, Chapter 27, Article VIII, Division 5, Subdivision III of the 2008 Code of

Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 211056...ORDINANCE

Synopsis: An ordinance rezoning property at 725 North 74th Drive (COZ2021-020) from R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-125-21**, “An ordinance rezoning property hereinafter described located at approximately 725 North 74th Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211057...ORDINANCE

Synopsis: An ordinance rezoning property at 900 North 69th Street (COZ2021-021) from R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-126-21**, “An ordinance rezoning property hereinafter described located at approximately 900 North 69th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District.” **Commissioner**

Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211059...ORDINANCE

Synopsis: An ordinance rezoning property at 1201 North 98th Street (COZ2021-022) from A-G Agriculture District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-127-21,** “An ordinance rezoning property hereinafter described located at approximately 1201 North 98th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture Districts to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 211061...ORDINANCE

Synopsis: An ordinance rezoning property at 609 and 611 South 75th Street (COZ2021-0024) from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-128-21,** “An ordinance rezoning property hereinafter described located at approximately 609 and 611 South 75th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 211062...ORDINANCE

Synopsis: An ordinance rezoning property at 617 and 619 South 75th Street (COZ2021-025) from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-129-21**, “An ordinance rezoning property hereinafter described located at approximately 617 and 619 South 75th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 211066...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 204 Orchard Street (SP2021-015) for continuation of a drinking establishment and live entertainment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-130-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a drinking establishment and live entertainment at 204 Orchard Street.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 211067...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 7852 Leavenworth Road (SP2021-026) for continuation of Temporary Use of Land to park salt plow trucks, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-131-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of temporary use of land to park salt plow trucks at 7852 Leavenworth Road.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 8 – 211068...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 1327 Minnesota Avenue (SP2021-050) for continuation of a parking lot, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-132-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a parking lot at 1327 Minnesota Avenue.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 9 – 211069...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 2003 1/2 - 2005 North 5th Street (SP2021-061) for continuation of live entertainment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-133-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of live entertainment at 2003 ½ to 2005 North 5th Street.” **Commissioner Kane**

made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 10 – 211064...ORDINANCE

Synopsis: An ordinance vacating an easement (VAC2021-009) at 5917 North 123rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-134-21,** “An ordinance vacating a Ten foot Electrical Easement over a Tract of land lying and situated in Lot 11 of HANSEN HILLS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed by Steven C. Shafer, LS-852 of BHC, and being more particularly described by metes and bounds as follows: (Note: For course orientation, the bearings in this description are based on the West line of the Northwest Quarter, Section 9, Township 10 South, Range 23 East of the Sixth Principal Meridian, having a bearing of North 01° 31' 28" West as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) COMMENCING at the Northwest corner of Lot 11, said HANSEN HILLS subdivision; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 576.63 feet, on the North line of said Lot 11, to the POINT OF BEGINNING of said Tract herein described; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 10.20 feet, continuing on said North line; Thence South 13° 35' 33" East, 206.03 feet, to the South line of said Lot 11; Thence South 88° 01' 45" West, platted South 89° 58' 28" West, 10.21 feet, on said South line; Thence North 13° 35' 33" West, 206.00 feet, to the POINT OF BEGINNING, said Tract containing 2,060 square feet or 0.0473 acres, located at approximately 5917 North 123rd Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 11 – 211070...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 1930 South 74th Street (SP2021-057) for an earthen fill, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-135-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an earthen fill at 1930 South 74th Street.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA**CHANGE OF ZONE APPLICATION****ITEM NO. 1 – 211038...CHANGE OF ZONE APPLICATION COZ2021-018 – COLE ANDERSEN**

Synopsis: Change of Zone from MP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District for a permanent asphalt plan at 1625 South 86th Street,
and

MASTER PLAN AMENDMENT ITEM NO. 1 – 211048...MPL2021-006 – COLE ANDERSEN

Synopsis: Master Plan Amendment from Business Park to Industrial at 1625 South 86th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Cole Andersen with Bettis Asphalt & Construction wants to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application COZ2021-018 and Master Plan Amendment MPL2021-006, subject to:

1. Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;
2. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;
3. Shall comply with Sec. 27-470(d)(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 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution).
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 85dB(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 65 dB(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;
4. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
5. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM;
6. Parking lot shall be paved with asphalt or concrete, striped and ADA compliant;
7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering. The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;
8. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
9. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;

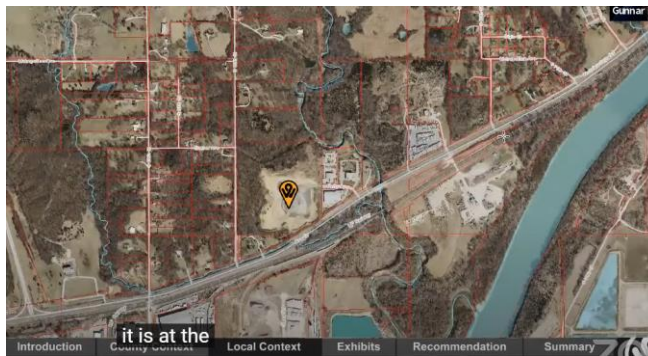
10. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west of the single-family residences;
11. The office portion of the building shall match in scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines. These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split face CMU block, glass and Cementous siding;
12. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
14. All screening is to be maintained to minimize impacts of conflicting uses;
15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
16. Plant Street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
17. Sec. 27-469(c)(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;
18. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
19. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;
21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
22. Trash enclosure shall match building materials;
23. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers set back three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
24. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;

26. 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. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
29. 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, Sec. 8-610 through Sec. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
31. 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.

Mayor Alvey said staff did receive a valid protest petition against this change of zone. Again, Misty, we would need nine votes, correct? **Misty Brown, Chief Counsel**, said that's correct, Mayor. In order to approve this application, it would take a super majority of nine.

Case	
COZ2021-018 & MPL2021-006	
Petitioner	Address
Cole Anderson	1625 South 86 th Street Kansas City, KS 66111
Synopsis	
To build an 8,920 square foot building for office and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres.	
Introduction	County Context
Local Context	Exhibits
Recommendation	Summary

Gunnar Hand, Director of Planning and Urban Design, said the proposal in front of you is for an asphalt batch plant in the Riverside area.



It is at the location of a former asphalt batch plant that was only approved for two years in an SUP that ended around two years ago, approximately.

[illegible]

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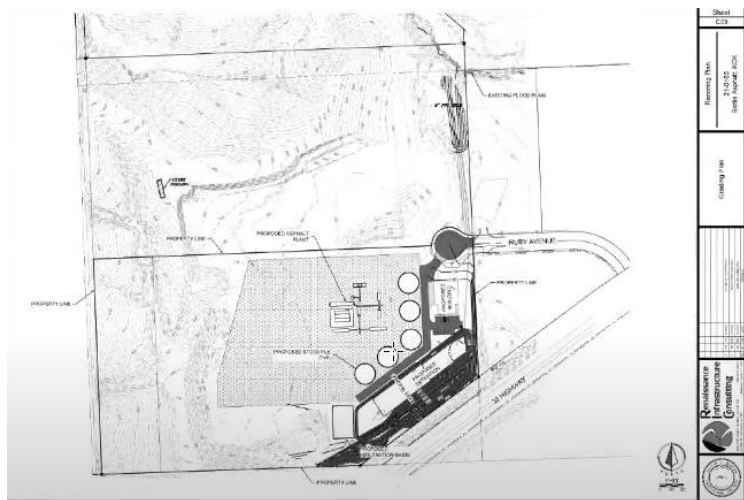
heavy industrial use to come in. We wanted this specifically restricted to this very specific use now and in the future.

I mentioned the landscape buffers to the north and south. There's sort of an existing buffer just by the change of the grade to the south and east along Kaw Drive. Another condition of approval is to create and maintain that existing buffer as some existing trees stand to provide screening. There will be additional landscaping to provide further buffering on Kaw Drive. This is sort of at the end of what's kind of turned into its own little, small industrial park. There are two other industrial businesses on Ruby Avenue. This would be the terminus of Ruby Avenue via the cul-de-sac that the applicant would build.

They decided to move forward with more than just a batch plant. This would include full-time office space for the company. As such, staff has conditioned that the office building would meet all commercial design guidelines for the offices of said company. It would also match the similar pedestrian access and landscape that currently exist for the existing two businesses along Ruby Avenue.

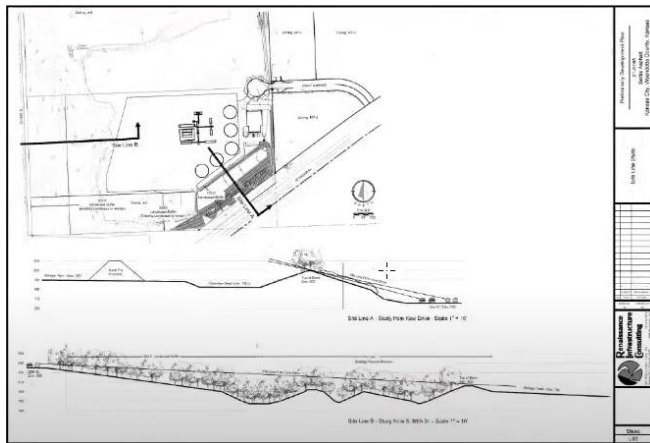
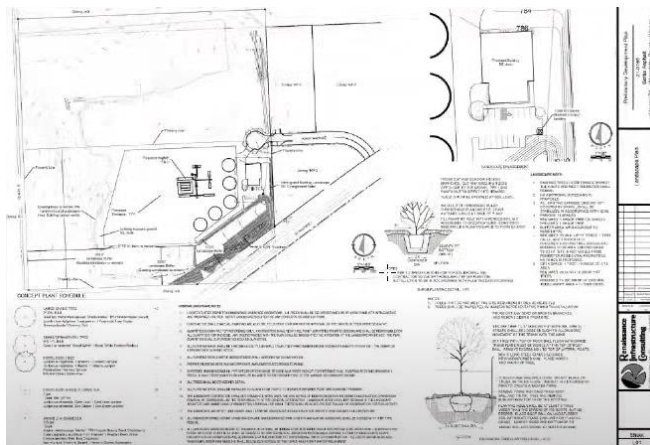
We did mention the protest petition. We received no letters of support. There were a couple of folks who attended the City Planning Commission to express opposition.

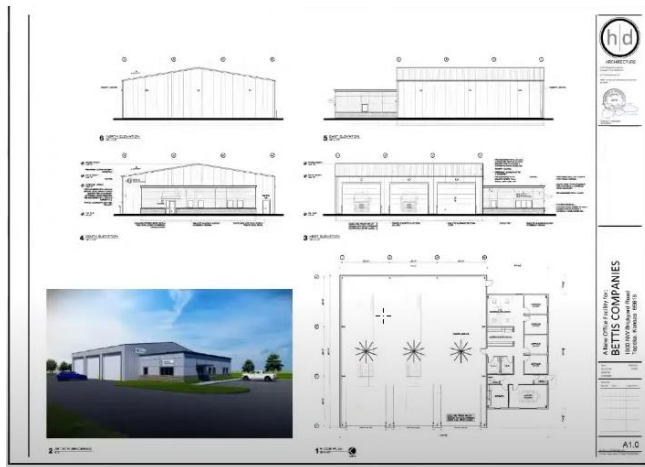
Staff recommends approval.



Mayor Alvey said, Gunnar, I cannot tell from this—on the north side, there seems to be quite a bit of change in elevation. Is that accurate, the north side of where the batch plant would be? **Mr. Hand** said when this was a temporary batch plant—or before it was a temporary batch plant a few years ago, it was essentially a donation site for an earthen fill. Over time, they basically graded a

hole, if you will. So, yes, it is lower to the west and to the east. Essentially, the plat will cut this large parcel in half. We're only talking about the development of the new southern parcel that was created through the City Planning Commission action. Again, it maintains what is an existing buffer of 200' on the west along S. 86th St. as well as to the north of the property, which is the second property now after the lot split—or excuse me, after the plat to the north. So, yes, it does sit in a bowl, if you will. There's quite a bit of distance between it and the adjacent properties. We additionally asked for the maintaining of this tree stand to the south and some additional buffering, the 200' buffering here on the south side.





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You can see that probably a little bit better through some of these other plans.

Public Opposition	Public Support
None to date.	None to date.

Staff Recommendation
Approval

Introduction County Context Local Context Exhibits Recommendation Summary

Cole Andersen, Bettis Asphalt Construction, residency: 5925 Marion St., Shawnee, KS, said I am here with Andy Gabbert, who is also trying to raise his hand to talk. We've been working with the staff for several months on this trying to get recommendation for approval. As you guys know, this site was an existing asphalt plant for a project we did on K-32. We had no complaints. We plan on using this site on and off to be able to come and go kind of as we please as we bid work. There is a season for asphalt. The plant will not be operating in the winter. We will be operating only in the summer months. We have been working with—we held two local meetings. We did get some questions about some dust and we addressed all the dust issues, I felt. We're here to answer any questions.

Mayor Alvey opened the public hearing and asked the Clerk if we received any notification from the public who wished to express comments in favor of this item. **Ms. Godsil** said no comments were received. **Mayor Alvey** asked, is there anyone present from the public who would like to

speak in favor of this? Seeing no one in the lobby. **Ms. Cobbins** said, not seeing anyone with their hands raised in the lobby, Mayor.

Mayor Alvey asked, any notification from the public who wished to express their comments in opposition? **Ms. Godsil** said no comments in opposition were received.

Mayor Alvey asked, Gunnar, would the protest petition, does it qualify as comments in opposition? **Mr. Hand** said effectively yes, Mr. Mayor. Again, we did have public comment at the city Planning Commission which carries over in the minutes as well.

Mayor Alvey asked, is there anyone present either virtually or in the lobby who would like to speak in opposition? **Ms. Godsil** said there are no hands raised.

Mayor Alvey closed the public hearing. Would the petitioner like to make any closing comments? (No comments were made.)

Conditions of Approval
1. Sec. 27-212(c) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan; 2. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district; 3. Dust mitigations shall include, but not limited to: a. Will not track dirt and debris onto Ruby Avenue; b. Enclose stockpiles of materials; c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind. d. Remediate the old fill location; 4. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM; 5. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
Conditions of Approval
(Continued) MPL2021-006 & COZ2021-018: 6. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district; 7. The office portion of the building shall match in scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines. These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding; 8. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering; 9. Keep existing full growth trees on South 86th Street and along Kaw Drive; and, 10. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street. *See staff report for full list of conditions -:-

Mayor Alvey asked, Commission, questions or comments?

Commissioner Bynum asked, Gunnar, could you put up the screen that I think showed the boundaries of the properties that did or did not sign the protest petition? I wanted to understand

that better. The green is support or non-support? **Mr. Hand** said non-support. **Commissioner Bynum** said green is non-support. **Mr. Hand** said green is as in non-support of the protest petition, so all the Ys are people who said that they are against it. **Commissioner Bynum** said okay, so the red are those who signed the protest petition, but it is valid. It covers enough of the required area. **Mr. Hand** said that's right. It's based on area, not number of parcels or number of property owners. That threshold is 20%. **Commissioner Bynum** said okay. Thank you. Mayor, that was my only question.

Mayor Alvey said seeing no more questions, I'd entertain a motion. Is there a motion for Change of Zone COZ2021-018?

Commissioner Townsend said I just had one question about one of the stipulations. It's stipulation #5. They were talking about hours of operation would be between 7 and 5; however, it seems to leave the possibility open that there could be work after 5 PM. I'd be curious as to how often that might happen and what limitation would there be on how long work could continue after 5 PM.

Mr. Hand said we wrote this condition to reflect sort of a standard condition we developed after the Woodlands development project. We felt it was appropriate if they were to go over 5 PM, that they would have to notify the neighbors. Again, I think it's a condition that makes it easier for us to enforce moving forward.

Commissioner Townsend said I like the notice aspect of it. I was wondering if there's a limitation, though, on if they're working after 5, how long they could work. I don't know if this is the kind of venture that produces a lot of noise, but inside, they make reference to a residence I guess not far from it. So, I was wondering if there's any limitation on how long after 5 they could work. I don't know. That's really the question I had.

Mr. Hand said as it's written, there is no limitation. That would be up to the notification. We could amend it if you felt that was inappropriate and leave it at 7 to 5. We added the condition 7 to 5 because that is what the applicant said that their hours of operation would be. So, we could be more restrictive if you wanted to change it. You're already requiring a super majority to move forward if you so choose.

Commissioner Townsend said I see Commissioner Kane has his hand up. He may have some input on this. It just seems odd that they leave it open to work after 5 with no end time. That's the thing that seems strange to me.

Commissioner Kane said first of all, his comment about asphalt is only open during the summer is inaccurate. We're out there now in my area putting the asphalt down. We have several asphalt crews that work for us. When asphalt is getting laid down, they're working 10-12 hours a day, 6 and 7 days a week to get their projects done. There's no way they can say they'd be done by 5:00 because it kind of depends on how much they have to do, how much stuff that they get, how many people are on the crew that day, so it would be impossible to follow those guidelines. Just the fact that he said it would only be done during the summer, leaves a bad taste in my mouth.

Mr. Hand said staff would be amenable to strike that second sentence and limit it to just 7 to 5 PM period. **Commissioner Kane** said you cannot limit—when asphalt crews are out there, there's no way these guys can ask those guys—people who work for them—to stop at 5:00. They have so much to do. They try to get as much done as they can and they try to start before 7 when it's hot during the summer. That would be physically impossible for them to live up there or any other asphalt place.

Commissioner Townsend said Commissioner Kane raises another question for me. Is this about just being able to have this company have a plant there or is it about them doing work laying asphalt as Commissioner Kane was talking about? Based on the information Commissioner Kane was talking about, maybe it might be advisable to change the hours and put some kind of restriction on it so it's not open. I don't know. That's really for the neighbors. Since there was a note in stipulation 5 about a resident across the street, that's what raised the question in my mind.

Mr. Hand said to specifically answer your question, Commissioner Townsend, the plant is simply the batch plant where they produce the asphalt, load it on trucks, and then take it to a job site. They're not going to be laying down any asphalt on the property beside from the asphalt they're going to build into the actual project to get it started from the get-go.

Again, part of this is to build a cul-de-sac. That cul-de-sac will probably be asphalt. But, no, they're not going to be actively laying down asphalt on the site from 7 to 5. They're going to be actively producing this asphalt, loading it on trucks, and taking it to job sites around the region.

Again, I think based on this conversation, my recommendation would be to amend condition #5. It looks like #4 on my screen, but that's just because this is a summarized list of all the conditions of approval, not the full list of conditions. We could change #5. I would recommend we change #5 to limit it to just 7 to 5 PM.

Commissioner Townsend said thank you for that clarification.

Commissioner Burroughs asked, Gunnar, do we have other asphalt companies in our community and if we do, what are their hours of operation? **Mr. Hand** said I am not one hundred percent sure if we have additional asphalt batch plants in our county. I know that we have approved previous SUPs for typically mini-batch plants. Sometimes if the project is large enough or if there's a multitude of projects happening at the same time, a construction site will set up a mini-batch plant. Those mini-batch plants are allowed on construction sites without SUPs, but sometimes they last longer and we've approved SUPs in the past for not just that construction site, but for other off-site uses as well. This is a full-scale batch plant.

Commissioner Burroughs said thank you. Gunnar, if I remember correctly, this business had a temporary site there in the past. Were there any violations, any complaints from the neighbors or community in reference to how they operated; any citations or anything like that issued during the time they were here?

Mr. Hand said there are no historical NOV's on this property. You're correct, this business did have a temporary batch plant on site a few years ago. They only operated it for two years. This dispatch plant also reflects a long-term investment of the company in the county as they are going to move their offices and have employees there year-round.

Action: **Commissioner Walters made a motion for approval.**

Misty Brown, Chief Counsel, said if I may, Mayor, may I confirm if Commissioner Walters—are you moving for approval with limiting condition 5 to limit the hours from 7 to 5? **Commissioner Walters** said I was not.

Mayor Alvey said we have a motion for the original resolution. Is there a second? **Commissioner McKiernan** seconded the motion.

Commissioner Kane asked, does the protest in play here or no? **Mayor Alvey** said yes. **Commissioner Kane** said all right, so it takes 9 to make it pass? **Mayor Alvey** said yes.

Roll call was taken on the motion and there were seven “Ayes,” Ramirez, Johnson, Walters, Philbrook, Bynum, Burroughs, McKiernan; and two “Nos,” Kane, Townsend. (Motion failed)

Mayor Alvey said the question I would have, a motion for the master plan amendment, is that necessary at this point, Gunnar? **Mr. Hand** said the staff report ties them together, so I think one can’t pass without the other.

Commissioner Townsend said the question I had, I was prepared to make a motion recognizing the amendment made orally by Mr. Hand, if that can be done.

Ms. Brown said you have a motion and a vote that failed. You could entertain another motion that’s different than the first on the item.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Bynum, to approve Change of Zone Petition COZ2021-018, subject to the stipulations and the amendment made by Mr. Hand to limit the hours of operation from 7 AM to 5 PM.** Roll call was taken and there were nine “Ayes,” Ramirez, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey. (Commissioner Johnson was not available for the roll call.)

Action: **Commissioner Walters made a motion, seconded by Commissioner Bynum, to approve Master Plan Amendment MPL2021-006, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey.

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 211045...SPECIAL USE PERMIT APPLICATION SP2021-062 – GORDON ARTHUR SCHOLES III WITH CLUB 403

Synopsis: Special Use Permit for a drinking establishment/neighborhood bar with live entertainment at 614 Reynolds Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Gordon Arthur Scholes III with Club 403 Enterprises LLC, wants to operate live entertainment at an existing drinking establishment/neighborhood bar (403 Club) at 614 Reynolds Avenue. The Planning Commission voted 5 to 4 to recommend approval of Special Use Permit Application SP2021-062 for two (2) years, subject to:

1. This is an existing drinking establishment/bar with less than the code required off-street parking. Adding live entertainment does not change that parking ratio, as taverns serving alcohol or CMB and dance halls (which has been categorized as live entertainment) use the same parking calculation;
2. The parking lot of the 403 Club is approximately 70 feet from a single-family residence, across Reynolds Avenue to the south, therefore the drinking establishment must close by 1:00 AM;
3. Live entertainment must stop by 1:00 AM;
4. The maximum number of occupants is seventy-five (75);
5. Must comply with the Unified Government security ordinance per Sec. 4- 104 and future amendments therein:
 - a. The applicant must follow their self-described security plan;
6. The windows and doors shall remain closed during any live entertainment events that increase the noise level above normal bar operation volumes;
7. An I.D. scanner will be used at all times;
8. Any illumination that results from a live entertainment event;
9. Respond and resolve any issues brought to the attention of the operator by residents, property owners and/or neighborhood groups.
 - a. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
10. The dumpster in the northeast corner of the improved parking lot must be kept within a code complaint trash enclosure;
11. If the unimproved portion of the parcel to the east is not in use, restrict that area from any use by installing a barrier along south property line, such as a bollard and chain system or wheel stops to prevent illegal parking and overseed the lot. Again, if the intent is not to use eastern portion of the property, relocate the Ripple Glass recycling dumpster adjacent to the existing trash enclosure in the northeast corner of the paved parking lot and comply with Sec. 27-612(7). Otherwise, obtain a right-of-way permit and construct a driveway apron on Reynolds Avenue and improve the unimproved surface with concrete or asphalt, leading to the recycling dumpster and comply with Sec. 27-612(7), or construct a parking lot with asphalt or concrete and comply with the parking code;
12. As the applicant has described this as a neighborhood drinking establishment, connecting the bar to the surrounding neighborhood via the sidewalk is of the utmost importance. Creating a

pedestrian connection by completing the sidewalk along 614 Reynolds will connect to the Strawberry Hill neighborhood. Complete the sidewalk along Reynolds Avenue between the improved parking lot and the North 6th Street right-of-way;

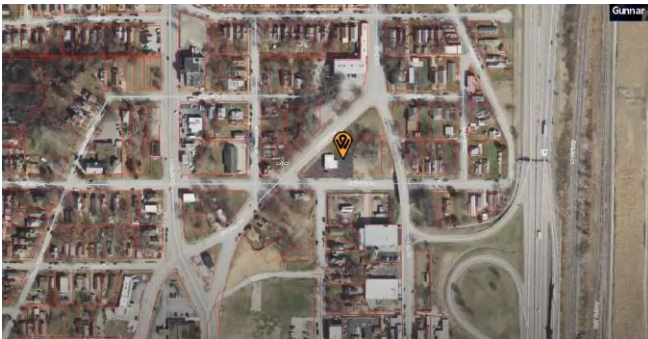
13. Clean the sidewalk of debris and weeds along North 6th Street Trafficway;
14. If the intent is to host events outside and there are performances on the patio, in addition to the fence that is being reconstructed around the patio, plant landscaping along the top of the slope adjacent to North 6th Street to mitigate noise and green and red lighting that illuminates the canopy;
15. Maintain the existing tree stand to screen the proposed use from residences;
16. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
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; and,
18. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case	
SP2021-062	
Petitioner	Address
Gordon Scholes III	614 Reynolds Avenue Kansas City, KS 66101
Synopsis	
To operate live entertainment (karaoke, stand-up comedy and live musicians) at an existing drinking establishment/neighborhood bar (403 Club).	

Gunnar Hand, Direct of Planning and Urban Design, said the application before you is a special use permit for live entertainment for an existing bar.



It's the 403 Club in the Central Area Master Plan



right off 6th St.



The staff did have several conditions of approval related to this case,

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namely that the dumpster that the applicant has on their property be housed in their location behind the fence in an enclosure, as per city ordinance. We also ask that the applicant repair some of the overgrown sidewalks in the area. The applicant has since done that. The City Planning Commission recommended approval.

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Additional conditions of approval are related to some standard conditions we've created regarding illumination from any potential live entertainment at the location. We do ask that the entertainment end no later than 1 AM. There were multiple neighbors and groups at the City Planning Commission that expressed support for the SUP. We received no letters in opposition. There are no NOV's on the property.



Public Opposition	Public Support	Gunnar H
None to date.	Staff received letters of support from BetterDette and the Strawberry Hill Neighborhood Association.	
Staff Recommendation		
Approval		

Staff recommends approval with those conditions for two years.

dumpsters need to be in enclosures. It scares me a little bit that it's going to make it a canvass for graffiti, which we have a problem within the neighborhood at times, which will just cause extra and ongoing maintenance, but I'm willing to do that. Again, it would be nice if there was some unilateral enforcement in other areas where there's dumpsters on sidewalks and stuff that aren't, to me, as bad as the one that's sitting on the back of the gravel lot next to my bar. But, again, I will be happy to enclose that dumpster.

The other ones I had a problem with were the sidewalks around the area. I'm trying to make an extra few hundred dollars a week by maybe having a DJ or some karaoke and not spend several thousand dollars to redo sidewalks. I did clean, and I'm still in the process of cleaning that sidewalk along N. 6th Twfy., which does look a lot better. I can tell you that decay there is 25 years in the making. It's not just the 7 years that I've been there, but I am working to rectify that problem.

#14, the extra landscaping on top of the hill there behind my patio, I don't intend to have any live music on my patio first off. Like the other stipulations say, it will be indoors. The doors will be closed and the windows will be closed. I only have four small windows anyway, so I don't know why anything would illuminate from inside the closed building. I would like that stipulation removed as well, if possible.

Everything else, I think we've seen eye-to-eye on and can move forward if the Commission sees fit.

Mayor Alvey opened the public hearing. Have we received any notification from the public who wish to express their comments in favor of this item? **Ms. Godsil** said no public comments were received. **Mayor Alvey** asked, is there anyone else from the public who would like to speak in favor of this special use permit? If you are present virtually, please raise your hand to be acknowledged.

Pearl King, 10004 NW 71st St., Kansas City, MO, said I appreciate you taking the time to be here this evening and for the work you do for our city. I've been retired since January of last year, but I've been working with bars and restaurants and specializing in liquor licensing for both the state and the city. For about the last 15 years, I've done 6 or 7 at least businesses for special use permits just like this one in the last dozen years.

When Artie decided that he wanted to go for an annual entertainment license, he knew from hearing me talk about it before, that the special use process was pretty involved, but I told him that yours should be a slam dunk of all the ones I've done. I'll stand by here and help you with it as much as I can. I have to tell you that when I saw the draft staff report on this, I about fell out. Typically, you always see on key issues, it's always going to be security, parking, noise. Those are the top three. I've seen always at least one of those, typically two, often three, but never, ever have I seen seven. All but three of them, I believe are totally unrelated to what the spirit of a special use permit of this type is actually about.

I would ask that—and I'm not going to go into a lot of specifics because I know it's late and I know you're tired, but this is very important. I would ask that this be approved after the removal of stipulation numbers 2, 11, 12, and 14. (Ms. Cobbins said you have one minute.)

Ms. King said we've really got to look at the ordinances under 2 about keeping places open. Closing them one hour early, I don't understand the purpose of this and how one hour difference mitigates any possible damage, even pass this, that's an ordinance that really needs to be looked at. Also, the recycling dumpsters, that should be a whole other issue that I thought was resolved years ago.

I appreciate your time, your consideration. This needs to move forward, but without those other stipulations.

Mayor Alvey asked, is there anyone else present who would like to speak in favor of this special use permit? **Ms. Godsil** said I see no other hands raised.

Mayor Alvey asked, have we received any notification from the public who wish to express comments in opposition? **Ms. Godsil** said no opposition from the public was received. **Mayor Alvey** asked, is there anyone present who would like to speak in opposition? **Ms. Cobbins** said no one is present.

Mayor Alvey closed the public hearing. Would the petitioner like to make any closing comments?

Mr. Scholes said yes. I would just like to say, again, thank you for taking the time to listen to all this. I would appreciate a vote in my favor. I do lots of community events and would like to keep

doing this. I bought a business in the neighborhood. I live up the street in the neighborhood. I'm fully a KCK guy all the way. Thank you for your time.

Mayor Alvey asked, any comments or comments from the Commission?

Commissioner McKiernan said I have known Mr. Scholes for as long as he has owned this bar. I am in favor of granting this special use permit; however, I do believe that some of the stipulations should be struck before we grant the special use permit. The document that came forward from the Planning Commission has 19 total stipulations on it, as I'll explain in a minute. I propose that Mr. Scholes only be required to comply with 14 of those 19 stipulations. I do believe that stipulations 2, 8, 11, 12, and 14 should be struck before approval, and if you'll indulge me, I'll comment briefly on each of those to give you my rationale for striking them.

Stipulation 2 would set the closing time for Mr. Scholes' establishment at a time that is inconsistent with similar establishments across Wyandotte County. Mr. Scholes understands that at some point in the future, the UG may enforce a consistent closing time across all similar establishments, but at this time, I believe that we should strike that stipulation in the interest of consistency of enforcement.

Stipulation #8 is an incomplete sentence. It ends in a semicolon, so I simply ask that we strike that on procedural grounds.

Stipulation 11 regards the ripple glass recycling container that Mr. Scholes has on the property. As is the case with Stipulation 2, this stipulation would set up an uneven enforcement of regulations for ripple glass containers across all locations in Wyandotte County. Mr. Scholes understands again that at some point in the future, the UG may uniformly enforce regulations for similar recycling containers and that he would need to be compliant at that time, but I propose to strike that stipulation now.

Stipulation 12 asks that Mr. Scholes complete the sidewalk along Reynolds Ave. Installation of a new sidewalk along Reynolds I'm going to estimate would cost several tens of thousands of dollars. If Mr. Scholes were contemplating any sort of external improvements to his property, or if the special use permit were to apply outdoors, then I'd be more inclined to support installing the sidewalk, but I can't see imposing tens of thousands of dollars of expense on a small businessowner who's requesting an indoor permit as a way to try to recover from the pandemic.

I believe Mr. Scholes has been a very responsible property owner, and he's made periodic improvements to his property like repaving and restriping his parking lot, repainting and cleaning up the exterior of his building. In the future, he may decide that an additional sidewalk would be of benefit to his business, but I do not believe that we should compel that now as a function of this special use permit.

Finally, stipulation 14 asks Mr. Scholes to landscape to the north of his patio to mitigate any negative effects of the lights under his patio canopy. First of all, Mr. Scholes is requesting a special use permit for indoor activities. Additionally, he's had the same lights on his patio under the same canopy for all the years he's owned the establishment. I'm not aware in those 7 or 8 years that those lights have caused any problems with traffic on 6th St. Twfy. or on any surrounding buildings and there are many that are very close. His patio is kind of built in a bit of a hole. The ground really slopes up to the backside to the north of his patio. I do believe that serves as a natural barrier and I don't believe that additional landscaping would have any additive screening value.

With all of that said, thank you for indulging me in explaining my rationale.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit and strike stipulations 2, 8, 11, 12 and 14.**

Commissioner Ramirez said I shouldn't have my hand up because everything I was going to ask or say was said by Commissioner McKiernan. I will drop off.

Mayor Alvey said we have a motion and a second. Any additional comments or questions from the Commission? **Mr. Hand** asked, can I make a clarification on condition #8? **Mayor Alvey** said yes. **Mr. Hand** said condition #8 is a typo by staff. I apologize for that. It should read, any illumination that results from an entertainment event shall not be seen or otherwise impact additional residential uses. I think that's in line with all the comments tonight. I would ask that be maintained and simply be corrected. Again, I apologize for our typo.

Action: **Commissioner McKiernan** said I would agree with that clarification and would agree to keep stipulation #8 in place. **Commissioner Kane** seconded the motion.

ITEM NO. 1 – 211048.... ARMOURDALE AREA MASTER PLAN UPDATE

Synopsis: Armourdale Area Master Plan update, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Gunnar Hand, Director of Planning and Urban Design, said I'd like to defer to my lead advance planner, Kim Portillo, to introduce the consultant who will give a brief presentation on the Armourdale Area Master Plan.

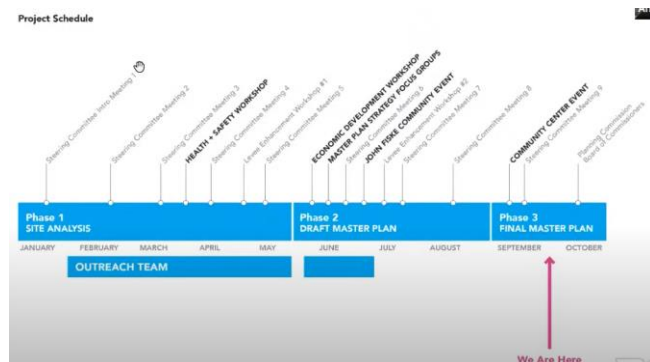
Kim Portillo, Lead Advance Planner, said as you probably know, the Unified Government Planning team, along with our consulting team, PORT, the Armourdale Renewal Association, and the Citizens of Armourdale have been working several months on the Armourdale Area Master Plan.

We have a presentation for you guys tonight that is informational only, but we do have the draft of the plan created, so we ask that you review our presentation tonight. We're not asking for any action tonight, but we would like you to take a look at the full draft of the plan, which can be found on armourdalestrong.com and give us any comments or feedback through that way by October 4th and then we'll hope to see you guys next month as well.

With that, I'll pass it over to Andrew Moddrell, who is our consultant from PORT.



Andrew Moddrell, PORT, said thanks for sharing a few minutes of your evening. I am pleased to share our progress on about nine months of active work on the Armourdale Area Master Plan. This process has been really engaged and several commissioners here have been heavily involved in the steering committee and beyond as we've worked through this process.



We just issued the draft master plan I guess about a week and a half ago for review and comment. This is also in conjunction with a community open house at the Armourdale Community Center and a launch of the draft on our website that Kim mentioned armourdalestrong.com.

As I mentioned, we've been meeting once a month with a steering committee comprised of UG staff across numerous departments, several commissioners including Bynum, Burroughs, McKiernan, and community groups such as Crossline and Armourdale Renewal Association, and then we've also been working with an outreach team to host a series of events and engage the Armourdale neighborhood and a number of conversations, surveys, and outreach efforts.

I just want to quickly—this is a really in-depth process and report that we just issued. I just want to hit the high points pretty quickly here and then also highlight a few of the recommendations and priorities that have emerged pretty recently from all of the work that we've been synthesizing as part of what's becoming the final master plan for any kind of reaction, questions, or comments also.

Upcoming Schedule

Monday, Sept. 13th: Informational Presentation to the Neighborhood and Community Development Standing Committee

Monday, Sept. 13th: Informational Presentation to the Planning Commission

Thursday, September 21st: Community Center Open House

Friday, Sept. 24th: Steering Committee Draft Master Plan Review

Thursday, Sept 30th: Informational Presentation to the Board of Commissioners

Monday, October 11th: Final Planning Commission Presentation for Recommendation

Thursday, October 28th: Final Board of Commissioners Presentation for Approval / Adoption

Just to give you a sense of the last, I guess this isn't very long, the last few weeks. We had our informational presentation to the Neighborhood and Community Development Standing Committee, which some of you saw. We had an informational presentation to the Planning Commission. We had the community center open house. We presented also this whole—on just Friday, to the whole steering committee, a kind of culmination of what, again, has been a long and engaged process. Here we are with a presentation to the Board of Commissioners and then we have a couple of more Planning Commission and Board of Commissioners meetings coming up.

Report Outline

Master Plan Report (armourdalestrong.com)

- 1. Armourdale Overview + Vision**
- 2. Community Outreach and Process Overview**
- 3. Five Focus Areas + Actions**
- 4. Appendix**

Task 1 Site Analysis Report (150-pages)

UG Existing Conditions Report

Clean Air Now Report / Submission

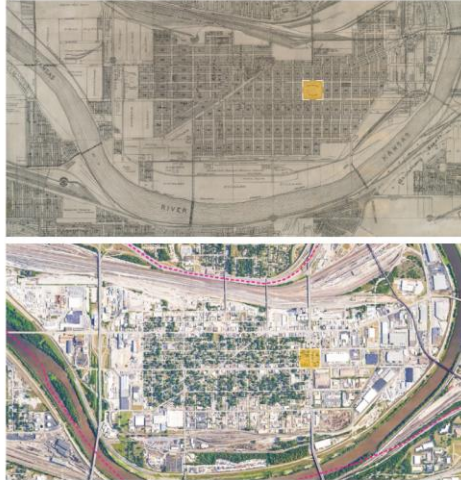
As Kim said, it's still an open comment period and we're collecting feedback on all the work to date.

That work is quite extensive. We're really proud of the effort that we've carried out and it's for a pretty amazing and deserving place. We have kind of thrown a lot of hours and time and effort toward it. I think that will come through in the report.

The main report, we have an Armourdale overview envision. We have an overview of the community outreach process. These five focus areas that have emerged through this process that

were targeting specific strategies and actions. I'm just going to go through those in a very high level. Attached to the document on the armourdalestrong website is also about 150 pages of analysis, surveys, community engagements, a lot more in-depth about essentially the history of Armourdale, which in many ways mirrors the history of Kansas City. It's a really very interesting place and that's all catalogued and documents it there. I'd like you to look through that.

Existing Conditions + Site Analysis



As I've said, we started at the very beginning looking at the origin of Armourdale, the history of Armourdale and its evolution over the last approximately 150 years, if you will.

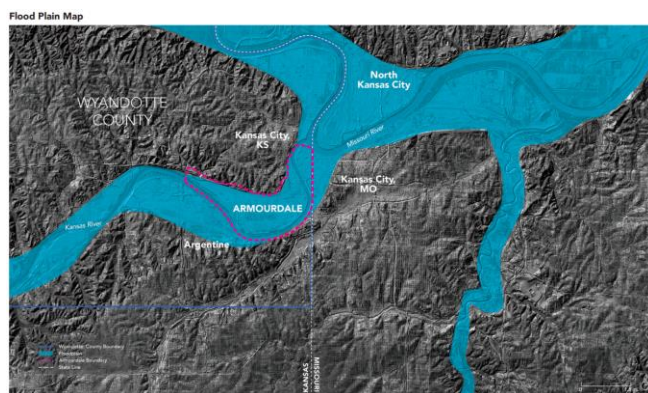
Industry + Labor History



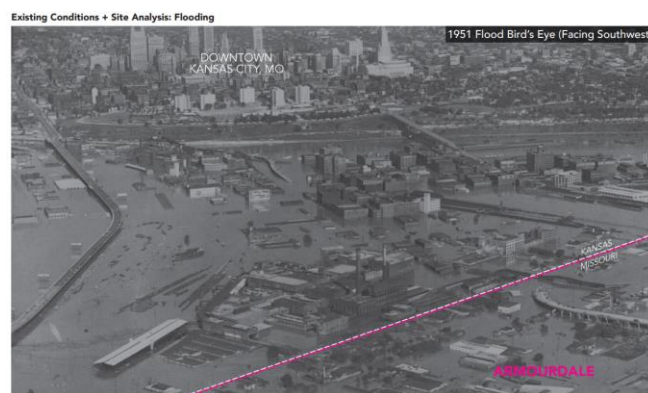
This includes significant stories about the history of industry and labor in Kansas City and in the Midwest.



Also, the Hispanic heritage and the origin of strong Hispanic legacy and identity that continues to thrive in Armourdale today.

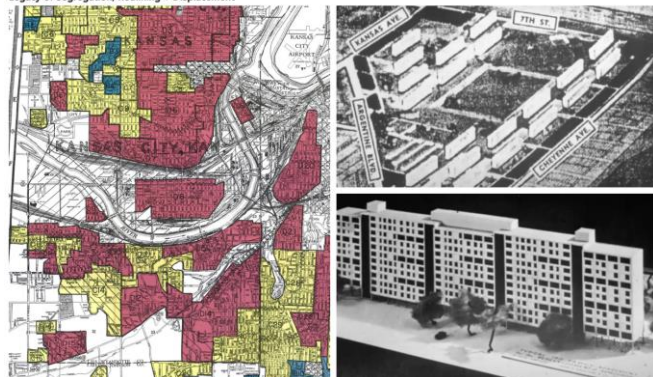


Also, the unique challenges of essentially the only neighborhood in Kansas City that is entirely in a floodplain. That is an incredibly unique characteristic of Armourdale.



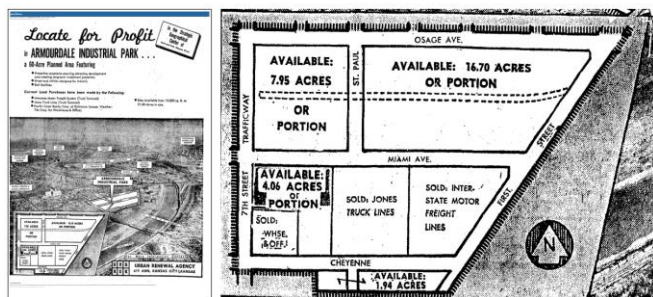
We're all well aware of the history of the flooding and what that's meant to this neighborhood.

Legacy of Segregation, Redlining + Displacement



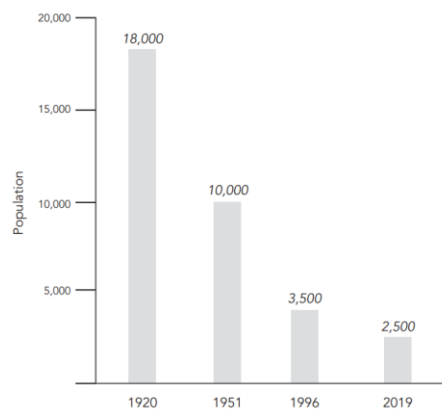
Not only flooding, but essentially a cycle of racial segregation, neglect, redlining attempts that you see on the right of Urban Renewal projects that wiped out large areas in the neighborhoods and replaced with high-rise housing.

Legacy of Segregation, Redlining + Displacement



Those ultimately failed, but there still were east of 7th St., large sections of the neighborhood that were replaced with industrial uses in the 1960s.

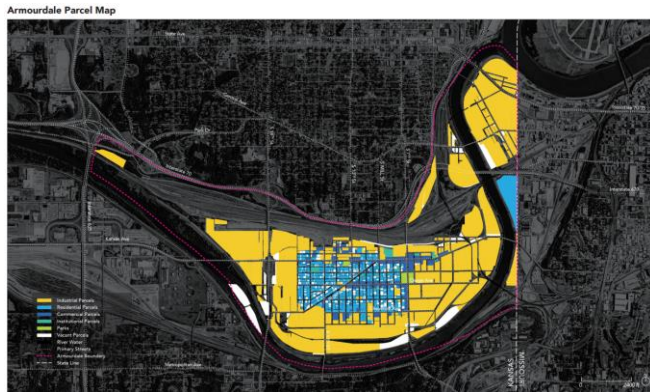
Population Decline



Decline in Armourdale Population, 1920-2020

Sources: Daniel Serda, "Planning, Community and Renewal: Harland Bartholomew Associates and the 1951 Armourdale Redevelopment Plan," p. 133; ACS 5-Year Community Survey 2019

Essentially, a place that declined by about 15,000 people from its original population only a hundred years ago



due to mostly this encroachment of the industrial properties all around the neighborhood core of Armourdale. What you see in yellow is the industry that, again, you see very little east of 7th that is kind of a neighborhood or commercial scale, but large industrial properties.



This is kind of a point of conflict in the neighborhood where you often see the relationship between these small residential homes adjacent to active industry.



Much of the encroachment, though, has been by not very high value industrial uses. Here you see there's—Armourdale has a pretty extensive collection of piles of things, whether those are train axles, wooden pallets, huge truck tires, fire extinguishers you can see on Kansas Ave. There's a lot of low value industrial storage uses that, again, kind of



consumed the periphery of the neighborhood and essentially continued to degrade its value and also just the quality of life in the neighborhood.

This is an example of, throughout Armourdale, poor maintenance of or existence of sidewalks or sidewalks that have been historically not maintained or grown over.

Armourdale Housing Stock

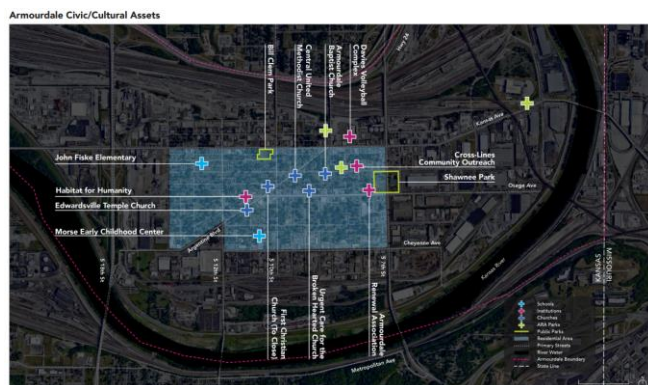


There's a housing stock that I think there's been maybe one new house built per year over the last 25 years on average in the whole neighborhood. It's about 50% renter occupied.

Shrinking Neighborhood and Vacant Parcels



What you see here are the vacant residential parcels in the neighborhood. What you see in the outside, the kind of dashed redline, that was the residential area of Armourdale before the 1951 Flood. What you see now highlighted in green is the current residential boundary. You can really see that kind of jagged edge where parcels that have been kind of claimed from the neighborhood for industrial use. The blue dots are actual vacant lots in the neighborhood where homes have been torn down or washed away over the years.



There's also a pretty limited set of cultural or civic resources in the neighborhood. The civic resources are near zero; no libraries. There's a couple of grade schools, but there aren't libraries, police stations or fire stations or kind of any kind of civic investment that's still active in the neighborhood. I guess there is also a great park, Shawnee Park, or at least a historically great park, Shawnee Park, and the Armourdale Community Center and a small park, Bill Clem Park. But, in general, this is kind of an under resourced from kind of a civic infrastructure in the neighborhood.



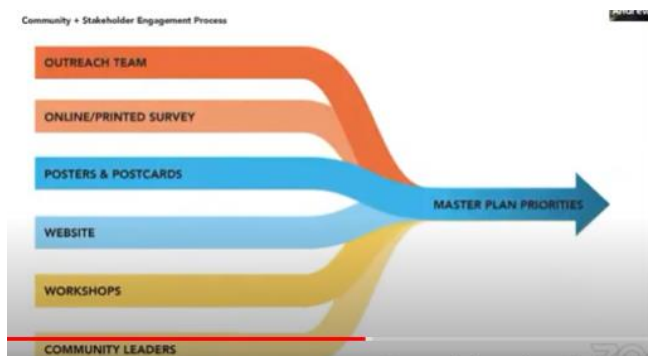
Also, very poor access to health resources and fresh food. There are no grocery stores in Armourdale and there are no pharmacies or clinics, doctors' offices, or anything in Armourdale. They are surrounded by a strong constellation on all sides, but for the neighborhood core, there are zero resources in Armourdale proper.



One thing we are mindful of, and is a good alignment for the work that we're doing, is the upcoming grants to repair sewer and stormwater, or introduce sewer and stormwater in certain areas of the neighborhood as well as reinvestments in bridge repair, a new bridge, and the levee raise project are going to have a number of—and betterment projects carried out in conjunction with the levee raise that will also serve to enhance the Armourdale community and access to the river for Armourdale residents and beyond.



All of that research and cataloging of Armourdale's current condition, having not seen a master plan since 1979, we really called out and have verified with the community and the steering committee this kind of awareness of this downward cycle of what comes from the isolation and vulnerability, the legacy of segregation, neglect, deterioration, disinvestment. The attempt of this master plan is to try to propose actionable strategies that ideally pause and ultimately reverse this downward cycle toward an Armourdale that has made it this far and now is kind of commanding the attention and resources and investments that it deserves for having essentially weathered the storm, if you will, to a place that deserves investments that make it attractive, included, empowered, safe, accessible, and stimulated. That's really the core of this Armourdale Strong idea.

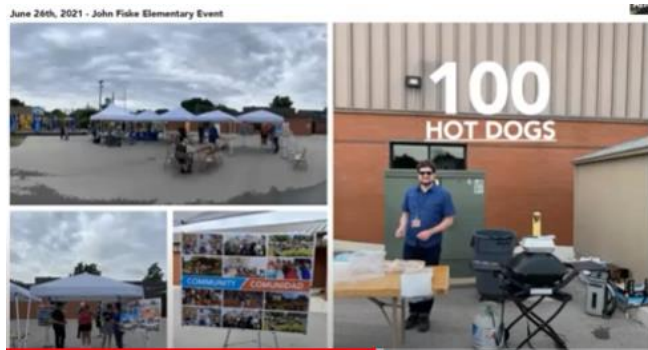


This, again, this idea and how we've been listening and engaging in the community throughout this process has been kind of a multifaceted effort that includes hiring an outreach team of neighborhood residents so, essentially paying them for their time to participate in the planning process, to disseminate online and printed surveys to their neighbors and friends, to hang posters and distribute postcards at local businesses, to direct people to the website to fill out surveys and leave comments, to drive 10 minutes and participate in community workshops, and then, of course, community leaders have also been part of the steering committee, UG staff, and so on. All of this has kind of homed in on what our master plan priorities are.



Here's a few examples. A focus group that we hosted at John Fiske Elementary School,





a block party at John Fiske Elementary School this summer



where we're, again, engaging conversations with residents and taking notes of stories and priorities throughout that process.

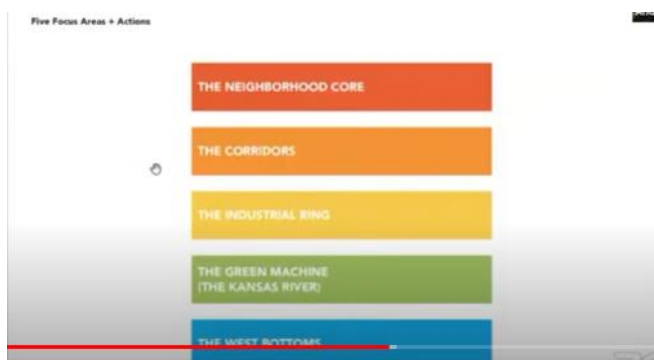


This is an image of last week's master plan review and planning and empowerment open house at the Armourdale Community Center

September 30, 2021



where there were big boards that essentially had all of these five focus areas and strategies for review, comment, and conversation to, again, there's a lot of strategies here and we're, at this moment, trying to pull out the ones that we can really prioritize to push to start really soon on pushing the master plan—the outcome of the master plan into real effective change.

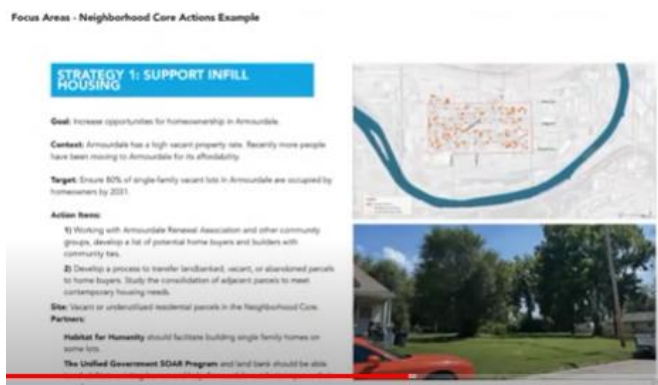


Here are the five focus areas, focus on the neighborhood core, the corridors that link to and through Armourdale, the industrial ring that surrounds the neighborhood core and around to the river and the rail, the Kansas River itself and the West Bottoms, which is part of Armourdale what we know as the Central Industrial District.

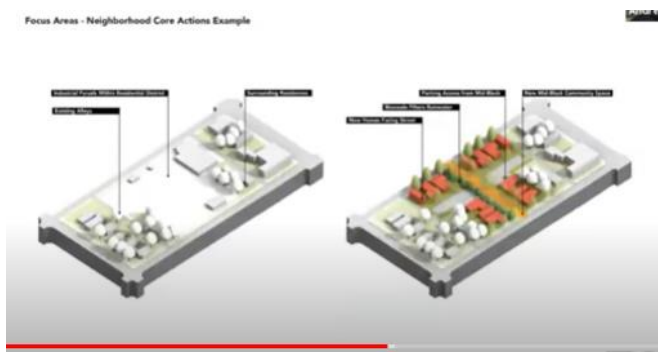


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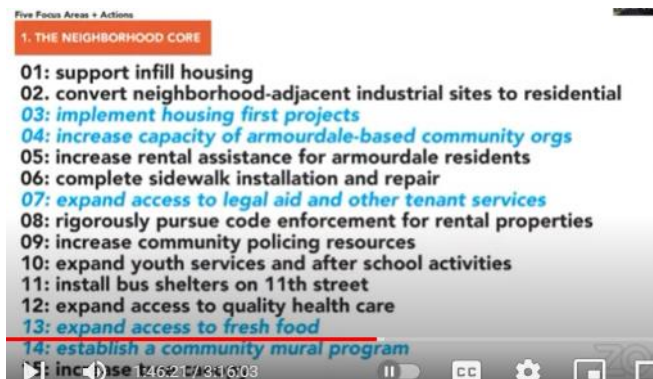
Here you see the plan of these five color-coded areas. Green, river. You see the neighborhood core in orange, the darker red are the corridors linking to and through the neighborhood, and you see the West Bottoms in blue. Essentially, throughout this process, we've been targeting these strategies and action items, again, for these areas.



You can go through the report. I think there's something like 14 or 15 strategies alone and I think that list even expanded a little bit with the most recent steering committee meeting and some of the feedback we've been gathering. But, a strategy, for instance, could be support in-fill housing to think about the vacant lots and creating new homes in Armourdale. In the report, we tried to outline these goals, the context, the targets, the steps to get there, and the partners that can be involved in the process.



We obviously don't have the time in this format to go into that in detail, but we really tried to provide a lustral examples of what an impact that—Habitat for Humanity or Housing First projects, for instance, could have on a neighborhood core to fill in some of these vacant spaces.



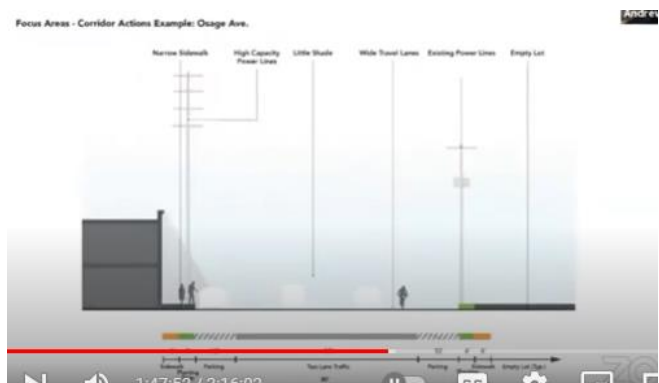
Just to summarize. In blue here, coming out of the community workshop and the most recent steering committee meeting, projects from this list of 15, the ones that really kind of garner the most conversation or comments toward prioritizing were Housing First projects, essentially demonstrating investment in Armourdale as a way to promote more investment in Armourdale to really start on the ground by making a direct impact, investing in Armourdale-based community organizations like BARA to increase their resources for expanding access to legal aid or other tenant services potentially, as well as advocating for access to fresh food, whether that's trying to draw a grocery store or a Dotte mobile grocer or other food trucks, as well as establishing a community mural program. There's a resident, E. Chavez, or a former resident, who is really advocating for participation in this mural program. I'm trying to move quickly here. A lot of this is in the report and will be in the next issue of the report with these priorities, but these are the ones that really came to the surface for residential.



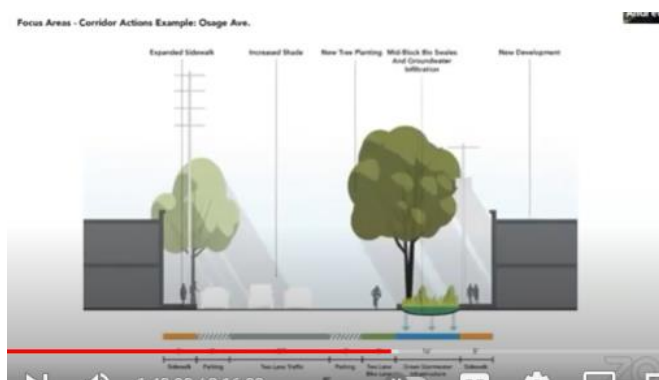
There is a lot of overlap with the corridor category



for the fact that it does essentially cut through the residential core but also raises other connectivity opportunities with Kansas City and beyond, Kansas Ave. heading east toward the West Bottoms, 12th St. Bridge heading south to Argentine.



We've done a number of studies that look at the existing cross-section of the roads and the conditions of the roadways and essentially their large scale that works great for large trucks but not so great for neighborhood safety.



It's been proposing in conjunction with the WIFIA grants and stormwater and sewer infrastructure and how we can introduce best practices for containing water, producing green space, shade space.

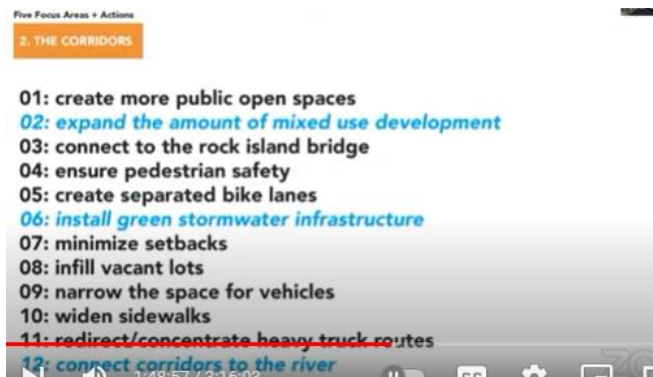
Here you see a couple. An example is Osage Ave., for instance, a street that runs through the very center of Armourdale and has a potential to be a really pedestrian-oriented and small business-oriented kind of retail street.



We've illustrated those both as you saw in the section but also in 3-dimension to kind of see what we mean by introducing bike lanes and trees and how that can really have a strong impact on the community.



There's also several drawings here where you'll see this is connected to the Rock Island Bridge and the Levee Betterment Project; trying to make those connections between the plan and those projects that are underway.



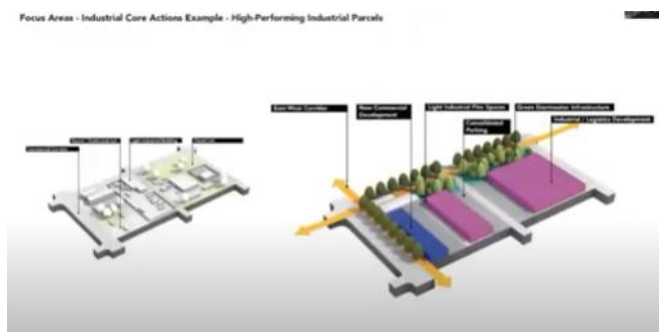
For the corridors, what we heard, especially recently, were yes, this idea of installing green stormwater infrastructure in some cases, stormwater infrastructure at all. Connecting as many opportunities as we can to the river and making those connections explicit, and for the community to embrace the river as this resource in their backyard and invite Kansas City to come to Armourdale to access the river and really celebrate the legacy of the river and the westward expansion of what the river has meant historically to Kansas City.



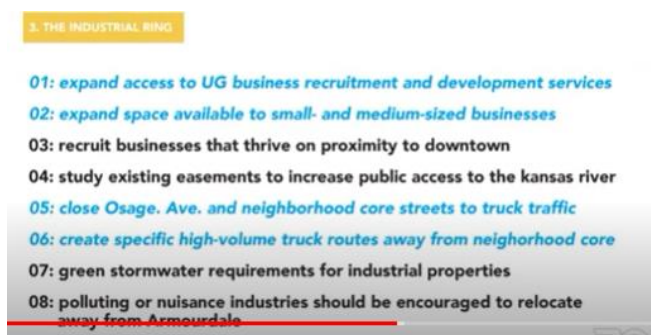
The industrial ring you see here, the area of most concern is this really dark ring right around the neighborhood core. Again, trying to strengthen the neighborhood and limit that encroachment for these kind of low value uses that are right in the backyard of many Armourdale residents,



as well as optimize the area in yellow in the sense that large trucks might not need to drive down through Osage to the very geographic center of Armourdale, for instance, to get onto I-35, I-70. The industrial businesses that are in Armourdale are very happy because of their connectivity to Kansas City and the region, and that is a real strength that Armourdale provides to these businesses; however, 18-wheelers through residential neighborhoods can easily be avoided given the existing infrastructure.



So we're trying to look at strategies for optimizing truck routes, limiting the use of some of these low value, again, industrial uses adjacent to the neighborhoods, and trying to orient future development away from the box in the middle of an asphalt parking lot to something that's more internalized and landscaped and is stormwater efficient, energy efficient



so those recommendations are in there. In general, we're trying to expand space available to small and medium-sized businesses. Closing Osage Ave. potentially to heavy truck traffic and reorientate those away from the neighborhood core, expand access to UG business recruitment and development. Letting everyone know also that Armourdale is open for business. Armourdale is going to be here for another hundred years, and it is a place that wants a grocery store and wants other businesses to come to Armourdale, so really using the UG's resources to direct new businesses to Armourdale and make those resources available to Armourdale residents.



The river, we know again, with the Levee Betterments



and the enhancements that are coming with that, we were looking explicitly at all the hubs



where bridges or streets meet the river and try to illustrate specifically where there's areas for parking and trailheads or other amenities that start to activate the river and what we're calling these river hubs kind of all along its length.



So, again not to get into a ton of details here, but obviously a big one will be the Rock Island Bridge, so trying to, again, show how Kansas Ave. links to that, where parking will be, how you might exit a boat and get to the bridge,



but others that are more community oriented like 12th St. or reusing the Central Ave. Bridge or bicycle and pedestrian infrastructure linking across to the West Bottoms but also accessing the river.



We didn't propose a single plan. This whole district kind of demands its own master plan in the future. We essentially tried to visualize and test out the pros and cons of a few different scenarios, whether that's a mixed-use residential district that really ties closely to the development of the stockyards district and the West Bottoms



or whether it's a riverfront destination that is more of a could be oriented really toward the river with the riverfront park and larger, kind of a civic, I guess, larger civic buildings or convention buildings



or an incubator hub where it is more of a next generation logistics and industrial infrastructure, somewhat similar to the uses in the floodplain but maybe an example of the future of those models.



There was support for re-thinking the Central Avenue Bridge as its decommissioned, celebrating the westward expansion and national heritage with this area and, this again, begins the confluent of Kansas and Missouri, and again, continue to explore a district plan for the West Bottoms, in general, that really flushes out and the feasibility some of these different potential tracts.



That is a big summary of everything. I tried to move quickly. This is, again, a very in-depth project where we can spend a lot of time and we have talked about each of these topics. Thank you for your attention and time this evening.

Mr. Hand said if I may, before we open this up, there's a couple of things that I wanted to add just as you are reviewing the draft and providing comments. There's a couple of really big moves here that are transformative for this neighborhood that we wanted to make front and center.

First and foremost, Mr. Modrell, misspoke earlier. We are well aware that there's a fire station in Armourdale on Kansas Ave. east of 7th St. Secondly, this process was done entirely bilingually. You saw it in some of our outreach photos there that's both Spanish and English. We had multiple Spanish only conversations as a part of this planning process. While we will not do

it until after the adoption of the master plan, like the Central Area Master Plan, we will fully translate the document in Spanish as well moving forward.

I think some of you might have asked the question, why is the historic West Bottoms included in the Armourdale Area Master Plan. There's two reasons, well, there's three reasons primarily. It was never incorporated into the Central Area or the Downtown Master Plan. Like Armourdale, the historic West Bottoms is both very industrial in nature and very much attached to the Kansas River, so it was natural for us to expand the Armourdale planning area outside of the traditional neighborhood of Armourdale.

But, to get to the two main things I'd like you to think about as you're reading and reviewing the document and moving forward, ideally with the approval process in October, is that for about a century, there has been an air of ambiguity for Armourdale from redlining to urban renewal, even up to the 1979 plan where it continued to pose the question, should the residential neighborhood of Armourdale be wiped off the map and replaced by industrial development? That was never answered in the 1979 plan. This plan very affirmatively says that the residential neighborhood is here to stay and obviously provides additional strategies to move it forward. We believe that certainty is what will drive additional private investment in the Armourdale neighborhood. Antidotally, we've even started to see that with some of the Land Bank projects that have come online in the last month.

I would also just want to note the other big thing here is obviously re-thinking the Kansas River. We have historically turned our back on this river. It has always been industrial in nature. With everything else that was already going on, this master plan and codifying it, this is our opportunity starting even before Mr. Modrell and his team started, we were working with the Kansas City Design Center to start to re-think the Kansas River as an asset and opportunity and a driver of growth moving forward. The connection to the Kansas River, again, things were already working on but how to better connect our community, how to better connect the development that's already happening because of those connections, specifically around the Rock Island Bridge, into the neighborhood of Armourdale to encourage that investment to be equitable is another big thing that we've been moving forward. I just wanted to add those two main thoughts as you kind of review the plan.

We're happy to take any questions, comments, thoughts you might have thus far.

Mr. Modrell said quickly, in the neighborhood core is what I meant to say, Gunnar. Thank you regarding the fire station. I know there's one at Kansas Ave.

Mayor Alvey said before I ask for Commission comments, unless you have some questions, I would like to move to the public hearing if there's anyone. There's time for Commission discussion after. Have we received any notification from the public who wish to express their comments in favor of this item? **Ms. Godsil** said no public comments were received.

Mayor Alvey asked, is there anyone present who would like to speak in favor?

Oscar Flores-Urritia said sorry. This might not be the time and I know this is according to something else, but I'm lost. My special use permit, I think we're far along and I lost track and I was having some technical difficulties. I've been trying to raise my hand at different points. I'm so sorry if this is not the time.

Mayor Alvey said no, it is not. Reach out to Mr. Hand. **Mr. Hand** said, Mr. Flores, your project was approved by the Consent Agenda. **Mr. Flores** said thank you. I'm so sorry for interrupting.

Mayor Alvey asked, anyone present who would like to speak in opposition? **Ms. Godsil** said I see no hands raised. **Mayor Alvey** asked, did we have any notification from the public in opposition? **Ms. Godsil** said no notifications received.

Mayor Alvey closed the public hearing.

Commissioner Bynum said I think this is a first glimpse of our new Armourdale Master Plan. It's my understanding we aren't going to vote on this tonight, but I wanted to say to the team that number one, it's a fascinating plan. I am amazed at how you managed to take all of the input that I participated in plus the communications from the community at-large and create this document. It's really impressive. I just really appreciate participating, even if I mostly am a listener to these master planning processes, but most importantly, the way that you engage with the community. It's going to be a very valuable plan and I really think it has workable components, which I think is the most important part.

Gunnar and Mr. Modrell and everyone really, lots of work and effort. Thank you so much.

Commissioner McKiernan said I will do my best to be brief as well. Mr. Modrell and everybody from PORT, Gunnar, Kim, everybody from Urban Planning, I thank you very much for the hard work that you put in on this. I will say this is one of the most robust, illustrative, and guiding master plans that I've seen. Now granted, our challenge is still to execute this thing, but you have given us so many actionable strategies in each of the five component areas, but I do believe we have a very clear road map on first steps, second steps, third steps and so I want to tell you just how much I appreciate the in-depth nature of this report and the fact that you have given us paths forward.

I do think, as you pointed out, that residential and commercial can co-exist in the Armourdale area. If there's one thing that I know for all these years is that the residents, those folks who live in Armourdale, are fiercely proud of their neighborhoods. I do believe that we can work with those residents for the continued improvement of those neighborhoods.

I will say, 50% rental is actually I don't think that's too out of line with other urban areas, although we would love to have more homeownership to have that many rentals as long as they are good rentals, I don't think is necessarily a negative. I will echo what Gunnar said before that already we just got a preview of our next Land Bank agenda and there are several applications for options on properties on which new single-family homes will be build, and that is really exciting to see since we haven't even closed this process yet, there is already interest in building.

With that, I will just say once again, thanks to all for your work. Our job now is to pull this off.

Commissioner Burroughs said the two former speakers really laid it out. I just want to say how unique I think in forward thinking this plan was to tie in the Central Avenue Bridge to bring two communities together collectively as one, giving them both ownership in a plan. I think that's a very unique process. The fact that we haven't given Armourdale the consideration and the respect for over 50 years, I think it's very telling in what we were able to listen to and find out. There's a lot of low-hanging fruit and opportunities for Armourdale. I would hope that as we move forward with the master plan, that we identify those early and show the citizens that we're serious about the master plan.

Mr. Hand said, again, thank you all for your time. If you have any comments, please let us know. We can take them online, you can call us, you can send us letters, we can come visit you. We're happy to do what we need to take your comments and move this forward. Again, I think one of the things that we were proud of specifically was it wasn't just a Planning and Urban Design effort, we brought all of the UG departments onboard on this process. We all have buy-in as a UG family in Armourdale. Again, I've hit this a couple of times with you all. This is not my plan; this is the UG's plan.

Action: **For information only.**

REGULAR AGENDA

MAYOR'S AGENDA

ITEM NO. 1 – 211052...APPOINTMENT: VOTNG DELEGATE FOR KAC

Synopsis: Appoint Commissioner Jane Philbrook as the voting delegate and Bridgette Cobbins as alternate for the Kansas Association of Counties 46th Annual Conference & Exhibition.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve.** Roll call was taken and there were nine "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

REGULAR CONSENT AGENDA

Mayor Alvey said next we have the Regular Consent Agenda. Does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve all items as submitted.** Roll call was taken and there were nine "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 1 – 211015...RESOLUTION: FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III

Synopsis: A resolution adopting the First Amendment to Village West Apartments III Development Agreement, modifying the completion dates and PILOT schedule, submitted by Katherine Carttar, Director of Economic Development. On September 13, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-69-21**, “A resolution adopting the First Amendment to Development Agreement for Village West Apartments III.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211016...RESOLUTION: FIRST AMENDMENT TO KAW RIVER BRIDGE COOPERATIVE AND DEVELOPMENT AGREEMENT

Synopsis: A resolution adopting the First Amendment to the Kaw River Bridge Cooperative and Development Agreement, modifying the conditions required to be met for developer to access pre-development funding, submitted by Katherine Carttar, Director of Economic Development;

Action: **RESOLUTION NO. R-70-21**, “A resolution adopting the First Amendment to the Kaw Bridge Cooperative and Development Agreement with Flying Truss, LLC.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211053...PLAT: PRECISION

Synopsis: Plat of Precision located at 47th and Douglas, being developed by Precision Cutting and Coring, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign the plat. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 211054...PLAT: HOMEFIELD MULTIFAMILY

Synopsis: Plat of Homefield Multifamily located at 94th and State Ave., being developed by 94th and State, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign the plat. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 211072...PLAT: TURNER LOGISTICS CENTER FIFTH PLAT

Synopsis: Plat of Turner Logistics Center Fifth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign the plat. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 211073...PLAT: TURNER LOGISTICS CENTER SIXTH PLAT

Synopsis: Plat of Turner Logistics Center Sixth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign the plat. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – MINUTES

Synopsis: Minutes from Regular Session of July 29, 2021; special meeting of September 7, 2021; and special sessions of September 2 and 9, 2021.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 8 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 9,16, and 23, 2021.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

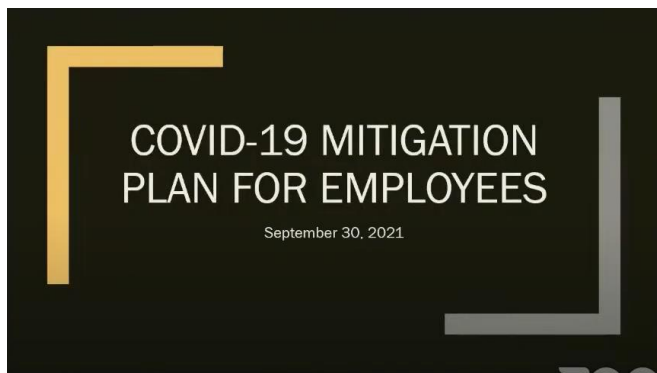
ITEM NO. 1 – 211031...RESOLUTION: UNIFIED GOVERNMENT MITIGATION PLAN FOR STAFF RELATED TO COVID-19 AND ARPA ALLOCATION

Synopsis: A resolution approving the Unified Government Mitigation Plan for Staff related to COVID-19 and the allocation of American Rescue Plan Act (ARPA) funds, submitted by J. Renee Ramirez, Director of Human Resources. This item was scheduled to appear before

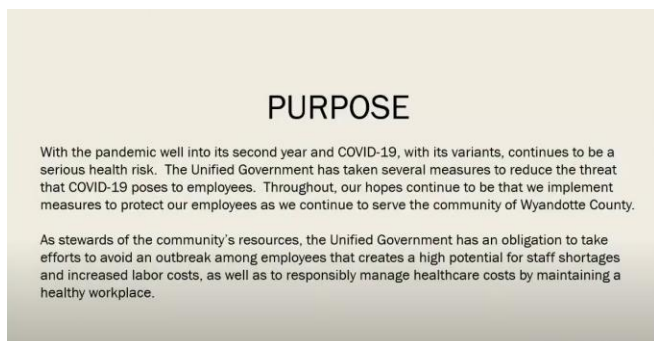
the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, on September 27, 2021. It was requested, and approved by the Mayor, to fast track this item to the September 30, 2021, full commission meeting.

Mayor Alvey asked, Commissioner Bynum, who chaired the meeting, if she has anything to add and then I'll open it up for presentation and Commission discussion.

Commissioner Bynum said the only thing I would add is that I think we did have consensus that we needed to have a full commission discussion of what was presented, and I believe we are going to see that presentation.



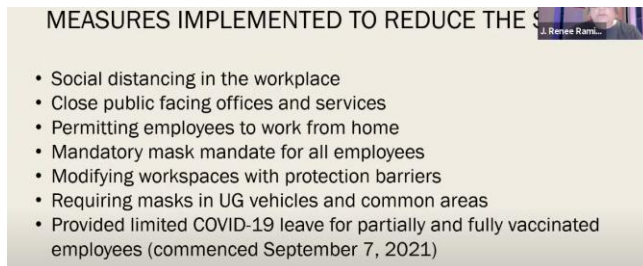
Renee Ramirez, Human Resources Director, said with me this evening I have two members from the HR team, Shakeva Christian, HR Manager; and Dave Wimberly, Risk Manager.



As you know, we are well into our second year of dealing with COVID-19 and the threat this variant has caused our health and well-being as stewards of the community's resources, we have an obligation to put forth measures that protect our employees and avoid any chance of outbreaks that could cause staff shortages, increased labor costs, and increased health care costs. Our goal

is to always strive to provide a safe and healthy workplace for our number one asset, which are the employees of the Unified Government.

This evening, we come before you with a mitigation plan for staff for consideration.



MEASURES IMPLEMENTED TO REDUCE THE

- Social distancing in the workplace
- Close public facing offices and services
- Permitting employees to work from home
- Mandatory mask mandate for all employees
- Modifying workspaces with protection barriers
- Requiring masks in UG vehicles and common areas
- Provided limited COVID-19 leave for partially and fully vaccinated employees (commenced September 7, 2021)

Early on when COVID-19 hit, we implemented many measures to reduce the spread amongst our workforce. We continue to social distance, limit capacity in elevators, modified workspaces with protection barriers, and many others as I've listed on this slide. In addition, previously we provided special COVID leave for employees as outlined in the Family's First Coronavirus Response Act and continue to provide this leave after the original expiration date in December 2020. We also made it available even after that to May 31, 2021. Again, we introduced it another time which it had a limited COVID leave that we made effective September 7, 2021, for partially and fully vaccinated employees that will sunset on December 31, 2021.



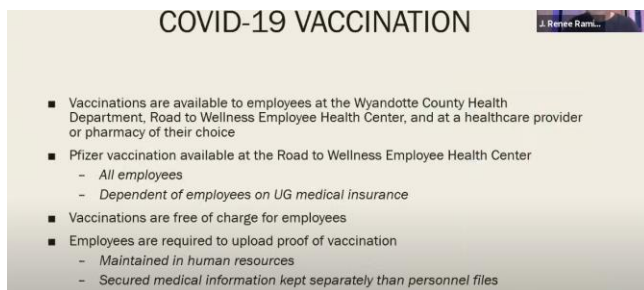
WHO IS COVERED UNDER THE MITIGATION PLAN

- Full-time employees
- Part-time employees
- Temporary/Seasonal employees
- Temp agency employees place at the Unified Government
- Contractors
- Volunteers

Listed on this next slide, these are the employee types that make up the workforce that will be covered under this mitigation plan.

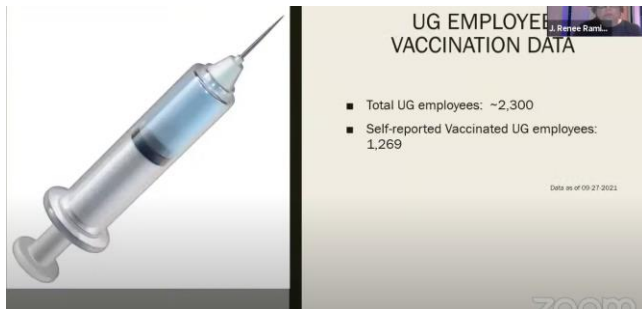


Earlier this summer, the mask mandate was lifted for a short period of time. Because of the rise of COVID cases in our community, we had to reintroduce this to our workforce for employee safety on August 6, 2021, regardless of their vaccination status.

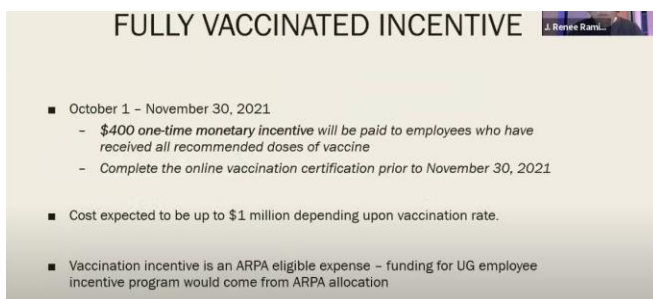


We continue to communicate with our employees on a weekly basis where they can go and get COVID vaccinations for free. Vaccinations continue to be available at the Wyandotte County Health Department, at any healthcare provider, or any pharmacy, and we've also made them available at our employee wellness center. The Road to Wellness Employee Health Center has the Pfizer vaccine available for those employees who chose to use that location. Dependents of Unified Government employees, who are on our medical insurance, can also get vaccinated at the Road to Wellness Employee Health Center.

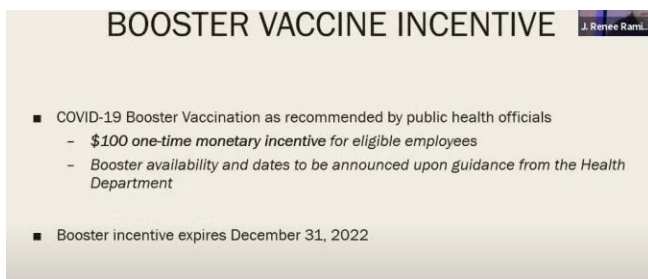
Employees who have been vaccinated can upload their proof of vaccination to a secured site which is maintained by Human Resources. Proof of vaccination is treated as medical information and kept separately from any employee's personnel file.



I am pleased to announce this evening that as of September 27, 2021, we have 1,269 employees, out of approximately 2,300 employees, who are vaccinated.



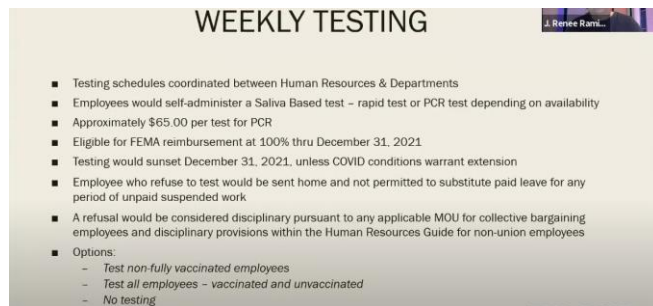
As we continue to work through ways to provide a safe workplace for our employees, we drafted a mitigation plan for consideration. We start off with an incentive for employees who are fully vaccinated and offering them a one-time \$400 monetary incentive who have received all recommended doses of the COVID vaccination. This incentive does come with a cost of approximately \$1M if all 2,300 employees are fully vaccinated, meaning two doses of the Pfizer or Moderna and one dose of the Johnson & Johnson. The monetary incentive is an ARPA-eligible expense.



This next slide introduces a one-time monetary incentive of \$100 for the booster vaccination. We would, of course, follow the recommended guidance by our public health officials for the booster.

September 30, 2021

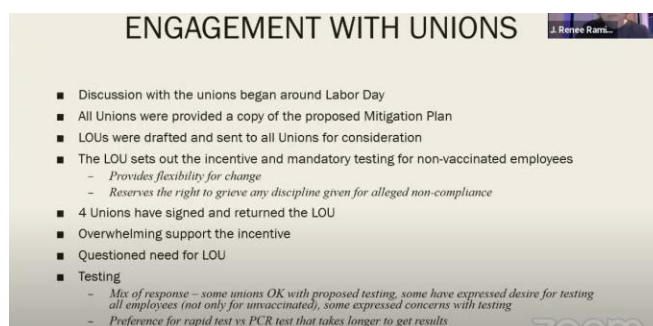
Human Resources is already receiving certifications from employees who have received their third dose. The incentive for the booster would have a sunset date of December 31, 2022.



This next slide presents options to consider for mandatory weekly testing for non-fully vaccinated employees. We could also modify this option to test all Unified Government employees regardless of their vaccination status. If testing is implemented, employees could self-administer a saliva-based PCR test or possibly a rapid test, depending on the availability. The estimated cost per employee is approximately \$55 per test for the PCR version. This expense is eligible for FEMA reimbursement at 100% through December 31, 2021. Weekly testing would include procedures that would incur if an employee refuses to test. An employee who takes this position would be sent home and not permitted to substitute paid leave for any period of unpaid suspended work. The refusal would be considered a disciplinary action pursuant to applicant memorandum of understanding for collective bargaining unit employees and disciplinary provisions within the Human Resources Guide for non-union employees.

Lastly, we have listed testing options for consideration. The first is test non-fully vaccinated employees. We could test all employees regardless of their vaccination status, or we could maintain a status quo and have no testing.

I will now turn the presentation over to Ryan Denk, Outside Counsel.



Ryan Denk, Outside Counsel representing the UG, said I did want to talk about what we've done to engage with our 13 different labor unions relating to this subject. What I wanted to first start with is maybe provide a little context as to when this whole policy or the concept for this policy was originally rolled out. As Renee noted, earlier in the presentation, we came back with the mask mandate at the beginning of August, August 6th. That was, as you all know, precipitated by a substantial increase in cases, predominately because of the onset of the Delta variant. It was about at that time that we began having discussions internally about the need for the ability to engage in a policy to, again, try to encourage vaccination and the other piece of that COVID prevention tool, was testing.

We began talking about what kind of mitigation plan we wanted to put together. The first part of August, the original program that we put together did not have a monetary incentive attached to the vaccination. It was proposed—we were originally proposing to start testing in September and then we had the Special COVID 80 leave.

I will say that I don't think any of you are foreign to the concept, if you've been around for the last year and a half that reacting to COVID and what's going on with COVID in the community and in the workplace, you've got to be fairly nimble. Over the course of the pandemic, we've had many different types of COVID employee benefits such as the COVID Special 80 leave. The Health Department has employee protocols such as vaccination, quarantine, mandatory testing at various times, and all of that's been done. All of that was done without negotiation because we're under a state of emergency and we were reacting very quickly.

We did, in this circumstance, we did ultimately engage with the unions. First communication with some of the unions was during the week of August 16th. We engaged with some of the unions and received some feedback on our proposed policy. Based upon that feedback from some of the unions, we shifted in what we were proposing to put out in policy. That's when we moved to the monetary incentive, and that was based upon feedback from the unions. We pushed back the implementation of the testing to December 1st to give employees every opportunity to get vaccinated before we implemented a testing program, again, based upon feedback from the unions.

We continue to have discussions with every one of our unions. We have reached out and communicated with every one of the unions and received feedback from just about every one of them.

When we shifted to the new policy, we ultimately communicated. Internally, we finalized that policy on September 17th and what that would look like that you have in your packets. That was pushed out to the unions the very same day. Every single one of them got it and we requested feedback and comment.

Four days later on the 21st, I put together just a very kind of rudimentary letter of understanding. Basically, all the letter of understanding said was yes, we agree to be bound by the terms of the testing policy. It also preserved their right to grieve any discipline that was laid—that may be given under the policy. Every union is going to want that under their just cause standards, so we included that.

Then we had a provision in there that allowed us to shift if the saliva-based testing became unavailable or impractical to shift to other FDA type approved testing. So, that was really not much substantive in that LOU, but that was pushed out to them on the 21st. Again, with the invitation to provide feedback.

We have received feedback from almost all of our unions. We've had meetings with all of them. I can report to you what that feedback has been. LiUNA 1290 basically said—and this was a discussion that we had with them, not just with them, but with all the unions—are these subjects even things that we are required under state law to negotiate with unions over. I think out of an abundance of caution, because we're talking about paying them more money, we did engage or we have engaged in these discussions.

LiUNA looked at it and said, you know what, we don't think it's something that we need to negotiate or have an LOU in place, but we support it and please move forward with the program.

We conferred with—we've had a couple of meetings with IAFF over the topic. The most recent meeting was yesterday. Their feedback was they want to see testing. They generally support the program, but they want to see testing because they're living in a firehouse with other firefighters and you could have asymptomatic vaccinated people carrying the virus. They want to see testing of everybody whether you're vaccinated or not. We told them that we would bring that request back to the Commission.

Fraternal Order of Police, Lodge #4, they have, in essence, said that if the Commission approved the program, they would put it to a vote of their membership to see what the membership wanted to do.

Other unions. We've got several signed LOUs from several of our trade unions, our other unions, including IBEW, AFSCME, UFCW, who represents our police dispatchers. Very good discussions. They haven't provided any comments back. I think they're waiting to see what comes out of this meeting, but I would anticipate that ultimately they would be supportive of it.

That's what our interaction has been with the unions. Like I said, we've tried to engage, take their feedback, we modified the program based upon their feedback, which is the way negotiations is supposed to work, and so that's where we sit right now.

ITEMS FOR CONSIDERATION

- Resolution was prepared:
 - Adopts a Covid Mitigation Plan
 - Approves an ARPA allocation of \$1,000,000 to fund the Plan
- Potential Plan amendments
 - Incentives
 - Proposed amendment to the Mitigation Plan
 - Mandatory testing
 - Mandatory testing for all or just unvaccinated
 - Requirement of a Letter of Understanding (LOU)
- If testing is required - will members of the bargaining unit receive an incentive if an LOU is not signed?

Misty Brown, Chief Counsel, said where we have—we are coming to the end of the presentation, and items that we have for consideration tonight, which we're hoping to get some feedback from the Commission, is that we have a resolution that has been prepared and is in the packet, which essentially adopts a COVID Mitigation Plan and approves an ARPA allocation up to \$1M to fund the incentive. Items tonight that I can anticipate being discussed is whether or not the Commission even wishes to have an incentive and if there's any proposed amendments to the plan, particularly regarding testing, and the requirements for an LOU.

An item, as we are going through the LOU that keeps coming up, is there's a pending question out there if we are deciding to do testing and a union decides not to sign the LOU, is it the commissioners' wish that members of that bargaining unit would still receive the incentive or would they not receive the incentive if an LOU is not signed and testing was mandated?

POTENTIAL OPTIONS

Incentive Plan	Incentive + Testing	Incentive + Testing all	Maintain Status Quo
Approve Incentive	Approve Incentive	Approve Incentive	No incentive
Allocate ARPA funds	Allocate ARPA funds	Allocate ARPA funds	No allocation
No testing	Mandate testing for unvaccinated employees	Mandate testing for all employees	No testing

We've outlined here some potential options, and there's probably some options that aren't on this table. If you look at it, we're looking at one option is to adopt an incentive plan and approve an ARPA allocation and have no testing. You could have incentive plus testing for all unvaccinated employees. You could have an incentive plan plus testing for all employees. One other option is simply to maintain the status quo, have no incentive, no allocations of ARPA fundings, and no testing.

With that, I will turn this back to our County Administrator if he has anything else to add.

Mr. Bach said as we started to move through this, I think it's been outlined. For me, the incentive was, what can we do to protect our employees? What can we do to put them in a better position to combat COVID to keep, one, them healthy themselves? It also puts them in a position to better serve the public. As we all know, through the course of last year, our employees continued to serve throughout the year. We didn't have the option of not being out there and responding to calls or responding to activities that we need to do within our city to meet the needs of our citizens. Also, I think it also protects us from spreading it additionally against the public. With that and getting the feedback from our employee groups, fully led me to push forward to say, okay, let's go after this or something that is a true incentive for our employees. It makes a difference to motivate more of them to get the COVID vaccine and that's why we brought this program forward to the governing body. I really hope—I know it's one in talking to hundreds of employees throughout the course of this last week, it is something that employees are looking forward to. They would like to see more of the other employees vaccinated and hope the Commission will consider advancing this with funding this evening.

That concludes our presentation.

Mayor Alvey said, Mr. Bach, I appreciate the comments you made at the end, which is really the basic rationale for doing this; the reasons why people are even considering a plan for incentivizing vaccinations, mandatory testing's, those kinds of things. I think that kind of pulls this together and helps us to understand perhaps the urgency of it. Again, there's going to be opposition, but I find it interesting that the Chief of the Armed Services, as they're contemplating mandatory vaccinations for all armed service personnel, the rationale is that they are called to serve. They work to serve, to protect, and defend and they do that every day, but they have to be available to

do that. Historically, in battles, it's actually better to wound your opponent than it is to kill them because the opposing army has to exhaust their resources caring for the wounded, removing and caring for them. Actually, weapons are designed more to maim than to kill, many of them are. That's a fairly dire comparison, but I do think that our responsibility as UG employees is to be available and to take every measure we can to be available. Testing and vaccinations to protect one another from the disease is really important.

Commissioner Kane said the union—the way we—try not to get excited here. LiUNA does not support this. I work for LiUNA. Alan Howze called me today and they listened. They didn't sign anything. They didn't do anything. They understand what you're trying to do, but they didn't agree with it. So, that is an inaccurate statement to the point of a lie. We stand there and you say you've got four unions that agree to it. How many unions do we have total? I got a response from one of the unions, not sure how I would ever sign an LOU with so many lines about the employer unilaterally changing things. This decision was put out. The unions were notified by mail. Nobody ever sat down with them until after the fact to discuss what's going on because this is a negotiated item they should be talking about.

Let me back up a second. I fully believe everyone should be vaccinated, but not dictated to on how they should do it, whether they're union employees or not. We're standing there and if this was General Motors, where I've worked, a lot of these employees would go on strike because they don't like being dictated to. My frustration is we're saying LiUNA agreed to it and they don't. So, how many other unions have Mr. Denk talked about that he says they agreed to and they didn't? Staff, not Mr. Bach, staff needs to go back to the local unions and say what is it going to take to make this work? I am positive some of them will work to make this work. I also know there will be bumps in the road as we go, but I don't want to hear somebody say LiUNA agreed to it when they didn't, which really scares the hell out of me because now you're saying how many other unions did he say would agree with it?

Unions are there for a reason. They are to be negotiated with, not dictated to. When you send something out that says, management has the right to do something, the union also has the right to challenge it. I know Ryan says, yep, they can write those grievances.

I've been a union rep since 1983 and I've never heard what I heard tonight about LiUNA said they agreed to that when no way in hell did they agree with that, but here we are. So, how do

we make a decision on something that I know for a fact isn't going to work; didn't work? We need to involve all the unions; not just unions, all the employees. We are going to lose people, not just in the unions, clear across the board for trying to do something like this. Why do we have to rush into this? We've done all the mask mandates. We know that we're going to have another report in December. Why all of a sudden do we have to hurry up and make this decision and try to make some of these people's lives miserable?

I'm very disappointed that we didn't sit down with them before we put something out. Instead of putting something out and calling them and say, well, here's what we're going to do. We have an obligation to sit down with our union membership to discuss these issues and to make sure they agree.

Mr. Denk, I'm extremely disappointed in you.

Mr. Denk said if I may, Commissioner, I said that LiUNA said that they did not sign the LOU; that they took the position that an LOU was not required, but that they supported our program. Every employee who was sitting at that table said yes, tell us about when we're going to get paid our \$400. They were excited about it. You weren't in the room. They were excited.

Commissioner Kane said, Ryan, you already done something during negotiations you should have done and here you are.

Mr. Denk said, Mike, I was there. That's exactly what happened.

Commissioner Kane said I don't work for you. I went in there and they said they did not sign it. They understood what you were showing them, but they did not sign it. **Mr. Denk** said I never said they signed it. **Commissioner Kane** said I understand—and let me finish—they understand what you showed them, but they didn't sign it. There's a huge difference.

Commissioner Ramirez said I'm going to make the two statements that I did on Monday night. The first one that we've been throwing around the acronym for a while, the LOU. Why weren't we given a copy for review? If we are the ones—we see their contracts, the union contracts. Why weren't we given an option to review or in our agenda packet seeing the letter that was given to the unions? So, that is my first question to staff. Why weren't we given a copy to review?

Mr. Bach said I guess we can move to that. I don't know that we have ever issued out copies of LOUs to the commissioners in advance of final documents that have come forth for signature. So, that would be a change in process; not that we couldn't do it, but that is not a common practice that we've done for the past 30 some years that I've been around.

Commissioner Ramirez said I understand it's not a common practice, but with something this contentious, I think it's something necessary that should have happened especially—we all know since last year, COVID has been a very contentious, political issue, not for just us, but around the country and around the world. I think it would have been helpful for us to see what the unions saw and what they were reading so that maybe we could see why they're upset about it and for the reasoning. That's the only reason why I ask—I had that question of why we weren't given a copy.

Commissioner Ramirez said my other question; not really a question, but more of a statement and a request that I made to Misty altogether is we have approximately 2,300 employees, but yet, only 1,002—please correct me if I wrote this number wrong—1,269 employees who are vaccinated. That's about 55%, approximate. That's not a definitive number of how many employees we have, but yet you are asking for \$1M, which is based off the 2,300. Only 55% of that, which is \$550,000, would be used currently. So, the request I asked was, at the very end of this incentive program, that the remainder of the ARPA money go back to its original account. We might not think that it's necessary, but this is precious money and we need to make sure we account for every dollar of that. That was something I made a request to Misty about.

Ms. Brown said, Commissioner, if I may. You did make the request and after we had our discussion on Monday, we talked about the financial piece of how it would work. It's my understanding that the money would not be taken out of the ARPA account until it was needed to actually pay an incentive. So, it would stay in this account and be drawn down so it wouldn't be moved out and go into another account. It would stay there. We would know by the end of the year how much money was actually necessary for the incentives, and only that amount would be taken out of the ARPA allocation.

I would just say, too, on the 2,300, I believe that's an approximate number because it is always kind of ebbing and flowing a little bit from week to week on the exact number of employees that we have and temp employees.

Commissioner Ramirez said thank you for the explanation about how the money was going to flow. Thank you for that explanation. I just wanted to make sure, as I said, this is precious money and I just want to make sure we account for every dollar that goes out of that account.

Commissioner Walters said I support an incentive. I would like some information on how we came up with the \$400 figure. It seems like it's significantly higher than any other incentive program that I have heard of. I guess, consistent with some of the other comments, I'm kind of surprised that we've already floated the idea of the \$400 incentive to our employees before the Commission even approved it. It kind of puts the Commission in a very awkward position if we want to make any changes to that. It kind of boxes us into a corner. It seems like that process isn't the best if you're sitting in a commissioner's chair. I would like to understand how we came up with \$400.

Mr. Bach said I'll try to address both of your points. One, the floating of the idea out to the employees on a general nature came after we had moved forward and placed the item on the agenda. It was in public discussion. At that point, many of our employees had already understood it so while I was doing meetings during Employee Appreciation Week, the question would come about employees had heard something. Many times they don't have the understanding of what is being proposed, so I would go through that with them to make sure and explain it.

The other side of the equation is the one where we started over a month ago having discussions with the union leaders about potential ways to work through this with them and what they found to be different input, which really did modify things in the way we advanced what's in front of you today.

As far as the dollar figure, yes, I will agree. It is a number that is on the higher end of what I'm seeing for incentives that are out there. There are a few other public entities and some private that are up there in the \$400 - \$500 range. Most of the other entities that we're seeing are doing either like \$50 from that or they're doing paid days off. We'll see some that are—or hours off, that they're giving employees off. If they're vaccinated, they give them half a day off work or a day off work or something like that, that they're doing on that side of the equation.

I think in coming up with this number and looking around and seeing, I guess, I felt like what our employees have done, the work they've done over the past year in dealing with COVID, that being on the upper end of this is something that they deserve. If we could do this and make it

a payment that is one of the higher ones, based on the fact that they—also looking back, hadn't had raises in the last year or two—not that this was meant to be a raise; it's meant to be an incentive, but it should be enough to be meaningful to make a difference to employees that have really been through a lot over the course of the last year and a half. That's why I'm really promoting this to come forward. I think our employees should get this incentive, those that have stepped up and received the vaccine should get that money. If this can entice a higher percentage of those, I would like to see our organization get to 80% and really demonstrate out to rest of our community, as residents here, that this is the number we should be at. That's where we ended up landing on the \$400 for the incentive and then the \$100 for the booster.

Commissioner Townsend said thank you, Administrator, for your explanation. I had a question similar to the one Commissioner Walters raised about the amount of the money. I would anticipate getting questions maybe from members of the public where the incentives are on the lower end, the \$50 gift cards and that type of thing, to encourage people to get vaccinated. It might be a bit of a challenge to explain why the proposal here is \$400. I did hear your explanation. I'd be curious as to what it might cost the UG overall if you did something like \$100 and several hours off maybe would amount to the same amount of money. But, as Commissioner Ramirez mentioned also, that's a lot of money from ARPA.

We just had a discussion tonight about goals for ARPA money. I'm giving this a lot of thought about the amount. I appreciate what our employees have done. As you said, to be in a position to serve the public. One consideration is that they may be exposed more than the average citizen in the course of just trying to serve the public, so that is something to consider as well. That is the misgiving that I just had about the amount.

With regard to the unions, are the LOUs basically the same language that is in the packets that we have reviewed tonight with just some other preparatory language that's always in LOUs? Is this really the same thing that was presented to the unions?

Mr. Bach said I'm going to start with the first question, then I'll ask Mr. Denk to answer the question about the LOUs. So, if you change this amount to \$100 and a total, you'd be talking about around \$200,000 probably in cash coming out at once. Then a comparable, if we were to do, let's say about half a day off, the approximate out-of-pocket that we would have in terms of typical overtime—and that's always a difficult one to measure for our employees. If we don't pay

overtime, that will just be a shift in work to what they're doing. But knowing what it does when we do a day off, this would be about a \$250,000 figure, just estimating based on knowing what it is if we were to issue a day away for our employees. I know that costs us over half a million dollars. So, we're about \$300,000 - \$350,000 approximately is what we would end up paying. The 200 would be eligible for ARPA. I don't know what the days off would be or the hours off.

Mr. Denk, would you answer the question on the LOI?

Mr. Denk said there are, in essence, five substantive paragraphs. Paragraph 1 says that the COVID plan we put together is applicable to the bargaining unit.

Paragraph 2 is what I alluded to earlier that the union reserves the right to grieve any discipline given to any member of the bargaining unit for alleged non-compliance with the COVID plan.

Paragraph 3, this is what has been in place since the beginning of the pandemic. It's says the isolation and quarantine provisions of the plan may be unilaterally changed by the Unified Government based upon the direction from the Health Department. Since the beginning of the pandemic, the Health Department has provided direction on that.

Paragraph 4, the Unified Government may unilaterally elect to temporarily or permanently cease the testing provisions of the plan at any time for any reason including, but not limited to, the availability of testing, the course of the COVID-19 pandemic, or the availability of funding. So, for example, if we get to a place where we were this summer and national COVID cases are down to 5,000, we wanted to reserve the right not to have to expend a bunch of money on testing and be bound by what's in the testing policy if the demographics and the data show that it's no longer necessary. Of course, if we no longer get reimbursement from FEMA, that is something that we wanted the opportunity to pull back on, on the testing.

This last one actually is something that came at the request of some of the unions. We added a provision that the Unified Government could change the COVID-19 test that was being administered provided that the substitute test must have received authorization from the USDA. We do, and we added this piece in response to comments from the union. The unions wanted to see a confirmatory test, specifically FOP and Lodge 40 brought that up that if an employee believes that they have a false positive, that they would have an opportunity to go get a confirmatory test,

so we rolled that into the policy based upon their feedback. The LOU says if we're going to do the confirmatory test, then it would be done by the Health Department through a nasal swab.

That is, in essence, what the LOU says. On that last point, #5, we just met with Fire yesterday. They wanted us to explore these rapid tests. That Paragraph 5 would, in essence, if rapid tests become widely available—right now, their availability is very limited. My understanding is KDHE sent their supply to school districts. If we get take-home tests, rapid tests, we want the ability to transition to those to make it easier for the employee and for everybody involved. So, those are the basic terms of the LOU.

Mr. Bach asked, Mr. Denk, the same LOU was issued out to all the different unions to start with, right? **Mr. Denk** said correct.

Commissioner Ramirez said I just want to make—Commissioner Walters brought up a very, very good point. Going through and hearing all of this conversation and thinking about everything, our hands are kind of tied because now the employees know the number and the amount of the incentive. We can't change that. We can't take that away because employees already know about it.

The process should have been instead of—because I know, Mr. Bach, you called me in and you presented the incentive package to me, but that should have been to us as a whole before anything was told to the employees. We should have had that discussion as a governing body to decide what and how much that amount should have been and what that COVID mitigation should have looked like because, now, again, I feel our hands are tied. If we take the incentive package out, we look like the bad guy. If we lower the incentive, we look like the bad guy. So, moving forward, before there's any employee incentive pertaining to COVID or anything, come to us as a governing body as a whole, not individually.

Mr. Denk said if I may, Commissioner, this might add some additional framework, at least around the unionized discussions. We have communicated to the bargaining units that whatever we negotiate—it's a tough position we're in because Commissioner Kane wants us to go negotiate with the unions and come back with full agreements to the Commission, right, and that the unions don't want to be surprised. Some of you don't want us talking to the employees without receiving

prior approval, but to get full approval from the Commission, we would have had to roll out a plan without approaching any of the unions prior. We did preference our discussions with the unions that hey, this is what we're proposing, but we do ultimately have to get Commission approval for it. We were just trying to walk that tightrope.

Commissioner Ramirez said, Mr. Denk, I didn't say for staff to get approval; I asked for guidance. That's what we provide is guidance; not approval. That's what I meant, so I ask that you not take my words out of account.

Commissioner Burroughs said listening to the discussion seems like a number of us have difference of opinions on what we want to do here. It seems like the employee portion, as well as the bargaining committee portions, are much a question. I guess my question is, why did we feel we had to fast track this, this evening when we had an opportunity to continue to work through this? I might suggest that—the message is out there, the communication is out there, the limit is out there, that we might consider postponing this until the next full meeting.

Mr. Bach said our timing to move forward at this time is based on where we are with the spread of COVID. I think we're starting to see some improvement in our numbers. I will say as we went through last summer, and I think that you will hear that from the Health Department and our medical officers, that in June of last summer, we started to see numbers drop. We let off the pedal a little bit and look what happened across the whole county, we started to see the spread. You all took action in August to put masks back on everyone and then a few weeks later, we started to see some drop-off from that.

As we see that start to go down and we look ahead to the winter months with the potential flu coming in, the confusion of whether people have flu or COVID coming about, we thought to be aggressive about an approach like this to come out and give employees an encouragement to go forward and get a vaccine now within the next 60 days could be something to really motivate them, make an impact, and kind of put a finite date to it and say okay, if we move forward by this timeframe, we can get this many people vaccinated.

Also, the timing of the incentive to come out in late November to December, also seems like an enticement to help encourage employees to move forward with it. But really the timing of that to get the vaccine in the arms and start making a difference before we hit the winter months now. Maybe the federal government will come forward with something that forces our hands in

regard to the vaccination and in the way the President has released things and that could change or how it's dealt. But, I believe now, this is the time that we can use the carrot to encourage our employees to get vaccinated and that's why I'm rolling it out this way.

Action: **Commissioner Bynum said I want to state my support for the incentive program at the current level proposed. I would like to eliminate the testing component. Incentives for employees to get vaccinated and no testing would be what I can support. Commissioner Kane said I think that's a great idea and I would second that motion.**

Commissioner Townsend said for clarity again, Mr. Administrator, if we were going to look and say \$200 cash incentive, I do support an incentive—again, I was just struck by the amount—and say four hours off for employees. What would that run? I guess I'm looking at under the current proposed monetary incentive, I think I heard the number was \$1M. If we gave, as an incentive, offered \$200 and say four hours off, are we going to be under \$1M with that type of incentive?

Mr. Bach said your four hours off over the time, and that could vary based on when someone takes that time off, so it would be spread over different years, but the four hours off is going to be somewhere in the neighborhood of around \$250,000 in offsetting overtime based on the number I know it is if we were to just award a day off, which I think I believe that number is around \$535,000 if I remember correctly it was our estimated overtime pay. So, we go back. We break that down in the areas where we think that cost is at so I'm going to give you a rough estimate of around \$200,000 - \$250,000 in overtime costs. Then a \$200 direct award is going to be somewhere in the neighborhood of, well, it's going to be about \$400,000 - \$450,000, I believe would be the number, so you're probably looking at an out-of-pocket somewhere through this of around \$650,000 if you went that way.

Commissioner Townsend asked, with the combination of a monetary incentive and four hours off, that would be about \$650,000? **Mr. Bach** said I believe that's correct. **Commissioner Townsend** said is the ballpark. **Mr. Bach** said I'm doing this number on the fly, Commissioner. I think I'm coming in fairly close to where the numbers would be. You often think the four hours off don't really equate to much and we'd be able to spread those over time, but time off, when it

comes in blocks like that, typically requires overtime to come back over a certain number of our employee areas.

Commissioner Townsend said I do support a testing component. People have the right to decide if they're going to get the vaccine or not. I would hope that they would, but again, this whole plan is to promote safety of our employees and the public, so I would support a testing component.

Commissioner McKiernan said I agree with Commissioner Bynum. I definitely support the incentive to get vaccinated. I think it should be a robust incentive so that we get the maximum participation out of our employee base as we can. I am okay with—I wish that we had a testing component, but I am fine with not having one as long as we have a robust incentive for vaccination.

I would just say that while its enticing to think about a lower monetary incentive and some other aspect like time off, that comes with administrative overhead, it comes with potential overtime, overhead, so it is definitely potentially even more costly to us as an organization. Since this is an ARPA reimbursable expense, I support the incentive as proposed and am fine with no testing.

Mayor Alvey said we do have a motion and a second. Let's be clear about what the motion is. **Commissioner Bynum** said my motion is \$400 incentive for vaccination and no testing as our COVID-19 Mitigation Plan. **Mr. Bach** asked, may I clarify, Commissioner? Does that also include the booster or is that not part of it? **Commissioner Bynum** said yes, absolutely, include the incentive for the booster. **Commissioner Kane** said second again.

Action: **RESOLUTION NO. R-72-21**, "A resolution approving the COVID-19 Mitigation Plan for Unified Government staff and the allocation and approval of local fiscal recovery funds to be used to fund the mitigation plan as part of the American Rescue Plan Act." **Commissioner Bynum made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were eight "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, McKiernan; and one "No," Townsend.

ITEM NO. 2 – 211071...RESOLUTION: THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN

Synopsis: A resolution approving the Third Amendment to Legends West Lawn Development Agreement, submitted by Katherine Carttar, Director of Economic Development. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, on September 27, 2021. It was requested, and approved by the Mayor, to fast track this item to the September 30, 2021, full commission meeting.

Mayor Alvey said the committee voted unanimously to approve and fast track to tonight's commission meeting. I'd ask Commissioner Bynum, who chaired the meeting, to add anything. **Commissioner Bynum** said we did unanimously approve it and move it forward; however, it was in a committee where it would not normally be due to timing, so I do appreciate if we can have the full commission discuss.

Doug Bach, County Administrator, said the item coming before you this evening is one that's done in relationship to a project that's been over time. What we have is a community improvement district that was done over at the Legends area some years ago. With that, there was a provision that required the redevelopment or the improvement of the space to the north of the baseball stadium. That has not been done. By that, within the terms of the agreement, it requires us to hold or put the developer in default, which by holding him in default, we held back on some of the CID payments. The developer has come forward to ask that we allow them to move forward. We put an amended agreement in front of the Commission that says the developer will get in excess of another year, basically through 2022 and through the end of November, I believe, of next year, or December. They'll be able to either redevelop the property, or start redevelopment on their property, or they would improve it as a parking space. If they're not able to do that, then there is a \$500,000 penalty which the developer would have to pay.

I have both Patrick Waters and Todd LaSala here who can speak to this point in greater detail. I would ask either of you if you'd like to clarify any points that I may have skipped over in that quick summary that I just did.

Patrick Waters, Deputy Chief Counsel, said I think you've covered everything from our end. I'll let Todd speak.

Todd LaSala, Outside Counsel, said I would only say a quick word. Just a quick word or two about why we're kind of in this spot tonight. The bond documents really require us to release the CID money that the trustee is holding. They can only sit in the trustee's account for a certain amount of time. Frankly, we have to make a decision right now about what's going to happen with that money by the end of the week. We would otherwise be happy to continue to hold that CID money and wait for this paving obligation to get taken care of or something different to happen with this lot, but our bond documents really say that by the end of this week, we have to decide one way or another. You either disburse that money to the developer or it gets swept from the bond account and used to redeem bonds early.

Consequently, the solution we've come to here is that we will disburse that bond money to the developer now and we're going to extend the deadline on the paving obligation until next November and, frankly, letting go of that money we've been holding hostage. The developer is offering a contractual commitment that if he doesn't do one of two things by November '22, he owes us \$500,000 in liquidated damages. The two choices by November of next year are either pave this lot or come up with a redevelopment plan that you, the Commission, would approve by November '22.

Mayor Alvey said I guess I want to add to this that there are already two opportunities for development of that lot that really the developer is asking not to pave the lot at this time because it makes no sense to pave the lot, have someone purchase it and redevelop it differently, and have to rip that lot out. There's a very practical reason why this request was being made. As Todd explained, there are some fallbacks for us on this or protection for us on this, but, again, the idea is let's not pave the lot and then there are two real potential developers for that particular lot that would preclude the need of a lot in the first place.

Mr. Bach said, Mayor, I would add that Mr. Lowe is on the call and he could explain some of those potential developments if you would like the Commission to hear this.

Dan Lowe, 4717 Central St., Kansas City, MO, said I did want to mention, as the Mayor indicated, when the Brandmeyer family purchased the ball team, they came to us and asked very early in their ownership of the team if we would be willing to work with them to develop this outfield area into an entertainment district. I think some on the Commission have perhaps seen those plans. I know there is certainly an intention of sharing these plans with the entire Commission in the very near future.

They asked, because they are not selling out games in a manner that would require the use of this area for parking, that we not pave that area simply because it would require them to remove the paving when they develop the lot. At the same time, we have a new sit-down restaurant that intends to work with the Brandmeyer's to incorporate into that entertainment district that is prepared to proceed with the development of their area, that parcel as well.

We just felt that spending the money to pave the parcel when it would only be ripped out to be redeveloped didn't make common sense. We appreciate the Mayor, Doug, and Todd's willingness to work with us here to holdoff on the pavement of that lot. We very willingly accept the liquidated damages provision of the new amendment because we're very confident that both parties intend to develop well before next November.

Commissioner Bynum said I failed to communicate earlier that the standing committee was enthusiastic about the opportunity to see a potential redevelopment of the lot and I should have shared that earlier.

Commissioner Burroughs said the question I would have—the amount of money in the CID that we're releasing, do we have a total of how much that is? **Mr. LaSala** said, Commissioner, I believe that number is just north of \$700,000, a little more than \$700,000.

Commissioner Burroughs asked, do we have to distribute that all in one lump sum? **Mr. LaSala** said yes, Commissioner. That's correct. All of that money needs to leave that account by the end of this week. By the way, Mr. Lowe, the developer, has spent that money on the West Lawn project and submitted cost certifications. We've looked at those costs; confirmed those costs, so they're expenses that matched that amount of money that we would be releasing.

Commissioner Burroughs said thank you for that and I think it's transparent that the public hear that so that they understand that the CID is not rewarding a developer for not being able to complete a project because of agreements with another owner.

I guess my comment would be, we're sure that the \$500,000 would be available; the potential to pay that \$500,000 would come from either the sale of the property to, I'm assuming, Brandmeyer or to another developer.

Mr. LaSala said really, Commissioner, we have a claim against Mr. Lowe. He has contractually agreed to pay that money as liquidated damages. We've also included provisions in the agreement about interest payments. If we demanded that money—if for some reason he doesn't meet his obligations by the deadline, we demand that money and he doesn't pay us immediately—it's a very short timeframe—we can start collecting interest on that \$500,000 until he does pay. There is the possibility we would have to chase him for it, but if and to the extent it took time to recover it, the contract says that we get interest while we're waiting for it.

Mr. Lowe said I might also note, Commissioner, that we've spent over \$5M redeveloping the west end of the Legends when we removed T-Rex and we replaced the concrete with grass, fixed all of the rust on the undercarriage of the Dave & Buster's walkway. Our expenses exceeded \$5M. CID didn't cover the whole expense.

Commissioner Burroughs said thank you for that explanation, Mr. Lowe.

Commissioner McKiernan said, Mr. Lowe, I said this to your representative at the standing committee meeting and I'll say it to you, I think the redevelopment of the West Lawn area has been spectacular. When I go out to shop at the Legends, I have no problem releasing this money from the CID for the purpose of reimbursing that bit of the construction. I am confident that we will have a development on the currently unfinished space next to Legends field before the deadline comes and goes.

Mr. Lowe said I really appreciate that and I'll pass that along to the team.

Mayor Alvey said I would entertain a motion.

Action: **RESOLUTION NO. R-71-21**, “A resolution adopting the Third Amendment to Legends West Lawn Development Agreement with W-LD Legends Owner, LLC,”
Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS’ AGENDA

No items

Mayor Alvey said that concludes the portion of our regular meeting. We are adjourned in that capacity. I’ll now call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

ITEM NO. 1 – 211017...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager. On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

A. New Construction - Single Family Homes

1. Ryan Barr – 1 home
611 Douglas Ave. – 155069
2. Habitat for Humanity of Kansas City – 1 home
2735 Roswell – 099219
3. Derek Covington – 4 homes

2608 Hallock St. – 292403

2604 Hallock St. – 292401

2526 N. 6th St. – 292423

2529 N. 6th St. – 292424

4. Chris Solutions Construction LLC – 1 home

1735 S. 22nd St. – 161100

B. New Construction – Multi Family

Bryan and Michelle Williams 10 – 15 units

922 N. 47th Ter. – 051400

C. New Construction - Commercial

1. City Oil Co. Inc.

2080 Darby Ave. – 154058

2074 Darby Ave. – 166404

2. Argentine Neighborhood Development Association

3119 Strong Ave. – 166441 – building

1419 S. 32nd St. – 166404 – parking

3. Centro De Avivamiento Casa De Dios

1001 Minnesota Ave. – 080414

1005 Minnesota Ave. – 081400

1007 Minnesota Ave. – 080415

4. Jaime Ruiz

1129 Osage Ave. – 072531

1130 Pennsylvania Ave. – 072532

On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211018...LAND BANK PROPERTY TRANSFERS AND YARD EXTENSIONS

Synopsis: Request consideration of the following Land Bank extensions and yard extensions, submitted by Jud Knapp, Interim Land Bank Manager. On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

A. Property Transfers

1. CHWC
 - 822 Everett Ave. – 081898
 - 824 Everett Ave. – 081897
 - 836 Everett Ave. – 081896
 - 840 Everett Ave. – 081895
 - 842 Everett Ave. – 081894
 - 844 H Everett Ave. – 081893
 - 846 Everett Ave. – 081892
 - 825 Oakland Ave. – 081877
 - 831 Oakland Ave. – 081879
 - 833 Oakland Ave. – 081880
2. USD 500
 - 823 New Jersey Ave. – 082318
 - 820 Freeman Ave. – 082347
3. Unified Government
 - 2450 S. 14th St. – 130000
 - 2441 S. 14th St. – 129528
- B. Yard Extensions
 1. Walter Linares
 - 4414 Parallel Pkwy.
 2. Alex & Laura Sanchez
 - 3451 R N. 39th St. – 167037
 3. David Patton
 - 2523 N. 38th St. – 105140
 4. Blank
 - 1030 Quindaro Blvd. – 106259

On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY
ADJOURNED THE MEETING AT 10:07 P.M.
September 30, 2021

cg

Brett A. Deichler
Interim Unified Government Clerk

September 30, 2021