

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

**PLANNING & ZONING AND
REGULAR SESSION
MARCH 2, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, March 2, 2023, with eleven members present: 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; Misty Brown, Chief Counsel; Angie Lawson, Interim Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Brett Deichler, UG Clerk; and Brittnie 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 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 exactly 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. Roll call.

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

Mayor Garner said the invocation tonight is going to be given by Police Chaplain Annie Erickson, immediately followed by the Pledge of Allegiance.

Jeff Harrington, Mayor of Bonner Springs, KS, said I just wanted to bring you all farewell and greetings from the southwest portion of Wyandotte County. I'll let you know that this evening I wanted to make mention of our paid professional staffed fire department. We have an emergency services sales tax that supported our fire department very well. We have a ladder truck, several pumpers, a brush truck, and other various equipment that are professionally manned as well as two state-of-the-art paramedic ambulances as well, advanced life support. It's an honor to be there and that's part of the quality of life in Bonner Springs providing these emergency services to our community. They're working through that and growing very well. So, greetings.

Mayor Garner said I'll ask the Clerk if there are any revisions to tonight's agenda. **Mr. Deichler** said no revisions tonight.

Mayor Garner said tonight, we have three distinct parts to our meeting. The Regular Commission portion will be heard first followed by the Planning and Zoning portion, and concluding with the Land Bank Board of Trustees.

MAYOR'S AGENDA

Item No. 1 – 211724...RESOLUTION: APPOINTING COUNTY ADMINISTRATOR

Synopsis: A resolution appointing the County Administrator by Tyrone Garner, Mayor/CEO.

Mayor Garner said the first item is the appointment of a permanent county administrator where I'll be seeking the consent of your Unified Government Commission. I'd just like to announce to the public that it was a long process. I made a commitment to make sure the process was timely, transparent, thorough, and inclusive. It's a process that started back in October and ended with three candidates being brought forward.

The decision wasn't easy as that task force that was tasked with this national search of over 30 candidates and brought forth three candidates, all of which were qualified. The decision came to who was best qualified to meet the needs and the concerns and the challenges that face Wyandotte County today.

I'm proud to announce that appointment recommendation to our full commission is Mr. David Johnston who has been appointed for the position of county administrator. I'll ask the Clerk to read a letter from Mr. Johnston.

Brett Deichler, UG Clerk, read the letter as follows:

Dear Unified Government Commissioners:

I want to thank you for asking me to come and meet with you last week. As I read the charter ordinance, I found a key section that highlights the foundational role of the county administrator:

"The county administrator shall be the chief administrative officer of the unified government and shall be responsible to the commission for administration of all unified government affairs placed in his or her charge by or under the authority of the commission."

As it is clearly stated here, this position is accountable to the entire commission. Thus, it was important for me to meet with you, the entire commission. We discussed my experience and background and, from your questions, the important issues facing Wyandotte County/Kansas City. I appreciated the respectful and comfortable setting which aided the good 2+ hour dialogue we had.

During our meeting, we both agreed that a strong partnership between the commission and the administrator is needed for a successful partnership. One of the primary responsibilities of the county administrator is to assist the commission make the best and most-informed decisions to best serve the citizens. I mentioned that, as a bridge from the commission to the staff, to the community stakeholders, and to the citizens, I would strive to keep all abreast through effective communication to meet this responsibility.

There are great opportunities and challenges facing the Unified Government of Wyandotte County/Kansas City, Kansas. I picked up a "can-do" spirit that exists there. From GovHR's recruiting brochure, from all the people I met during the selection process, and from our discussion last week, I sensed the strong community spirit that will do what is necessary for a sound and bright future. Yet, again, we discussed in our meeting the importance of keeping and earning the public trust in serving the public and meeting its needs, both in the neighborhoods and in larger arenas. I found it refreshing to see this spirit and the commitment to work for success in all fronts of public service.

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I enjoyed our direct conversation on important issues facing Wyandotte County/Kansas City, Kansas. I shared my experience with economic development/redevelopment, with financial management, with dealing with various social issues facing a community, with capital investment, and with employee morale and development. Additionally, I talked about my success in intergovernmental relations and in relationship building to focused on meeting the needs of the community. From the questions you asked me, I hope you can see that I am more than able to assist you in moving Wyandotte County continually in a positive direction forward.

I left our meeting last week with a stronger desire to serve as the Unified Government's next county administrator. My wife and I are excited to call Wyandotte County our new home. Thank you again for the invitation to meet you, the Unified Government Commission, last week. I hope our discussion gave you confidence that we can work together to meet the needs of all the Wyandotte County citizens.

Respectfully, David W. Johnston.

Mayor Garner said again, it was a long process. It was a thorough process. I know that we've all had time to spend with Mr. David Johnston, and he's excited on the possibility of coming to Wyandotte County. Again, it was a process that involved the selection from the task force that really worked hard over the course of months to get us to where we're at today.

I'd like to thank Mayor Harrington, Bill Johnson, and every member that was appointed by this Commission that was on that task force that really helped guide us to getting us to where we're at today in an appointment recommendation for David Johnston.

At this time, I'll open it up for questions from our Commission.

Commissioner Markley said I just want a little bit of clarification on where we're at as far as the contract and whether the contract is done and whether it's been read by our Legal or whether that's still pending.

Mayor Garner said the information you have is a data sheet on where we're at now. There is no final contract as of today. Legal has been involved in the process. Once the contract is completely reviewed for legality and to form, the Chief Counsel will make sure that it's disseminated to the full Commission.

Commissioner Markley said this may be a question for Legal. Can we make a motion indicating that we approve assuming that if there are variations from this term sheet that it comes back to us for ratification?

Angie Lawson, Interim Chief Counsel, said yes, but that would be difficult because it is a term sheet. With the term sheet, you're going to have differences. You'll have terms that are filled in, so that would almost inevitably necessitate that it come back because there would be additional items that would have to be flushed out from the term sheet.

Commissioner Markley said I guess I'm not so much concerned with the flushing out because, obviously, a term sheet is more of a summary. I'm more concerned about if there are things that are in here now that are substantially different in the final version. I don't know if there's a way we can phrase that to say—if we say the salary is going to be this and it's going to be a hundred thousand more, I'm not saying that would happen, but just as an example. That's a big difference and that would need to come back for our approval. So, I mean, if you can help me with some language that would get us to that point. If it's close to this and we're just filling in the between stuff, I'm good with that. If it's substantively different than this, I think it needs to come back to this Commission.

Ms. Lawson said the grey area would be in the additional terms. That might be more than flushing out.

Commissioner Markley asked, if I made the motion and limited it to conflicting terms, would that be helpful? **Ms. Lawson** said yes. That would be far easier to know when it needed to come back. **Commissioner Markley** said I'll just go ahead and try a motion based on that.

Action: **RESOLUTION NO. R-15-23**, “A resolution authorizing the appointment of David W. Johnston as the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas; and authorizing the negotiation and execution of an employment agreement in connection with the appointment.” **Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution with the understanding that if the contract results in terms that are in conflict or significantly different than the terms laid out in the term sheet, that it be returned to the Commission for final ratification.** Roll call was taken

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

Mayor Garner said thank you, Commission. Thank you for everybody involved, and congratulations on the appointment, and consent by this full Commission unanimously, to Mr. David Johnston to be the next county administrator, which will be effective, we hope, on March 27th of this month.

Item No. 2 – 212309...APPOINTMENT: MUNICIPAL COURT JUDGE PRO TEMPORE LIST

Synopsis: Approval of a Judge Pro Tempore list to serve in Municipal Court, submitted by Meaghan Shultz, Administrative Judge.

Meaghan Shultz, Administrative Judge, said under Section 23-11, the list for pro tem judges has to be submitted no less than annually. This list that I’m submitting only covers 2023. We will be coming back for 2024.

The process that I engaged in is I contacted the Wyandotte County Bar Association, asked them to send a notice to all of the members soliciting attorneys who were interested to contact me, and this list is based off of the responses that I received. I was surprised that other than Ms. Milor, who’s already on, that no other women requested to be on the list. I was also very surprised that there were no people, black, indigenous people of color that wanted to be on the list, but I went with what I had so this is the list that I have for 2023.

I would envision for 2024 maybe trying to do a different type of outreach, but with our VAWA grant, which provides for the pro tem for the domestic docket, I am concerned about being at all not in compliance with that, so I need this list approved as quickly as possible. Judge Ryan has been filling in on that, but starting March 15th, he has a commitment every Wednesday morning and will not be able to continue to fill in that spot for us. So, I need to be able to get somebody else to handle that for us.

Commissioner Bynum said I read the letter that was submitted in the packet, and we do have the names. The question I had when I read the letter, and I’ll ask you tonight, is twofold. I thought

the outreach was interesting to the Bar Association. Does our judge pro tem need to be a Wyandotte resident? **Judge Shultz** said it is. They are given preference, which is why that's how I did the outreach.

Commissioner Bynum said they need to be an attorney which is why we outreached to the Bar Association. **Judge Shultz** said yes.

Commissioner Bynum said so ultimately, the question that I really have is, I'm fine with the list, but I also am cognizant of the concern that you bring forward, and also our need to stay compliant with our violence against women grants. So, we have a lot of moving parts here. Is it possible for us to approve the list but also open to more outreach for maybe a broader response? Can both things happen is what I'm asking?

Judge Shultz said I believe so. Ms. Lawson, do you agree with that? I think I have to have something approved, but then we can continue to do additional outreach. **Angie Lawson, Interim Chief Counsel**, said and amend it. (inaudible) **Commissioner Bynum** said that would be my recommendation.

Commissioner Davis said Commissioner Bynum actually took my question. That was kind of the main thing. Maybe adding law schools to see if there's folks that are teaching law if they could also be added. I don't know if they were considered outside of the Bar Association or not. Just folks in academia that may live in Wyandotte County.

Judge Shultz said as long as they're licensed, yes. Absolutely. I think I just kind of have that general assumption, that most people do, that if you're an attorney in Wyandotte County, you belong to the Bar; but if you really are not practicing in the county, for example, you teach at UMKC or KU, you may not because there is obviously a cost involved with joining the Bar Association.

Action: **Commissioner Davis made a motion, seconded by Commissioner Ramirez, to approve.**

Commissioner Townsend said I did have a few questions, too. When does the next outreach period begin; you mentioned for next year? **Judge Shultz** said as long as the Legal Department does not have a problem, I would like to start quickly within the next couple of months.

Commissioner Townsend said the reason I asked that, I would be more than happy to share with you, and anyone else who's working on that, contacts to minority and women bar associations, which we contacted when we were looking for the last judicial position. That may be of help, too. I guess it's never too early to start. **Judge Shultz** said I would really appreciate that if you would send me that list. **Commissioner Townsend** said I can give it to you tomorrow.

Commissioner Townsend said with the judge pro tem, this may seem an interesting question to some, but the judge pro tem, need they have been an actual sitting judge before? **Judge Shultz** said no. That is not a requirement. **Commissioner Townsend** said I knew at some time in the past it was not. I didn't know if that needed to be changed. I would be happy to give you that information tomorrow. **Judge Shultz** said they cannot actively be a full-time prosecutor, but they don't have to be a sitting judge. They can be like a part-time like I know Gardner does a part-time prosecutor. Fairway, I think, does a part-time prosecutor. They can have that, but if they're a full-time prosecutor, they cannot.

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

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

Item No. 1 – 212310...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Jane Philbrook to the Wyandotte County Park Board from 3/2/2023 to 12/31/2023, submitted by Commissioner Markley.

Rosemary Eilts to the Planning & Zoning Commission from 2/23/2023 to 12/31/2023, submitted by Commissioner McKiernan.

Carlen Davis to the Wyandotte/Leavenworth Advisory Council on Aging from 3/2/2023 to 12/31/2025, submitted by Commissioner Burroughs.

Carla Whiteside-Hicks to the Housing Authority from 3/2/2023 to 12/31/2025, submitted by Commissioner Burroughs.

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

Item No. 2 – MINUTES

Synopsis: Minutes from the Commission meeting on June 9, 2022, the Special Session meeting on February 2, 2023, and the Executive Session meeting on February 16, 2023.

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

Item No. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated February 9 and 16, 2023.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

Item No. 1 – 212308...PRESENTATION: STRATEGIC ENGAGEMENT- BUDGET PROCESS

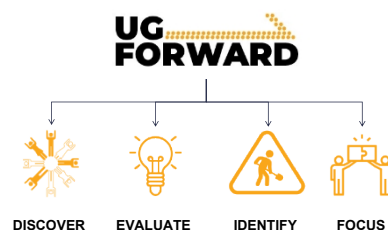
Synopsis: Suggestions for strategic engagement in the budget process and recommendations for continued progress for the Unified Government, submitted by Cheryl Harrison-Lee, Interim County Administrator.



Cheryl Harrison-Lee, Interim County Administrator, said I'm excited to present to you tonight a compilation of considerations and next steps that will be beneficial as you transition and prepare to receive your new permanent administrator and begin developing the 2024 budget.

UG FORWARD **Reimagining the** **Next 25 Years**

- **DISCOVER** new ways to strengthen engagements among residents, local government, and the business community.
- **EVALUATE** the current organization and identify areas for improvement while highlighting and capitalizing on the strengths that will benefit our citizens.
- **IDENTIFY** economic development opportunity that create access, equity and shared prosperity
- **FOCUS** on superior customer service as a daily practice.



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Since my early days here at the Unified Government, I developed and utilized the DEIF framework. Our focus on engagement, evaluation, economic development, and customer service has helped us to make strides for progress for the Unified Government.

Discover. We've enhanced our engagement efforts with community survey, DOTTE Talk, and other methods for outreach.

Evaluate. We've conducted three high-level assessments, and the recommendation is for completion of additional assessments as you move forward.

Identify. We've started work on an economic development strategic plan that we hope will create opportunities for the Unified Government to generate new revenue as a means to address the structural budget deficit.

Focus. Finally, we've developed programs and systems that will hopefully improve service delivery and customer service internally and externally. These are good steps for us to take in an interim capacity, but there are more opportunities for growth ahead.



We've accomplished many things with the great work of the staff. As with all organizations, there are challenges and areas of focus for the future, which I will detail throughout the rest of this presentation. The first is to align strategic priorities with the fiscal resources and consider methods for addressing the structurally imbalanced General Fund. Prioritizing Economic and Community Development and ensuring that these departments have the appropriate leadership as well as looking into realigning these departments as needed. There's a need to evaluate and overhaul the CMIP, both in planning and execution, with a specific focus on reviewing funding sources for CMIP projects to align with best practices. This was reviewed in our organizational assessment, and it was further evidenced in the review of our biosolids project.

UG FORWARD**Challenges and Suggested Areas of Focus for Future Budgets (cont'd)**

- Invest in the Workforce
 - Training (Leadership/Supervisory Skills)
 - Equipment/Technology
 - Compensation/Classification Reviews
 - Fully Implement HR Assessment Recommendations
- Strengthen Internal Structures and Processes
- Fill Key Vacancies

**UG
FWD**

Moving forward, we'll require an investment in the workforce, both through training and compensation, as well as full implementation of the recommendations from the HR assessment. We'll need to strengthen internal functions such as political turbulence and the assessment recommendations of Procurement, Communications, and Human Resource processes with an emphasis on evaluating the implementation of the Workday ERP. The barriers are keeping the Unified Government from becoming a high-performance organization, so a harmonious and productive work environment will reduce liability to focus and have clarity regarding rolls and responsibilities among administration and the legislative branch, as well as deter continued stagnation.

UG FORWARD**Establishing Strategic Priorities and Goals**

- Develop Clear Vision for Future
 - Engage Mayor & Commission
 - Engage Community
 - Engage Workforce
- Set Priorities and Goals
 - Develop Key Performance Indicators
 - Develop Bi-Annual Workplan
- Continue Strategic Visioning and Budget Process Efforts

**UG
FWD**

As you work to establish strategic priorities and goals, it is important that the engagement of the mayor, commission, the community, and the Unified Government staff occur. While setting priorities and goals, there should be consideration for development of key performance indicators and a biannual work plan, along with the goal of continued strategic visioning along with the budget process.



Increasing revenue. In order to increase the revenue, development of a multi-year strategy and plans to grow revenue and build out the city in an equitable way are critical. To do this, a few things would be to organize the Economic Development/Community Development functions around a set of strategies, priorities, standards, and best practices to add transparency, clarity, predictability, and accountability for the budget allocation, development initiatives, and incentive packages. To consciously cultivate consideration and cooperation among and between all the entities, both internal and external, that affect development in the UG.

Recruit, retain trained, talented, experience, highly-effective, outcome-oriented, collaborative, and customer service-oriented economic and community development professionals. Hiring an ACA with expertise and a record of success with planning, economic development, and community development; and to review existing revenue sources for appropriate adjustments as well. All said, you can't cut your way out of this. We have to build your way out. The only way to do that is to develop a targeted focus on economic development.

This month, we launched the RFQ redevelopment process for three UG-owned sites. We hosted an introductory webinar earlier this week and we had almost 80 attendees. The RFQ has been crafted now, and it's expected to be released by the end of the month.

UG FORWARD**Control and Reduce Expenditures**

- Continue Implementing Audit Recommendations
- Conduct Scheduled Business Process Reviews Develop Multi-Year Strategy for Identifying Operational Efficiencies and Aligning Operations with Strategic Priorities
- Implement a Biannual Operating Budget process that incorporates Priority Based Budgeting



In your effort to control and reduce expenditures, the following strategies are suggested. Continue implementing the recommendations of the three performance audits. Also, consider looking into additional audits once some of the short-term and mid-term recommendations have been addressed. Conducting extensive deep dive business process reviews on departments, operations in three categories at least two, maybe annually.

Development programs would include and departments would include Public Works, CMIP projects like biosolids, Planning development review, BPU, public safety. We have the fire assessment that we spoke about previously. We have, also, management systems that we've implemented: Workday, looking at how we can enhance Workday for our HR, Payroll, Procurement, IT, and Communications; as well as our customer-facing systems: 311, permitting, and those items that were identified in the citizen survey and employee survey. Also, developing a multi-year strategy for addressing identified opportunities for operational efficiencies along with strategic priorities and eliminating the deficit in the 2023 budget. Implementing a biannual budget process that incorporates priority-based budgeting.

At this point, it might be advantageous to hit reset on priority-based budgeting just to make sure that we're understanding the core components of priority-based budgeting and inventory what we currently have and what the needs may be. Things like KPI or strategic plan, a performance management system would be beneficial to effectively implement priority-based budgeting. Priority-based budgeting is ideal for dealing with a structural deficit because it guides the decision-making process while evaluating the revenue. It is definitely the right idea. It just needs to be implemented with some of the other components to have the greatest impact.

Finally, priority-based budgeting allows for a long-term viewpoint to prioritize and address issues and implement initiatives.

UG FORWARD
Investments in
Workforce

- Fill Key Vacancies
- Train to Build Capacity
- Employee Rewards and Recognition



UG
FWD

Investment in the workforce should be three-fold: fill in vacancies, training to build capacity, as well as employee rewards and recognition. As we look at filling key vacancies, attracting and retaining high-quality employees, we are currently working to have recruitment firms ready at the disposal of the new permanent county administrator to use at their discretion. Looking at having the RFP issue so that he will have one or more firms to select from to be able to help with the recruitment of key positions.

Under filling key vacancies, also looking at pay equity reviews to address compression, classification, and compensation studies, performance evaluation, and pay for performance. Looking at the benefits package. Looking at effective succession planning and eliminating barriers for people wanting to come to the Unified Government to work.

Under training to build capacity, leadership, customer service, as well as continuous improvement. Finally, looking at employee rewards and recognition programs. People generally don't stay in positions because of compensation, but they stay because of job satisfaction and recognition and rewards. So, taking a look at rewards and recognition would be important.

There's a great sense of Dotte pride throughout this organization, and that contributes to the work ethic that the employees here have. We want to continue to maintain that work ethic.

Thank you.



UG
FORWARD

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So, in conclusion, I've enjoyed the time I spent with the Unified Government. I want to thank you for the opportunity to serve in this capacity. We've been able to accomplish several things and there's still work to be done. I'm confident that the work we've done in the interim, along with the recommendations presented tonight, will help the governing body and the permanent administrator be well equipped in leading the Unified Government forward.

I want to congratulate Mr. Johnston and congratulate you on your decision for UG Forward, and I wish you well.

Mayor Garner said thank you, Administrator, and thank you for your service and your commitment and the positive contributions that you've provided not just to this Unified Government and this governing body, but to the great people that call Wyandotte County and Kansas City, KS, home. Thank you for your service.

Commissioner Bynum said, Administrator Cheryl Harrison-Lee, I want to also say thank you for the work that you've done with us here and the ways that you've kind of tried to push us forward with UG Forward. It is appreciated.

What I'm wondering is a couple of the bullet points that you've shared with us tonight through the presentation. As much for the public as for us, if you could expand on just a couple of them for me, if you don't mind. Number one, I know that the Commission, during all of our budget work last year and beyond, heard a lot from our professional staff and had a lot of conversations among ourselves about the structurally imbalanced General Fund. I'm wondering if you would discuss that broadly so that the public is able to digest it. I'll get out question number two so you have them both, and I've got them written down here for you.

The second one would be to talk to us more about what it is you are thinking with a biannual work plan. So those are my two discussion points. Again, I'm asking as much for us as I am for the public to have a broader and better understanding. The first issue is quite critical and the second issue probably plays into it.

Ms. Harrison-Lee said when we adopted the budget this year, we adopted that budget with a deficit. Generally what we found was that we were outspending our revenue. So, much like in your home, you have to really spend within the means; spend within what's coming in. At some

point, if you continue to take that revenue from savings or from reserves with the local government, you get to a point where you are no longer able to maintain stability.

So, the recommendation to look at a two-year budget is an opportunity to look a little bit further down the road. An opportunity to look at planning your infrastructure needs a little bit further down the road. It really helps you kind of look beyond just that initial year. When you develop that budget on a two-year basis, you really would adopt the first year with the second year not being adopted, but you've got it set. You can make adjustments to that second year once you get to that second year, but you've at least looked at two years.

Developing a work plan to align with those resources kind of helps keep a focus. When I facilitate, oftentimes I'll ask people when's the last time you went to McDonald's and asked for pizza. You don't do it. They're very focused on their product and they're good at what they do. So when you're focused on priorities and you have a long-term plan, I think it strengthens the organization. It makes the organization be in a better position to be a high-performing organization.

Mayor Garner said she didn't note it but, again, outside of us recognizing Ms. Harrison-Lee for the positive contributions that she's brought during her tenor, this will be her last commission meeting with this body, so I just wanted to make note of that. Thank you, again.

Action: For information only.

COMMISSIONERS' AGENDA

No items

Mayor Garner said that concludes the regular portion of tonight's meeting. We will proceed to the Planning and Zoning portion of tonight's Commission meeting.

PLANNING AND ZONING CONSENT AGENDA

Mayor Garner said I'll ask the Clerk to read the statement required by state law governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

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

A valid protest petition was filed in the Clerk's Office protesting SP2022-113 – Lynne Beaver to operate an event space at 2651 S. 24th St. The petition represented 34.76% of the property owners.

Mr. Deichler asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on tonight's agenda? **Commissioner Markley** said I've had contact with opponents of the first item on the Non-Consent Agenda, SP2022-113. **Commissioner Bynum** said I've heard from opponents of A1, opponents on the Non-Consent, SP2022-113. **Commissioner Davis** said I've heard from opponents of SP2022-123. **Commissioner Kane** said I've had contact with SP2022-113 and another contact with SP2022-081. **Commissioner Burroughs** said A1 of the Non-Consent Agenda, both proponent and opponents. **Commissioner Stites** said proponents of SP2022-081. **Commissioner McKiernan** said opponents of SP2022-113.

Mr. Deichler said I will now read the Consent Agenda.

Mayor Garner asked, do any members of the Commission, County Administrator, or the public wish to set aside any item on the Planning and Zoning Consent Agenda?

Gunnar Hand, Director of Planning and Urban Design, said staff would like to request that Plan Review PR2022-052 – Eric Gentry with Victory Jeep, be removed from the Consent Agenda.

Mayor Garner said any item that is not set aside—all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission. We've already had one set aside by Mr. Hand. I'll ask if anyone in attendance would like to set aside an item.

Mark Wolf, Home Rehab LLC, said regarding 4547 Melody Lane, I'd like to be set aside. **Mr. Hand** said that's Change of Zone COZ2022-052.

Commissioner Davis said just a quick question for Mr. Hand. In the event that some of the stipulations or the conditions for approval, let's say they are violated by an applicant, what are some of the actions that staff can take or we can take?

Mr. Hand said it depends on what type of case it is, but you can revoke a special use permit, for instance. There's a somewhat arduous process to do that. Otherwise, all conditions of approval have to be met or we can issue a notice of violation and move forward with the administrative citation process until that is corrected or rectified in some way.

Commissioner Davis said I just wanted to make sure there was some teeth to it.

Action: **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda for Planning and Zoning, excluding the set asides.**

Mayor Garner asked, Clerk, is there anyone joining us virtually that has a set aside? **Mr. Deichler** said seeing none.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212288...CHANGE OF ZONE APPLICATION COZ2022-047 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4601 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Austin Thompson with Atlas Land Consultants, is seeking the approval of a variance related to a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 4601 Gibbs Road. The subject property was formerly agricultural homestead; however, the home was demolished, and the parcel was split for a new home construction for the adjacent property approximately 1993. The Change of Zone has been requested so that the Property Owner can construct structures for the maintenance of the property without the requirement to build a dwelling, as the Property Owner lives in the adjacent

parcel and has already reached their limit of one (1) accessory structure as allowed by zoning ordinance. This application is being heard in conjunction with BOZA2022-069 for a variance related to lot width to depth ratio. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-047, subject to:

1. The City Planning Commission case is being heard in conjunction with BOZA2022-069 (Approved). 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 BOZA2022-069 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
3. An access agreement must be filed to maintain the drive access between the subject property and the adjacent property at 4611 Gibbs Road;
4. The abandoned driveway and any remaining equipment and debris must be removed. The sod or grass shall be repaired;
5. All parking must be on an improved surface;
6. A timber stand buffer shall be maintained around the perimeter of the property;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. 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;
9. 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; and,
10. 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 Davis made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-047, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 2 – 212289...CHANGE OF ZONE APPLICATION COZ2022-052 – MARK WOLF WITH HOMES REHAB LLC

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District for a duplex at 4547 Melody Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Mark Wolf with Home Rehab LLC, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two-Family District for the subject property at 4547 Melody Lane. The Change of Zone has been requested so that the Applicant can revert the home into a duplex, which is its original use. The subdivision restrictions require homes in the neighborhood to be built as two-family or duplex homes, however the area was previously downzoned to R-1 without regard to the building’s original construction. The home was converted to a single-family home and has fallen into disrepair. The Applicant is the new owner of the property and would like to revert the property to a two-family dwelling to be compliant with the deed requirements. This application is being heard in conjunction with BOZA2022-071 for variances related to setbacks and required rear yard open space. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2022-052, subject to:

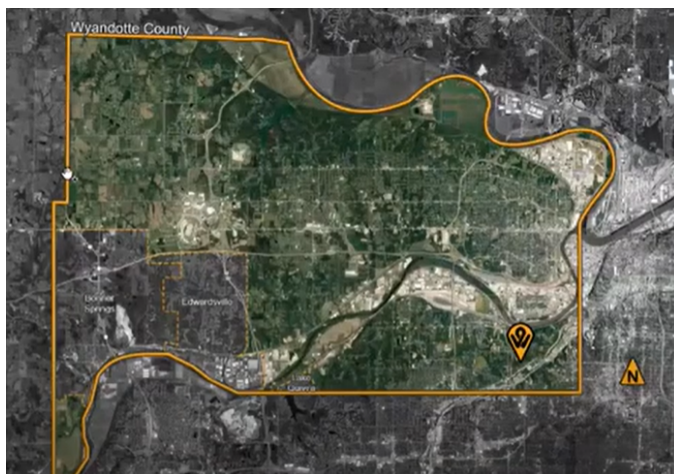
1. This City Planning Commission case is being heard in conjunction with BOZA2022-071 (Approved). Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-071 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The parking pad at the front of the property that does not enter the rear yard shall be removed and replaced with sod or landscaping with the curb restored;
3. All driveway surfaces shall be upgraded or repaired to asphalt or concrete;
4. Any units rented to tenants shall obtain a rental license through the rental licensing department. Please contact Rental Licensing at 913-573-8649 for more information;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the

Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

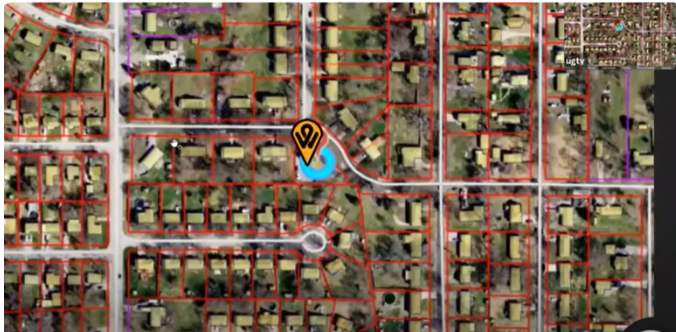
6. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. The sidewalk from the front door entrance to the Melody Lane curb shall be repaired and replaced; 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.

Case	
COZ2022-052	
Petitioner	Address
Mark Wolf	4547 Melody Lane
Synopsis	
Approval of a Change of Zone from R-1 Single-Family to R-2 Two-Family district in order to bring a legal non-conforming duplex into compliance. The Board of Zoning Appeals approved BOZA2022-071 at their 02.13.2023 hearing.	

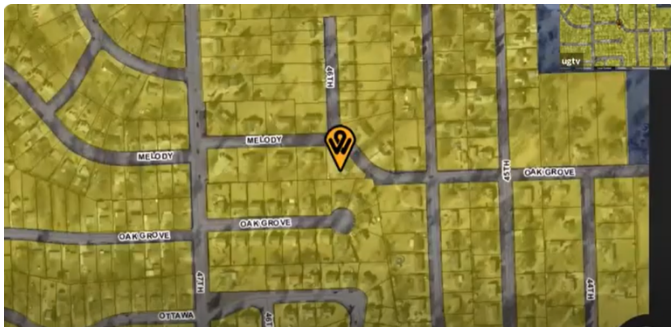
Gunnar Hand, Director of Planning and Urban Design, said this case is heard in conjunction with BOZA Case 2022-071, which was approved technically last month by the Board of Zoning Appeals. Again, this case is regarding a change of zone from R-1 to R-2. This is a legal non-conforming duplex that was caught up in a blanket rezoning probably in the 1970s.



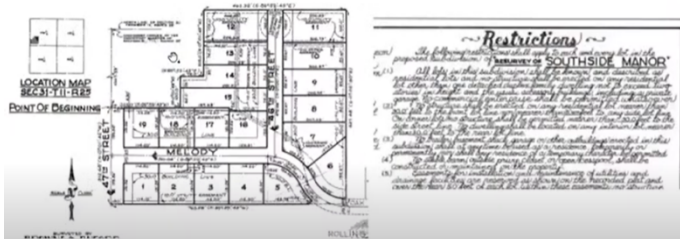
This is in the City-Wide Master Plan area, kind of in the Turner, maybe Shawnee Heights portion of the community.



We received no letters in opposition; no letters in support.



There were some older notices of violations on the property prior to the current property owner. Staff agrees with the Planning Commission to recommend approval with all conditions attached.



March 2, 2023

Mayor Garner said I'll ask the applicant or representative to present their application.

Mark Wolf, Home Rehab LLC, 8101 College Blvd., Ste. 100, said I purchased this property with the intent to remodel it and spend about \$125,000. It's in extremely bad shape. There was a condition that was not discussed at the variance or zoning meeting a couple of weeks ago that came through an email from a Ms. Janet Parker, and that was to remove the existing concrete drive on the east side of the property. That was not discussed. That's an existing concrete driveway that's in extremely good condition. It would cost me about \$8,000 to put it in today. It will cost me about \$3 - \$4,000 to have it removed.

One of the concerns at the neighborhood meeting with the neighbors, and there were four or five neighbors from the community, was the on-street parking and how busy the on-street parking is and how congested it gets after work hours and on weekends.

One of the things that I think that concrete drive could be used for is for guest parking for this unit, for both units. It could also be used for teenage parking if the tenants have teenagers. I'm asking for that condition to be removed.

Mayor Garner said I'll now open the public hearing and ask the Clerk if you received any direct notification from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no notification was received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is anyone joining us virtually that would like to speak in favor of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition to the item? **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, is there anyone present who would like to speak in direct opposition of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone joining us virtually, Clerk, who would like to speak in opposition? **Mr. Deichler** said seeing none as well.

Mayor Garner said I will now close the public hearing. I'll invite the petitioner to make some closing remarks.

Mr. Wolf said I just think it's a value to that street to keep people off the street, parking and free that up. It's existing. It's been there for a long time.

Commissioner Kane said I agree with you. I don't know why sometimes we overstep our bounds. You've got a situation there that, like you said, a teenager, a guest come over and this is the kind of thing that I don't like seeing. It wasn't there when you first did this, right? Then you got a letter saying that you had to do that, right? **Mr. Wolf** said right, an email.

Commissioner Kane said I think that if he'd said this when he was going through this process or they'd have told you that, you would have said no, I don't want to do that and here's why. I don't think that we should send our folks out there after the fact when they said here's our blessing. Oh, by the way, it's going to cost you another \$4,000 to do this. I just don't think that's what we're supposed to do. I've talked to the Administrator about some other items. The same thing where people keep adding on to what's going on. I'd like to make a motion to accept the changes that he was talking about. We appreciate you buying the property and rehabbing it.

Action: **Commissioner Kane made a motion to remove that stipulation and move forward.**

Mr. Hand said if I may respond to that. I'd say two things to this. All conditions of approval for this case, as well as the BOZA case associated, it had this condition of approval. If we forgot to mention it at the Board of Zoning Appeals or the City Planning Commission hearing earlier last month, I apologize for that. It's been in the staff report, and this is not something we tacked on after the meeting. Sorry if you understand it that way, but that is not what happened, first and foremost.

Secondly, if you all remove it from the conditions of approval tonight, that's your discretion, absolutely. It is a condition of approval on the Board of Zoning Appeals, which was approved, and the only way to change that condition of approval is at the District Court. So, what you do tonight is fine, but it's still a condition of approval of the BOZA.

I will also note that the BOZA case, the two variances that were heard, one was related to frontage. The other one was related to open space requirements because all the parking in the rear yard of this property is for parking and not open space. Staff felt there was a nexus that to gain

additional open space, where that variance denied it, was to remove this parking when sufficient parking code required parking is all provided in the rear.

Commissioner Kane asked, you bought that property as is, right, with that driveway already there? **Mr. Wolf** said I did, yes. **Commissioner Kane** said he's saying he didn't get that stipulation and then you got a letter later, right?

Mr. Wolf said I got an email from a Ms. Janet Parker with that on it. Tearing that driveway out was never discussed at the last meeting I attended two weeks ago. If it was there, I didn't know. I don't want to get into future, whatever you said, with having to go through judicial courts to deal with this. I just was hoping it would be something simple.

Commissioner Bynum said, Mr. Hand, I need help. If you can walk me through BOZA and what occurred there that if we accept the motion by Commissioner Kane, we're now in conflict with those two things. I need more information.

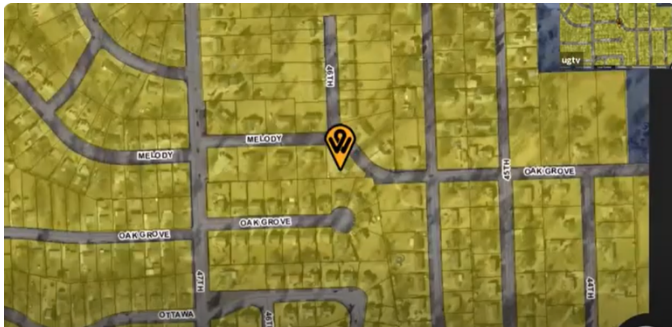
Mr. Hand said I don't know if I describe it as in conflict, but what remains, if you pull the conditions of approval for this change of zone, are the conditions for the Board of Zoning Appeals, which is a final decision by the quasi-judicial branch of the Board of Zoning Appeals. Again, any contesting of those decisions goes to District Court as would contesting the conditions of approval for that BOZA after the fact that the BOZA has been decided.

Commissioner Bynum said I'm not there yet. What was the decision of BOZA? **Mr. Hand** said the Board of Zoning Appeals approved the two variances with the condition that you're trying to swipe from this change of zone as well. **Commissioner Bynum** said approved two variances which were what?

Mr. Hand said the two variances were a front yard setback. Again, this is just a legal non-conforming house that doesn't meet our current standards even in R-1 or R-2. The second one was for open space requirements in the rear yard. There's a certain percentage of a rear yard that has to remain open space. If you're familiar with some cases, these happen more often in kind of the older parts of town where they have small backyards and people pave them all for parking. We've had a couple of cases where people have done that. We've had to remove parking spaces

to meet that standard. So, as a nexus to gain additional open space across the whole parcel, a condition was added to match that so that this becomes open space again.

Commissioner Bynum said I see. If I can say that back to you that proves I understand it. The removal of the concrete driveway on the east side that's being requested would then not comply with the open space variance that was granted. Am I close?



Mr. Hand said you're close. It's the corner parcel because it's at the turn of a road, so it's basically shaped like a triangle. There is kind of just a front yard and just a backyard. The side yards are a little constrained, right? So, the rear yard—the code requires a certain amount of open space in the rear yard of which there is no open space provided because it is entirely paved for parking.

Commissioner Bynum said okay.

Mr. Hand said so as a condition, staff felt to balance out the site in totality, if we remove this parking in the front, we would have that addition of open space to counteract the no open space in the rear. If you look at the site as in totality, we get close. We're still under the required open space but, again, it's because the code breaks it up between front and rear yard. You don't really ever get to the point where you don't need a variance anymore. But, again, the nexus is there. If there's no open space in the backyard, then we can increase open space in the front yard. That was the intent of the condition of approval.



Commissioner Bynum said Commissioner McKiernan has pulled up a really good visual of the triangle of concrete in the back. So, that would stay and then the little driveway, if you will, is what you're requesting to remove.

Mr. Hand said correct. I would also add that there aren't any other duplexes with the front entering driveway like this. This is an additional parking, let's call it a lot, on the parcel. All the other ones pretty much only have one place to do their parking in the rear. So, it's also counter to what would the neighborhood character be.

Commissioner Bynum said all I need is one more time. In what way would us allowing the driveway part to stay put; cause a need to go to District Court?

Mr. Hand said when cases come to us with both some land entitlement for the Planning Commission and some other variants, again, it's the same people. It's two distinct bodies. We sort of elect by the term cross-pollinate conditions of approval on both. We've done that in many different ways, and we finally worked through the right way to do it. So, for this case, that condition of approval exists both at the variance, on the variance case, as well as this change of zone. So, to remove the condition of the change of zone, only removes it from one approval. To remove or change a condition of approval of an already approved variance has to be resolved at District Court unless there's a significant change with the project, which I'm not seeing how we could get there. We cannot rehear the variance case.

Mayor Garner said, Chief Counsel, I know that was a lot to digest. If you can help us unpack that. I think the overriding questioning is what is legally acceptable for this Commission to make a motion in regard to accommodation. I believe the spirit of what Commissioner Kane is trying to do, in reference to the item at hand, as not to conflict with the BOZA and some of those legal implications.

Misty Brown, Chief Counsel, said it was, in fact, a lot to unpack as we go through it. I thank Mr. Hand for his explanation of it. We've got a couple of questions that we are looking at today. One, I think, there's a desire of this Commission to accommodate the applicant's request. Then we have Mr. Hand's advice that he has provided that in order to change the Board of Zoning Appeals, despite needing to be litigated in District Court. What I would suggest at this point is if we could hold it over for a month to look at options.

One piece I was trying to look up quickly on my phone while we were here is, is it possible to send it back for BOZA to look at it again to reevaluate it. Without being able to get access to all the provisions of it right here, I would suggest a holdover for 30 days while we look into it, thus the applicant objectives...

Mr. Wolf said actually, I would like to just withdraw my request. I'll tell you; it's been a long time coming trying to get this project going. So, we will just remove that driveway. I just want to move forward on the project.

Action: **Commissioner Kane said I rescind my motion.**

Commissioner Stites said if you rescind the motion and you're going to tear it out—I don't know why we're making it harder on people to spend money in our county. Taking a house that is in this condition and we're turning around and making it to where the applicant has to spend an amount of money that's unneeded to fix something. Why did it have to go to BOZA to begin with? What's that reason? I'm not even sure.

Mr. Hand said two things. This property is currently zoned R-1. In order to acquire, again, the applicant needed it to be rezoned to R-2 to meet current standards. The R-2 standards were not met because based on that legal non-conformance. So, to go and do the change of zone, we need to also do these two variances.

Commissioner Stites asked, what's the difference in R-1 and R2? What did you need that made it need to go to R-2? **Mr. Wolf** said R-2 is a multi—it's a duplex. **Commissioner Stites** asked, wasn't it a duplex when you bought it? **Mr. Wolf** said it had been converted at some point. I think there's about seven or eight of those properties in a row that are zoned R-1 improperly.

Commissioner Stites said so we zoned them wrong, but yet we're going to force you to spend money to get rid of off street parking, which is an issue. I wish you—gotta be careful what I say here, but you made your decision. I just hope that this doesn't come in front of us in something like this again. That any applicant is made in the very beginning, is made clear before they get all the way down to this portion and find out that they got to do something different. I'm sorry.

Commissioner Ramirez said I know we are holding over to work it out or what are we doing. (inaudible) Then I guess my question doesn't need it. I was just gonna ask. Never mind. If we're just gonna approve it, then I cannot answer my question.

Commissioner McKiernan said, Gunnar, I just want to understand something here. So, this is currently zoned R-1. Wants it zoned to R-2. My understanding would be from that that this house was probably originally built as single family and at some point in history has been divided. Would that be correct? **Mr. Hand** said that's incorrect. It was a duplex and it was inappropriately blanket zoned. **Commissioner McKiernan** said inappropriately zoned.

You said earlier sometime in the '70s when we decided R-1 was the way to go. We have several of these legal non-conforming uses right here, right around City Hall, through the same downzoning process that occurred in the '70s. The thing that I'm having trouble with here is if it was legally non-conforming as a structure, then wouldn't the attendant grounds also be legally non-conforming?

Mr. Hand said to get it back to R-2 status or to get it back to be a duplex after it had already been converted to single family, required to change the zone to get to where he wanted the project to be. So, he lost his legal non-conformance.

Commissioner McKiernan said so this was a duplex that had been converted to single family. **Mr. Hand** said the problem that we have is not related to this case. This is a symptom, not the problem. The problem is we have been doing planning in this community for decades the wrong way. For three years I'm doing my best to correct these. This is the work that I talk about when I talk to you all as we do area plans and the need to update our zoning code.

Mayor Garner said I know that our Commission and a lot of folks in this community and myself—economic development, revitalization of our community is a huge priority when you're talking about expanding our tax base, bringing in good services and amenities.

When we have good, hard-working residents that want to call Wyandotte County home, we penalize them for decisions that they had no control over. At some point, we need to start using our discretion responsibly and not penalize people that want to call Wyandotte County home for mistakes that weren't caused by any actions of their own. I think there is a vacuum of that throughout this Unified Government, and I just think we need to do a better job.

Nitpicking the bureaucracy that I've heard a lot of developers and people that are trying to redo properties have to face—I've said it again and I don't mind saying it, it's unacceptable. In a lot of people's minds that I've talked to, it's shameful how we do residents here in Wyandotte County. People do not have the ability to conform to a lot of the, in my opinion, unreasonable requirements that we put before them when mistakes have been made by this Unified Government, but then we want the resident to pay for it. I just think that's unacceptable and we've got to do a better job of finding ways to get revitalization, economic projects forward as opposed to finding reasons to stalemate them, stop them, and cause them unnecessary bureaucracy in this Unified Government. There's a way to do that. A lot of people that make big money in this Unified Government have the ability to use their discretion responsibly in that regard, and I just ask that we do a better job at that.

Commissioner Markley said, Mayor, I would just clarify that Gunner doesn't have discretion. We require him to follow our ordinances and resolutions. So, we gotta point the finger where it belongs. Gunnar can't make a choice not to obey our ordinances and resolutions. That being said, we appreciate you. I wish we could have fixed this in an easier way.

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



Staff Recommendation
Approval

Action: **Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve Change of Zone Application COZ2022-052 as recommended, subject to the stipulations.**

Commissioner Davis said I'm open and I want to do the work of changing these issues that date back to 1970, but I would caution giving the hemorrhaging of staff that we not conflate our

frustrations with our predecessors with our frustration with staff. Again, the issue is on us. We have to change it. I want to do the work, but we have to be very, very careful about making that distinction.

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

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212290...SPECIAL USE PERMIT APPLICATION SP2022-081 - PAULA WESTERFIELD-WALLACE

Synopsis: Special Use Permit to operate a dog kennel at 12200 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Paula Westerfield-Wallace, is requesting a Special Use Permit to keep a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo Road. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-081, for two (2) years, subject to:

1. A Change of Zone to R-1 must be applied for within six (6) months of approval of the Special Use Permit;
2. The applicant shall ensure that animal waste is regularly cleared;
3. Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
4. 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;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. 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;
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. 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;
9. 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;
10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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,
11. 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 Davis made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-081 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 2 – 202291...SPECIAL USE PERMIT APPLICATION SP2022-090 - RIAD BAGHDADI WITH RB ARCHITECTURE/ENGINEERING

Synopsis: Special Use Permit for the expansion of an automotive/heavy truck salvage yard at 919 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Riad Baghdadi, is requesting a Special Use Permit and Final Plat for the operation

of a heavy truck and semitruck repair facility that includes body work, outdoor storage, and parking. The proposal includes an existing repair shop that will remain, the demolition of an existing building, and the construction of a newer body repair building. The property includes several parcels and Right of Way areas that have been historically used for the proposed use and are being combined with the multiple parcels as part of the Plat. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-090, for two (2) years, subject to:

1. Gravel is not an approved surface. All parking and outdoor storage must be upgraded to concrete or asphalt;
2. Ground equipment must meet both the UG Commercial Design Guidelines Standards and BPU equipment standards;
3. The Applicant shall make additional changes prior to the approval by the Board of Commissioners:
 - a. The parking lot shall be revised to reflect the updated diagonal parking.
 - b. The employee parking shall be revised to eliminate the tight corner.
 - c. Additional parking shall be formally stripped at the front of the existing building and added to the new building.
 - d. The lighting shall be noted to be downward facing.
 - e. A sawcut detail for landscape installation shall be provided.
 - f. The note regarding ground equipment shall be modified to reflect that BPU equipment requirements have been changed.
 - g. All applicable comments from GSS and the County Surveyor regarding the Plat shall be revised prior to final posting;
4. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
5. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
6. 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;
7. Per Director's Interpretation of Section 27-699(e), the following architectural standards have been identified as being good design practices and should be included in the design plans:
 - a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.

- b. Lighting shall be installed to have a 90-degree cutoff fixtures.
- c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
- 8. Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
- 9. Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
- 10. Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;
- 11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
- 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 14. Applicant shall comply with all Geospatial Services and County Surveyor Comments prior to the filing of the Plat;
- 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 and 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. 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;

18. 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.
19. If approved, the applicant must file and maintain a current business occupation tax application with this office;
20. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
21. The approved use is not authorized to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
22. 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;
23. 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;
24. Any business in Wyandotte County that 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;
25. 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;

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;
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.

Action: **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-090 for two years, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 3 – 212292...SPECIAL USE PERMIT APPLICATION SP2022-116 - BOB RICHARDS WITH ROTHWELL CONSTRUCTION

Synopsis: Special Use Permit to operate a fleet maintenance facility for Frito-Lay at 1105 South 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Bob Richards with Rothwell Construction, wants to operate a truck maintenance repair facility at the Frito Lay distribution center on 11.05 acres located at 1105 South 5th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-116, for two (2) years, subject to:

1. Per Sec. 27-576(e)(1) building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials. The exterior building material is 100 percent metal panel, which does not comply with the Commercial Design Guidelines as required by Sec. 27-573(b)(20). Install a 4-foot wainscot masonry band (stone or brick) around the perimeter of the building;

2. The design team discussed with Planning the landscape requirements of the overall site construction from 2020. The owner agrees to replace any existing dead trees on site associated with previous project;
3. Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs;
4. Per Section 27-576(g)(2), three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings;
5. Per Section 27-576(g)(3), sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
6. Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. 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;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. 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;
11. 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;
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. 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,
14. 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 Davis made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-116 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 4 – 212284...SPECIAL USE PERMIT APPLICATION SP2022-118 – RYAN STOOPS

Synopsis: Renewal of a Special Use Permit (SP2021-080) to operate a short-term rental at 3151 West 45th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Ryan Stoops, is seeking to renew their Special Use Permit (which expires on March 10, 2023) to continue the operation of a short-term rental at 3151 West 45th Avenue. The subject property is a single-family residence and was recently purchased by the Applicant. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-118, for two (2) years, subject to:

1. Maximum number of guests shall be seven (7);
2. All parking must be off-street, maximum number of vehicles is two (2);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;

7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. 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;
10. The applicant has filed and maintained a current business occupation tax application;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. 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 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
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-118 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 5 – 212294...SPECIAL USE PERMIT APPLICATION SP2022-119 - ALEX ELLIOT WITH ATLAS LAND CONSULTING

Synopsis: Special Use Permit for dirt removal from 10702 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Michael Rhodes, is requesting a Special Use Permit to grade and level the property and utilize it as a borrow site of earthen material for off-site fill at 10702 Donahoo Road. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-119, for two (2) years, subject to:

1. If the scale of the proposed operation changes from what is improved by this Special Use Permit, the applicant shall amend their Special Use Permit;
2. Due to the proposed duration of this project, the applicant shall provide a paved construction entrance apron at the current property entrance as well as provide rumble strips along the remainder of the driveway, where there is only gravel or dirt;
3. Any trees or other landscaping that is removed shall be replaced on site;
4. To mitigate dust, the site and construction entrance shall be watered with a watering truck on days when trucks are leaving the site;
5. The applicant shall maintain a 100-foot buffer, protecting the tree stands from the single-family homes and trees replaced where needed for conformance along the west and north property line;
6. The site shall be seeded and mulched until groundcover is established in areas where work will not occur for more than two (2) weeks and after work is completed on the site;
7. Topsoil needs to be saved and spread over the borrow area when complete. Seed and mulch the area within one week of completion;
8. Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;
9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. 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;

12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. 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;
14. 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;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573- 5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
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 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,
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 Davis made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-119 for two years, subject

March 2, 2023

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

Item No. 6 – 212295...SPECIAL USE PERMIT APPLICATION SP2022-123 - AMELIA INTERIANO WITH FAMILY FIT

Synopsis: Special Use Permit for an event space at 1957 North 63rd Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Amelia Interiano, is requesting a Special Use Permit to operate an event space at 1957 North 63rd Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-123, for one (1) year, subject to:

1. The applicant or a manager must be on site any time the venue is rented out for an event;
2. All trash shall be disposed of properly after every event. Applicant/Manager shall walk around the tenant space and through the parking lot to pick up litter and trash debris after each event. The applicant is responsible for managing waste on the property;
3. The applicant will be limited to holding events on Friday, Saturday, and Sunday, with the exception of holidays;
4. Hours of operation shall be from 4:00 PM to 12:00 AM;
5. All entertainment must cease at 12:00 AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;

13. 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;
14. 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;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. 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 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 Davis made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-123 for one year, subject

March 2, 2023

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

MASTER PLAN APPLICATION

Item No. 1 – 212298...MASTER PLAN APPLICATION MPL2022-029 - JOSH BEUERLEIN WITH 4J ENTERPRISES, LLC

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) to expand the operation of a speech therapy clinic at 8247 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Josh Beuerlein, is requesting a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan), 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 7 to 0 to recommend approval of Master Plan Amendment Application MPL2022-029, subject to:

1. The applicant shall demonstrate compliance with the Commercial Design Guidelines, aside from any approved deviations as part of PR2022-032 in their DRC Building Permit submittal;
2. 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;
3. 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;
4. The applicant has filed and maintained a current business occupation tax application;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
8. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public

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

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

Action: Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve Master Plan Application MPL2022-029, subject to the stipulations.

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

PLAN REVIEW APPLICATION

Item No. 1 – 212297...PLAN REVIEW APPLICATION PR2022-052 - ERIC GENTRY WITH VICTORY JEEP

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) to expand the operation of a speech therapy clinic at 8247 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Eric Gentry with Victory Jeep, is seeking approval of an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan and Final Plat to construct a new automotive dealership (Victory Jeep) at 1701 North 100th Terrace. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application PR2022-052, subject to:

1. Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible;
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands;
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes;
2. Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users” while Sec. 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”;

3. Construct a sidewalk on North 100th Terrace and connect into the sidewalk network of the development to the front door;
4. Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
5. Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - a. Six-inch vertical curb;
 - b. Trellis;
 - c. Special railing;
 - d. Bollards;
 - e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; or
 - h. Traffic calming devices.
6. Sec. 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
7. Sec. 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;
8. 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:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation of rooflines
9. Downspouts on the south elevation shall be internalized;
10. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43-acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances;
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
11. Landscaping shall be irrigated;
12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met;
13. 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;
14. 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:

- a. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage;
- b. 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;
- 15. 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;
- 16. The master plant palette for this development is as follows:
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
- 17. 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;
- 18. 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;
- 19. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six 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;
- 20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
- 21. Regarding BPU transformer screening, the following applies:
 - 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 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches 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 six (6) feet on each side, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
- 22. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only

those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

23. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
 - a. All wall mounted signage shall be individual letters;
24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
25. 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;
26. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
28. 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;
29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
30. 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;
31. 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,
32. 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.

Case		
PR2022-052		
Petitioner	Address	
Eric Gentry	1701 North 100 th Terrace	
Synopsis		
To approve an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan to construct a new automotive dealership (Victory Jeep). The City Planning Commission approved PLAT2022-042 (Legends Auto Plaza Fourth Plat) at their 02.13.2023 hearing.		

Gunnar Hand, Director of Planning and Urban Design, said during the City Planning Commission for this case, the applicant, for one reason or another, did not speak up during the meeting that he wanted to request a deviation from the commercial design guidelines as well as the Legends Auto Plaza design guidelines. As such, staff would recommend that the Board of Commissioners send it back to the Planning Commission for their March 13th agenda for review and reconsideration.

Mayor Garner said I'll ask the applicant or representative to present their application. (No one stepped forward.)

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

Mayor Garner asked, Clerk, have you received any notification from the public who wish to express their comments in opposition? **Mr. Deichler** said no notifications were received by the Clerk. **Mayor Garner** asked, is there anyone present that would like to speak in opposition of this item?

Fannie Hill said I'm the stand-up committee for Wyandotte County. What I see in this county is it's almost destroying. It breaks my heart to see how we care about everything but the people. The people have come here for week, after week, after week, crying, hurting, paining. My phone is constantly ringing. I had an 80-year-old lady call me today, named Ms. Wander, 83-year-old

lady, Ms. Henrietta, they're calling because...**Ms. Deichler** asked, is this related to the item that's up for conversation? **Ms. Hill** said no. I thought he said anybody who had anything they wanted to talk about. Are you on a certain agenda? **Mr. Deichler** said we are. **Ms. Hill** said if you're on a certain agenda, I apologize.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this particular item that has been brought before us? Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make some closing remarks? Seeing none. Do any members of the Commission have any questions or comments?

Action: **Commissioner Stites made a motion, seconded by Commissioner Kane, to accept staff's recommendation to send Plan Review Application PR2022-052 back to Planning and Zoning's next meeting.** Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

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

Item No. 1 – 212273...AN ORDINANCE rezoning property at 1218 Kansas Avenue (COZ2022-027) from R-2(B) Two Family District to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-12-23**, "An ordinance rezoning property hereinafter described located at approximately 1218 Kansas Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-2(B) Two Family District to CP-1 Planned Limited Business District." **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call

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

Item No. 2 – 212274...AN ORDINANCE rezoning property at 1401 Merriam Lane (COZ2022-032) from C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-13-23**, “An ordinance rezoning property hereinafter described located at approximately 1401 Merriam Lane, in Kansas City, Kansas, by changing the same from its present zoning of C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 3 – 212275...AN ORDINANCE rezoning property at 4810 State Avenue (COZ2022-034) from CP-1 Planned Limited Business District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-14-23**, “An ordinance rezoning property hereinafter described located at approximately 4810 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 4 – 212276...AN ORDINANCE rezoning property at 810 North 6th Street (COZ2022-042) from C-O Non-Retail Business District to C-D Central Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-15-23**, “An ordinance rezoning property hereinafter described located at approximately 810 North 6th Street, in Kansas City, Kansas, by changing the same from its present zoning of C-O Non-Retail Business District to C-D Central Business District.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 5 – 212277...AN ORDINANCE rezoning property at 1223 Meadowlark Lane (COZ2022-043) from CP-O Planned Nonretail Business District to B-P Planned Business Park District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-16-23**, “An ordinance rezoning property hereinafter described located at approximately 1223 Meadowlark Lane, in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Nonretail Business District to B-P Planned Business Park District.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 6 – 212278...AN ORDINANCE rezoning property at 11787 American Royal Way (COZ2022-049) from CP-2 Planned General Business District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-17-23**, “An ordinance rezoning property hereinafter described located at approximately 11787 American Royal Way, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business District to A-G Agriculture District.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 7 – 212280...AN ORDINANCE rezoning property at 2300 North 113th Terrace and 2302 North 113th Place (COZ220-050) from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-18-23**, “An ordinance rezoning property hereinafter described located at approximately 2300 North 113th Terrace and 2302 North 113th Place, in Kansas City, Kansas, by changing the same from its present zoning of RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts to RP-5 Planned Apartment District.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 8 – 212279...AN ORDINANCE vacating a utility easement (VAC2022-006) at 324 and 328 North 64th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-19-23**, “An ordinance vacating a utility easement described as record description: Document No. 2017R-08547, the west 15 acres of the southeast quarter of the southeast quarter of Section 10, Township 11, Range 24, in Wyandotte County, Kansas, less and except that part condemned by the Kansas Turnpike Authority in condemnation proceedings in the District Court of Wyandotte County, recorded October 22, 1955, in Case No. 93021A, and further except any other part thereof in streets, roads or public rights of way, located at 324 and 328 North 64th Terrace, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 9 – 212281...AN ORDINANCE authorizing a Special Use Permit (SP2022-061) 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.

Action: **ORDINANCE NO. O-20-23**, “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 the temporary use of land to stockpile and process concrete materials at 7241 Kaw Drive, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 10 – 212282...AN ORDINANCE authorizing a Special Use Permit (SP2022-095) for a privately owned playground at 2515 North 17th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-21-23**, “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 privately owned playground at 2515 North 17th Street, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 11 – 212283...AN ORDINANCE authorizing a Special Use Permit (SP2022-099) for the operation of an automotive body shop at 3141 and 3151 Fiberglass Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-22-23**, “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 the operation of an automotive body shop at 3141 and 3151 Fiberglass Road, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 12 – 212285...AN ORDINANCE authorizing a Special Use Permit (SP2022-100) to keep a storage container to store construction materials at 5841 Swartz Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-23-23**, “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 keep a storage container to store construction materials at 5841 Swartz Road, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 13 – 212286...AN ORDINANCE authorizing a Special Use Permit (SP2022-104) for the continuation of light auto-repair and general maintenance of commercial vehicles and a storage container for the KCK Housing Authority at 1300 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-24-23**, “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 continuation of light auto-repair and general maintenance of commercial vehicles and a storage

container for the KCK Housing Authority at 1300 Meadowlark Lane, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 14 – 212272...AN ORDINANCE authorizing a Special Use Permit for the operation of a truck terminal with heavy truck maintenance and repair (SP2022-105) at 5010 Speaker Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-25-23**, “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 the operation of a truck terminal with heavy truck maintenance and repair at 5010 Speaker Road, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 15 – 212287...AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2022-109) for a chiropractic office at 5331 Miami Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-26-23**, “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 Home Occupation Special Use Permit to operate a chiropractic office at 5331 Miami Avenue, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 16 – 212293...AN ORDINANCE authorizing a Special Use Permit (SP2022-111) for the continuation of a short-term rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-27-23**, “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 continuation of a Short-Term Rental at 4112 Booth Street, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 17 – 212296...AN ORDINANCE authorizing a Special Use Permit (SP2022-114) to operate a sand dredging pit, sand processing, and future restoration along the Missouri River, at 4403 North 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-28-23**, “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 sand dredging pit, sand processing and future restoration along the Missouri River at approximately 4403 North 42nd Street, Kansas City, Kansas.” **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

Item No. 1 – 212219...SPECIAL USE PERMIT APPLICATION SP2022-113 - LYNNE BEAVER

Synopsis: Special Use Permit to operate an event space at 2651 South 34th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Lynne Beaver, is requesting a Special Use Permit to operate an agriculturally oriented event space at 2951 South 34th Street. The Planning Commission voted 4 to 2 to recommend approval of Special Use Permit Application SP2022-113, for one (1) year, subject to:

1. All entertainment must cease by at least 1:00AM;
2. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;
3. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
4. All trash and debris from any event shall be picked up the day/night of the event and disposed of properly;
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. The applicant shall file a Final Development Plan within 60 days of approval of the Special Use Permit, otherwise this petition is null and void;
7. The proposed parking lot must be paved according to Section 27-675(a);
8. The two (2) shipping containers on the property shall be removed or must receive a Special Use Permit;
9. The applicant must maintain all existing trees, as well as add trees as demonstrated in their site concept;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance

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

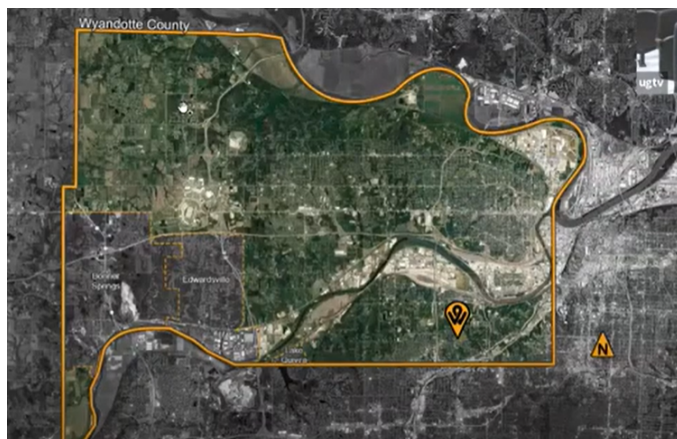
16. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;
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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
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.
22. No fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance.
23. This permit could be brought before the Board of Commissioners if there are violations of any of the conditions of approval for revocation.

Mayor Garner said as the Clerk previously stated, we received a valid protest petition on this item representing 34.76% of the land owners. I'm going to ask our legal counsel to provide the Commission options in light of the valid protest petition.

Misty Brown, Chief Counsel, said with a valid protest petition in place, in order to approve the project, it would take nine votes or you could vote to overturn the recommendation with eight.

Case	
SP2022-113	
Petitioner	Address
Lynne Beaver	2951 South 34 th Street
Synopsis	
A Special Use Permit to operate an event space.	

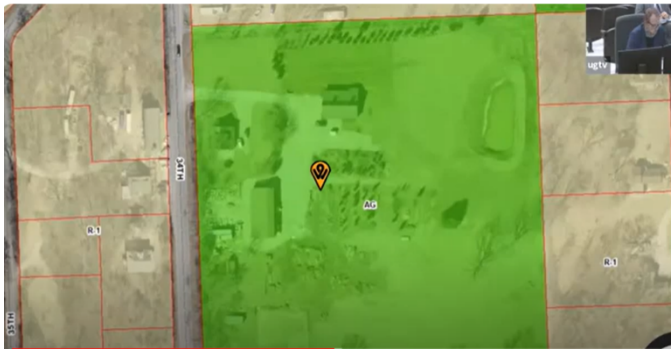
Gunnar Hand, Director of Planning and Urban Design, said this case was continued by the applicant at last month's meeting. As noted previously, there is a valid protest petition. The applicant, in the last month, has conducted a noise study, which I think they will address in their comments later this evening.



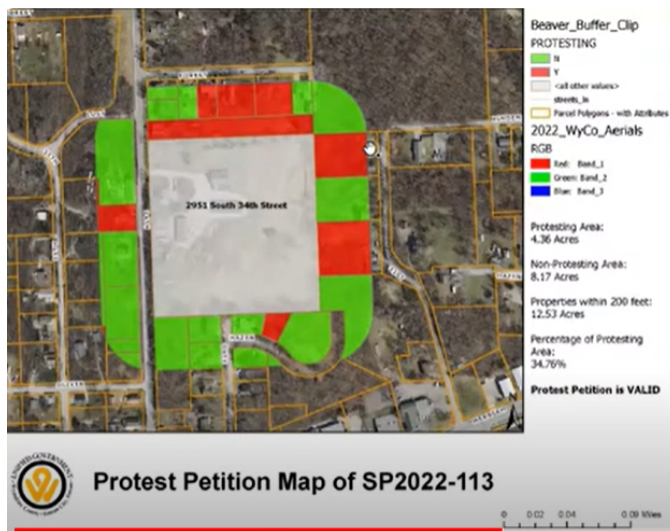
Again, this is for an event space at an existing farmstead. It's in the City-Wide Master Plan in the Shawnee Heights neighborhood.



We've received no letters of support. There has been opposition to this case we've received. There are two notices of violation.



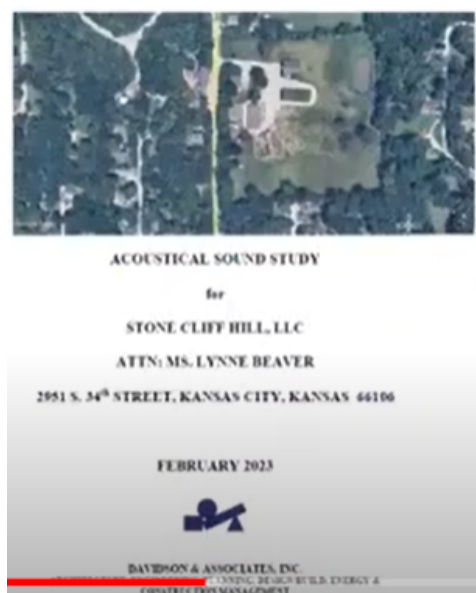
Staff agrees with the Planning Commission to recommend approval for one year with conditions attached.



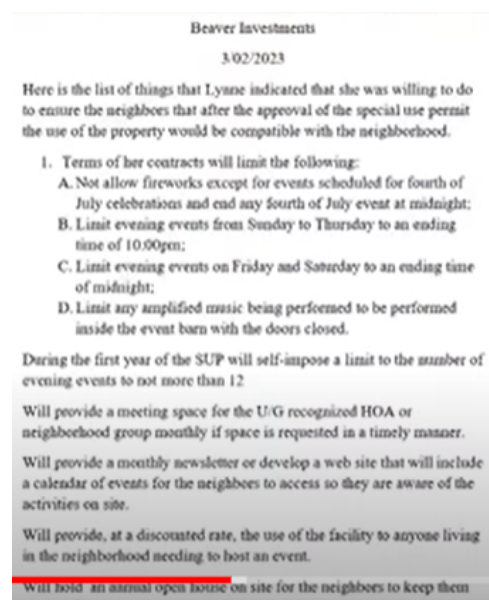
Mayor Garner said I'll ask the applicant or representative to present the application.

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Bill Hutton, 509 Armstrong Ave., said on behalf of my clients, Lynne and John Beaver, who are the owners of the property on S. 34th St. What you have before you is a request to operate an event space on the 9.59 acres at S. 34th St. I'm going to keep this short, folks. Really what I have before you is what questions I would have. Number one, what type of event space are we talking about? What is the history of this property? Third, what about noise?



The acoustical sound study, I have made sure I've given you hard copies of that.



March 2, 2023

I've also provided to each of you a list of things my client will do to ensure compatibility with the neighborhoods surrounding this property. I've also provided that the neighbors—we have had a neighborhood meeting. I have talked with these folks. I believe I would say those conversations have been civil. I think we have all agreed to disagree. That's be a fair statement?

The acoustical study was prepared last month by Davidson & Associates. Here with me this evening are Paul Biersmith, professional engineer, who's seated here in the audience. He is available to answer questions about the sound study. Also present with me are Tom Stibal, an attorney from my office; and John Beaver, one of the owners of this property.

Just so you know, you have to go to page 436 of your 476 page document to find the comments, which were finally apparently put online last night. But there are a couple of errors I would like to point out. First of all, there was no prior approval of a special use permit in 2014. I represented the Beavers in 2013 and on April 7, 2014, after the Planning Commission had voted to deny this, I went ahead and removed that request. So, there was never any special use permit approved for the Beavers. That would be the first thing.

The second thing is, this property is not used by my clients as their residence. There is a residence on this property that is currently occupied by a family friend of the Beavers, but my clients don't live there. I want to make that clear.

The Beavers have owned this property for more than 10 years and have cleaned up what was an eyesore for the neighborhood before they acquired the property. John Beaver has operated a landscaping business and grown plants on this property in conjunction with his business, which is located on Merriam Lane. Also here, just immediately south of 34th St.

Now tonight what we're talking about is this special use permit and what kind of events we're talking about. I want to quote my client Lynne Beaver. "Stone Cliff Barn wants to offer a country experience from corporate retreats to family picnics. This place will give you an outdoor experience like no other. Pick vegetables from a garden and have them served for lunch or dinner. Visit our pumpkin patch and have a hayride. Education and events are the goal." That's Lynne's quote.

Stone Cliff has partnered with KC Farm School at Gibbs Road, which is a 501(c)(3) urban farm. Alicia Ellingsworth, Executive Director and Co-Founder of KC Farm School at Gibbs Road is a supporter, and she attended the neighborhood meeting last year. These folks who are here are aware of that.

This is a registered Kansas agritourism business. That is different than what this plan was almost 10 years ago. What we've done is, these folks are concentrating on growing everything from native grasses to plants to food on this property, and that's what their goal is. Frankly, in the plans that you have, all those things are set out and that's what the Planning Commission considered.

Events on horizon include a fall farm and food conference. Yes, we are talking about some receptions, including wedding receptions. You all know that's where the pedal meets the road on some occasions. I think that's why the Planning Commission recommended approval for a one-year special use permit. I would tell you there's some things that we have proposed and will stipulate to that are more restrictive than what was submitted as restrictions by the Planning Department.

First, there would be no more than 12 evening events during the first year of this permit. Secondly, events on Friday and Saturday night will end at midnight, per contract. I think if you look at what it said in the Planning Commission's recommendations, it was 1 AM. Events Sunday through Thursday will end at 10 PM. There was also discussion about amplified music. The only amplified music that can be performed would be within the event center with the door closed. All these things are stipulations within the contract that Lynne Beaver will have with anyone who proposes to have an evening event there or an event that involves amplified music or something that is beyond what I call a farm to table type event.

That brings me to what I believe is one of the big concerns of the residents of the neighborhood, noise. After the Planning Commission approval, my clients contracted with Davidson & Associates for a sound study. This sound study was provided to the Planning Department last week. They could not include it in the packet so I provided copies of that to you tonight and also gave a thumb drive of that, I think it's the thumb drive, or provided that because it wasn't in the packet.

The results of that study performed last month measured decibel levels in the 80 to 85 decibel range from the sound system that exists within the building. That's beyond the max of what that sound system will do. The conclusion was that with the existing sound system above maximum level, playing within the event space, there was little of any impact on the existing outdoor ambient sound levels already occurring on or about the perimeter of the property.

You gotta remember, this is almost a 10-acre piece of property. This barn is not a non-insulated barn. This barn is finished on the inside and the doors are not barn doors anymore. The entrance that we're talking about is not facing the neighbors. Actually, the entrance that we're talking about where people would go in, is on the opposite side of where most of the neighbors occur and as far away from the neighbors on the south as it possibly could be.

The sound study was performed with the east doors open and closed to provide a worst case scenario. Like I said, I have Paul here from Davidson & Associates to answer any questions you or these folks have. I provided this today because I did not realize it was not included in the packet until today because I did not see the packet until today what had been submitted, which should have been, in my estimation, available on Monday. So, I contacted one of the neighbors and said I am emailing this to you. Please accept my apologies for not getting this earlier because I was unaware it was not there available for you.

Like I said, Paul can answer any questions you have. I'm also open for questions. What I am asking, on behalf of the Beavers, is for you to follow the Planning Commission's recommendations and the additional restrictions that I have proposed to you and approve this special use permit, subject to all stipulations for one year.

(Mayor Garner left the meeting at 9:00 PM)

Mayor Pro Tem Bynum said we're going to open the public hearing on the item and ask the Clerk if we have notifications from the public who want to express their...**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? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, Clerk, no one virtually? **Mr. Deichler** said seeing none online as well.

Mayor Pro Tem Bynum asked, is anyone present that would like to speak in opposition to the item? If so, come to the front, step to the podium and give your name and address for the record. You'll have three minutes. Anyone who is present wishing to speak in opposition to the item, now is the time to make your way to the front.

Hannah Monnington, 3211 Forest Ave., said he's going to pull up a thumb drive that's got a few pictures. I just wanted to say that the residents chose this neighborhood. Many of them have lived

there for more than two decades. They chose it with the understanding that it was a quiet residential area and not a commercial one.

While I recognize that this petition is not asking to change the zoning, essentially the zoning will be changed because there will be commercial events happening. It will allow an event center, which essentially is a business, to be operated among single family homes bringing commercial traffic and noise into our quiet neighborhood.

I don't believe it aligns with the best interests of the investments already made by homeowners, neither does it benefit the potential future resale value of the homeowners in this neighborhood.

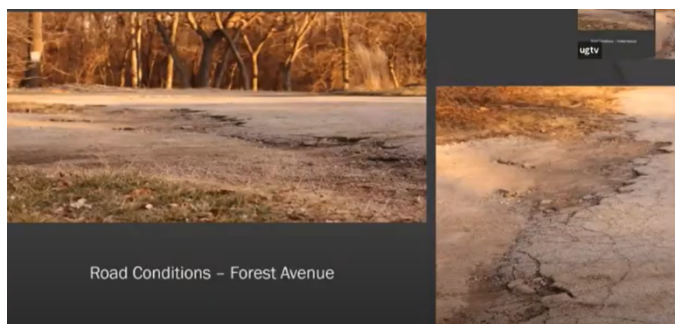


You'll see here a picture, oh, that's a screenshot from a wedding that took place at Stone Cliff in 2017.

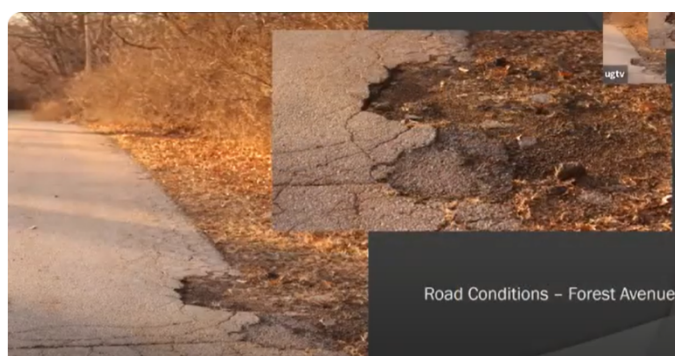


These are photos from the Beavers daughter's wedding, which obviously it's a family gathering and we have absolutely no problem with them using it for that. It just gives a picture of what could potentially look like events in the future.

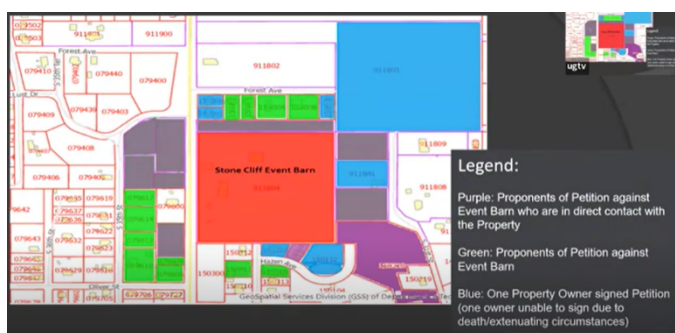
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These are some photos from Forest Ave. with some road conditions. You can see that the roads have already kind of deteriorated.



Obviously, that's just something, as neighbors, we deal with. But definitely concerned with an increase of traffic, that these conditions could become worse and most likely will if not remedied.



This is just a map that shows some of the petitioners. They are in purple, the ones that are directly connected to the event barn. Those in blue, the reason that their petition is not...**Mr. Deichler** said one minute remaining.

Ms. Monnington said ...their names were not valid for the petition because of either extenuating circumstances or the death of a spouse. So those in blue were supporting our petition but, obviously, were not able to be counted because of the death of the spouse. Then those in green

are also supporting the petition to deny the special permit, but are not in direct touch with the property.

Mark Monnington, 3211 Forest Ave., said we're kind of blessed this evening because we thought we were going to get here a whole lot later than we are right now. Luke says on one occasion an expert in the law stood up to test Jesus. Teacher, he asked, what must I do to inherit eternal life? What is written in the law, he replied, how do you read it? He answered, love the Lord your God with all your heart and with all your soul and with all your strength, and with all your mind and love your neighbor as yourself. The guy said okay. That's cool. I can do that. Who's my neighbor? Then Jesus tells the story of the Good Samaritan and it turns out that the person that was this man's neighbor was the one that had mercy on him.

I know you guys got to be tired. This is my fifth time here in a number of years and I'm tired. I want to go home and relax and rest.

Who's your neighbor? I'll be your neighbor. My wife back there is your neighbor. The Beavers are not my neighbor. They're a business. I have nothing against the Beavers. Don't get me wrong, but they're a business. I live in a neighborhood. I wouldn't wish this on Mr. Hutton, my opposition over here. I wouldn't wish you going home to a bunch of noise in your neighborhood.

I can read you my experience. I came here in 2013, 2014 going. I'm concerned about this. I have experiences over the years now of the noise over there and it was worse than we ever imagined. It rattled my windows. Now I know what they're saying. They'll do these different things, but Mr. Hutton, in our neighborhood meeting, said you guys don't enforce the codes. He just volunteered that to us. **Mr. Deichler** said you have one minute.

Mr. Monnington said I want you to be my neighbor. Be my neighbor. I live in Wyandotte County. These people that I hear are asking you to be concerned for the neighbors, the people you live with. That's what I hear. Okay, be my neighbor. This is a business. They're not my neighbors. They're a business. They're in it for the money, that's why they're in it. I'm in my neighborhood because I love my neighborhood.

I know it's Wyandotte County and there's gunshots and fireworks and all that stuff that happens, but I still like it and I like peace and quiet. That's all I want. I want that for my wife and my children.

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Noah Monnington, 3211 Forest Ave., said I would like to speak in opposition to this project. First I wanted to go back to something Mr. Hutton said at the last meeting that there would be no live music outside. I just wanted to ask if there was going to be music on speakers outside. I'm a soundman at our local church and I know you can really crank music up. (inaudible from the audience) Okay. I just wanted to clarify with that.

Another concern is the increase in traffic. I know that our roads aren't like that big. It's just a two-lane road. I know people are probably gonna miss the turn into the Stonecrest area and turn onto our street, Forest Ave. I know there's kids in the neighborhood that play on the street. That's just a concern, that increase in traffic.

Another thing is alcohol being served at this event center. What's to keep people from drunk driving? We already have a lot of drunk driving and car accidents, traffic violations, street racing in our neighborhood. We don't want an increase in that. We already have enough of that.

Also, one more thing. I'd like to hear the Beavers speak. I enjoy hearing Mr. Hutton speak, but I'd like to hear the people who are running it speak just to hear their angle on things.

Steve Latham, 3006 S. 34th St., said I live across the street from the farm, over across 34th St. I also represent Crosspoint Ministries. They have property there too. Children's ministry. We don't advertise it because of the climate of today. We minister to the kids in our community.

I'm in opposition mainly because of like what was mentioned about the alcohol. We don't need an increase of alcohol in our neighborhood at all and other issues, other social issue we've worked with for over 20 years.

I consider, even though they don't live near us, I guess it's because I used to work and be in partnership with people they know in their neighborhood now for many, many years with the Beavers. I kind of consider them a neighbor. I talk to him every so often from one event after another, one situation after another. I want to be a good neighbor even if they live away from me, even if it's just a business. I've met him and I kind of know him. I've met his wife once.

I just wanted to bring up the fact that one of your public servants, one of the codes enforcers, he does have, I'm not going to mention his name, he does have, his motto is do unto others as you would have them do unto you.

I want to agree with Mr. Monnington and his family about being a good neighbor and wanting to figure out who that is. In this situation, the business part of it seems to get in the way,

but I think we can overcome that. I just got this and it shows a lot of concessions in my point of view, like an olive branch and trying to appease the neighbors. I wish it was more than that. I wish it was that we could get along...**Mr. Deichler** said one minute remaining.

Mr. Latham said I wish it was more that we could, which it looks like it has allowances for this where we can meet together and maybe get to know each other better, and they'll use their facility, their event center to enhance that. I hope that happens. I'm still against it because this was just last minute. I don't know if it's real. I don't know if we've got to deal with the attorneys or what. I don't know what it is. I hope we can get along. I'm for them personally, but I don't like the business end of this that's creating more traffic, more alcohol, more noise. You say the noise has been taken care of. We did a study. I just know that anybody drinking alcohol somehow knows how to make more noise.

I'm just across the street wanting everybody in the neighborhood to get along. I've been doing it for years and years. If we can find a way and this is the way to start working on it, I'm for that but this just got right in front of us. I haven't seen this before.

Joi Monnington, 3211 Forest Ave., said I guess a lot's been said and I don't want to repeat. We've lived here now 24 years. I think the majority of the neighbors on our street have been there, at least one of them, had been there 17 years when we moved in. It's not a turnover neighborhood. People have been there. They like it up there. It's quiet. We have a beautiful view out the south.

My appeal to you, we want to keep this place our refuge. We relax in the evening on our back patio. We spend our weekends out in the backyard. This is our place of refuge. It's our place of respite. This is a neighborhood where most of us don't go extended vacations. This is our refreshing space. I feel that this is going to change that drastically.

Everybody has their own level of tolerance of what kind of music level or noise they can take. For me, when I can feel the bass from somebody, even a street over, it stresses me out to hear the bass. I can feel it in my chest. Bass is non-directional. You feel it. It's more of a feeling thing, and I struggle with that. We have a garage band over on Woodend and a couple of times a year the Catholic church does their thing. You can hear it clear up there. You can hear the bass.

We're talking about—I know the business is going to be, the striving would be to have your place booked as many nights as possible. We're talking potential seven nights a week. Ten

o'clock may not be late for some. For me, it's past my bedtime and people that have children go to bed earlier than 10:00. **Mr. Deichler** said you have one minute remaining.

Ms. Monnington said Saturday evenings, that's a late night; midnights, late. I'm up early on Sunday mornings. I'm just appealing to you. Think about. I can't imagine the Beavers and wherever they live would want that in their backyard. I can't image any of you would want this in your backyard. Would you? You are our voice. I'm asking you to speak up for us, the neighbors. This is not something we want.

Garth Davis, 3025 S. 35th St., said I oppose this project. I bought the house that I'm in 34 years ago in 1989. My wife and I are social workers. We bought this small house and through the years, I worked two jobs. My wife is still working. She's six years younger than I am. She's still working a full-time job and a part-time job. We worked hard through the years and remodeled the small house. We doubled the size of it, built a double door garage onto it, and pretty much got it the way we wanted it. Got a patch of woods behind my house. There's some deer and fox. I'm retired now and I'm enjoying my retirement, but my idea of a retirement is not to come home to noise.

This paper that they passed out they said they're going to have 12 events this coming year. Well, it's going to take them a year to get the place the way they want it. Then they're talking Sunday through Thursday shutting down at 10:00. On Friday and Saturday, they're talking about shutting down at midnight. Well, I was here nine years ago and they've had nine years to deal with what it would be like. You guys turned it down in '14.

They had some parties and it was a nightmare. I live 100 yards behind my brother-in-law and it was like these people were in my backyard. These events are going on at 10, 11, and 12. Anybody that hunts and fishes and you're out in the outdoors, you know how sound travels. I was playing a harmonic to my grandkids across the lake and they could hear me as if they were standing right in this room. That's how sound travels.

I'm saying this to say I work, my wife and I worked hard all these years to have a place, like Mark's wife said, it's their refuge. This is my refuge. I want to live and die in that house. I'm 70 years old. I hope God gives me another 15, 20 years. **Mr. Deichler** said one minute remaining.

Mr. Davis said I really don't wanna come home anytime night of the week and hear music going on and partying. I love weddings. I just don't want the weddings in my backyard and I don't think you would either.

Cindy Fuller, 3307 Forest, said I think I am the longest resident on the street. I've lived there for 43 years. It's always been a peaceful, quiet neighborhood. Kids play out in the street. Kids play in the woods.

I know they had the sound thing done. That was something they had done. That's not something we mutually—an unbiased thing was done.

They want the wildlife. They want to show that off. They're not only talking about—nine years ago what they wanted was an event barn. Now they're talking about having events during the day even. Classes come in and look at their native grasses and all this other stuff that they're supposedly going to have there.

The traffic on 34th St. is already bad. On Forest, we've got a lot of traffic on Forest because people come up, they can't go anywhere, they have to come back down. The road conditions, you've seen them from previous.

This is a residential neighborhood. As Mr. Monnington said, they're not my neighbors. They live in Mission Hills. Lynne said they have parties at the country clubs. I don't think your country club is quite as close as your barn. Neither here nor there, it's a neighborhood, too much traffic, too much noise, too much activity going on. **Mr. Deichler** said one minute remaining.

Ms. Fuller said that's all I really had to say. I know everybody else has said pretty much everything anyway.

Deborah Harmon, 3303 Forest Ave., said I am in total disagreement with this special event place going in. They seem to think they've addressed the issue of the volume and the noise in the area, which they don't because they forget that there's other accompanying noises besides just that one they did in the afternoon that there were no people talking. When you have people at a party, you boost the volume up so it can be heard over conversation. They also did not address the idea of having alcohol in this special event center, which they always usually do, or most always at wedding receptions.

We moved in there almost 40 years ago for the reason that it was a quiet, dead end street. We had kids. We didn't have to worry about them being snatched off the street. We didn't want to worry about somebody driving by, you don't know who they are. They're in your neighborhood for a reason that you had nothing to do with. True, that may not plan to do their patrons, but it's an option that's there. Stranger things have happened.

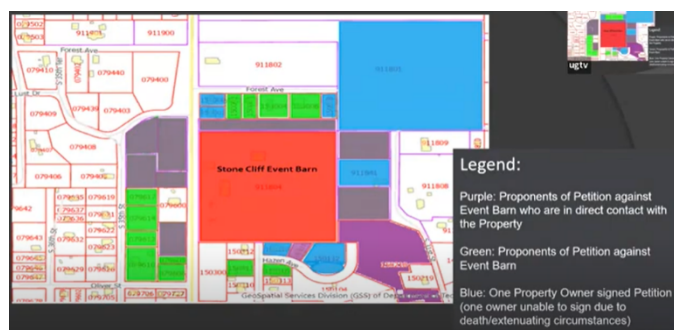
In the meantime, all this nine years that we've waited since the last time we did it, there's been no contact from Lynne or John Beaver. They've made no attempt to approach the subject again. Automatically we get a letter from an attorney. That's really neighborly. Not.

All that being said, the traffic ends up much, much more and because we are dead end, there's only a short distance between their driveway to Stone Cliff and then Forest. So, people are going to miss that drive in and come up to our street to turn around. Like Ms. Monnington said, we already have a lot of that traffic for people who don't pay attention to the signs that are posted at the end of the street. **Mr. Deichler** said you have one minute remaining.

Ms. Harmon said that's going to complete my comments. Thank you for your time and attention to this matter. We appreciate it very much.

(Mayor Garner returned to the meeting at 9:30 PM)

Fred Harmon, 3303 Forest Ave., said I've addressed this committee before at previous—nine years ago as well as tonight. If you could bring up the slide that we prepared, the presentation of the property with the highlights.



This shows that we obtained signed signatures on a petition from everyone surrounding the Beaver property with the exception of the one property that was provided to us by the Unified Government, that parcel there, 150300 was not provided to us as a signature. So, we did not attempt to obtain

that signature. The one adjacent to it that is white, the house was vacant at the time. It since is occupied, but at the time, a realtor had a sign out there. It was not occupied. All the rest of the surrounding properties, we obtained signatures from in opposition to this proposal.

The Unified Government stated that the connecting properties carried more weight than the non-adjoining or non-connecting properties in consideration of this. I just wanted to point it out that the blue that you see there, we obtained signatures from the survivors or the people that we could contact that signed the petition. We obtained those also, but they were disallowed due to a death in the family or in one instance, an individual is a triplegic in a center in Buffalo, MO. **Mr. Deichler** said one minute remaining.

Mr. Harmon said that was out of our range of traveling down there and back in the time constraints. We ask that the Commission reject this as they did. It did not come before you nine years ago. The Beavers withdrew the petition. It was not voted upon by the council, but in all likelihood, it would have been rejected and we ask you to do that this time as well.

Mary Dickerson, 3305 S. 33rd St., said we are in opposition with this petition and we agree with what all the neighbors already said. We like to live in a peaceful neighborhood. This business, I understand would represent more taxes for you, but it will be against our quality of life.

Mayor Garner asked is there anyone else who'd like to speak in opposition? Clerk, have you received any notifications from the public who wish to express their comments in opposition? **Mr. Deichler** said we received no notifications. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none. **Mayor Garner** said I will close the public hearing. Would the petitioner like to make some closing comments?

Mr. Hutton said all I would tell you is in this particular case; I do have John Beaver here. He's more than willing to answer questions, and I told you the same with Paul Biersmith, who is the sound engineer who did the sound study. I would also tell you this property, these folks have owned for more than 10 years. Yes, they had their daughter's family wedding there and, frankly, you could do that on any property in Wyandotte County, your own family.

I think the key thing that I'm concerned about here is that looking for the highest and best use of this property, and also what effect it would have in a neighborhood. It's almost 10 acres.

If they're quarter acre lots, then that could be up to 40 homes or more in this neighborhood. The area around it is all zoned R-1.

What we're talking about is basically the occupancy of this barn and what we have gotten approval for is for events up to a hundred. That is less people than would actually be moving into this neighborhood if there were 40 homes built.

I do appreciate the neighbors' concerns. Like I said, we've had an excellent dialogue in terms of stuff. The reason they got the Beaver investments list of things is because Tom Stibal and I sat down with John Beaver to come up with what we thought were solutions and we were willing to live by those and abide by those. Again, I believe, at least in regard to several folks, they have my phone number and my contact information. I told them and I will provide them any information they need or emails or phone numbers for the Beavers if needed.

Commissioner Ramirez said thank you to the neighbors who came out and spoke. Since this has a valid protest petition, it's never my intention to override a valid protest petition. The community did the work. They came together and our Planning Department agrees that it's valid. This is where I come from. With Planning doing these cases, it's never my intention to override one.

I think it's a good event space. I think it's a great project. I know this location very well. It sits almost at the border of Commissioner Markley's and my district lines. My childhood home is down the street on Woodland Blvd., so I know this location very well. It is, as the neighbors said, it is a very quiet, quaint little area where Commissioner Markley's and my district come together.

I do want to thank you for presenting it. Thank you, neighbors, for everyone working together trying to come up with a compromise.

Commissioner Markley said I think Commissioner Ramirez probably made the pertinent point which is that to override a protest petition. Maybe it doesn't matter if we want to or not. In the sense of what our intention is, but it's pretty difficult to do. It would take more or less this whole Commission. So, I guess the only question I have for you is, do you think there is any opportunity for you to go back and talk to these neighbors, and would that be worthwhile to have that discussion to see if you can make headway.

Mr. Hutton said I'm going to tell you; I had a conversation with one of the individuals in this group today. Would it be a fair statement that you think there is a possibility of a compromise or not? **A gentleman in the audience** said with the correct dialogue and building concessions on both sides. Can I speak for my neighbors? I feel a negotiated contract (inaudible) may reach an impasse. I don't know. The dialogue is there. It's whether or not...

Mayor Garner said we've got to make sure that we maintain order. We have the petitioner at the podium. I take it you've answered that question. **Mr. Hutton** said I believe what Commissioner Markley asked me. I had a conversation with one of the opponents today about that specific thing. I'm not going to tell you the whole conversation, but the conversation from his perspective only, not for the other neighbors who are here, that there was possibly a compromise. So, Commissioner Markley, that's the only answer I can get.

Commissioner Bynum said I can see a possibility of us agreeing if there is a way, Gunnar, to hold it or send it or whatever the proper procedure would be. I'd like to make a couple of comments, but I want to hear what you would suggest would be the proper way to do that.

We've seen this before. We've had an agritourism business, a winery operating in a single-family neighborhood. We've seen this before and it did not end well, but it could have for all parties involved. I have a real affinity, I guess would be the word, for the concept of agritourism. Number one, we could use a little bit more of that in our urban community, but it's difficult for it to live comfortably in single-family neighborhoods. There's just no way around that.

I live on 10 acres so I know, as one of the gentleman said, how sound travels. I live right by Wyandotte County Lake, so I know how sound travels especially when there's an event at a shelter or Davis Hall at Wyandotte County Lake. I listen to that until the event stops. That's just because sound travels. I like having events at Davis Hall at Wyandotte County Lake, so I'm not necessarily opposed. I chose that location to live. The lake was there before me, so my case might be a little bit different.

I'm just curious if there is a compromise. I guess, for the petitioner, the notion with Gunnar's guidance, we would send it back wherever it needs to be, either hold it or whatever the proper thing to do is, is probably a better option than what the other outcome could be tonight.

Mr. Hand said if the Commission wanted to give the applicant more time to discuss with the neighbors, I'd recommend that we hold it over for 30 days. I believe, and I defer to Legal, that would just take a simple majority.

Mr. Hutton said these folks don't want to wait any longer than that. They'd like to have it resolved tonight, correct, but I will need to talk to my client. I will also do that, and I don't see a reason to hold it more than 30 days. What I would tell these folks and tell you, if we cannot reach an agreement, and I know that with the valid protest, what I've heard from one commissioner who represents the district and one who is adjacent, that they are going to vote no. I can do my math. That means that I would not have enough votes in order to get this approved.

So, what I'm saying is, yes, I will go ahead and follow up, but if I don't have that agreement, at least in substance, then I will go and not require you folks to come back and I'll withdraw the petition, which I kept my word when I did that nine years ago. I think you all agree with that that I kept my word.

A gentleman in the audience started speaking. **Mayor Garner** said we can't have a discussion. **Mr. Hutton** said I apologize. I'm just trying—these are folks I've got to talk to and I have talked with. **Mayor Garner** said duly noted.

Commissioner Davis said for clarity, the client is not here right now or you're not able to contact them right now. **Mr. Hutton** said no. John Beaver is here. **Commissioner Davis** said okay. Gotcha. Well, if there's anything that you would like to say regarding this? **Mayor Garner** said at this point, we've moved past that point on our agenda. If there's a question that the commissioner would like to have specific, then I would say do it that way.

Commissioner Davis said I don't have any particular question. I'm glad that you are here. I just was not sure. I get kind of a sliver of at least the Turner School District in my commission district. I'm going with the other commissioners. It just doesn't make sense to overturn this. You all have done the work. You've organized. There's not much more that needs to be said here.

Action: **Commissioner Markley made a motion, seconded by Commissioner Burroughs, to hold Special Use Permit Application SP2022-113 over for 30 days for the applicant to have additional discussions with the neighborhood in**

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

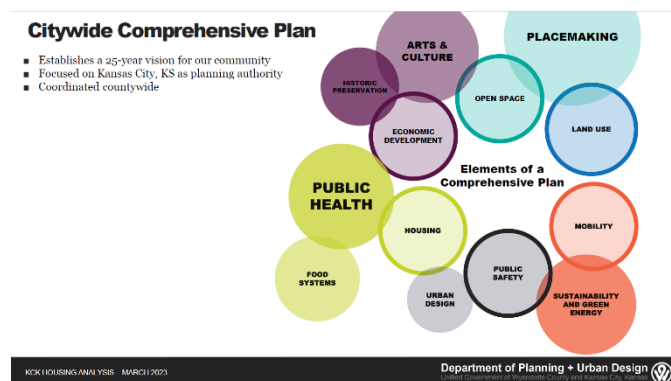
Item No. 2 – 212312...UPDATE: CITY-WIDE COMPREHENSIVE PLAN

Synopsis: Update regarding housing provided by Gunnar H. Hand, AICP, Director of Planning and Urban Design.



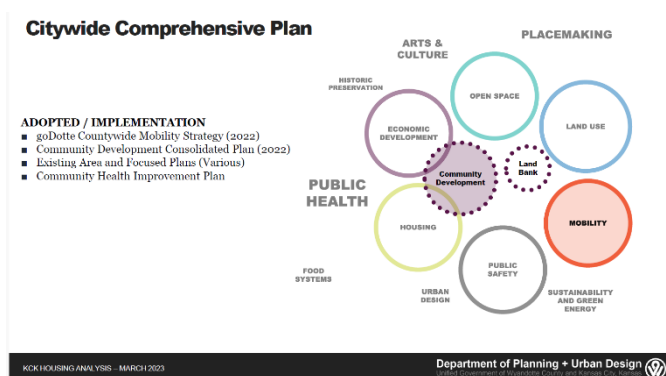
Gunnar Hand, Director of Planning and Urban Design, said real quick, I was just going to give a quick overview of where we’re at with the comprehensive plan before I hand it over to Mr. DeWayne Bright, the FUSE fellow for housing strategy with the Unified Government.

On your screen, what you see are typically what are some of the standard, let’s call them chapters or elements included in any comprehensive plan. These are not set by any law. These are just typically what are involved when you talk about a comprehensive plan.

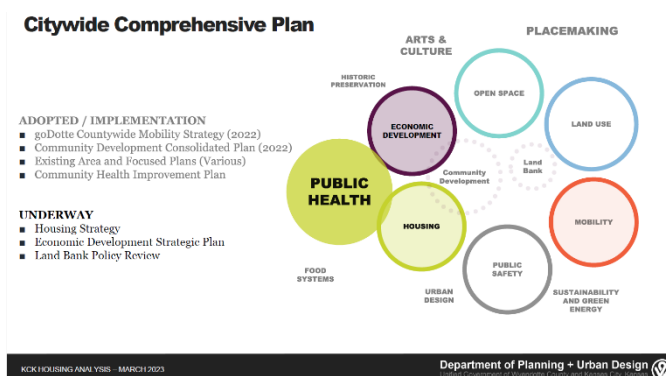


Over time, what has been included in comprehensive plans in terms of trends or best practices or changes, has grown. It’s much more expansive. It’s a lot of overlap. There have been a lot of

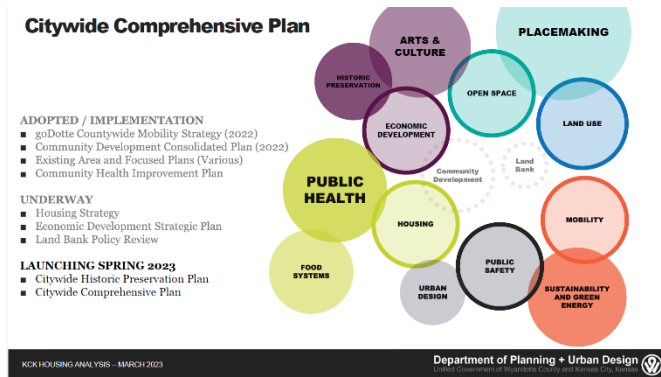
focus on, for example, public health not being a chapter but public health being imbued in all of the chapters of a comprehensive plan. Point being, there's many ways to do it.



The good news is we have been building, through the course of our existing adopted plans and through implementation, we've been laying the groundwork for a comprehensive plan for quite some time.



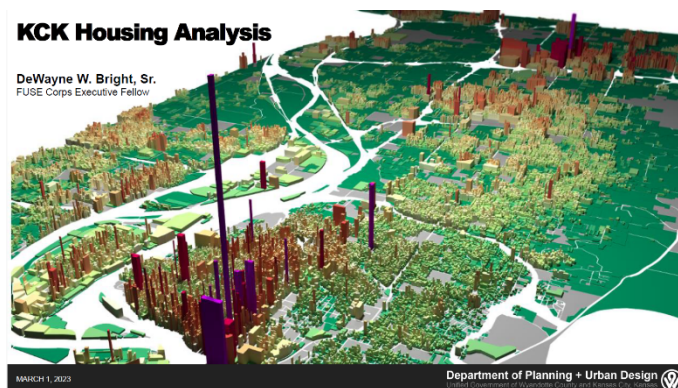
We are also underway with various policy reviews, other economic development strategies that the Interim CEO mentioned earlier this evening, as well as Mr. Bright's housing strategy. Our intent, as I previously described, is to fold all of these efforts into a single conversation about the vision of the Unified Government, which is appropriately timed. We are at, or just passed, our 25th anniversary. Seems like a pretty good time to look forward to the next 25 years.



So, what's going to happen in the next couple of weeks, maybe a month, we're going to secure additional contracts to begin that comprehensive plan process to also begin a historic preservation plan. Again, all of that together works toward a singular vision.

What we want to do this evening, and what we'll continue to do in the months as we continue working on the comprehensive plan process, is not bring you a comprehensive presentation about what we're doing, but really we wanted to thematically bring every month a different topic to have a specific pointed policy discussion with you all.

So, Mr. Bright has a five to ten minute presentation. We do have questions at the end of this. It's for information only, but we would like to encourage your dialogue so that we get directions specifically from you in this case as it relates to housing.



DeWayne Bright, Sr., FUSE Fellow Housing Coordinator, said Gunner, he's explained how our project fits into the overall plan for the Unified Government. For this FUSE fellowship, for this year-long fellowship, we have several goals for this fellowship.



First, to research the existing conditions and community needs. Some of that information we began, and you'll see that this evening during this presentation. Some of the comments that we'll ask at the end of this will help us better get ready for our final plan.



First, we're going to also look at developing a cohesive housing development strategy. This is about helping the Unified Government and the community understand the proposed journey of building new housing and also renovating existing housing.

Within this goal, there are two components for consideration. The first one is to improve housing access. Improving housing access, what we're describing is, is that if you are 80% median income and above, you don't have as much difficulty within Wyandotte County finding housing. But, if you find yourself below 80% median income, particularly if you're in the 60, 50, and especially the 30 range, it is extremely difficult finding housing. So, we want to make sure that we're protecting the most vulnerable within the community.

Then the second is also addressing the residential displacement. Oftentimes residential displacement is associated with what's considered gentrification and that is when you're building in new developments in areas that are less protected and oftentimes marginalized. There oftentimes is a risk of displacing residents that are already there or residents that cannot afford to remain there due to the increase in property values. So, we want to make sure that we also have some policies that are in place that protects residents so that helps with dealing with the displacement issues.

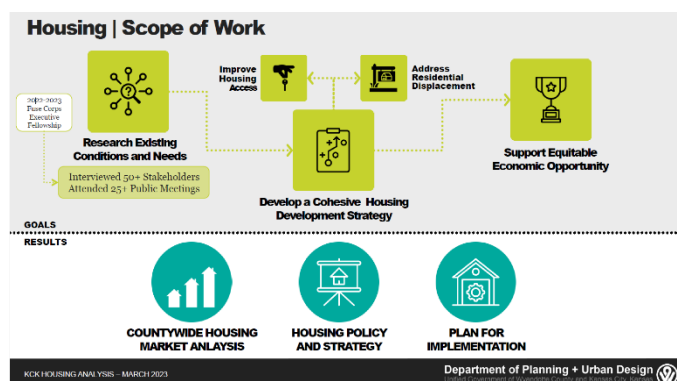
Lastly, we're going to have housing as a part of a broader economic goal. It is simply impossible to do a good housing development plan without an economic development plan. They go hand in hand. So, housing is a very, very key component in economic development, and we want to make sure that we're working together with both of those.



At the end of this fellowship, there's going to be several results or deliverables. The first is a county-wide housing market analysis. We began that process. We want to understand clearly and be able to quantify the supply and the demand needs here in the Unified Government.

The second deliverable is a housing policy and strategy that is a clear framework for the direction that we're going to take to develop housing within the Unified Government.

Lastly, it is a plan for implementation. We want to make sure that we're in a good position, and that the Unified Government is ready to move in a way that's going to be able to implement any plans that come forward. So, that's the core of our scope of work.

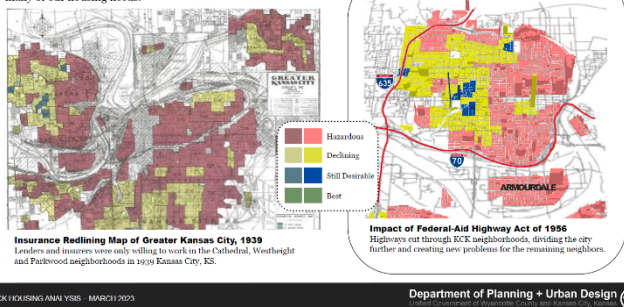


To begin this process, I began with a 90-day landscape analysis where we looked at a cross-section of interviews throughout the Unified Government. That was with elected officials. That was with administration. That was with neighborhood groups, community organizations and businesses all throughout the Unified Government in order to get a better understanding of the housing conditions here in the Unified Government.

So, in doing that, I conducted more than 50 interviews and did more than 25 community meetings, which helped us get a good understanding of the most vulnerable within our community.

Housing | Historical Context

- Generations of systematic discrimination have shaped many of our housing needs.



For the historical context, I have to say that Assistant County Administrator Alan Howze and his team had done great work in getting together much of the data that the Unified Government has been utilizing over the last few years. So in that interview, he was extremely helpful along with Jud Knapp. They pulled this information together.

So, redlining has always been an issue in cities all throughout the country. The system of systemic discrimination has marred so many metropolitan areas and Kansas City, KS, was simply no different.

What we're looking at here is the redlining map from 1939. In this redlining map of 1939, what it shows is that there are four areas that redlining maps signified. It was hazardous areas. There were hazardous to be able to lend money or for insurance agencies to write policies. It was really a discriminatory practice because when we talk about the hazardous or risky areas, it was always code for communities where minorities typically lived; minorities and immigrants.

You can see in the upper left-hand corner of our map, there are the hazardous areas that are in red. The declining areas are in yellow. The still desirable areas for lending or writing insurance policies are the only three areas within Kansas City, KS, and that is the Cathedral neighborhood, Westheight, as well as the Parkwood neighborhood, which were historically the white neighborhoods within Kansas City, KS. The thing to also note, the best neighborhoods, which are green, there were no best neighborhoods within Kansas City, KS, to write policies or to lend money.

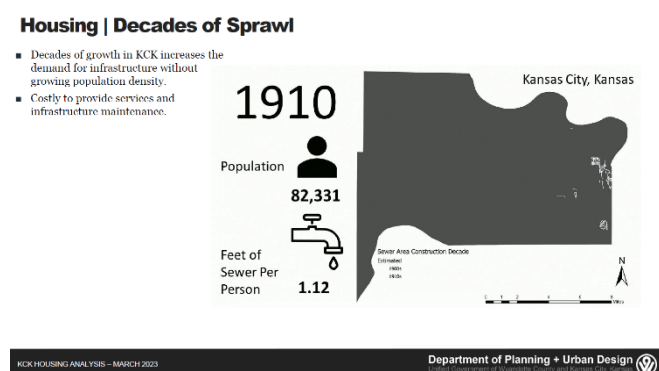
That was a very difficult piece to begin to look at, that this is the condition of the history of Kansas City, KS, and just how redlining marred this process.

Between 1939 and 1956, the impact of redlining had really begun to take hold on Kansas City, KS, and something fascinating happened. In 1956, there was the Federal Aid Highway Act that came in. It was essentially passed to make sure that highway and transportation was cheaper

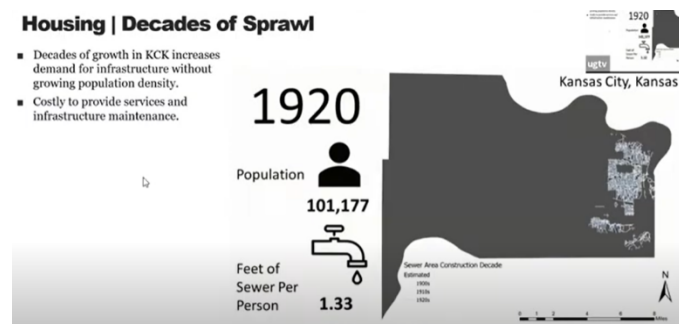
to be able to travel from one coast to the next coast; and in time of war, if there was ever a possibility of a ground war on United States soil, that we were able to handle a ground game. Many metropolitan areas used that opportunity to tear through minority and immigrant communities, stripping away thousands of houses. Kansas City, KS, was no different.

When you notice I-70, when it was developed, coming from the east, it tore through many of the houses in the Strawberry Hill area, which was largely Croatian and German immigrants; made its way west and it made the situation between Armourdale, which was already isolated by the railroads, it only exacerbated the north and south boundaries between Armourdale and the area to the north.

Then, when you look at 635, it was almost with surgical precision that 635 came through and then K-5 up on the northern end, and it divided Kansas City, KS, between east and west. K-5 actually even split Parkwood in half. So, what has happened with the highways and with the redlining, it essentially economically starved the eastern part of Kansas City, KS. A literal starvation economically. Loans, insurance policies, and the like. So it made it awfully difficult.



All this is all within the 635 loop now.



March 2, 2023

Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

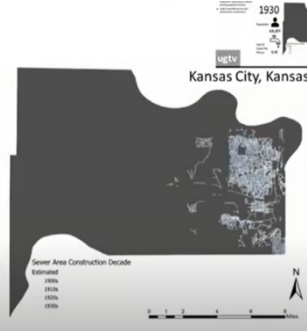
1930

Population

121,857

Feet of
Sewer Per
Person

9.35



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

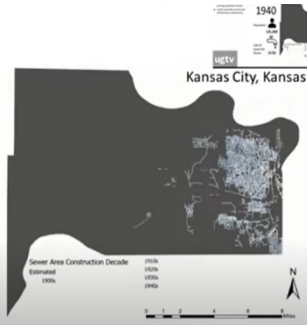
1940

Population

121,458

Feet of
Sewer Per
Person

15.59



This was an exciting piece that Alan Howze's team came up with, this GIF, because in the late '50s

Housing | Decades of Sprawl

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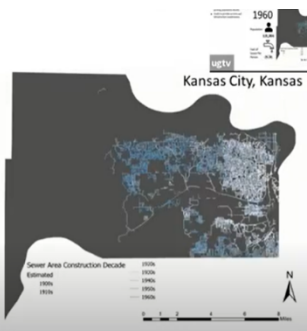
1960

Population

121,901

Feet of
Sewer Per
Person

25.31



and early '60s, that's when white flight began to take place in Kansas City, KS. Kansas City, KS, began this westward expansion.

Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
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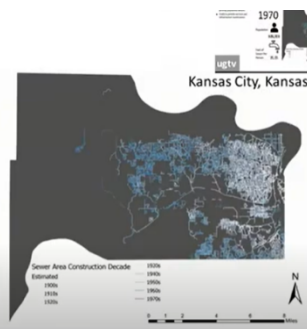
1970

Population

168,213

Feet of
Sewer Per
Person

21.11



March 2, 2023

Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
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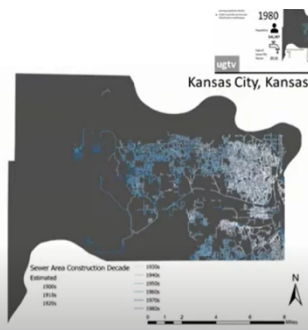
1980

Population

161,087

Feet of
Sewer Per
Person

23.11



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

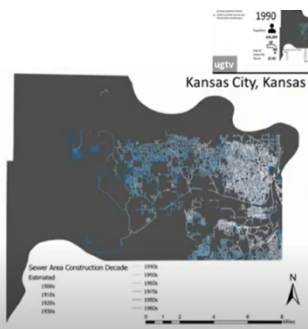
1990

Population

149,800

Feet of
Sewer Per
Person

25.89



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

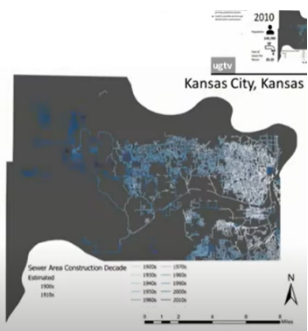
2010

Population

145,786

Feet of
Sewer Per
Person

30.10



Infrastructure was built out in order to accommodate all the new residents that are to the west.

Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

1900

Population

51,418

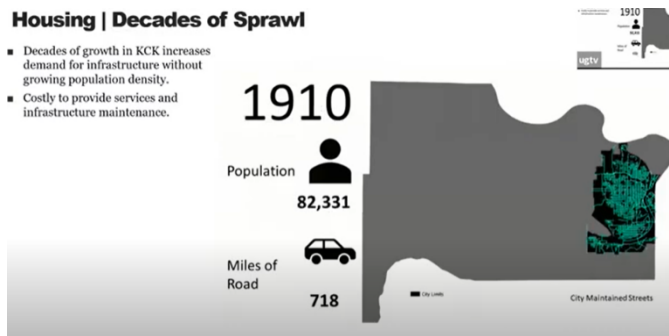
Miles of
Road

472



Housing | Decades of Sprawl

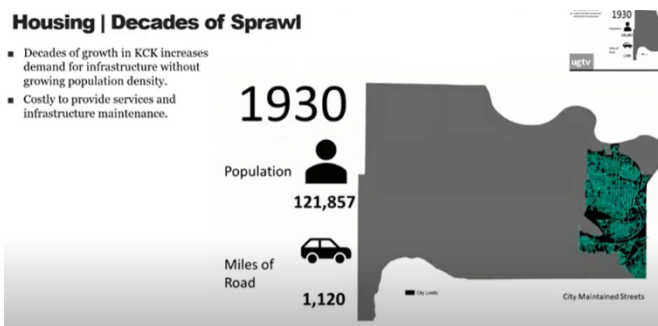
- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.



The first GIF, it shows that in 1910, there was approximately one-to-one ratio persons to feet of sanitary sewers. In between 1910 all the way to 2010, that ratio went from one-to-one to one-to-thirty.

Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
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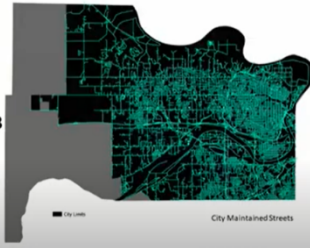
1970

Population

168,213

Miles of Road

3,890



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

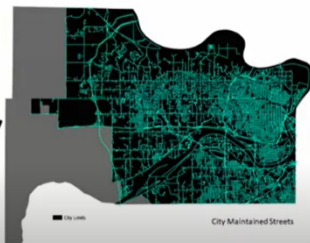
1980

Population

161,087

Miles of Road

4,093



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

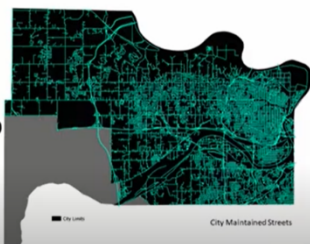
1990

Population

149,800

Miles of Road

4,456



The same incident happened with roads in building out all the roads. The roads and the amount of roads that were built, was far more than could be accommodated by the population that the city had. So, what happened was, this put us into a severe debt cycle that you had far more infrastructure than what you had in population.

Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

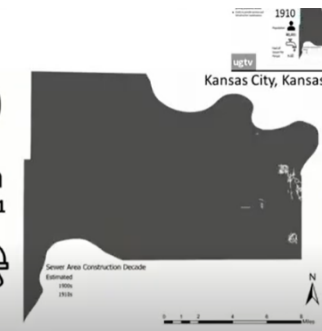
1910

Population

82,331

Feet of Sewer Per Person

1.12



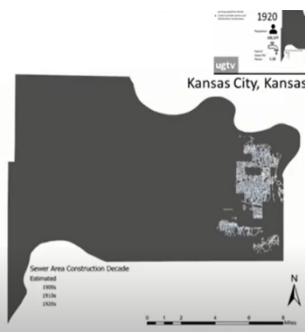
Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

1920

Population
101,177

Feet of
Sewer Per
Person
1.33



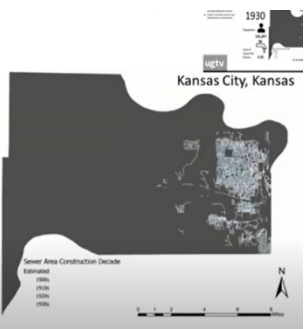
Housing | Decades of Sprawl

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1930

Population
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Feet of
Sewer Per
Person
9.35



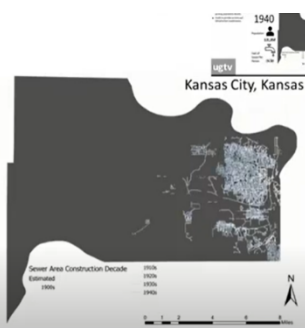
Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

1940

Population
121,458

Feet of
Sewer Per
Person
15.59



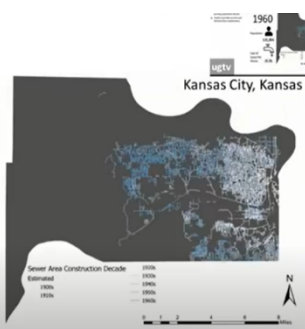
Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

1960

Population
121,901

Feet of
Sewer Per
Person
25.31



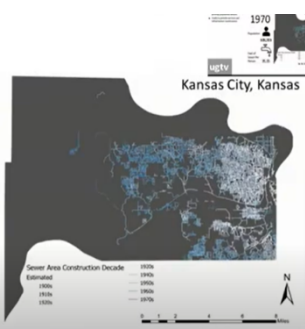
Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

1970

Population
168,213

Feet of
Sewer Per
Person
21.11



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

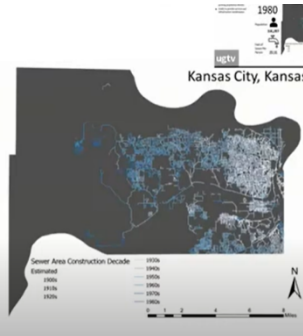
1980

Population

161,087

Feet of
Sewer Per
Person

23.11



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

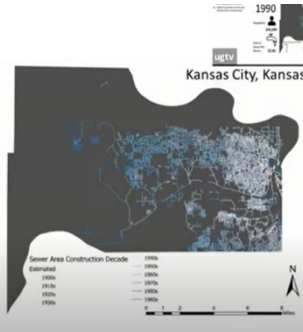
1990

Population

149,800

Feet of
Sewer Per
Person

25.89



Housing | Decades of Sprawl

- Decades of growth in KCK increases demand for infrastructure without growing population density.
- Costly to provide services and infrastructure maintenance.

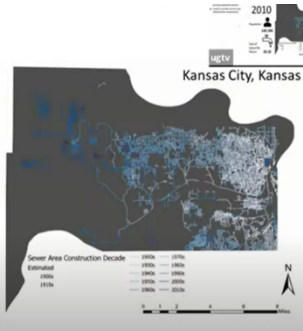
2010

Population

145,786

Feet of
Sewer Per
Person

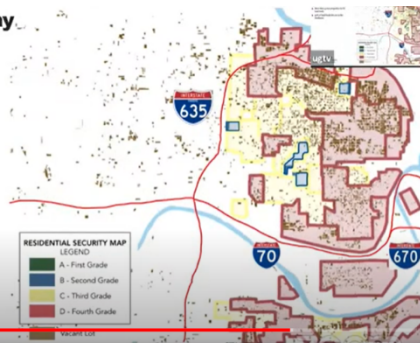
30.10



These GIFs only document sewers and roads; doesn't mention the electrical grid, water lines, or storm sewers for that great expansion to the west and, again, that debt cycle, we're still in essence paying for that right now.

Housing | Vacancy Today

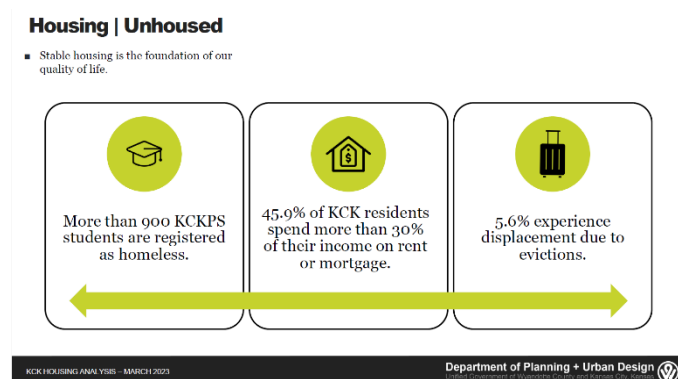
- 12,043 vacant lots in Wyandotte County.
- More than 4,600 properties in UG land bank.
- 90% of land bank lots are in the Northeast.



Vacancy Analysis, 2023
East of I-435 reflects years of neglect.
High density, high vacancy.

There are two things that are the greatest impacts of redlining and the Highway Act. No matter what city you go to, you're always going to find that the result was extremely high vacancies in vacant lots and tax delinquencies.

You can see this in this map that is a vacancy map. All the redlined areas there, you can see where there are the highest amounts of vacant lots. For in Wyandotte County, there's over 12,000 vacant lots in Wyandotte County. Our Land Bank holds 4,600 of those vacant lots, but 90% of the vacant lots in the Land Bank are all in the Northeast. Even when you look at the map, Westheight, Cathedral, and Parkwood had the fewest amount of vacant lots. So, there's a direct correlation between the policies of the past and the situation that we're in right now.

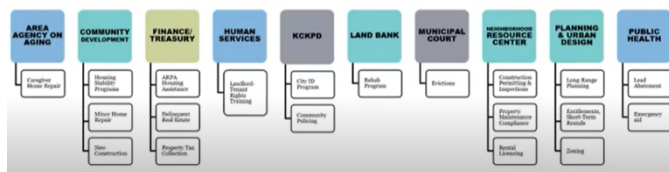


In examining and doing our interviews with Kansas City public schools, the McKinney-Vento Act is an act that was passed to provide services and resources for children and young adults that are in school that find themselves to be homeless; they're homeless. So, every school district follows the McKinney-Vento Act. The Kansas City, KS public schools have 900 children that are registered under McKinney-Vento. Whenever you do any research about the McKinney-Vento, for every district that you have, the number of youth that are registered, the actual number of youth that are homeless is double that because you don't want to associate with being homeless because of fear of going into the foster care system. So, we have nearly 1,800 youth that are homeless in the Kansas City public schools.

Then we have 45.9% of Kansas City, KS, residents that spend up to 30% of their income on rent or mortgage, so they're heavily cost burdened. Then, over 5.6% experience displacement due to evictions.

Housing | UG Forward

- Multiple departments oversee aspects of the housing ecosystem
- Important to clarifying the role(s) of the Unified Government in housing.



Housing and Unified Government. In looking at how does housing production and maintenance take place in the Unified Government, through our interviews, there are numerous agencies that handle housing related issues from the Area Agency on Aging to Community Development, our great Kansas City Police Department, the Land Bank, the Neighborhood Resource Center, and particularly Public Health. Public Health does a ton of resources as it relates to housing related issues. So, there's a lot of agencies that are doing housing within the Unified Government.

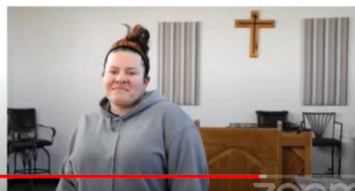
Housing | Partners

- Understanding the ecosystem of partners, new building technologies, and other creative business models will help us accelerate outcomes

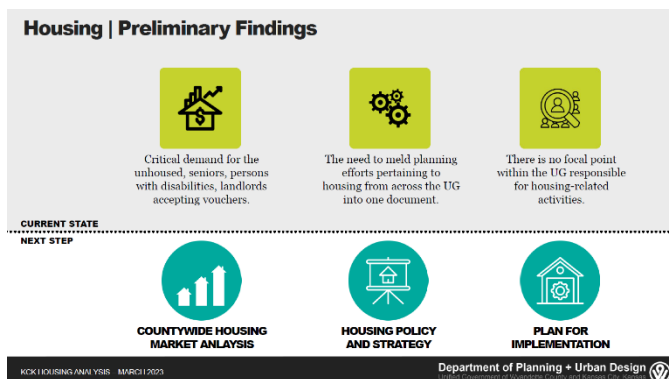
Kansas City, Kansas, school found a creative way to cut homelessness in half. Here's how

KCUR | By Jeff Fortin, Barbara Shelby
Published February 15, 2023 at 1:00 PM CST

LISTEN • 7:04



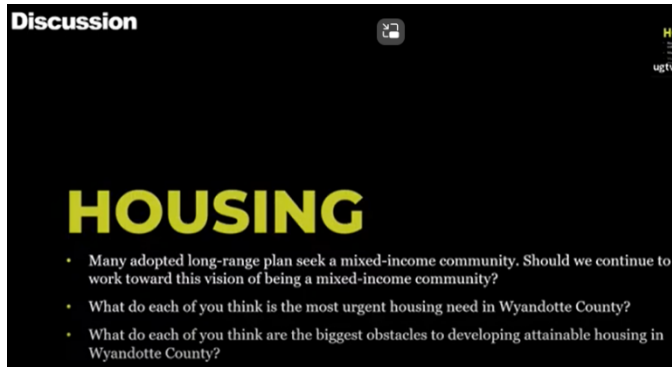
In our next slide, we kind of want to be able to put a face on it. The Kansas City public schools has a program that they're affiliated with. It's called Impact KC. This article was published on KCUR on the 15th of February. It highlights great agencies that actually work together to make sure that children and families find stability and they're no longer homeless. This was a great article. We really wanted to make sure that we highlighted that because it's a really good piece for us.



For our preliminary findings on where we really need to pay attention to as it relates to housing and the demand, there is a critical demand for housing for persons that are unhoused and that is youth that are unhoused and young families that are unhoused particularly. We have to pay attention to that sector because if we do not, they are definitely looking at long-term poverty and long-term homelessness if we don't pay attention to that. So, we have a need for greater housing for seniors, persons with disabilities, and for landlords accepting vouchers. Our next step with that process is that we're going to provide a county-wide housing market analysis.

Secondly, there's a need to meld planning efforts pertaining to housing from across the UG. We have a lot of great plans within the UG, but they all need to come together in one plan because they all have different components of housing. So, we need to have that all in one document. So, that's what our next step will be is a housing policy strategy to do that.

Then lastly, there is no focal point for housing production and taking care of housing retention within the UG. You saw that on that previous slide. It's done all across many, many departments. The difficulty is that we have a saying in community organizing that when nobody is accountable, when everybody is accountable, that means nobody is accountable. There needs to be an agency that is accountable for housing production and retention. For that last part in our next step is to look at a plan for implementation. We can have great plans, consolidate them all into one plan, but if there's no mechanism to implement the plan, we're not as far along as we need to be.



So, there's just a couple of questions that we just wanted to check in with you all. In the long-range planning, there is a talk of a mixed-income community. Mixed-income communities have been successful all throughout American history. What we want to know is that should we continue to work toward the vision of building mixed-income communities as described in our plans? Is that something that we should still continue to do?

Commissioner Bynum said my answer is yes. I've been working in grassroots neighborhood-based organizations now for 20 to 25 years. We've been talking mixed-income communities that entire time. So, yes.

Commissioner Bynum said I have some other questions and comments, but I will say this out loud to everyone that I said to you when we met. We have Wyandotte Economic Development Council that was originated as Wyandot Development, Inc., and focused on commercial/industrial. I've been asking for more than 20 years, where's my Wyandot, Inc., for housing. I told you that when we met, and I hope that's where we're headed.

It's really interesting to have you show us graphically all of the departments that touch housing. I think we know that in our heads, but to see it graphically is a different thing. I think the important conversation that I think you're bringing is, how do we—how old is that maybe in one place within our Unified Government.

I think another question is, what's our role. What is the Unified Government's role as it relates to other public sector entities, the state government, the federal government, and the private sector?

Mr. Hand said I would just add there's many different ways that you can work toward a mixed-income community from a land use perspective. Coordinating land use of transportation is a key

component of that. There was a study done in the 1920s in Kansas City that looked at all the communities when we were a streetcar community, both in Kansas City, MO, and Kansas City, KS. The most diversity and most equitable neighborhoods were those built along the streetcars.

Commissioner Ramirez said I don't have a problem with mixed-income communities. The only thing I not fear, but hesitant, is the equity and fairness of mixed-income communities. We don't want to build mixed-income communities and then it starts going—you can go severely in both ways where a lot of people—a lot of high-income people come into the community and the lower income gets pushed out. Or if the higher income no longer want to live there, they leave. We have now a higher density and concentration of lower income in the communities of what we're having now. So, it's just finding that perfect balance of the mixed income.

I think when we're talking about mixed income is affordability, affordable housing. Unfortunately, our state loves to pre-empt a lot of the actions we can do on affordable housing and just housing in general.

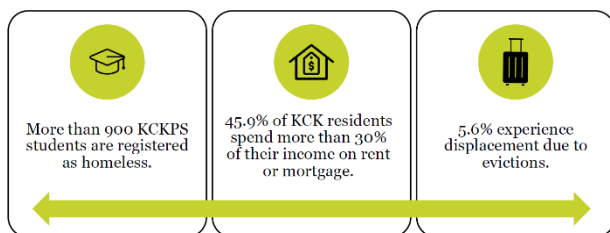
Commissioner Ramirez said a request to Gunnar or to Legal. Can we get a list of all state statutes that pre-empts us from dealing with anything having to do with housing? I know there's a lot out there. I would love to have a comprehensive list so that I know when we're going through this discussion of housing and coming up with the housing strategy, we can have on deck right in front of me, the different laws that say we can't do this because I know there's a lot. We could do a lot of good impact to our community, but our state doesn't allow us.

I know that was kind of off center for the question, but agree with the mixed income as long as it's fair, equitable, and affordable.

Commissioner Townsend said I have a question. On the slide where you're showing housing and the unhoused, you made reference in particular to youth in USD 500 that were unhoused. Can we see that slide again?

Housing | Unhoused

- Stable housing is the foundation of our quality of life.



KCK HOUSING ANALYSIS - MARCH 2023

Department of Planning + Urban Design

The 5.6%. What is the population of that? Are those the 900 that you talked about, that 5.6% of them experiencing displacement due to eviction? What is the population that you were talking about?

Mr. Bright said no. That's not that. That came from the community health assessment and the CHIP plan; that information. That's not related to the 900 homeless students. Now, there's a possibility some could be in there, but the school district regularly keeps a record of kids, youth that are homeless. So, that's not directly tied to the 5.6%. **Mr. Hand** said that's 5.6% of the entire county.

Commissioner Johnson said, Mr. Bright, I would encourage us not to try to have the fullest of this kind of discussion at 9:30 in the evening time. I'm not prepared to give my very best to this conversation. I think I'd like to at least encourage us to think about having this during a special session where we can have a more full-throated discussion and those questions because as soon as you asked that first question, I was going no, no, no, no. I'm not ready to be in dialogue. I can only speak for myself, but I would encourage us to really think about having this discussion in a special session where we can really get into it and I can speak for myself. I can be better prepared to be able to respond.

Commissioner Davis said in light of that, I will be fast just in my response to all of the questions. Number one, staff, staff, staff. It's great for us to come up with these ideas, but if we do not have the people to implement them, it makes no sense of having this conversation at any time. So, if you all can come back to us on how can we support staff, how can we recruit and retain staff so that we can make some progress on housing, that would be great.

March 2, 2023

Working with our lobbyists, right? Commissioner Ramirez talked about all the state statutes that pre-empt us. Speaking with Mr. Davis, what is currently happening at the state legislator? What can we advocate for us as Wyandotte County? That would be very, very helpful. Our congressional delegation, we have two members of the House of Representatives and two senators. Are we engaging those offices because redlining is not just a local problem or a state problem. It's actually a federal problem and we do not hold those folks accountable for moving the needle on that.

The last thing I'll say is I know Kansas City, MO, has done some very, very innovative things regarding this, especially working with their houses population, speaking with them and surrounding jurisdictions to see what has worked and what could be implemented here would be great. I will go back to my first point, staff, staff, staff. If we don't have the staff, no point in having a conversation.

Cheryl Harrison-Lee, Interim County Administrator, said I would agree. This is definitely a conversation for a special session. What I'd like to know from the Commission is if you would like this moved to the 30th meeting for a special session to have this? Okay. We'll do.

Mr. Hand said, Interim County Administrator, if I may. If we plan to do this every month, should we plan to have a special session every month around the comp plan? **Ms. Harrison-Lee** said let's have a little bit more dialogue about that.

Mayor Garner said thank you so much. Good presentation. Housing is a big issue. We'll make sure that we do get a special session for this Commission at the request. Hopefully, staff, I know you're limited, could be prepared for that to have some of the questions that I know some of our commissioners have, and give us a little more clarity so we can get you some clear direction moving forward.

I can say that housing is a big issue. I've been to DC to several conferences. When you talk about homelessness and where we're at, just not in Wyandotte County, but throughout our nation, housing, housing, housing tends to be the main topic of discussion coming up.

Not just housing, but rents that continue to go up. I know that there's some communities—you can look at New York City that has looked at some policy and legislation to address some of those issues with rising costs and things of that nature, so I agree it would be good to look at what

other communities are doing, cherry-pick some of those best practices. I think it'd be a good item of discussion for our Commission to consider on how best to improve the condition, especially those that you mentioned, those that are at the median to lower socio-economic ladder that are really struggling just to make ends meet, let alone trying to decide whether to put food on the table, pay the rent, keep the lights on, and things of that nature.

I think I don't want renters to be overlooked in this equation as well when you talk about evictions and how that impacts. A lot of lower income folks unfortunately don't own properties. A lot of them really depend on rent and having those landlords, a lot of vouchers out there. With rents continuing to rise, I think we really need to look at not just homeowners, but our renters as well.

Action: For information only.

Mayor Garner said that concludes the Planning and Zoning portion of our meeting. I'll entertain a motion to adjourn as the Board of Commission and call us back to order as the Land Bank Board of Trustees.

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, do any members of this Board or the County Administrator wish to set aside any item on the Land Bank Consent Agenda?

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

Item No. 1 – 212236...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

- A. Single Family Homes – 2 Homes
 - 1. Denis Mendoza – 1 home
811 N. 83rd St. – 009480
 - 3. Ingrid Landis – 1 home
2840 S. 9th St. – 136561
2842 S. 9th St. - 136548
- B. Multi Family –6 Units
 - 2. Michael Berry – 2 units
2602 N. 57th St. – 036210
 - 3. Fernando J Gomez – 4 Units
2233 S. Mill St. – 137258
- C. Commercial – 1
 - 2. Karen Daniels – The Boston Daniels Peace and Arts Center
708 Quindaro Blvd. – 111909

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

Item No. 2 – 212237...LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

- PT – Property Transfers
- 1. Wendell V. Mims – Yard Extension
3529 N. 47th St. - 913920
 - 2. Cory Crofford – Yard Extension
3327 N. 80th Ter. - 036705
 - 3. Marcus Walker – Property Transfer
8848 Georgia Ave. - 184721
 - 4. William J Mulich – Donation
801 Seminary St. - 902319

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

Mayor Garner said that concludes our Land Bank Board of Trustees meeting.

Commissioner Townsend said I don’t disagree it concludes but, again, I just want to take this opportunity to say I appreciated working with and getting to know our Administrator Cheryl Harrison-Lee. I wish her all the best. I hope we can get the transcript of what you rattled off as a checklist of how to keep going forward with this. I wish you all the best.

Cheryl Harrison-Lee, Interim County Administrator, said as this is the last meeting also for our Chief Legal Counsel, I just would like to thank her for her service to the Unified Government as well, and let her know how much I appreciate the work she’s done, not just during the past year, but over the past 18, I think, years with the Unified Government.

Commissioner Townsend said I’m glad our Interim County Administrator brought that to our attention. It will be a tremendous loss for the Unified Government to bid farewell to Chief, not only in her capacity as Chief Counsel, but for all that she’s done in the preceding years as a member of the Legal team.

I particularly recall the effort that she and other staff put into the consent decree with regard to wastewater. I believe that she and other staff got a result that benefited this community. Now, how we carry it out, we’re still looking at that. It was done in the best interest of all of Wyandotte County and with an eye toward how all of us are going to be able to pay for that and consideration of that. So, not just as Chief Counsel, but in all her years of service in the Legal Department. You will be missed.

Commissioner Ramirez said everything that Commissioner Townsend said. Misty, your department, has always conducted yourself with the utmost professionalism and dedication to whether it’s community, to the organization, you will be sorely missed. I’ve known you since you

were a Deputy and now I knew you as the Chief. You've always done your job to the best of your ability. Thank you for all that you've done.

Cheryl, thank you for what you've done during the interim. I wish you the best in all your endeavors, and with you, Misty.

Commissioner Davis said I echo the words of my colleagues. For Cheryl, I think you really came in and did what you could, right, just giving all of the moving parts. So, we appreciate it.

Misty, you are one of the go-to, in my opinion, for the UG. You've made me a better community leader/commissioner really understand how this place works. We are dearly, dearly going to miss you. I know there are so many battles that you fought on our behalf that no one even knows about. We really stand on your shoulders and the foundation that you laid. Thank you so much for your contribution. I wish you and your family the best.

I will also mention Alley Porter. I know that she's not here, but I also know that she also accepted a position elsewhere. I'm sure at some point she'll see this, but Alley as well is a phenomenal, phenomenal colleague, staff. Really, really gave her all to this community. Truly, truly our loss and the gain of my former employer, the city of Lawrence. So, I wish all three of you the best.

Commissioner Markley said it has been a delight to know Misty both as a person and as an attorney. In my normal job, I get the grace that most of the time when people ask me hard questions, I get to go back to my desk and dig around for a little while and then I get to go back and answer their question when I'm sure I know what I'm talking about. But here at our meetings, we don't get to give that same grace to our attorneys, so Misty is very often put on the spot with questions that I, in my day job, would have got to spend a couple of hours researching before I had to spew out a response. She always handles those tense moments with grace and gives us the right answer and the answers that we need to move forward. We're gonna miss her expertise and her delightful personality as well. I wish her well in her next role.

Commissioner Kane said well, Cheryl, you came into a mess. You held us together as best you could. We appreciate that.

I want to thank Misty for keeping some of my fellow commissioners in line when they got out of line. One of the hardest things to do in that job is to keep us all in check and you did a great job with that. I look forward to seeing you at the basketball games and stuff around the community. Thank you for your work.

Commissioner Johnson said I'm usually one that likes to say my thanks person-to-person, but I will say to Misty, first of all, thank you for the way that you've handled Commissioner Kane. Since he wanted to deflect to the rest of us, let's point some fingers back in that direction. It took grace to be able to do that and I just want to say thank you.

The way that you stepped forward with safe and welcoming and that you had a willingness to at least hear and to work. There were a lot of different positions, and you were just very steady as saying what you can do and what you can't do. There was no predisposition one way or the other and that really meant a lot to me. As I told you, I respect whatever you say. You're not going to have any problems from me. I will work with whatever you suggest to us. I want to appreciate you publicly for that if nothing else.

Cheryl, you know I was a fan of yours before you got here. When we had the opportunity, it was just like are you kidding me. I just want to thank you. You are, again, very skillful in how you deal with these ten A-type personalities. You have handled that with as much grace as well. There's probably certain things that I'm not even aware of that you've been able to kind of be a bridge over troubled waters. I want to appreciate you for that as well.

If I'm going to speak for the record, I do want to acknowledge Alley Porter. I do want to acknowledge Juliann VanLiew. I do want to acknowledge Kathleen VonAchen and Katherine Carttar and Justus Welker who all have been top level talent that have moved onto different areas. I appreciate working with every single one of those persons and for the things that they've done for the UG. I only wanted to say that for the record that I acknowledged these persons that are present tonight, but there are other persons that I have not had that opportunity to state a public appreciation for the work that they've done for this Unified Government.

Commissioner Burroughs said I initially met Misty when I came home from the legislature working on a statewide smoking ban and to utilize the blue big heart community forward so that we wouldn't be the last one because of our health status. Misty, I remember you and I working

very closely together and we didn't always agree. One thing I have respect for is when people can disagree respectfully. You have a demeanor about you that is complementary in what you do. You came in and I got to work with you under the crisis situation with the smoking ban. It was coming through the state real quick, and you're leaving me when I'm in the middle of a charter review. That history is very important when looking at that charter review and your legal guidance. We have our other attorney that has worked with me on this. I'm going to miss our conversations.

To Ms. Harrison-Lee, I want to say that anyone that gives service to Wyandotte County should be recognized. It's not easy work. If it was, we would have a lot more trying to do it. It takes a special talent to step in here and help guide. We may not always agree, but when we do disagree, it's respectful. I wish you the best. Thank you both for your service.

As far as the others, Alley, I haven't had a chance to talk to Alley. I just soon do that personally.

Commissioner Bynum said I don't want to not speak because I don't want to convey the message that I don't care, but I feel emotional so I want to be brief. I want to thank these two professional women for what they've given. Again, as Commissioner Johnson pointed out, there are others and I want to not fail to include Andrea Generaux, who was the Director of Livable Neighborhoods, and gave many years to the organization.

To Cheryl and Misty both, thank you so much for the time and effort that you've provided not only to the Unified Government, but to the Wyandotte County community. It's valued possibly more than you can know. Thank you both.

Commissioner Stites said I've reached out to both of them, both Cheryl and to Misty privately and spoke to Alley also. I remember the first meeting with Cheryl on the ninth floor how you basically took a brand new commissioner under your wing there and said let me know what you need. I'm here to help. I appreciated that because, again, brand new. Wasn't sure going from a city council to a commission, what all it was going to entail. I want to thank you for your guidance and your help through this process. I look forward to interacting with you in the future. I'm sure we'll see each other again.

Misty, same thing. You worked on a lot of tough items for us. I've always felt that you handled yourself in a very professional manner and respected everything that you've ever put

forward to us. I'm gonna miss you. I think that's a blow to this organization to not have you around.

I do want to say about the other employees that were mentioned. It's a shame that we've lost in the last 14 months the amount of employees that we've lost out of here. It's embarrassing. When we talk about employee retention, trying to draw people here and we have them walking out of the door faster than we can get them coming in. We've got to work on that. We've got to do better. I appreciate all that have come before me, the ones that are left, and hopefully we can slow that exit process down.

Mayor Garner said I met Ms. Brown when I was on the Police Department. She worked with us on some tough issues. I can say she was committed then and even now I can say that I've worked with a lot of folks and when they say that they're leaving, they usually step out the door and burn time or they're not there. Misty has showed up. She's still helping. She's still providing counsel. She's still available. She's just as committed today as I've always known her to be and so for that, thank you for your commitment not just to this Commission or to this Unified Government, but the people of Wyandotte County because that's the type of commitment that really says a lot about who you are as a person. So, thank you.

We wish all of our employees, former employees, we wish them continued blessings in all their future endeavors. We thank them for their service.

Mayor Garner asked, Misty, before we adjourn, did you want to have comments? **Ms. Brown** said I would. I guess the last time I'll say Misty Brown, Chief Counsel for the Unified Government. I know it's late. I won't take long, but I would like to say it's been a pleasure and honor to serve with all the talented staff in the Legal Department, past and present, and with this governing body and all the staff of the Unified Government. I would just leave with it was not grace, but with a firm and heavy hand to deal with Commissioner Kane.

ADJOURN

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

March 2, 2023

MAYOR GARNER
ADJOURNED THE MEETING AT 10:00 P.M.
March 2, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

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March 2, 2023