

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 12, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, January 12, 2023, with eleven members present on-site or via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Gunnar Hand, Director of Planning & Urban Design; Janet Parker, Urban Planning & Design Department; Troy Shaw, County Engineer; Sarah White, Public Works Project Manager; Reginald Lindsey, Budget Director; Brett Deichler, UG Clerk; and Brittanie MacDonald, UG Clerk's Office.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should mute their phones, please, 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's Office.

Mayor Garner said I will now call the meeting to order. Clerk, roll call, please.

Roll call: Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Garner.

Mayor Garner said the invocation is going to be given tonight by Chaplain Annie Erickson of the Grandview Park Presbyterian Church, followed by the Pledge of Allegiance.

Mayor Garner said before we start our meeting, I'm just going to change things up. There was a request by Mayor Harrington from Bonner Springs. He wanted to make some quick remarks.

Jeff Harrington, Mayor of Bonner Springs, KS, said greetings from the second largest city in Wyandotte County, Bonner Springs, KS, home of the Braves. I just wanted to take just a short opportunity to let you know some of the things we're so proud of in Bonner Springs.

At our meeting Monday night, we were very proud to have received \$1.6M rehabilitation tax credits for the historic remodeling of the 1918 building, \$7M of qualified rehabilitation costs. This is a 25% tax credit that we're being able to sell, so that's almost \$2M back in our direction.

We have quite a few things going in the other direction as well. We have a 4-way traffic signal at 7 Highway & I-70 that was hit by a car. The total cost of rebuilding that is about \$250,000. All of about \$20,000 of that is covered by insurance. So, I'm glad of that, but still that's quite a significant infrastructure expense.

We're going to be spending about \$200,000 on replacing pumps in our Bonner Springs sewer treatment plant. We're getting ready next month to break ground on a \$25M clean water treatment plant in Bonner Springs. So, there's a lot of things going on, on our plate. We are also very proud that we were able to receive a child care sustainability grant of over \$37,000. It's very important to our city and our administrative staff.

Other than that, I just invite everyone to our MLK Day celebration on Monday. It will be at 1:00, Monday, January 16th. I know you're having one at 10 a.m., so if you have nothing else to do, you're welcomed to join Mayor Caiharr and I at the MLK celebration at the First Christian Church in Bonner Springs.

Mayor Garner said thank you, Mayor.

Mayor Garner said there is a change in order tonight; a revision of the agenda. I'll ask the Clerk about those revisions.

Brett Deichler, UG Clerk, said as a preliminary note for tonight's attendees, I want to mention first that the order of tonight's agenda was changed to allow the Regular Agenda items to

be heard first followed by the Planning & Zoning Agenda. In stating that, we have two modifications on tonight's agenda with the first change being Item No. 1, A notice exercising a veto action that was added to the Mayor's Agenda. The second change to tonight's agenda was original Item No. 2, A resolution formalizing amendments to Sections 202 and 203 regarding the rules of procedure. That was removed from the Administrator's Agenda. That represents all the changes on tonight's blue sheet.

MAYOR'S AGENDA

Item No. 1 – 212206...NOTICE: EXERCISE OF VETO ACTION

Synopsis: Exercise of veto authority granted to the Mayor pursuant to Code of Ordinances, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said this is a notice that I'm exercising the authority granted pursuant to the Code of Ordinances to veto the actions taken by the majority of this Commission that occurred on December 15, 2022. On December 15th, we were all caught off guard, or at least I was and a lot of people in this community, with an action by some on this Commission to limit and curtail the ability of the office of the Mayor relative to the significant power of the longstanding executive discretion to add, remove, and forward standing committee agenda items, with the ultimate authority to control standing committee agenda items being vested to the Mayor/CEO. With all sincerity, and I say that respectfully, I do believe that the majority of these commissioners—and I want everybody to be mindful of this—do care about people and they care about Wyandotte County and they do care about Kansas City, KS. I have to say that.

Do I agree that our ordinances should be viewed in a manner that reflects the values of where we're at today? Of course I do. Do I agree with the manner which this action that was taken on December 15, 2022, occurred? Absolutely not. This action was brought forward by Commissioners Markley in conjunction with Davis and Ramirez and does not appear to me to have been done in good faith. I had no prior knowledge. I did not assign what I believed to have been an improperly formed, self-imposed, three commissioner ad hoc committee that secretly worked on this item. It occurred without prior public notice. It may have conflicted with several ordinances and appears to me to have been designed to circumvent executive agenda oversight ability granted to the office of the Mayor. This action was extremely alarming as I do not believe

that the voters of Wyandotte County voted to have mayoral authority curtailed in comparison to what had been granted to past Kansas City, KS, mayors, especially not...(Some members of the public started applauding.) If we could hold our applause, please, in just a matter of decorum, I would appreciate it. ...especially not in the manner of secret backdoor dealings.

The excuses given by some commissioners was that too many items were being removed that were assigned to be forwarded to the full Commission agenda. That statement is totally misleading and inaccurate as only four identified agenda items were held over by me throughout the year for further discussion, information fact-finding, correction, or community input. They are the work from home policy, the bio-solids project, the downtown historic conservation, as well as ARPA request funds from the cities of Bonner Springs and Edwardsville. Without question of hundreds of other agenda items that the Commission worked on in 2022, 99.99% to be exact, were forwarded to the full Commission for consideration and vote.

The narrative given by Commissioner Markley does not justify this profound and historic action being taken to clandestinely change the duties of the office of the Mayor without public input, notice, discussion, or debate which is to my knowledge has never occurred to any other mayor in the history of Kansas City, KS. The action led by the noted three commissioners leaves no question in my mind that this was a clear rejection of the will of those thousands of voters across Wyandotte County that used their vote and stood in line and waited wanting something uniquely different than the status quo in Wyandotte County. That action presented was ultimately approved due to the procedurally maneuvering that allowed for no discussion, no debate.

It is no secret that I ran for office with the belief as it pertains to the long-standing history here in Kansas City, KS, and Wyandotte County, going back to the turn of the century, that a decade-old establishment has orchestrated \$1.1B worth of debt, put us on a pathway to bankruptcy, disenfranchised many, disinvested much, exploited the underserved, ignored the unaligned, rejected reformists, solidified the political machine, failed to bring in organizational racism, manipulated the unsuspecting, redlined minorities, uplifted self-serving bureaucrats, protected the privileged, pillaged the poor, enriched the underserving, ignored the marginalized, violence detractors, and taxed many in this town into desperation. Don't take my opinion as fact, but rather research the data. There's plenty out there including the latest heap report that reinforces that opinion I have.

Specifically looking at where we're at today, this action that was taken being vetoed indicates to me that we have not completely shelved the divisive ideologies that do not align with the majority of the people that call Wyandotte County home. We have much more work to be done to legally identify, expose, and dismantle the remnants of a desperate organized machine struggling to retain its historic systematic grip on resources, power, privilege, and control in Wyandotte County. Backdoor dealings do little to enhance competent in government and reject many continue cries throughout 2022 for community-driven unity and collaboration that residents deserve from its leadership.

On December 1, 2022, I again reiterated my consistent call for collaboration. In my year-end report to this Commission in it I said, and I quote, I want to be frank in that we are at a critical crossroad in Wyandotte County, a crossroad that offers us an opportunity to move away from business as usual and to take the clear choice of working collaboratively to reimage and improve Wyandotte County together. With the enormous challenges we face ahead, I cannot sugarcoat the obvious, and I won't, that we set aside any differences as we must come together united, intentional, in full collaboration for change. None of us can do this alone. Not me, not this Commission, none of us can do this alone. Not any isolated group in Wyandotte County. At this defining moment, our efforts have to be a collective, collaborative of all that want better, to be consistently committed to finding real solutions to real problems that we know impact the lives of real people every single day. That is what is necessary for us to cultivate a better, brighter, and resilient future for Wyandotte County.

My heart goes out to the people who deserve so much better in Kansas City, KS, than chaotic politics that divide the community of ordinary hard-working people who simply want nothing more than government that works equitably for everyone. We should be working on how best to lower taxes, addressing the out of control spending at City Hall, improving customer service, curtailing burdensome BPU PILOT and user fees, addressing homelessness and poverty, enhancing affordable housing development opportunities that we know exist, streamlining this government, prioritizing infrastructure projects, finding best how to attract the right amenities throughout all of Wyandotte County, improving small businesses and entrepreneur opportunities, identifying and eradicating hate and racism inside and outside the walls of this Unified Government, and decisively agreeing to invest heavily in the disenfranchised, the disinvested, and the underserved portions of this community and in doing so in a manner where it doesn't matter

who gets the credit. I don't care. It doesn't matter who gets the credit because it should not be about any of us. It should be about the people of Wyandotte County who deserve better as it will be a shared success for all that want to call Wyandotte County home.

The residents of Wyandotte County I spoke to know we can do better and this community deserves better from all of us, myself included. Myself included, myself included, but take me out of the equation because this isn't just about me but rather the majority of the people who voted for change. They voted to move away from business as usual at City Hall. They voted for a government that would work with and for them. They voted for a re-imagined Wyandotte County minus political agendas that do not put the people of our great community first.

As Mayor, I'm committed to standing firm in being community-driven in a manner that puts the people of Wyandotte County above politics, power, privilege, and bureaucrats. So, of course, this issue is and will continue to be of the utmost importance because the sum, the manner in which this Commission action occurred, continues to send a perception that the will of the majority of the voters in Wyandotte County in both voice and vote were again disregarded and rejected. It sends a message to some that political infighting and questionable leadership continues to mire and cast a cloud on the halls of this great institution. The community has said loud and clear to me enough is enough. All of you, mayor included, myself included; and I say that again, what's been told to me is, Mayor, we're not excluding you.

Mayor, Commission, staff, get your house in order and start working on the things that matter most to the people of Wyandotte County. They don't care whether we like each other or not. All they care about is getting the job done. My commitment is that I am ready and willing to do my part as I have said from day one. I've been a collaborator all my life and my resume and my record for success in collaboration speaks for itself. I don't care who tries to mire that. You cannot take away the truth. My record speaks for itself. I'm a collaborator and I'm here to work with every and anyone that wants to find real solutions. My commitment is that I'm really ready to do my part. Again, we have got to set aside these differences—I don't know what any of this may be about—and get the work of the people done in a manner that is professional, equitable, and community-driven with the goal of getting results that the people deserve.

My veto tonight is being brought forth to start this process of finding common ground between the Mayor's Office and this Commission as I believe the action taken on 12/15/22 conflicts with not only numerous Unified Government ordinances, but with our organizational

values. As such, I will not deprive, as has been done before, this community of professional governmental action being conducted in a public venue that better reflects the expectations of the people for transparency and the will of the Consolidation Study Committee that helped facilitate this Unified Government in 1997.

So I'll start off by saying, if you look at the Kansas State Statutes, Chapter 13, Cities of The First Class, 13-512, it says enforcement of ordinances; neglect of duty by officers. I'll just point that out. You can look it up for yourself. The mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the city, and he or she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty.

Acting in good faith, we desired to have independent, outside, unaffiliated, impartial ordinance and statute research done for this meeting tonight. But upon receiving instruction from the Procurement Department, which was followed; again, instruction that was followed from the Procurement Office, as well as an opinion related discussion with the Chief Counsel and our Administrator provided appropriate direction, which we honored; again, which we honored, as a result, no known outside research into this matter as far as services was rendered.

But also due to the questions I have surrounding unapproved disbursements related to the desire for outside research, additional discovery has been directed to be made to provide clarity and identifying the authority of who authorized the disbursements in a manner that will hopefully satisfy some of the serious concerns I have in regard to that matter. Nevertheless, unfortunately, the research I desired was not performed which we hoped could evaded in the identification and assembling for everyone of any relevant federal, state, and local documents for review, eventual presentation, ultimate determination, and the facilitation of diligence as required of me, in K.S.A. 13-512.

You can all go, and I encourage anyone watching, you can go to municode.com and go to the library. About 80% of the Unified Government ordinances are there. You just have to navigate to there. So if you want to follow me, you're more than welcome. But I'm going to walk you through some of the ordinances that I believe may be in conflict.

I'll start with the division of powers. The division for general powers and duties of the chief executive/mayor, Section 2-81. It says that I'm to provide leadership and communication and interpretation of policies to the public, which I'm doing, and that's why I'm saying I don't agree with this matter.

As we go down the line with that, when we look at those powers and we look at the powers of the mayor to also provide leadership to the unified government in the development of long-range plans and policies and the development of priorities for actions and in planning for economic growth and stability of the unified government. The one thing that stood out to me if you look at (6) in the Mayor's duties, it says the mayor is to recommend to the government all such actions and adoptions of ordinances, resolutions, rules, regulations and policies as deemed necessary or expedient.

In Article 5 of our Ordinances, Administration Section 2-56(b), it says the commission shall provide for the performance of all duties and obligations imposed upon the county and city by law. The commissioners shall have the power to adopt codes, ordinances, resolutions and approve and adopt a budget. What stood out to me is that the mayor is authorized to recommend and our commission is authorized to adopt if that makes sense to you.

The next thing that stood out to me, if I go back to the powers of the mayor, it says that the mayor appoints all members of all standing committees, except the chairperson, and appoint all members to serve on ad hoc committees created by the unified government and serve as an ex officio member of all committees. If we go back to 12/15, Commissioner Markley noted in her presentation that herself, Commissioner Davis, and Commissioner Ramirez got together and formulated that policy. Now some may disagree that's not a committee. We just had three members that I appointed in a committee that looked and did search for a judge that I appointed. So I don't see how that could be a difference and I was not allowed to be an ex officio member.

Section 404, Appointment of attorney to head legal department. What stands out to me is No. 6 as we move through this process of what occurred. It says the attorney shall draft or cause to be drafted and shall approve as to form and legality all ordinances, resolutions and other instruments pertaining to legal action of the unified government before presentation to the commission or its standing committees. My opinion is that did not happen. That did not happen and that came from an admission from Commissioner Markley that night that she forwarded that prior to the meeting. There's a time stamp of when people got that information. So it's hard for me to believe that our attorney, and that is no fault of hers because when you give her stuff, she does a very good job; but there's no way that she could have drafted, caused to be drafted, approved, checked on the legalities of the ordinances or other instruments pertaining to legal action of the Unified Government before its presentation.

This takes us to the next action, and there's questions that you know we came out of full Commission meeting and there was a motion to adjourn and we had a motion and a second. We did not have a roll call, but the opinion was, I think, it was perceived by most on this Board that we were and we had transitioned to the Land Bank Board of Trustees. That activity was motioned and seconded until we got to the very end, and we know how that happened.

But Article VII, Presiding officer, Section 727, Motion to adjourn says, in order to adjourn a commission meeting, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing that motions to adjourn shall not be used to embarrass, to harass, to foreclose discussion and debate or for any other purpose other than orderly termination of commission proceedings at such times as may be appropriate in each particular meeting. What stands out is it says motions to adjourn shall not be debatable and show precedent, precedent over any other motions at the end of the commission meetings, and any other actions, except point of order or privilege.

And we go to the suspension of the rules. But before we got to that, I asked and looked for clarity from our parliamentarian and the information that was related to me is that this was in correct order. That's not debatable.

So as we went to Section 723 of Suspension of rules, in order to suspend temporarily any particular rule for a particular purpose not contrary to Kansas law or local ordinances or resolutions, a motion "to suspend a rule" shall be in order and such a motion shall not be debatable. The key that stood out to me is it's not contrary to Kansas law or local ordinances or resolutions. I'm going to let you be the judge of that.

The point I'm trying to make is and that there's several other ordinances that I'll outline that have been brought into question that have language that also conflict with the action taken on December 15th. Article I. General provisions, Sections 102; Article III. Committees and duties, Section 306, Section 307, Section 308, Section 309; Article V. Administration, Section 401, Section 402, Section 404, Section 405, Section 406; Article V. Commission meetings, Section 505, Section 518; Article VII. Presiding officer, Section 702, 703, 705, Section 706, Section 716, 723, 726, 727, 728; article in Section 912. Charter Ordinance No. 114, Section 2.10, Division 3, Section 256, Section 258; Division 4, again, General powers and duties of the chief executive/mayor, Section 281.

So, in keeping with my statutory commitment to ensure that policies are being enforced, be it local or state, as well as my ordinance obligation to interpret policies are public, I felt like my opinion is, is that my interpretation rather, is that policy may. I don't know that 400% but it looks like policy may have not been followed in a way that allowed for the action to take place on 12/15/2022. As such, in good faith, I am uttering a veto of this action because I deem it's inappropriate. Again, it's not about me. It never was. It never has been. It never will be. This is about the people, their voice, and their vote. They did not vote to have a mayor with less abilities to do what prior mayors have done in the past.

(Some attendees in the audience started clapping and making verbal comments.) **Commissioner Kane** said point of order, Mayor. **Mayor Garner** said, Commissioner. **Commissioner Kane** said all commissioners shall afford the utmost curtesy to each other...**Mayor Garner** said, Commissioner, you're out of order. **Commissioner Kane** said to the Unified Government employees, to the public members appearing before the Commission, and shall refrain (Mayor Garner started banging his gavel.) at all times...**Mayor Garner** said, Commissioner, you're out of order...**Commissioner Kane** said for rude and derogatory remarks (Mayor Garner started banging his gavel) reflection and integrity, abuse...**Mayor Garner** said you are out of order. **Commissioner Kane** said also, public members attending the meeting shall observe the same rules of priority and decorum...**Mayor Garner** said, Commissioner, you are out of order...**Commissioner Kane** said, Administrator, I believe...**Mayor Garner** said you are out of order...**Commissioner Kane** said it's your job to get the group under control. **Mayor Garner** said, Commissioner, you are out of order. We will take a 10-minute recess. (Recessed at 7:28 p.m.)

Mayor Garner said we need to conduct business of the Unified Government on behalf of the people of Wyandotte County. (Some attendees in the audience started making verbal comments.) Respectfully, I'm going to ask everyone, Commission included, that we respect the decorum of this building. Please, as your Mayor, please respect the decorum that is required for us to conduct the business that you put us here for. Please hold your comments. Please hold your applause. This is not the venue to do those types of things, please. We want to conduct business on behalf of the people of Wyandotte County. What we don't want to do is continue to cast a negative cloud

that we all don't need over our great community. If you disagree, please disagree but not disagreeable. Respect people's opinions. Respect people's voice. Respect this process.

No matter how you feel about any of us, myself included, respect the Unified Government Board of Commissioners. Each one of them were voted into office by a certain amount of constituents across this county, and they represent those people. Some of you voted for a lot of these commissioners that are up here today too. (Some attendees in the audience continued to make comments.) Respect and please, I plead with you, respect this orderly meeting that we are designed to have on behalf of the people of Wyandotte County. We cannot have this. It is not who we are. There's a right way and a wrong way to do business and let's do the right thing for the right reasons. If you're not happy, there's a right way to address these things and I ask for them.

Commissioner Burroughs said Wyandotte County/Kansas City, KS, I find this quite disheartening and disappointing. Collectively, we are better than this. Hateful rhetoric stands the flames of hate. Smiles and kindness can nurture respect and peace and hopefully unification.

What happened last month, at the very least, my concerns were the timing and the procedure in the manner it was conducted. In my years of political experience having served in leadership roles in the state of Kansas, I have learned that actions have consequences. Both obvious and immediate and some hidden, long lasting, and damaging. So, I'm going to ask my colleagues this evening, let's dial back the contempt and the distrust, collectively work together for all of Wyandotte County. I stand ready to partner with anyone in this community and my fellow colleagues to unite our citizens and our community collectively.

Again, I find this disappointing and disheartening. I can only pray that we work together to build trust and unification. Colleagues, we are better than this. I have faith in our ability to do what's right, but we have to work at it. If it's tough, it's worth accomplishing. I stand ready, Mayor.

Mayor Garner said I'm going to reconvene us. I believe we are at that 20-minute mark. So I'm going to reconvene us out of recess back into full Commission meeting. I think that I said everything that I needed to say in regard to why I vetoed and the questions that I had and the questions that still need to be answered. I believe that I've noted my desire to work with intention,

with collaboration, and in good faith with this Commission to find solutions to this very issue. I'm not here to try and retain or grab power. I believe that there is a path forward. I believe that Commissioner Bynum, she has spoken with me and she has an option for this Commission and for the public that, hopefully, can be considered prior to any action necessary in regard to the veto action that I've taken.

Commissioner Bynum said I've been thinking about a way forward, as you stated. I've been thinking about it since December. Yesterday we were able to—Commissioner Burroughs and I were able to hold a lengthy meeting and discussion with Mayor Garner where I think all three of us expressed our desire to forge that path forward for all of us for the Commission and also acknowledge the frustration, if you will, that was being felt among commissioners that led to the action of December 15th. I think we were able to place that on the table and at least acknowledge that that frustration existed. But at the same time, make some steps toward one another in the hope that good government can continue and proceed from here on.

There are some actions that could be taken by the Unified Government Commission. We did discuss these with the Mayor yesterday. He is agreeable. Really the action that was taken on December 15th would simply need light modification in order to make this agreeable. The Mayor has acknowledged that items that have made the unanimous vote at a standing committee level should move forward to full Commission. Often times we do that perhaps even when all of the commissioners on that standing committee may not be in full agreement, but what they do agree on is that those items should come forward to the full Commission for a more full and robust discussion on whether that's the policy action to take.

I have three suggestions that we agreed could be made. First of all, in the Mayor's comments tonight he has identified places within our own code of ordinances where we have conflicts where our own ordinances don't apparently agree. Twenty-seven years after unification, I suppose that that is a very distinct possibility so it would be important to have a look at the ordinances and identify—the Mayor has identified in his remarks earlier very specific places in the ordinances where he feels that they are in conflict. So I think it would be fair to research those and bring them out of conflict and back into some symbolism, that's not the word, together so that they are not in conflict. It would also perhaps in the future keep action like this from having to take place. So that would be one thing that we certainly would ask to be done.

We also talked about the notion that in other communities, even nearby communities, they also are governed by a charter, Johnson County for example. They actually have within their ordinances in Johnson County that they review their charter every 10 years. They just went through that review process a year ago. They did that with a citizen committee that brought forward suggestions for any needed modifications to their charter. That's not an unreasonable thing to consider as a unified government. Our charter has not been opened in the full 25 years since unification. So, certainly, we, as a Commission, could undertake an ordinance or a resolution that would codify a review of our charter every x number of years. That keeps the charter modern and keeps it moving forward with the times.

The last item that Commissioner Burroughs and I discussed with Mayor Garner is that if we agree that items that were placed on the standing committee agenda and voted unanimously in favor of moving forward, if we agree that should occur, we would then also reserve one opportunity for the Mayor to hold that item, send it back to that standing committee. There may be questions. There may be research. There may be information. I know the Mayor in the times that this has occurred this year has referenced times when he still had questions. Times when he didn't feel that something had been thoroughly reviewed and discussed, thoroughly analyzed or thoroughly researched.

So the compromise measure would simply be that we would draft language that goes along with these changes, but allows for an item where the Mayor or a member of that standing committee has a question or needs more information or feels that enough research hasn't been produced, that that could go back. Specifically we're talking in this situation about the Mayor's powers. So we would change that to the Mayor sending it back one time and then once we've gone back to standing committee for that fuller review, for that fuller discussion and research, then it would come back forward to the full Commission. The Mayor has agreed that he believes that could be something worthwhile and it solves the problem, if you will, that the commissioners believe exists of something getting stopped when it should be moving forward. So it just basically creates a 30-day window.

So it that were to be agreeable, and I certainly would be open to any dialogue among the commissioners; but if that were to be agreeable, then the motion would be to direct staff to ask our County Administrator to direct our staff to draft that language that would codify that change and

then bring that forward to our next commission meeting for a vote. I haven't made that motion, but I would if it were a motion that could be found agreeable to the Commission.

Mayor Garner said I'll entertain discussion on that regard. Yes, I did meet. Some of the details do need to be worked out. There is a task force that Commissioner Burroughs is in charge of that was designed to address these issues in a manner that is done in decency and in order, as opposed to backdoor dealings that I think does not shed light on transparency and it just doesn't look good. Commissioner Burroughs is ready to go to work with his task force to address these charter and ordinance issues in a way that hopefully the public can have some input and we can produce some things we all can agree on.

Commissioner Bynum said I apologize. I did want to include that in my remarks that Commissioner Burroughs is currently chairing that charter review committee and with regard to these ordinances in places where there may be conflict. We certainly think that those could be taken up and researched and studied by Commissioner Burroughs' committee and brought back to clean that up. So I apologize for leaving that out. I did mean to include it.

Commissioner Davis said I understand and respect folks using their First Amendment right to express whatever pleasure or displeasure that they may have. I do not believe that any of you in this room, regardless of how you feel about any of us up here—I think we all want what's best for Wyandotte County. (Some attendees in the audience started making verbal comments.) Mayor. **Mayor Garner** said if you would, please, hold your comments.

Commissioner Davis said my intention, and I'll speak for my intentions with this and what we have done and what we are discussing with this veto is we, as a unified government, we're just not able to function because we felt as though one elected official, being you, Mayor, was overriding the work of us commissioners. Many of us, all of us sit on standing committees and we spend hours working on standing committees deliberating on what we think is best for the community. When five of us or six of us vote something through, it's the expectation that that work is honored in that we are able to have a full discussion here for a vote.

Is it possible—I know it was removed from the agenda—is it possible for us to put the resolution that myself, Commissioner Markley, and Commissioner Ramirez worked on that Legal

has attempted to codify for transparency purposes, can we show the public? We're not going to vote on it, but is it possible for us to put that on the screen? **Mayor Garner** said that wasn't an agenda item, Commissioner. So at this time, I'll have to reject that. **Commissioner Davis** said the only reason why, and I think it's on the website as well, is so that folks can see in full transparency the change that we were advocating for.

My worry, Commissioner Bynum and Commissioner Burroughs, with the compromise is it doesn't necessarily satisfy the initial problem, which is in good faith, whatever that really means because we've been at this for a whole year. What's to say that this charter review committee, that hasn't produced one proposal in one year since its existence, will then go to work and be able to produce something that is brought to the agenda with Mayor Garner's blessing.

We have asked for things like the Lanier agreement to come before us. Mayor, you said you would do that and we never got it. You had said there were four things that were stopped or removed from the agenda. You forgot the Land Bank applications; these self-imposed moratorium. I don't know how many applications those were but that is much more than four.

I would be amendable to add at the very least tonight looking at the resolution that Legal worked on, seeing if we can come up with a compromise tonight so that we all leave here with some sort of insurance that we did something. I do fear that if we walk out of here tonight with nothing, nothing changes. That is my opinion. I understand my colleagues on the dais may disagree, but we have to think beyond the tension of tonight.

We have employees that are looking to leave. We have a county administrator that's going to be with us until April 1st and then we're going to have to have another one. We have real business and real things that we need to do. I would hope that we would think beyond just tonight and think about how we can move things forward for our community.

Mayor Garner said, Commissioner, I agree with you that we do need to work together. The problem is that my door has been open. You cancelled all your meetings with me so how would I know. (Some attendees in the audience started making verbal comments.) Please, if we can maintain decorum. If you want to be trusted, you have to show yourself to be trustworthy. You have to be willing to come to the table to talk even if it's uncomfortable conversations that need to be had. This isn't about me. It's not about you. It's not about anybody. I've said this before, it's about what we can do to get there and we have to find common ground on behalf of the people.

I hear you when you say that there's more and I kept things off the agenda. Again, I will repeat, work from home. There were questions about the lack of having a sound policy. Biosolids. A \$100M project that I'm still wanting questions answered. Not just me, several of your commissioners. The downtown historic conversation. You had several stakeholders that had questions about this that weren't satisfied. You had the ARPA conversation. That came at the request of Commissioner Stites, Commissioner Burroughs, Mayor Caiharr, and Mayor Harrington. Those are the four things that I held back for further conversation and for further clarity. There were hundreds, and let me repeat, hundreds of other items that came to this Commission and were voted on by this Commission to approve or not approve.

My goal is not to obstruct or to offend or to do anything that is going to hamper progress in this Unified Government. That's not what I'm about. If you knew my track record, because I do have a resume, you would know that about me. I'm a collaborator and I want what's best for Wyandotte County. I spent my whole life working in Wyandotte County, not just protecting and serving, but in a variety of capacities to try and make life better for people. I've actually got a resume to show that. My word has always been bond and people know me know that. If I say I'm going to do it, I'm going to do it. You can bank on it. I don't play politics in a normal sense and I don't mislead people. That's just not who I am. It's not who I aspire to be and it doesn't reflect my values.

So when you say those things and you brought up the Lanier project, let's be reminded that we have been in ongoing conversations with Mr. Lanier. I have the upmost respect for him. I kept nothing off the agenda. It's not right and it's not fair. When you talk about equity, when someone doesn't have a contract for me to bring them back up to this body for a conversation and frontload them over everybody else that may have interests, it doesn't reflect the appropriate procurement process. I have to be careful, as mayor, doing those types of things. What I did do was continue to have a conversation to assure Mr. Lanier that if you have your house in order, we will get you before this Commission. Guess what, that happened this past Monday. So for you to say that I blocked and did not allow that, that shows that if you would have had your meetings with me, you may have been a little bit better informed as to the progress of these conversations and communications we've had as opposed to filling in the blanks and making assumptions, you know that analogy about assumptions, as opposed to having real conversations and real talk.

In 2022, I'm not even going to given that it doesn't matter. Where we're at today is we need to get things done in an orderly fashion, no matter how we feel about each other, and do the work and get the work done for the people of Wyandotte County that deserve better. They deserve better from their leadership and this chaotic and raggedy show that people are seeing does not reflect who we are in Wyandotte County. As mayor, I'm rejecting any type of actions that do not reflect the values of the good people that call Wyandotte County home. They just want us to work together. They just want us to get the job done and they want it to be equitable, and they want to see above anything else, progress. That's it, progress.

And I've said it before, I'm here. I'm willing to work with anybody. I'm willing to work with this Commission. I've made that commitment. I'm not going to renege on it. Yes there's some things to be worked out.

I trust Commissioner Burroughs and I trust the other five commissioners that are on that task force that are going to do the good work. That task force isn't doing and working on behalf of the mayor. It's working on behalf of trying to bring ordinances and resolutions that reflect the value of both this community and the overall will of this Commission, which I respect. You may not like the fact that I have had the authority to send these things back, but there's a lot of things that this Commission has done that I didn't really care for but I respect the democratic process. I don't have backdoor deals set up to undermine the process. It's not so much about the policy, it's about the practice of how we do business and how we respect each other in this community and the governance of this Unified Government.

So, no. I'm not going to bring that back up. But, yes, you have my word, Commissioner, that if this body choses to move this in a direction that can hopefully bring some common ground between what we all want, I feel I don't think we're far apart on anything. There was a young man back in August, I believe, that said he had statistics to show this body pretty much agrees on about over 90% of the things that are brought forward. So, we're not that far apart and we cannot allow our disagreements to just sink the ship of progress that we're all on or at least trying to be on.

So, I just ask that you sometimes if you change the way you look at things, it will change the way you see things. I'm asking you to look through a different lens and see me as a friend, a partner, somebody that wants to work with you and not against you, and wants to see you be just as successful as a commissioner as I do with every other commissioner because if we're successful, this entire Unified Government and everybody that calls Wyandotte County home will be

successful. Join me in helping us build and march toward success. I have no animosity toward you.

Commissioner McKiernan said if Commissioner Bynum were to phrase what she had said earlier into the form of a motion, I would second that motion.

What I want to say is I think this is an opportunity. I said this back in December and I'll say it again tonight, we need to view this as an opportunity to increase our communication, to increase our collaboration. I have been meeting with you every month. Now the meeting this month disappeared from my calendar and I hope that was just a onetime thing. I hope it's back next month, but I intend to continue to meet with you on a monthly basis.

I think more than anything else, this points out the fact that we are at a body of 11. We govern as a body of 11. We make decisions as a body of 11, and it is critical that we talk and communicate well as a body of 11 with everyone else so that we're all on the same page. Even if we're not on the same page, so we know where we disagree so we have that framed going into any given action or into any given decision.

So I think we need to take this as an opportunity to increase our communication. I think we need to take this as an opportunity to increase our collaboration. I think we need to take this as an opportunity to do the review that Commissioner Bynum had suggested that will move us forward to be a stronger, unified government moving forward from here.

Commissioner Bynum said I just wanted to clarify, again, that what I was bringing forward was for Commissioner Burroughs' charter review committee to do the work of those, again, conflicting ordinances; but that tonight, I would make a motion and I will make a motion now asking our Administrator to have staff draft language that codifies the changes with regard to the item—sorry, I'm struggling with the motion that I want to make because I want the change to reflect, Mayor, the one-time return, your authority to have that return of an item to a standing committee for one time for any further discussion, research, or review that would be requested by you and then brought back. That's the change that I'm asking for. I think that's the compromise measure that we can agree on.

Action: Commissioner Bynum made a motion, seconded by Commissioner Johnson, to ask the Administrator to have staff draft language that codifies the changes with regard to the item, the change to reflect the Mayor's one-time return of an item back to the standing committee for any further discussion, research, or review that would be requested by Mayor and then brought back.

Commissioner Bynum said I appreciate the brief conversation and the clarification. The way that items come to a standing committee agenda now is that the Mayor and standing committee chairs agree that those come forward. We would not change that. The change would include that whether it's by a unanimous vote or not, those items do traditionally come forward to the full Commission. So, I would not tie unanimity of the vote necessarily to the change in the language because that frankly does not matter. They come forward. The change would be that the Mayor would have the discretion once an item has come through standing committee then he can request within his authority as the mayor or her authority as the mayor, to go back to the standing committee for further review, analysis, and discussion, and then would come back to the full Commission after that. That would be what I'm requesting if the maker of the second... Commissioner Johnson said I'll renew my second.

Commissioner Davis said I would be amenable to that change. Do we have a timeline by which we could see it because, again, our Legal Department did already put together a resolution. That language could be added to that resolution. Is there is a timeline by which, Mayor, you would be willing to commit to, to put this on the agenda so that we can get some assurance?

Commissioner Bynum said, Mayor, my original request had included that we actually have that language by our next full Commission meeting if that's appropriate. Commissioner Davis said so that would be the January 27th meeting. Mayor, is that (inaudible).

Commissioner Stites said what I'm going to say is I appreciate. I didn't know that you all had your Mayor, Commissioner Burroughs, and Commissioner Bynum. I think that shows a lot for the direction that we're going that we were able to bring the two at-large and the Mayor together to discuss how we get past this that was brought forward last month.

Yesterday afternoon I received an email from staff. It was a recommendation from Pastor Wakes. I got that at 4:15. I think I called him at about 4:20. It was pretty quick. We had a good conversation talking about what direction, what we need to do, how do we get past this. I committed yesterday on the phone to the pastor that I stand with whatever needs to be done so that we can truly get back to unification and do what we can do for all of Wyandotte County because this isn't working. This isn't fun. I didn't sign up for it to be fun, but I did sign up to make a difference not in a bad way, in a good way.

I appreciate it. I will definitely support action that—and, Mayor, I thank you for if it's a concession or what, but being able to work with other commissioners that brought that forward so that we can move forward.

Mayor Garner said we're going to take a 30-minute recess to discuss matters with our Administrator and Legal Counsel. (Recessed at 8:11 p.m.)

Mayor Garner reconvened the meeting at 8:48 p.m.

Commissioner Bynum said the first thing, I need to withdraw any and all previous motions I have made on the matter or the resolution change to UG rules of procedure. **Commissioner Johnson** said the second is withdrawn as well.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to ask the County Administrator to direct staff to draft a change to the Unified Government rules of procedure regarding standing committees, such that an item that has passed at a standing committee level can be returned to that standing committee by the Mayor one time, and request that draft language come back to the full Commission at our next regular full Commission meeting.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

REGULAR CONSENT AGENDA

Mayor Garner asked, do any members 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 Markley made a motion, seconded by Commissioner Johnson, to approve all items.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 1 – 212151...PLAT: TALLADEGA HEIGHTS

Synopsis: Plat of Talladega Heights, located at 2715 South 37th Street, being developed by Kathryn Meyer, submitted by Brent E. Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 - MINUTES

Synopsis: Minutes from the Full Commission meeting on July 14 and August 11, 2022, and the Special Session meeting on November 17, 2022.

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

Item No. 3 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated December 1, December 8, and December 15, 2022.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

Item No. 1 - 2198...RESOLUTION/DISCUSSION: ROCK ISLAND BRIDGE

Synopsis: Approval for funding of the design and construction of raising the Rock Island Bridge, submitted by Jeff Fisher, Executive Director of Public Works. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on January 9, 2023. It was requested, and approved by the Mayor, to fast-track this item to January 12, 2023, full commission meeting.

Commissioner Burroughs said I believe staff will be giving a brief overview. Basically what this does is it talks about the raising of the bridge; how necessary it is for the project to move forward and satisfy some of the comments brought forward by the Corps of Engineers during this economic development project.



Troy Shaw, County Engineer, said I’m here with Sarah White and Reginald Lindsey and we’ll be talking real quick about this, give you some information as background on the Rock Island Bridge. Real brief, we had more in the presentation from Economic Development and Finance.

January 12, 2023

Feel free to go watch that video. There's a lot more information on there. So, a lot of good discussion was had.

As noted, the Economic Development and Finance Committee unanimously approved the recommendation to raise the Rock Island Bridge which is, for your information, a new asset which is a river bridge over the Kansas River, an old railroad bridge that the city has recently obtained. Engineering staff was asked to review the bridge and make recommendation if we should raise it or not and then also the funding mechanism that we should use to raise it. So we worked with Finance and Budget as well to come up with that recommendation and that's what was presented to Economic Development and Finance.

I'm going to turn it over to Sarah White and she'll go a little more detail about the bridge so you'll have a little background information, which is a quick four slides, so hopefully you'll get the point and then we'll be glad to answer any questions you have.

UG Bridge Raise Recommendation

- Current elevation at ~400 year
- Bridge raise of 4ft would provide +750 year protection
- Cost to raise dependent on timing of approval
- Risk and potential cost implications of not raising
 - Debris removal
 - Failure of bridge
 - Damage to downstream and upstream structures



Sarah White, Public Works Project Manager, said part of this is directly linked to the KC Levees project that is going on. It's a \$540M levee raise project. With that, the levees are being enhanced, the levees and the levee walls are being enhanced to provide a 750-year event protection along the Kansas River through Argentine, Armourdale, and the CID unit. That is relevant to the conversation about the bridge raise. By the UG taking over this asset and it becoming a part of our infrastructure, we needed to look at the risk associated with it. Because this bridge is an abandoned railroad bridge currently, the Corps, as part of their feasibility study, deemed that the bridge was not needed to be raised since it was abandoned. So it did not check the boxes to push that through on the federal project. So this bridge currently is above the levees, but when the levees are raised, it will be below the levee point so it will be a low point.

We did an analysis on this and it is currently at an elevation of about a 400-year flood event. By raising it four feet, we would then be over the adjacent levee and it would have approximately a 750 event. By keeping the bridge where it is, it is the lowest point in the river and all along this levee raise project it is the low point.

We looked into what the cost would be. The contractor that is currently out working with the bridge development is able to do this bridge raise while they're out there when the bridge is at its lightest because they will be removing all the stuff. So the cost was presented to us and we felt that this was a great way to reduce the Unified Government's risk for this bridge.

The risk of potential costs implications of not raising the bridge is that even if there isn't a major flood event to take down the bridge, there could be potential of debris being caught on the bridge and we would have to pay to remove that. The bridge is not going to be designed to withstand any kind of big machinery so all debris removal will have to happen from the river.

There is a chance of a failure of the bridge because the rest of the levee system is at a 750-year event. All that water will press against the bridge and could cause the bridge to come down. So there could be damage upstream and downstream of the bridge. We'd like to point out that the next downstream bridge and structure is the Union Pacific Bridge. That could be very costly if that were to get damaged.

KCK Riverfront- Bridge Raise Estimate

Bridge Raise			
Component	Cost	Funding Year	Priority
Construction	\$ 502,245	2023 (Jan)	1
Design- Bridge supports	\$ 33,000	2022 (Dec)	1
Design- Revised Approach	\$ 263,000	2023	1
Design-Scour Analysis	\$ 54,000	2024	2
Total	\$ 852,245		

*Half of cost to be reimbursed by CID/TIF from Rock Island Bridge Development Agreement

So, Engineering's recommendation is that we raise the bridge and these are the costs associated with that. Construction, the bid that was given to us by the contractor that will be out on site, is \$502,000. We'll need to design the bridge support. We will need to redesign the approaches to the bridge, and then one of the common things you do as a bridge owner is a scour analysis. The total for this is \$852,000. As noted in December's meeting with the amendment of the

development agreement, half of this cost will be reimbursed by the developer through a CID and TIF fund.

I'll go ahead and pass this to Reginald Lindsey with some of the funding options.

Funding Sources Available

Transient Guest Tax - Tourism Fund

KC Levee Betterment Funds - \$1,800,000 available

ARPA Revenue Replacement Funds – City General Fund (\$3.5M) - Funds previously designated for grant match

City Debt Financing - 2024 & 2025 Budget Process

Grants & Alternative Funding Sources

Reginald Lindsey, Budget Director, said we have five funding sources for the \$852,000 for the bridge raise. The first one is a transient guest tax which comes from our Tourism Fund. The next one is the KC Levee Betterment funds which has \$1.8M available. Then ARPA replacement revenue funds, which are in our City General Fund, in the amount of \$3.5M that we have to pull from. We also have city debt financing which would occur in the 2024 and 2025 budget process. It would be a little too late to use that because the bridge needs it now. Then there's availability through grants and alternative funding that we could go out for that we have not secured yet.

Tourism Fund Forecast

TOURISM FUND	2022 Amended Budget	2022 Forecast	2023 Budget	2023 Forecast
TOTAL REVENUES	\$ 3,763,566	\$ 4,181,135	\$ 4,000,000	\$ 4,200,000
TOTAL EXPENSES	\$ 5,294,987	\$ 3,316,289	\$ 4,584,020	\$ 4,584,020
Contingency for Potential Tourism Projects	\$ 1,550,000		\$ 1,550,000	\$ 1,550,000
Net Change in Fund Balance	\$ (1,531,421)	\$ 864,846	\$ (584,020)	\$ (384,020)
Cash Basis Ending Fund Balance	\$ 1,489,566	\$ 3,885,833	\$ 905,546	\$ 3,501,813
ACFR Ending Fund Balance	\$ 2,633,880	\$ 5,030,147	\$ 2,049,860	\$ 4,646,127
Reserve % of Expenditures	49.74%	151.68%	44.72%	101.35%
Fund Balance 17% Target	\$900,148	\$563,769	\$779,283	\$779,283

The current slide is a view of the Tourism Fund where we are recommending that the dollars come from. We have the 2022 budget as we approved it for the year 2022 and then we have a 2022 forecast to show how we expect to end the year. One of the things going on there is total revenues for the 2022 forecast came in at \$4.1M. We originally approved it to come in at \$3.7M, so we ended up collecting about \$417,000 more in revenue. Total expenses in the 2022 budget. we forecasted that we would spend almost \$5.3M. We ended up spending \$3.3M, which gave us a

fund balance of about \$2.6M more than we expected. One of the reasons there is you see the yellow line. We added contingencies for potential tourism projects that we set aside each year of \$1.5M. We did not use that dollar amount in 2022 so it went to fund balance. Where we expected to have a fund balance of \$2.6M, we ended up having a fund balance of \$5M. We usually shoot for a 17% fund balance and we ended up having or forecasted to have in 2022, a 152% fund balance. So what we were expecting to have a fund balance or wanting a fund balance of \$563,000, we have about \$4.5M more.

As we go into 2023's budget, which is the budget that we will pull the \$852,000 from, we originally expected from that budget to have like a \$2M fund balance. With the fund balance of like \$2.6M rolling over from the 2022 yearend, 2023 will end up having like a \$4.6M forecast or fund balance. That will be like 101% fund balance compared to our expenditures. We're expecting or wanting to have a \$779,000 fund balance. This is one of the reasons that we believe that the funding can come from this fund. We do have other options. This is just the fund that we're choosing to select it from. There is also the ARPA funding for revenue replacement where it can come from, but this is our choice of Finance and Budget.

Summary

- Request from Commission
 - Approval of funds for Bridge Raise
 - Funds from Transient Guest Tax
 - ½ of Cost to be Reimbursed by Rock Island Bridge per Development Agreement



In summary, we are requesting the Commission to approve the bridge raise and to fund it from Transient Guest Tax.

Mr. Shaw said if you have any questions, feel free to ask. I will note, I kind of mentioned this before, but the way I think of this bridge raise is that I have insurance on my house and I have insurance on my car and when I think of this, hopefully, if we raise the bridge, hopefully water never gets anywhere near it. So hopefully you'll never even know that you needed it, but just in case, raising that bridge is an insurance policy for the future.

(Mayor Garner left the meeting and Commissioner Bynum stepped in as Mayor Pro Tem at 9:00 p.m.)

Commissioner Johnson said I agree with you; it's insurance. I'm not happy about it, but it's something that has to happen. The Tourism Fund has been discussed and voted on by the standing committee. So with that, I make a motion to approve.

Action: **RESOLUTION NO. R-1-23**, "A resolution whereby the County Administrator is hereby authorized to spend up to and including Eight Hundred Fifty Three Thousand Dollars and no/100 (\$853,000.00) of TGT revenues to help pay for the design and construction costs of raising the Rock Island Bridge and is hereby authorized to negotiate the terms and execute in the name of the Unified Government all such contracts, documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution."
Commissioner Johnson made a motion, seconded by Commissioner Davis, to adopt the resolution.

Commissioner Burroughs said I want the body to know that I want to thank Troy and Sarah and Reggie and Debbie Jonscher because the presentation they gave the other night put solidity into the financial aspect and how to go about financing this. I commend them on their information and how they brought it forward to find a resolution for the committee. So I stand ready to support the motion.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

ADMINISTRATOR'S AGENDA

Item No. 1 – 211735...UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Cheryl Harrison-Lee, Interim County Administrator, said you were provided under a separate cover an update on the grants that we received from the Police Department, Public Works, as well as a cross-departmental grant collaboration. We'll stand for questions if you have any questions about that report.

Action: For information only.

Item No. 2 – 212201...RESOLUTION: FORMALIZING AMENDMENTS SECTION 202 AND 203 RULES OF PROCEDURE

Synopsis: A resolution formalizing amendments previously adopted to Sections 202 and 203 of the Unified Government's Rules of Procedure and assigning a number to the resolution, submitted by Misty Brown, Chief Counsel.

Action: This item was previously removed from the agenda per the blue sheet.

COMMISSIONERS' AGENDA

Item No. 1 – 212200...TRAVEL REQUEST: COMMISSIONER RAMIREZ

Synopsis: Request to travel to Washington, D.C, to attend the NACO Legislative Conference, submitted by Commissioner Ramirez.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Davis, to approve as submitted. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items

Mayor Pro Tem Bynum said that concludes the regular portion of our agenda tonight and we will now move into the Planning and Zoning portion of our agenda. I'm going to ask the Clerk to read

our statement, as required by state law, that governs our Planning and Zoning portion of our meeting, and followed by that, the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, UG Clerk, read the statement, required by state law, governing the Planning and Zoning portion of the meeting.

Mr. Deichler asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner McKiernan** said I've had conversations with proponents of item SP2022-066 and furthermore, because I'm a member of the Board of Trustees for the applicant, I will recuse myself from voting on this application when the vote is taken. **Commissioner Bynum** said I've had communication from opponents of COZ2022-038 and it's corresponding SP2022-093.

Mr. Deichler said I will now read the items on tonight's Consent Agenda.

Mayor Pro Tem Bynum asked, does any member of the Commission, County Administrator, or public wish to set aside any item on the Consent Agenda? **Commissioner Kane** said I don't want to set anything aside, but I have been in contact with SP2022-093 the one that's for denial. **Mayor Pro Tem Bynum** said if no item is set aside, all items on this Planning and Zoning Consent Agenda...

Action: **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve all the items on the Planning and Zoning Consent Agenda.**

Mayor Pro Tem Bynum said I see no one coming forward from the audience to ask for a set aside.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Prior to Commissioner McKiernan's vote, he said as mentioned earlier, I am recusing myself from voting on item SP2022-066.)

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 216...CHANGE OF ZONE APPLICATION COZ2022-038 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-1 Planned Limited Business District for a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 2117...PLAN REVIEW APPLICATION MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 3 – 218...SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Special Use Permit to operate a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development. The Planning Commission voted 9 to 0 to recommend denial of Change of Zone COZ2022-038, Master Plan Amendment MPL2022-023 and Special Use Permit SP2022-093 due to the proposed use's incompatibility with the neighborhood.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to deny Change of Zone Application COZ2022-038, Master Plan Amendment Application MPL2022-023, and Special Use Permit Application SP2022-093 due to the proposed use's incompatibility with the neighborhood. Roll call was

taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 217...CHANGE OF ZONE APPLICATION COZ2022-042 – ROGER BARRETT WITH SK DESIGN GROUP

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to C-D Central Business District to construct a six (6) story mixed-use development at 810 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Roger Barrett, with SK Design Group, Inc., wants to rezone 810 North 6th Street C-0 Nonretail Business District to C-D Central Business District to build a 60-unit, five (5) story over one (1) story commercial retail/office (six (6) stories total) on 0.53 acres. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application COZ2022-042, subject to:

1. A Certificate of Appropriateness is required to be approved by the Landmarks Commission for zoning prior to having this case, COZ2022-042 is presented before the City Planning Commission. This case will not be heard before the City Planning Commission until after a decision is made by the Landmarks Commission. Also, if there are changes to the plan that the Landmarks Commissions make in their Certificate of Appropriateness review, this will affect the site plan/design and/or building elevations. Additionally, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;
2. This City Planning Commission case is being heard in conjunction with BOZA2022-060. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-060 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
3. Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements along 6th Street or Ann Avenue. Contact Justus Welker, Director of Transportation, at (913) 573-6798 or jwelker@wycokck.org for specific details on what improvements are needed;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Obtain a shared parking agreement with an adjacent property owner to alleviate the potential single-family neighborhood’s concerns about the lack of on-street parking;
6. Review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the Final Development Plan.

https://www.wycokck.org/WycoKCK/media/Urban-Planning-Land-Use/Documents/Downtown_Master_Plan.pdf;

7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
8. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan;
9. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
10. Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways;
11. The proposed retaining wall along the west property line shall be stone masonry, not modular block, or concrete forms;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The proposed garage doors shall match the adjacent exterior building façade color;
14. Downspouts shall be internalized;
15. Greater emphasis needs to be put upon the ground floor uses and its proximity to Ann Avenue. Need to activate all ground floor on Ann Avenue. Staff would like to further evaluate this issue to see if doors, patio, outdoor patio/seating area can be added along Ann Avenue doors;
16. 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;
17. All landscaping shall be irrigated;
18. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. 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;
20. All electrical meter banks, typically on the side of the building shall be screened from public view;
21. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
22. 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;
23. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
24. Regarding the BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - a. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10- foot clearance from pad when gate door is open.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in front.

- c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - d. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - e. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 27. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division (businesslicense@wycokck.org or 913-573-8780). Their office is located in the Neighborhood Resource Center (NRC), 4953 State Avenue, Kansas City, KS 66102;
 28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 29. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
 31. 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.

Action: **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2022-042, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 219...CHANGE OF ZONE APPLICATION COZ2022-043 – TRENT GADDY WITH JULES BOREL

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to B-P Planned Business Park District to operate an administrative office with inventory for Jules Borel and Company at 1223 Meadowlark Lane (to replace SP-2020-95 – expires 2/4/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 2118...PLAN REVIEW APPLICATION MPL2022-027 – TRENT GADDY WITH JULES BOREL

Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Trent Gaddy with Jules Borel & Co., LLC, is requesting a Change of Zone and Master Plan Amendment for a developed property. The Change of Zone is a request from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District. The Master Plan Amendment is a request from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan). Both the Change of Zone and the Master Plan Amendment are requested to allow the existing business—receiving, storing, and shipping inventory for watch repair—to be an allowed use under zoning district and master plan regulations. The existing uses are currently allowed under SP-2020-95, a Special Use Permit for temporary use of land for commercial or industrial purposes. The applicant is simultaneously requesting variances from the B-P District parcel size minimum and building setbacks, under BOZA2022-063. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone COZ2022-043 and Master Plan Amendment MPL2022-027, subject to:

1. All landscaping plans must follow the preliminary landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-472(g), 27-699(a)(6), and 27-702(1)(a-d);
2. The sidewalk serving the parking lot must be extended and connected to the sidewalk in the Meadowlark Lane right-of-way;
3. Per Section 27-699(b)(5), all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container;
4. Per Section 27-699(b)(6), mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view;
5. The parking lot should be repaired and paved subject to UG standards;

6. All conditions stated in the applicant responses to SP-2020-95 remain the same, as attested to by the applicant on November 28, 2022;
7. 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;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-063. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-063 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law; and,
10. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2022-043 and Master Plan Amendment MPL2022-027, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 2110...SPECIAL USE PERMIT APPLICATION SP2022-066 – ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY, KANSAS

Synopsis: Special Use Permit to erect a 140’ tall stealth monopole for the installation of lights and communications equipment at Bishop Ward athletic field with ground-based supporting equipment at 715 North 16th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, the Roman Catholic Archdiocese of Kansas City, Kansas, has filed a Special Use Permit to construct a 140-foot stealth monopole telecommunication tower for Verizon Wireless on stadium lights and associated ground equipment adjacent to the Bishop Ward High School football field/track within a 619 square foot enclosure at 715 North 16th Street. The

Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-066 for ten (10) years, subject to:

1. If the telecommunication tower should be modified to be more stealth (internalized) than previously designed, Staff requests the City Planning Commission allow the design change to be made at building permitting;
2. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of sixteen (16) feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first twelve (12) months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
5. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;
6. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
7. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. All future co-locations also be flush mounted stealth configuration;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

14. The Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-066 for ten years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Commissioner McKiernan had previously recused himself from voting on this item.)

Item No. 2 – 2111...SPECIAL USE PERMIT APPLICATION SP2022-074 – MAHER ALTHALATHINI

Synopsis: Special Use Permit for a used-car dealership with light repair at 1000 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Maher Althalathini, is requesting a Special Use Permit to operate an auto-repair shop in a mixed-use at 1000 Osage Avenue. The Planning Commission voted 9 to 0 to recommend denial of Special Use Permit SP2022-074, due to lack of parking and lack of space for the use on the property.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to deny Special Use Permit Application SP2022-074 due to lack of parking and lack of space for the use on the property. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis

Item No. 3 – 218...SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Special Use Permit to operate a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-038.

Item No. 4 – 2112...SPECIAL USE PERMIT APPLICATION SP2022-098 – PAULA GEORGE WITH PARKWOOD DAY SCHOOL LLC

Synopsis: Special Use Permit to operate a childcare center on the campus of KCKCC at 7250 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Paula George, is requesting a of Special Use Permit to operate a child educational center in a building on the campus of Kansas City, Kansas Community College (KCKCC). The Planning Commission 9 to 0 to recommend approval of Special Use Permit SP2022-098, for two (2) years, subject to:

1. Landscaping shall be installed around the perimeter of the playground as well as around the mechanical equipment on the north side of the structure;
2. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;
3. 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;
4. 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;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
6. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;

7. 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;
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; and,
9. 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 Davis, to approve Special Use Permit Application SP2022-098 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 5 – 214...SPECIAL USE PERMIT APPLICATION SP2022-101 – ADRIENNE BORTZ

Synopsis: Renewal of a Special Use Permit (SP-2020-37 – expired 10/8/2022) to operate a short-term rental at 1101, 1103, 1107 and 1109 North 79th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Adrienne Bortz with Gabel Rentals, is seeking the approval of the renewal to operate short-term rentals at 1101, 1103, 1107, and 1109 North 79th Terrace. The subject properties are two (2) duplexes for a total of four (4) units situated on a mixed commercial and residential corridor near the intersection of State Avenue and North 79th Street. The owner has previously operated the properties as short-term rentals since 2018 and has two (2) previous Special Use Permits. The applicant is seeking approval for five (5) years. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-101, for five (5) years, subject to:

1. The applicant shall plant one (1) tree per parcel in the front yard per Section 27-700(a);
2. Applicant shall make repairs and provide evidence of the following repairs as a result of the home inspection:
 - a) Install smoke and carbon monoxide detectors near the HVAC system, one in the common areas, and verify placement and working condition of all smoke detectors in all units;
 - b) Repair the electrical conduit boot and mast anchoring on the roof; and,
 - c) Ensure all windows open and are operable;
3. Maximum number of guests per unit shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. 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;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978;
 - c) An asbestos notification for any property built before 1981; and,
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2)

months prior to the expiration of the permit 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,

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

Action: **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-101 for five years, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 6 – 2113...SPECIAL USE PERMIT APPLICATION SP2022-102 – JESSE VENZOR

Synopsis: Special Use Permit to operate a short-term rental at 4342 Pearl Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Jesse Venzor, is seeking the approval to operate a short-term rental at 4342 Pearl Street. The subject property is in a residential block near the intersection of Mission Road and 44th Street. The owner has recently purchased the property as a distressed property and is completing renovations. The Planning Commission voted 8 to 0 with 1 abstention to recommend approval of Special Use Permit SP2022-102, for one (1) year, subject to:

1. Any property owner or business owner keeping animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services (NOTE: The applicant will allow pets at the short-term rental);
2. The driveway apron must be upgraded to UG standards;
3. Applicant must repair the portion of the sidewalk that is in disrepair;

4. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is two (2);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must maintain liability insurance;
9. Applicant must maintain the property's physical condition through the duration of the permit;
10. All reservations shall be a minimum stay of 24 hours;
11. No meals shall be prepared in the dwelling by the owner or owner's agent;
12. 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;
13. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
14. The property must remain in proper maintenance and free of hazards, pests, or infestations;
15. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. 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,

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

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-102 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 7 – 215...SPECIAL USE PERMIT APPLICATION SP2022-104 – ANDREA TAPIA WITH KCK HOUSING AUTHORITY

Synopsis: Renewal of a Special Use Permit (SP-2020-50 – expired 9/3/2022) to operate a truck fleet maintenance center for the Kansas City Kansas Housing Authority at 1300 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrea Tapia, with the Kansas City, Kansas Housing Authority, is requesting a renewal of a Special Use Permit (SP2020-50), to continue to operate a light auto-repair and general maintenance facility for the Kansas City, Kansas Housing Authority’s vehicle fleet, as well as keep a storage container on site, at 1300 Meadowlark Lane. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-104, for two (2) years, subject to:

1. The applicant shall dedicate the proposed landscape easement with the Register of Deeds;
2. Additional landscaping shall be installed along Meadowlark in the form of trees, bushes, hedges, or shrubs;
3. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 302,988 square feet, requiring 44 trees be provided on the site plan. The applicant must maintain all existing trees or landscaping and replace any landscaping that dies;
4. The storage container must be moved to the southwest corner of the parking lot;
5. Any miscellaneous materials must be stored either in the storage container or inside. Miscellaneous materials shall not be stored outdoors in an unorganized manner;
6. 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;
7. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off

the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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 Davis, to approve Special Use Permit Application SP2022-104 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 8 – 2115...SPECIAL USE PERMIT APPLICATION SP2022-105 – JOHN DAVIDSON WITH DAVIDSON ARCHITECTURE

Synopsis: Special Use Permit for the operation of a truck terminal and maintenance shop at 5010 Speaker Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, John Davidson of Davidson Architecture and Engineering, is seeking the approval to operate a truck terminal and heavy truck maintenance facility at 5010 Speaker Road. The subject property is in an industrial block near the intersection of I-635 and K-32 Highways. The applicant represents North American Services, a trucking company which currently operates a property at 5510 Kansas Avenue, although the company is wishing to expand and have a permanent company-owned development as opposed to a leasing. The owner has recently purchased the property as a vacant lot and is proposing two new structures, one for truck maintenance and one for the terminal. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-105 for two (2) years, subject to:

1. Trash shall be disposed of in a trash enclosure complying with the Sec. 27- 699(b)(5). Tire, oil and other chemical disposal shall be disposed of in accordance local, State and Federal regulations;
2. The timber stand on the north and northeast of the property shall be preserved as much as possible. The graded area in the northeast corner shall have additional trees planted where disturbed, damaged, or dead to better control long-term erosion and maintain aesthetics along the Levy Trail;
3. No gravel shall be introduced to the property;
4. No parking or idling shall be allowed along the driveway stretch from Speaker Road to the main part of the property;
5. Access Agreements must be preserved and maintained (or created if non-existent) between all parties who utilize the gate for adequate traffic flow;

6. Additional comments by staff during the building permitting process may result in additional revisions prior to the issuance of a building or site permit. All comments by Planning Engineering shall be completed as required and detailed in the separate letters to the applicant;
7. The Board of Public Utilities (BPU) has recently revised their requirements for transformer screening. Please verify the transformer meets these requirements or revise:
 - a) Gate doors are required for all types of screening that are placed in front of the transformers;
 - b) Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10' clearance from pad when gate doors open;
 - c) Posts for gate doors must be installed a minimum distance of 10' apart in the front;
 - d) For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inch of space between each slat;
 - e) Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f) Pad must have a minimum clearance of 6' on each side, 6' on the back and five (5) feet on the front allowing for 10' on the front when gate doors open;
8. Staff accommodations in the maintenance shop shall include appropriate and adequate restrooms and changing facilities for all persons who are legally allowed to work regardless of gender identity or orientation;
9. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
10. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573- 8620 to begin that process;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
13. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on

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

15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
16. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The may also be subject to enforcement actions and administrative citations;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not

violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-105 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

VACATION APPLICATION

Item No. 1 – 2116...PLAN REVIEW APPLICATION PR2022-032 – JOSH BEUERLEIN WITH 4J ENTERPRISES

Synopsis: Preliminary and Final Plan Review to expand a speech therapy business at 8247 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Josh Beuerlein, is requesting a Preliminary and Final Development Plan Review, to construct one (1) new structure and expand the parking lot to accommodate an expansion of a speech therapy business at 8247 Leavenworth Road. The Planning Commission voted 9 to 0 to recommend approval of Plan Review PR2022-032, subject to:

1. The applicant shall file for a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) within 60 days of approval by the City Planning Commission;
2. The applicant is requesting a Plan Review for a property zoned CP-0 Non-Retail Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant’s demonstrated compliance with relevant CDGOD regulations for

PR2022-032. All listed requirements that are identified as “have not been meet” must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;

3. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - a. Section 27-575(d)(1) states “Projects must be designed to minimize any increased traffic use of neighborhood streets”.
 - b. Section 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - c. Section 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”.
 - d. Section 27-575(d)(11) states that “Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces”.
 - e. Section 27-575(d)(12) states that “Pedestrian connections must be clearly defined in a combination of two or more of the following ways:”
 - i. Six-inch vertical curb;
 - ii. Trellis;
 - iii. Special railing;
 - iv. Bollards;
 - v. Special paving;
 - vi. Low seat wall or other architectural features;
 - vii. Pedestrian scale lighting; and,
 - viii. Traffic calming devices.
 - f. Section 27-575(e)(1) states that “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”.
 - g. Section 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
 - h. Section 27-575(e)(4) states that “Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements”.
 - i. Section 27-575(f)(1) states that “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”.
 - j. Section 27-575(f)(2) states that “Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles”.
 - k. Section 27-575(f)(3) states that “Buildings should be oriented primarily to the street”.
 - l. Section 27-575(g)(8) states that “Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development”.
 - m. Section 27-575(g)(3) states that “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 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”.

- n. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatment; or
 - v. Variation of rooflines
- o. Section 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
- p. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - i. The district requirement is one tree per 7,000 square feet of site area. The 0.38 acre site is 15,998 Square Feet, which would require two (2) trees per the Code of Ordinances.
 - ii. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - iii. Landscaping shall be irrigated.
 - iv. The proposed plan needs to provide two (2) trees to provide adequate tree cover. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met.
- q. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.
- r. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
- s. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
- t. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
- u. Sec. 27-577(d)(1) 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.
 - i. The master plant palette for this development is as follows:
 - ii. Autumn Blaze Maple
 - iii. Armstrong Columnar Maple
 - iv. Imperial Honey Locust
 - v. Autumn Brilliance Serviceberry
 - vi. Eastern Redbud
 - vii. Summer Snow Japanese Tree Lilac
 - viii. Eastern White Pine
 - ix. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be

- any exposed, bare ground unless the lot has an active building permit for building construction.
- v. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building.
 - w. All signage shall comply with the sign code;
4. The following requirements of the Commercial Development Guidelines Overlay District have not been met in which the applicant is requesting a deviation for approval:
 - a. Section 27-575(e)(1) states that “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”.
 - b. Section 27-575(e)(3) states that “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”;
 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 7. The applicant has filed and maintained a current business occupation tax application with the Business Licensing Division;
 8. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance

permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Plan Review Application PR2022-032, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

PLAN REVIEW APPLICATIONS

Item No. 1 – 2117...PLAN REVIEW APPLICATION MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-038.

Item No. 2 – 2118...PLAN REVIEW APPLICATION MPL2022-027 – TRENT GADDY WITH JULES BOREL

Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-043.

MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

Item No. 1 - 212144...AN ORDINANCE rezoning property at approximately 3640 North 83rd Street, from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-1-23**, “An ordinance rezoning property hereinafter described located at approximately 3640 North 83rd Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212145...AN ORDINANCE rezoning property at approximately 13205 Parallel Parkway, from R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-2-23**, “An ordinance rezoning property hereinafter described located at approximately 13205 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212146...AN ORDINANCE rezoning property at approximately 1403 North 7th Street, from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-3-23**, “An ordinance rezoning property hereinafter described located at approximately 1403 North 7th Street, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 4 – 212147... AN ORDINANCE rezoning property at approximately 822 and 825 North 49th Street, from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-4-23**, “An ordinance rezoning property hereinafter described located at approximately 822 and 825 North 49th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 5 – 212148...AN ORDINANCE vacating utility easements (VAC2022-007) at approximately 12821 and 12827 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-5-23**, “An ordinance vacating all of Lots 37 and 38, Freeman Farms North Phase One, a subdivision of land in the city of Kansas City, Wyandotte County, Kansas described by Roger B. Dill PS 1408 on September 19th, 2022. Containing 25,645.35 sqft or 0.59 acres, located at approximately 12821 and 12827 Hubbard Road, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call

was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 6 – 212149...AN ORDINANCE authorizing a Special Use Permit to operate a used car dealership (SP2022-072) at 1401 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-6-23**, “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, to operate a used car dealership at 1401 Merriam Lane Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 7 – 212150...AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2022-094) at 4904 Edgehill Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-7-23**, “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 a Short-Term Rental at 4904 Edgehill Drive, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

Item No. 1 – 212142...CHANGE OF ZONE APPLICATION COZ2022-039 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 212143...SPECIAL USE PERMIT APPLICATION SP2022-097 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-039 and Special Use Permit Application SP2022-097, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District have not been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.
2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;
6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - 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. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
 8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
 9. Sec. 27-577(d)(1) states that 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;
 10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
 12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
 13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
 14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;

15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive

final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

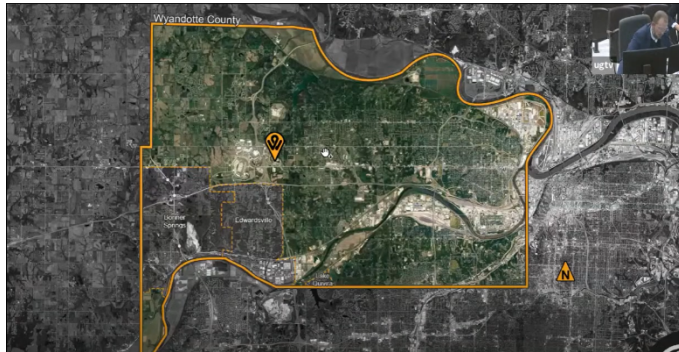
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, 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;
25. 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;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
27. 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.

Case	
COZ2022-039 & SP2022-097	
Petitioner	Address
Curtis Petersen	9400 State Avenue Kansas City, Kansas 66106
Synopsis	
To rezone from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant on 26.62 acres. The Board of Zoning Appeals approved a parking variance at their November 14, 2022 hearing.	

Gunnar Hand, Director of Planning and Urban Design, said this case was held over from the November Board of Commissioners' hearing. Again, it's being heard in conjunction with Special Use Permit 2022-097. I'd also note that Plat 2022-035 and BOZA 2022-034 were approved at

both the Board of Zoning Appeals and the City Planning Commission of that same month, November 2022.

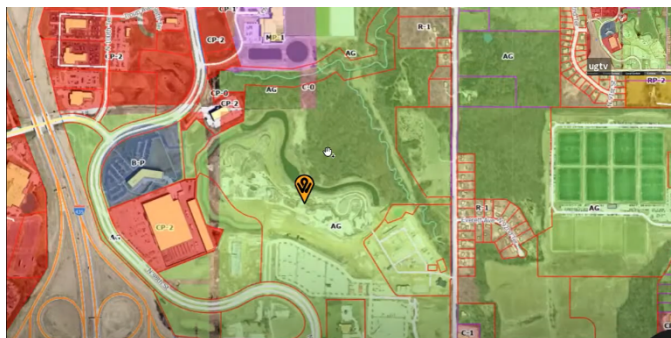
This is for the new Margaritaville Resort at the former Schlitterbahn site.



This is in the Prairie-Delaware-Piper Master Plan.



We received no letters of support; one letter in opposition. That opposition was specifically related to the parking variants of note. There are no notices of violation on the property.



Staff recommends approval. As it relates, there were several deviations granted by the City Planning Commission for this case. There are two issues in particular. The special use permit is

January 12, 2023

being recommended for a two-year term. The applicant would request that it be for an indefinite period.

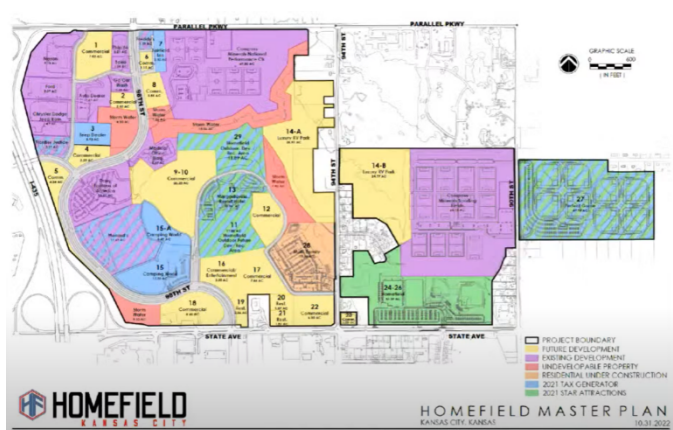
Additionally, there is a condition of approval related to the sidewalk and trails. If you're familiar, for over a decade, it has been this body's policy to require trails and sidewalks that are on the formerly Sidewalk and Trails Master Plan recently updated and incorporated into the GoDotte County-Wide Mobility Strategy. At the time of development, one of those greenway trails follows essentially this existing creek bed system throughout the development.

As this is the centerpiece of the larger master plan development, you may recall there's been several pieces of this larger overall master plan development that have come before this but, again, staff felt and had previously worked with the applicant on these more overall issues and items. We are requesting, or in line with policy, recommend that that trail not only receive an easement, but at the time of development for those development parcels in the future that those developments also be built. Those trail systems be built.

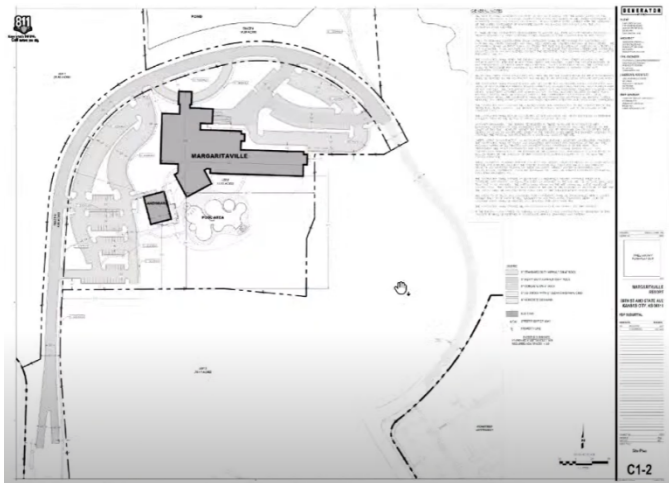
Of particular note, at one point, one of the first developments of the larger master plan of the Schlitterbahn redevelopment was the Homefield multi-family development, which you can kind of see here in the southeast corner. It includes a piece of that same creek, a piece of that same trail system that has been developed and built so this is not a precedent setting in any stretch of the imagination. This is policy and has been policy of this body for over a decade.

Happy to take any questions.

Mayor Pro Tem Bynum said I will now ask the applicant or their representative to come forward and bring your presentation.



Curt Petersen said I'm here on behalf of the developer, which as Mr. Hand said is the developer of the Margaritaville Resort, the proposed resort, which is located, as you saw, on the former Schlitterbahn Water Park site.



I think you all know this is the first of its kind. We always make sure we have just a couple of little issues to discuss, but let's not forget to celebrate. This is a \$150M resort and hotel in Wyandotte County. There's nothing like it in Kansas. It is truly trailblazing.



It's an incredible opportunity to come and compliment the sports and other entertainment aspects that we already have in western Wyandotte County, and it will be super synergistic with all of those. There's more to come, but that's for another meeting.

Per usual, the developer works, professional staff, for months. I'm happy to report there are many stipulations and other than two or conditions, other than these two conditions, we'll

briefly talk about that Mr. Hand introduced, everything else is clean and we're all in agreement. So let's just talk about these last few items before you tonight as part of this approval.



The first is condition #26. As Mr. Hand said, it has to do with how long this special use permit for this resort lasts. Well, why do you need a special use permit? You need a special use permit in this case because there'll be live music, there'll be convention space, and there'll be drinking establishments as part of Margaritaville, you'd image that'd be the case. So the condition says that the special use permit would be two years then you need to come back and renew a number of times after that. We're requesting, as Mr. Hand said, an indefinite special use permit. This can be critical when we're getting our financing, both our equity and our debt. It's really, really hard to get a construction loan for something like this. It's the first of its kind. I can assure you of that, let alone equity.

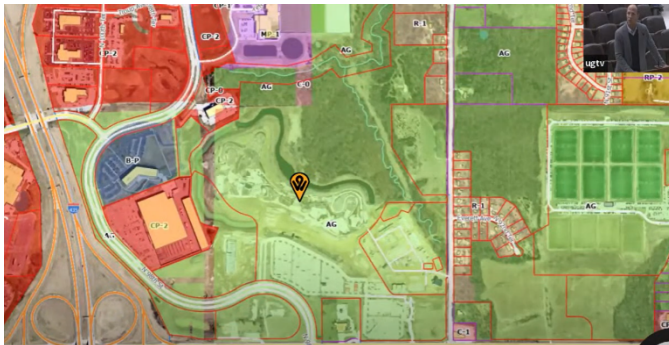
You may remember, it hasn't been that long that part of this master development there's something that's called Homefield Baseball and there's something called Homefield Training Facility. Both of those needed special use permits and this body, just recently, just in the last year or so, year and a half, granted indefinite special use permits for those for the same reasons I just said. It's really hard to finance something that expensive with a two-year SUP, something that's not indefinite. I will tell you that while those are amazing projects full stop and they're really expensive, those projects cost together times one and a half gets you up to the expense of this amazing resort hotel. This is a big deal.

Staff has noted that there's one difference between this SUP and the other two I just mentioned and that is that here, we're talking about drinking establishments and convention space

and live music, and that's different. I would say sure, that's different, but I really don't think the heart of it, which is the financing aspect and very, very importantly, and I'm not teaching you this. You guys know this. You see SUPs all the time. Just because it's an indefinite SUP doesn't mean that at any given moment that Mr. Burroughs or Mr. McKiernan or Mr. Ramirez can't, through the normal channels, call somebody in and say you're in violation of your special use permit. It can be revoked. Full power stays with the Commission. The only difference is it recognizes this immense investment and helps on the financing side.

So with that, the request before you on this first of two issues is that you would consider deleting condition #26 from the approval tonight. The only other matter is condition #5. As Mr. Hand said, it has to do with an 8' trail. Actually, would you go to page 37 in the packet. It has the red marks with the trail.

The UG's Master Trail Plan, as Gunnar said, shows a trail that will generally be shown on the screen. It's okay. We can go with that.



You can see on the screen where the Wyandotte County logo is, that, of course, is right in the heart of the old Schlitterbahn Water Park, which is where generally speaking though the Margaritaville Resort would go. You can also see if you take your eyes a little bit to the right, as Gunnar pointed out, you can see that the stream and the creek, you can follow it all the way up and it makes a T there. It goes west over to 98th St. and it goes east over to 94th St. So condition 5 would require that when a building permit is pulled—for 14a, which is slated to potentially be a very nice RV park. So when a building permit would be pulled, the condition as it's written right now says two things have to happen. The developer of Margaritaville would need a dedicated easement for an 8' trail that follows that entire stream corridor, the whole T.

The second thing is, you got to build the trail. You got to build that entire trail. Well, I'll tell you this. I've been a part of this master development for a while now. This developer is a big

fan of getting pedestrians around; a big fan. We really believe in interconnectivity for these entertainments and restaurants and everything that we have going in the master development. The developer has no issue at all with part 1 of 2 there, which is dedicating that easement for a potential trail there. However, and it's a big however, the developer cannot agree to the second part which is that the developer would build an 8' trail along that entire stream corridor. You say why? They're into connectivity. We are truly, and I mean we, not just Curt, but our civil engineer is highly, highly skeptical that it's even possible to build an 8' trail along that entire area.

I know you have your screens and everything and some of you just know this site really well. I know there's at least one individual that knows this site really, really well. But if you were to take the little yellow character and go to street view right now on Google Earth and you travel up 98th St. and you got to where that medical office building is and then you go a little farther north and you get to the national soccer training facility, in between there, that's where that stream would go. That's where that trail was supposed to go. Take a look at that. Just kind of go up and down and you'll see the ravine right there. You'll see the creek. You'll see all the underbrush. You'll see the box culvert that goes under there. I'm just telling you, it's coming from my civil engineer, what? How are we going to do that? So that's one.

Then look at the substantial grade change when you go east, right? So up to 94th St., we have, what is it, don't quote me exactly, I think it's a 30' drop though from Parallel as you head down into the site. There's crazy grade changes. How about ADA issues, right? How about contacting the Corps of Engineers about being in the stream? Right now there's a dedicated stream corridor easement, conservation easement. How about soil stability when we're down in the creek area because it's a deep area in parts? Neither the UG nor the developer has done any sort of in-depth analysis about any of that. That sounds all real negative, but it's being real world. Remember, an obligation to build it no matter what, right? That could be an \$800,000 trail or something, if it's even possible.

But weigh it against that because I don't want to end with the negative. Connectivity is extremely important. On 98th St. right now, the master developer, and this master development, has constructed both a normal sidewalk and a trail all the way from Parallel down to State. There are already sidewalks all the way down, right? You then have sidewalks that take you east along State when you hit all the way to 94th. You have sidewalks in place where we can travel, right, walking all the way up 94th St. to Parallel. So it's not a situation where there's all that negative

that I just said, but it's reality against people can't get around. They can get where they need to go. The sidewalk and a trail that's already been put in by the master development is there.

One more piece, too. We really believe—now we haven't programmed out every little piece of dirt, but again, where the icon is in the middle of the screen where the resort would go, there's just one more large lot to the west of that that we're still looking for the perfect user. Once that's in, you've pretty much bridged—we have sidewalks in each development we put in here.



You're going to be able to walk on sidewalks and kind of cut through the middle and ultimately get down to the apartments down in the southeast that are being built right now.

So my point is, it's not all negative. We can't build this and stop. You can already get around where you want to go. In the future as the whole place is built out, you'll use the internal sidewalk system as yet another way to get around. I won't belabor it more than that. Our request is that we would modify condition 5 to remove the last sentence so you keep the easement obligation in there in case the UG someday, with taxpayer's money, I mean it, if they say it's really expensive and possible and it's a really big benefit to everybody, maybe this body would vote to spend a million dollars on it, or whatever it would cost. I don't know. But we will provide the easement so the UG could do that, but we're asking you to leave out the last sentence, which is the one that says no matter what, you just have to build it. That's it. We thank you for your support for this master development. The UG's put huge support behind it.

Mayor Pro Tem Bynum said before we go to Commission, we have to open a public hearing on the item. I would ask the Clerk if any notifications were received from the public that want to express comments in favor of the item. **Mr. Deichler** said no comments were received. **Mayor Pro Tem Bynum** asked, is there anyone present who would like to speak in favor of the item? If so, we would ask you to come forward and state your name and address for the record. Clerk, is

there anyone joining virtually who would like to speak in favor of the item? **Mr. Deichler** said seeing none, Mayor Pro Tem.

Mayor Pro Tem Bynum asked, were there any specific notifications received from the public who wished to expressed comments in opposition to the item? **Mr. Deichler** said no comments were received. **Mayor Pro Tem Bynum** asked, anyone present who would like to come to the podium and speak in opposition of the item? Anyone virtual, Mr. Clerk? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** said we have a gentleman moving forward. Please come forward, state your name and address for the record. You have three minutes.

Pastor Stevie Wakes, Olivet Institutional Baptist Church in Kansas City, KS, said I just have a question. The hotel or resort that you plan to build, is this a member only resort or will it be open to the entire public? That's my question.

Mayor Pro Tem Bynum said I will close our public hearing and ask the petitioner; do you want to make any closing remarks? **Mr. Petersen** said no, ma'am.

Mayor Pro Tem Bynum asked, members of the Commission?

Commissioner Stites said, Clerk, I'm not sure if whenever you asked earlier if anybody had any contacts. I thought it was just for the Consent Agenda. We haven't been asked if there was anybody that had contact on the Non-Consent. I want to disclose that I have had contact with proponents of COZ2022-039 and also with SP2022-097.

Mayor Pro Tem Bynum asked, any other comments or questions on the item? If not, I'd take a motion.

Action: **Commissioner Kane made a motion to approve.**

Public Opposition	Public Support
Staff received one (1) phone call in opposition, and one (1) person attended the November 14, 2022 BOZA hearing in opposition of the parking variance and this case, but left before providing testimony at CPC.	None to date.
Staff Recommendation Approval	

Mayor Pro Tem Bynum said this one is Change of Zone COZ2022-039. It does have the corresponding special use permit. The question I have is, would they be separate votes? **Mr. Hand** said yes. **Mayor Pro Tem Bynum** said so on Change of Zone 2022-039.

Action: **Commissioner Johnson seconded the motion.**

Commissioner Townsend said I don't know who the appropriate person is. If we need to call the applicant back to address, clarify the question asked by Rev. Wakes.

Mr. Hand said it's a public facility.

Commissioner Stites said with the motion, I want to make sure that we're clear on, with the motion to approve, are we approving the denial or are we approving what the applicant is asking? **Mayor Pro Tem Bynum** said these are recommended for approval, with stipulations. **Mr. Hand** said from the City Planning Commission as is. If you want to amend the condition of approval, you would have to make that in the motion.

Action: **Commissioner Kane removed his motion. Commissioner Johnson removed his second.**

Commissioner McKiernan said let me just clarify because what I heard was that you'd like indefinite duration of the special use permit and removing the requirement for building a trail. I want to know which of these items, each of those two additional stipulations is attached to.

Mr. Petersen said the stipulations on the matter before you right now would be 5. I'm stating what we asked for and then you guys will decide what you want. But stipulation 5 on what you're voting on right now would be changed to indefinite. That's what the applicant is requesting. I did it backwards. Gunnar's on me. I did them in reverse order.

No. 26 is indefinite, would be the request. No. 5 is the one to remove the last sentence is what's requested which is to build the trail.

Commissioner McKiernan asked, and both of those then apply to 2022-097, correct? **Mayor Pro Tem Bynum** said I don't believe so. In other words, Mr. Hand...**Mr. Hand** said it should be done with—#5 should be the change to the trail, if you want to make it, it should be done to the change of zone, so condition #5. The change to the SUP duration should be done at the SUP motion and that would be #26. **Mayor Pro Tem Bynum** said we are not on that item yet. We will be in just one moment. **Mr. Hand** said we're doing the change of zone, I believe.

Mayor Pro Tem Bynum said new motion on the change of zone. **Commissioner Kane** asked, can you repeat the change of zone, please? **Mr. Hand** said it is Change of Zone 2022-039. The applicant is requesting that you amend condition #5 to remove the final sentence that would require, as per adopted policy of the Board of Commissioners, the construction of the proposed greenway trail.

Commissioner Kane said let me ask the question. How are you going to build a path, a trail in a ditch and when it rains you're going to cause a safety hazard. How are the ADA people—how would they get up there or how would they get down? I don't know why we would require them to cause a safety hazard. **Mr. Hand** said, again, that would have to be designed by a civil engineer and constructed. Staff believes there is a way. **Commissioner Kane** asked, are you a civil engineer? **Mr. Hand** said we have civil engineers on staff as well as the county engineer. **Commissioner Kane** asked, have you been physically out there to look at the property? **Mr. Hand** said yes I have. **Commissioner Kane** asked, and you think—I'm not even going to ask that question because I don't want you to answer it because I'll probably get mad. Here's the deal. It would be impossible to build a safe trail in that specific area without spending millions and millions of dollars to elevate that above the culverts. I think we need to remove that part.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2022-039, subject to the stipulations, with the removal of stipulation #5 for the trail.

Mayor Pro Tem Bynum said we have a motion and a second. Is there more discussion on this item?

Commissioner Ramirez said clarification. So the #5 stipulation is for the COZ, and the #26 is for the SUP? **Mr. Hand** said that's correct.

Commissioner Townsend said point of clarification. So you've got a motion here and what the Planning and Zoning commissioners did was approved this with the two-year stipulation and with the requirement to complete the trail, correct? **Mr. Hand** said that's correct. **Commissioner Townsend** said so my question is in light of Commissioner Kane's motion to exclude the trail requirement—my question is since that would be different than what the Planning Commission did, do you need a super majority to approve this? **Mr. Hand** said it would require eight votes to make the change. **Commissioner Townsend** said your motion only pertains to the trail. No change regarding the time for the special permit. **Someone** said that's the next item. **Mr. Hand** said just a point of clarification, it would still dedicate the easement.

Mayor Pro Tem Bynum said I believe now we have no more questions or concerns from Commission. We have a motion and a second. I'll ask for roll call, please.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Mayor Pro Tem Bynum asked, am I correct that we now want to take a motion and a second on the special use permit companion to this? Okay. Special Use Permit SP2022-097 with the same project. Is there a motion?

Action: Commissioner Ramirez made a motion to approve Special Use Permit Application SP2022-097 without condition #26.

Mr. Hand said point of clarification. We do not want to remove the term. We want to amend #26 from two years to indefinite.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2022-097, subject to the stipulations, and amend #26 from two years to indefinite.

Mayor Pro Tem Bynum said we have a motion and a second on that item. Is there any further discussion? If not, roll call.

Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212137...SPECIAL USE PERMIT APPLICATION SP2022-061 - TOM GIEFER WITH G&G HOLDINGS LLC

Synopsis: Renewal of a Special Use Permit (SP-2019-111) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive. submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Tom Grier with G&G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive. The Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application SP2022-061, for two (2) years, subject to:

1. The applicant must add a “Right Turn Must Turn” sign (R3-3R) for traffic traveling eastbound along Kaw Drive.
2. Modify the existing signage and add a larger stop sign, signage showing the number of tracks, and larger railroad crossbucks to add more visibility and to comply with MUTCD.
3. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;

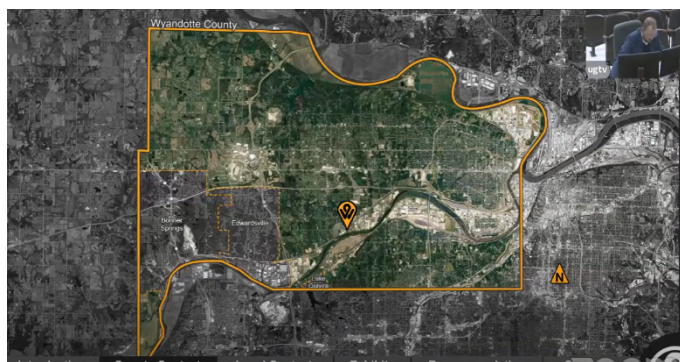
4. The natural flow of the floodway and floodplain cannot be altered;
5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
 - a) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - b) Vibration or concussion perceptible without instruments at the property line.
 - c) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes 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;
7. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
8. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
9. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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 of Board of Commissioners for revocation;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive

operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

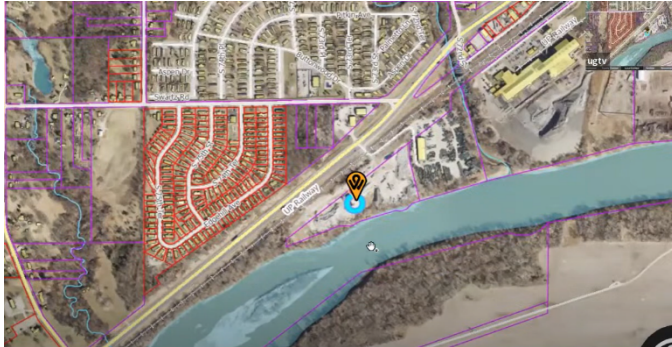
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
17. 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. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.
18. Install dust mitigation monitoring devices and coordinate with the Public Health Department and all relevant State agencies for its ongoing monitoring.

Case		
SP2022-061		
Petitioner	Address	
Tom Giefer	7241 Kaw Drive Kansas City, Kansas 66111	
Synopsis		
To continue the stockpile and process concrete materials on 8.2 acres.		

Gunnar Hand, Director of Planning and Urban Design, said this special use permit is for a stockpile and processing of concrete materials. It is a renewal of the previous SUP. This one, again, is proposed for another two years. This was also held over from the November Board of Commissioners' hearing to allow for additional community input. Since that time, we have not received any additional community input.



There was a letter in opposition from an HOA across Kaw Dr. from the property as well as a member from the public who attend both the November City Planning Commission in opposition and then the Board of Commissioners' hearing that followed later that month in November.



This is in the City-Wide Master Plan area. Again, it's right abutting the Kansas River and across the street from UP Railway and off of Kaw Dr. We received no letters of support. I mentioned the opposition. There are some old notices of violation. There were also quite a few safety issues that were noted on this property.

As you can kind of see in this picture right here, and I can show you some pictures of it a little bit later, but in the area it's a good depiction. You essentially have to turn left off of Kaw Dr. and immediately across the UP rails to access the facility. There have been several crashes at that intersection so we requested that the applicant conduct a traffic study. That traffic study was reviewed by our County Engineer and agreed with it that additional signage needed to be added and the existing signage needed to be replaced and upgraded. So we added that condition of approval.

At the re-hearing of the case at the Planning Commission, they also then discussed, as it relates to dust mitigation from the facility. There's quite a large stockpile of crushed concrete out there at any given day. There were already dust mitigation conditions of approval related to that. Those were enhanced at the City Planning Commission. One, in particular, was to add an air quality sensor at the location and have it be monitored by our Public Health Department which monitors air quality in Wyandotte County.

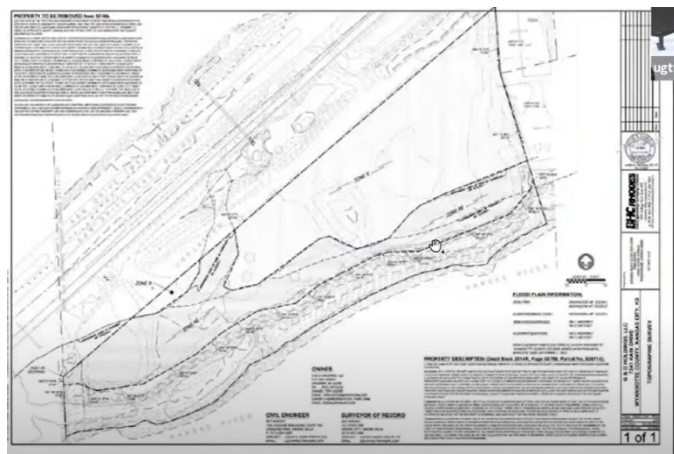
This facility does require state permits. Since the time of the public comment related to dust mitigation, Zoning Enforcement staff, Public Health staff, and others have gone out to the facility a couple of times to see if there was a violation of the performance standards as it relates to dust. We did not see any. We tried to go out there when it was windy. I'll be honest, it's just

very hard to catch that type of violation in a performance standard. It's very hard to dedicate it. We do not believe it's untrue that the public has concerns about dust. You can clearly see dust in and around, but when you can't see the actual action of the dust happening. We even asked the state to go out there and take a look and we haven't found evidence. Again, we don't think that it doesn't mean that it doesn't exist. It is an issue that's why we added the air quality sensor condition of approval.

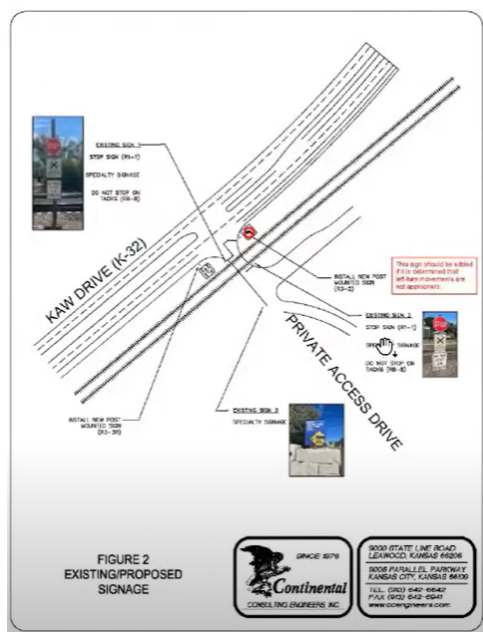
With all those additional conditions of approval, with all the condition studies, staff does feel comfortable that we can continue to and do a better job monitoring in the future this facility and agrees with the Planning Commission's recommendation for approval for two years.



(Mayor Garner returned to the meeting at 9:37 p.m.)



January 12, 2023



Commissioner Kane said I guess it's my day in a barrel. Our training center is right down the road. During the winter, they do not bust up that concrete near as much as they do during the summer. When you drive through there during the summer, it's pretty bad. I think it's a great idea to have them have some sort of monitor, but I don't—



one of the older ladies up there that contacted me said that she has to remove her furnace filter about twice as much because she actually gets the dust inside. She's the closest one to the road. The other person that was complaining had a death in the family and that's why he's not here.

We need to watch what they're doing. I would probably be more apt to give them a year to see if they clean up their mess than two years. When you're driving down there during the

summer, it's bad. They don't spray any water on like they do at a lot of the other places that crush concrete. I would rather modify that, and I guess it is a motion, to a one year as long as we're doing our job checking their work.

Action: Commissioner Kane made a motion to approve Special Use Permit Application SP2022-061 for one year, subject to the stipulations.

Commissioner Stites said it does concern me about the accidents. I know that we say that staff has said that there were multiple accidents. I think it's important to point out that they were fatality accidents, not just a car having a fender bender. People died at that intersection. I'm not 100% sure, which I don't know if you ever could be, that additional signage is going to take care of the train crossing right there. I hope it does. I hope we don't lose another life.

The dust that is blown from the south to the north across K-32 into that housing area is terrible. Would it be possible for the letter of opposition to be read from the housing since they were not able, due to a death, be here so we could hear it? Would that be all right?

Misty Brown, Chief Counsel, said I'd just like to remind the Commission that we do need to open the public hearing on this matter. I think it would be perfectly appropriate, Mr. Hand, to read that letter of opposition during the public hearing process.

Mayor Garner said thank you, Commissioner Bynum, for filling in for me briefly.

Mayor Garner said I believe where we're at is, I'll ask the applicant or representative to present the application. (No one stepped forward.)

Mayor Garner said I will now open the public hearing and ask the Clerk if any notifications were received from the public who wished to express their comments in favor of this item. **Mr. Deichler** said no notifications were received, Mayor. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? Is there anyone joining us virtually who would like to speak in favor of this item, Clerk? **Mr. Deichler** said seeing none, Mayor.

Mayor Garner asked, Clerk, were there any notifications that were received from the public who wished to express their comments in opposition to this item? **Mr. Deichler** said no notifications were received by the Clerk, Mayor. **Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item? Clerk, is there anyone joining us virtually who would like to speak in opposition of this item? **Mr. Deichler** said we're seeing none, Mayor, but at the request of Commissioner Stites for Mr. Hand to read that information, it would probably be appropriate here.

Mr. Hand said I'm afraid that we only have reference to the letter in the staff report and I'm unable to access the Y drive to pull it up. I apologize. I can go upstairs and grab it if you'd like. **Mayor Garner** said yes. If you could retrieve that. Commissioner McKiernan has the item up. Commissioner McKiernan, could you read that for record?

Commissioner McKiernan said this is an email from Riverview Estates Manager sent on Monday, November 14, 2022, to Gunnar Hand. Subject: Kansas Heavy Contractors Permit Renewal Petition. The email reads, I have attached a letter outlining an issue. This does not have the letter on the email. I have a letter attached outlining an issue that my community as well as the surrounding areas having due to the operation of concrete recycling business along K-32. I respectfully ask that you please look into this matter as there is some serious safety and health concerns in regard to how this company operates as well as the location of the operation itself. Thank you for your time. Sincerely, Chris Swisher, Community Manager of Riverview Estates.

The letter itself is not in the packet at that point. I apologize.

Mayor Garner asked, Clerk, again, is there anyone joining virtually who would like to speak in opposition? **Mr. Deichler** said seeing none, Mayor.

Mayor Garner said I will close this public hearing. Would the petitioner like to make any additional closing comments? Unfortunately, I'm going to have to withdraw closing the public hearing. We'll wait for Mr. Hand. While we're waiting, I will continue to keep the public hearing open.

Mayor Garner said the Chief Counsel has some comments. **Ms. Brown** said a question was asked as we're waiting to find the letter, if there would be any harm to the applicant if we were to hold this matter over and continue the public hearing at another meeting. I would note that we have the next meeting of the Commission in two weeks, which is also a planning and zoning item. So at this point, the applicant has started this process in July. A special use permit has already expired but as long as this Commission is still considering his application, he's still able to operate. My opinion is there would not be any harm to the applicant if we were to move to continue, hold this item over to the next Planning and Zoning meeting in two weeks and continue the public hearing at that time. Of course, this is the Commission's option. We could also continue to wait to see if Mr. Hand is able to retrieve the letter.

Mayor Garner said we've heard from Legal Counsel and Commissioner Kane has rescinded his motion. I believe that will allow me to close this public hearing. Again, would the petitioner like to make any closing comments? Do any of the commissioners have any questions in regard to this item?

Commissioner Bynum said I was procedurally curious if we have to have a motion now to hold this to the next Commission meeting?

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to hold Special Use Permit Application SP2022-061 to the next Commission meeting of January 27th.**

Mayor Garner said I have a motion and I have a second. Is there any further discussion regarding this matter?

(Mr. Hand returned to the meeting with the letter.)

Action: **Commissioner Bynum rescinded her motion. Commissioner Davis rescinded his second.**

Mayor Garner said I will open the public hearing back up and allow Mr. Hand to read that item.

Mr. Hand said I apologize for the delay. Again, I'm going to read a letter from Mr. Chris Swisher of the Riverview Estates Home Association.

To whom it may concern. Kansas Heavy Contractors and G&G Holdings, LLC, is a concrete recycling operation located at 7241 Kaw Dr., Kansas City, KS 66111. Their operation produces significant dust and noise pollution. The noise is heard well into the residential areas surrounding the facility causing unreasonable stress. Significant amounts of dust are caused by the crushing of cement and inadequate dust reduction measures are not taken. The dust can cause significant health problems and a loss of enjoyment of property that surround the population including schools, day cares, churches, and other public facilities.

There is also a traffic concern at the same location. When the Union Pacific Railroad stops trains at the crossing, traffic starts to park in the westbound turning lane of K-32, which is too small and causes traffic to start merging into the westbound lanes. This is very dangerous especially in the early morning hours or in the evenings. Eastbound lanes are no different as turning traffic will fill the shoulder of K-32. We have seen as many as eight vehicles on either direction parked but now imagine that with several tractor-trailers included.

We suggest, at a minimum, a stop light and railroad crossing with arms. Our community, Riverview Estates MHC, LLC, is asking the county commissioners to deny renewal of Kansas Heavy Contractors and G&G Holdings, LLC, SUP located at 7241 Kaw Dr., Kansas City, KS 66111. Signed Chris Swisher, 1010 S. 74th Terr., KCK 66111.

Mayor Garner said I'm going to close the public hearing and I'm going to ask the petitioner again, are there any closing comments? Commissioners, I'll open up for questions.

Public Opposition	Public Support
One (1) letter of opposition was received for this project. A member of the public attended the 11/14/2022 City Planning Commission to express opposition. 0.	None to date.
Staff Recommendation	
Approval	

Commissioner Stites said thank you, Gunnar, for going and grabbing that. I think it's important if we read them and among others and then if we afford the same thing to this group that took the time to write that. Now I will tell you I agree. There is significant dust. I drive down K-32 all the time. It is bad. I know several people that live there and have lived there and I believe it does create life safety issues. What you've explained that the process of trying to mitigate those, I hope that we really do a good job at monitoring those and hold them accountable and monitor accordingly.

Mayor Garner asked, any other comments or questions?

Action: **Commissioner Markley made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2022-061 for one year, subject to the stipulations.**

Mayor Garner asked, any further discussion?

Ms. Brown asked, Commissioner Markley, would you like to articulate just a quick reason, for the record, for the recommendation. I'll remind the Commission it will take eight votes to approve this. **Commissioner Markley** said I think the reason is to monitor their compliance going forward with the stipulations set forth.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212143...SPECIAL USE PERMIT APPLICATION SP2022-097 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-039.

Mayor Garner said before we close, I'd just like to tell the public that this Commission, we are committed to this community and we are going to get better. So, just be patient with us as we move and try to find common ground so we can truly do the work that this community involves in.

A special thank you to Commissioner Bynum and to Commissioner Burroughs for their leadership in building those bridges that we need that are relative to all of us working in collaboration to get the good work done that this community deserves. So thank you and, again, I'd like, as mayor, to apologize to this community for anything that, again, casts a shadow or a cloud over this great community. I know our county deserves better and I'm confident in time that this body will become a cohesive body of committed, collaborating working individuals and good things are going to happen. The best is yet to come for Wyandotte County. So, I'm confident of that.

ADJOURN

Action: Commissioner Bynum made a motion, seconded by Commissioner Davis, to adjourn. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Mayor Garner said we are adjourned.

MAYOR GARNER
ADJOURNED THE MEETING AT 10:07 P.M.
January 12, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

January 12, 2023