

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 26, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, January 26, 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; Gunnar Hand, Director of Planning & Urban Design; Brett Deichler, UG Clerk; and Brittanie MacDonald, UG Clerk's Office.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

Mayor Garner said I will now call the meeting to order. I'll ask the Clerk to present the roll call.

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

Mayor Garner said tonight, the invocation is going to be given by Chaplain Ken Nettling of Faith Lutheran Church, immediately followed by the Pledge of Allegiance.

Mayor Garner said I'll ask the Clerk if there were any revisions to tonight's agenda. **Mr. Deichler** said, Mayor, at your discretion, the order for tonight's agenda items has been reversed. The Regular Agenda items will be heard first followed by the Planning and Zoning Agenda with the Land Bank Board of Trustees convening thereafter. That represents all the modifications to tonight's agenda.

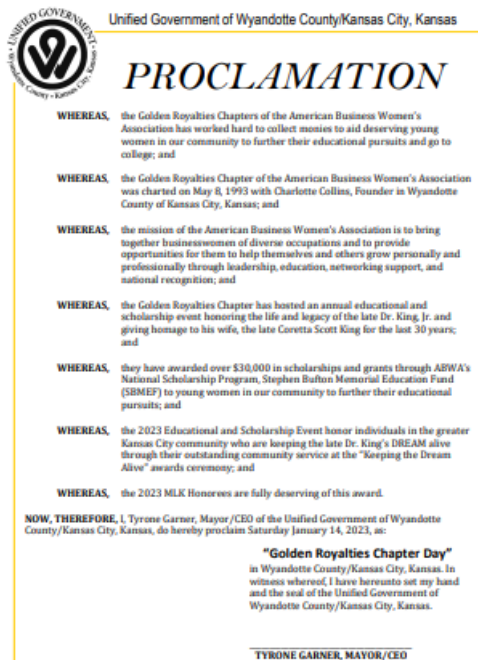
Mayor Garner said that takes us to the Mayor's Agenda. I'll ask the Clerk to read several proclamations.

MAYOR'S AGENDA

Item No. 1 – 212225...PROCLAMATION: GOLDEN ROYALTIES CHAPTER DAY

Synopsis: Proclamation proclaiming January 14, 2023, as Golden Royalties Chapter Day, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read by the following proclamation.



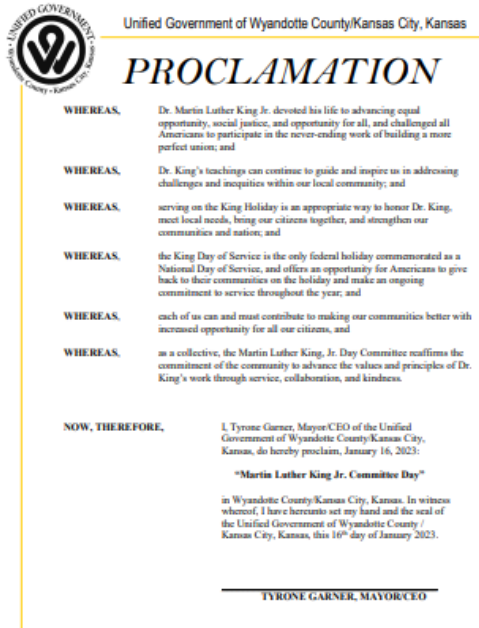
Action: The proclamation was read.

Item No. 2 – 212226...PROCLAMATION: MARTIN LUTHER KING JR COMMITTEE DAY

January 26, 2023

Synopsis: Proclamation proclaiming January 16, 2023, as Martin Luther King Jr. Committee Day, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read by the following proclamation.

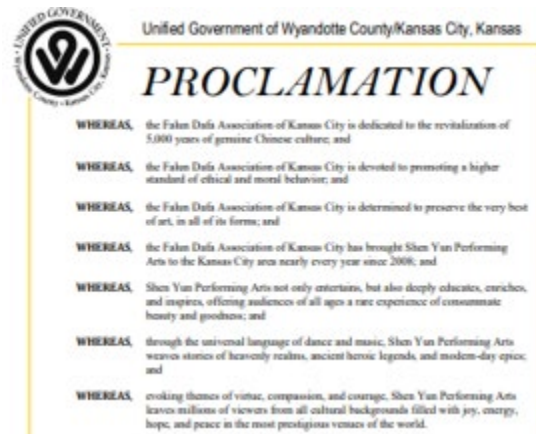


Action: The proclamation was read.

Item No. 3 – 212227...PROCLAMATION: SHEN YUN PERFORMING ARTS DAYS

Synopsis: Proclamation proclaiming January 27-29, 2023, as Shen Yun Performing Arts Days, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read by the following proclamation.



January 26, 2023



Action: The proclamation was read.

Mayor Garner said before I move on, I'd like to just briefly update the Commission on the status of our administrator's process. On June 9, 2022, I made a commitment to this Commission, our staff, but more importantly the great people that make up Wyandotte County, that this process would be timely, transparent, thorough, and inclusive.

I want to thank Ms. Harrison-Lee's staff, particularly Ms. Porter, for working closely with the consultants and with the committee that is working to help get us to where we need to be in drafting a calendar that was sent out on 11/15/2022 that detailed exactly some of the events that would be going on.

So, as we work on the finalized plan for this Commission, on Tuesday, February 7, 2022, there is a meet and greet workshop. There will be three finalists for county, permanent county administrator. These candidates are going to be advanced by the task force that you all were really a part of as far as appointments.

As communicated previously, this session will be chaired by Commissioner Bynum and has been created to provide each of the commissioners an opportunity to get to know the candidates and their desire to serve the great people of Wyandotte County. To ensure that our community can also be involved, in addition to the public event later that evening, this will be an event that will be livestreamed.

In preparation for that day, commissioners, we ask that you submit three questions that you would like presented to each of the candidates. Those should go to Chief of Staff Edwards, from the Mayor's Office, as well as Commissioner Bynum, who will be chairing that session. All questions will be compiled into a survey document and a link provided for you to rank. Those receiving the most votes will be recommended for your use during your conversations.

Commissioner Bynum will determine the appropriate method for asking selected questions during the workshop that you will have with the candidates. It is important that we are consistent

with our questioning for all the candidates to ensure an accurate comparison. After receiving the questions, we also plan to work with our Legal team to pre-screen appropriate versus inappropriate questions to give you all some guardrails in that regard. Again, this is a meet and greet workshop, not a candidate interview.

I'm going to ask Vice Chair of the task force, President Johnson, if he'd come forward. He can speak more about the process, the work they've done, and where they're at, at this point.

Bill Johnson, General Manager, Board of Public Utilities, said, Mayor, I'll start by saying you took about half of the things I was going to talk about. You've already addressed it, so you've really reduced my time down to only a few things that I'll update you on today.

Yes, we are now working with a second search firm, as you all know. The last time I was here we talked about where we were right after onboarding that new consulting firm and then kind of the schedule and calendar that we had put together. So, I want to fast forward until last week.

On January 17th we had met, as a task force, to review all of the candidates. The search firm did the initial screening and provided about 16 candidates to us. We had video questions that were already asked of all of them so will listen to all of those. Then we asked a lot of background questions of the task force that didn't come out on the video. That was our way of trying to get to understand the complete candidate list a little bit more, a little bit more about who they are, what their experience is, what they may bring to Wyandotte County. Then we were also coming into that meeting with the idea of reducing that number down to six candidates, which we did on that night.

Since that time, I think as of yesterday, we got word that one of them had withdrawn their name for consideration, so now we'll be interviewing five candidates on Monday afternoon. As we trim that down to three, we'll be presenting those candidates to the Commission and you'll start your round of interviews, as the Mayor has already outlined.

If there's any questions, again, you've covered most of what I was going to talk to. Thank you for that. If there's any questions, I'll take them at this time.

My hope is to get you three highly qualified candidates to review, and my hope is that a selection will be made from that group. We're on a short timeline. The meet and greet is out there, as already mentioned. We're gonna be working as fast as we can. We've already prepared all the questions. We're already prepared for Monday. I think next week is going to be a busy week for

us, but we'll work our hardest to try to get that list narrowed down a little bit smaller. My hope is you'll appreciate the work that we do.

Mayor Garner said thank you, Mr. Johnson. I'd like to just thank the consultant and all those volunteers that are part of this task force, along with Mayor Harrington, who's not here as well, staff, and everybody that's been involved in trying to make this process go as expeditiously as possible. So thank you all for the work and especially the volunteers and really volunteered to step up and help with this process.

Mr. Johnson said and, again, thank you for entrusting us with this important task.

Commissioner Stites asked, is the intent that we would vote on that person on that Tuesday night, the 7th? **Mayor Garner** said no. **Commissioner Stites** asked, when will we be moving a candidate forward to vote on? **Mayor Garner** said they will present three candidates and at that time I'll vet. Then once I make a decision, then a special meeting will be set up to where I'll present that candidate and then you all will have the opportunity to consent to that appointment. **Commissioner Stites** asked, do we know a timeframe on that? **Mayor Garner** said not at this point.

Commissioner Kane asked, do we vote on it? **Mayor Garner** said you will get to vote to consent to the appointment, yes, as we've always done per ordinance. What happens is, just for the public, the way our ordinance reads, the mayor appoints which, in my opinion, basically I recommend an individual for the position to the Commission. The Commission takes that recommendation and they ultimately decide whether or not to consent or basically to approve my recommendation to them for the administrator to fill that permanent position. So, that's how that works.

Mayor Garner said that takes us to the Regular Consent Agenda.

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. I will entertain a motion.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve.**

Mayor Garner said there's a motion and a second to approve the Consent Agenda. Is there any discussion? Seeing none, roll call.

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

Item No. 1 – 212186...APPROVAL: DOWNTOWN KCK COMMERCIAL HISTORIC DISTRICT

Synopsis: Approval of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. On January 9, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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

Item No. 2 – 212197...RESOLUTION: 2023 CASH AND INVESTMENT POLICY

Synopsis: Approval of resolution adopting the Cash and Investment Policy, submitted by Andrea Vinyard, Deputy Treasurer. On January 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-3-23**, “A resolution adopting the Unified Government’s Cash Management Policy for 2023.” **On motion of Commissioner Kane, seconded by Commissioner Stites, the resolution was adopted.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212152...RESOLUTION: RESOLUTION: AUTHORIZING THE ACQUISITION AND IMPLEMENTATION OF CERTAIN PUBLIC SAFETY COMMUNICATION EQUIPMENT

Synopsis: A home rule resolution authorizing and implementation of certain public safety communication equipment to serve the county and authorizing the issuance of general obligation bonds to finance the cost of the same, submitted by Debbie Jonscher, Acting Chief Finance Officer. On January 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-4-23**, “A home rule resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, authorizing the acquisition and implementation of certain public safety communication equipment to serve the county and authorizing the issuance of general obligation bonds to finance the costs of the same.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 4 – 212223...PLAT: 55TH’S OSAGE ADDITION

Synopsis: Plat of 55th’s Osage Addition, located at 705 South 55th Street, being developed by First Baptist Church of Turner, submitted by Brent E. Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 5 - MINUTES

Synopsis: Minutes from the Full Commission meeting on May 12, 2022, and the Special Session meeting on November 22, 2022. (Minutes from the Mayoral Workshop on December 15, 2022, submitted for information only.)

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

Item No. 6 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 29, 2022, and January 5, 2023.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

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In 2022, we boasted \$481M in capital investment with 30 new projects, 19 business retention expansions, and 11 attraction announcements. We have 30 active attraction projects, 35 active business retention projects, and we brought more than 400 jobs to the county.

A few notable announcements include the Homefield & Margaritaville Resort, Urban Outfitters distribution center, KU Therapy Treatment Center, as well as The Helm mixed-use, multi-family facility near the Bottoms. With the introduction of these new projects, we are positioned to continue economic growth throughout the county.

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Our focus on customer service was relevant through 2022. We enhanced our outreach to connect community members to health programs and services. We piloted new initiatives to address health disparities like the Fire Department's partnership with Vibrant Health. We engaged multi-department efforts to address community issues including the work of the Police Department, Legal Department, and Public Health Department in the fight against the opiate crisis.

We also supported new training initiatives and continued to enhance our communications with both internal and external stakeholders.

them a jump-start when they get started. Then, also looking at the employees we have and seeing what other resources we have in terms of continuing service consultants that might be able to come in and kind of help do some of the work that needs to take place during the interim.

Mayor Garner asked, any further questions from the Commission? Okay, Thank you, Administrator.

Action: For information only.

Item No. 2 – 212232...RESOLUTION: AMENDING SECTION 203 OF THE UNIFIED GOVERNMENT’S RULES OF PROCEDURE

Synopsis: A resolution amending Section 203 of the Unified Government’s Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel.

Mayor Garner said this was directed by the Commission on January 12, 2023. I can’t say that myself as we were asked to do. Commissioner Bynum and Commissioner Burroughs worked to try and codify what we all agreed would be appropriate as far as meeting each other in the middle of the bridge, at the halfway point, to move this question along in a way that, hopefully, will allow for improved collaboration in our agendas, standing committees, and in our communication. So, I’m going to turn it over to Chief Counsel Misty Brown to make some comments.

Misty Brown, Chief Counsel, said so as the Mayor alluded to, during the last meeting, a motion was made asking the County Administrator to direct staff to draft a change to the Unified Government Rules of Procedure regarding standing committees such that an item that has been passed at a standing committee level can be returned to that standing committee by the Mayor one time, and requesting that the draft language come back to the full Commission at our next full Commission meeting.

So, that was the actual motion that was made and passed last meeting. What you have before you, with that direction, a resolution was prepared amending Section 203 of the Rules of Procedure. It was a dense rule so to make it very clear, it was broken up into three parts. We have

a new Subsection a that adds some clarification regarding recommendations for action and deletes a provision about a staff coordinator since that position does not exist any longer.

We then have a new Subsection b which contains the meat of the amendment stating that item, going into how if an item is forwarded from the standing committee to the full Commission for an action and it's sent back for a particular purpose, the standing committee will look at that particular purpose that's been directed to look at by the Mayor within 60 days. If the matter is passed again, it comes back to the full Commission for review.

Our new Subsection c, again, has some clarification language about recommendations for action by the standing committee. It changed a shall to may be scheduled for action, and then cleans up a little bit of language at the end regarding the Mayor's authority to fully manage an agenda item. It strikes some language regarding emergency and time-sensitive items.

I do want to note that there is a script note error in this and that the last sentence so long as the management of set agenda item does not conflict with paragraph b of this section should, in fact, be underlined because that's new language.

So, based on the motion that was made at the last meeting, this is the resolution bringing forward the amendments for consideration tonight.

Commissioner Bynum said I just want to thank you, Commissioner Burroughs, for working through the language. The three of us met to work through the language, and then chief counsel provided in this legal format. We've agreed that the a, b, and c sections breaks it up and just makes it a little bit clearer, frankly, and easy to read.

In Item b, the language that says recommending the action by the mayor, excuse me, may only be returned to the standing committee recommending the action by the mayor one time per item for further consideration, analysis, research, review under public input shall occur within 60 days of the item being sent back. Sixty days. It can be 30. It can be at the next meeting. It's within 60. That was to provide the time, whatever time might be needed, because maybe something needs more than 30 days or just the few weeks that might occur between that action and the next standing committee meeting.

So I just wanted to clarify the 60-day portion of it. It's a wording that says within 60 days. Its intent is to give the time needed for the consideration, research, review, etc., that something might be going back to the standing committee for. Other than that, I think everything's pretty

clear in this language. It is the language that was contained in the motion that was made at the meeting on the 12th. Mayor, I would move for approval of the item.

Action: Commissioner Bynum made a motion to approve.

Commissioner Ramirez said thank you, Commissioner Bynum, Commissioner Burroughs, for working together to find a compromise. I know this has been a very hot button issue. I just have, well, I think it's just a quick statement of my viewpoint, of my stance, on this.

Growing up, it was drilled into the very fiber of who I am, the three traits of honesty, integrity, and community above self. It wasn't just my family, it's every Latino and Latina child who receives this lesson in life. We're taught that these are basic guiding principles that if we lived every day by them, then nothing can stop us from putting others above ourselves. I take these teachings and these principles to heart. These were the very principles I ran my campaign on. You can go back to videos, to Facebook posts. Those are the very principles I ran on.

As the only Latino who serves on this Board, it's not only my duty to represent my district, but it's also my duty to represent the entire Latino, Latina community in this city and county. That is a responsibility I do not take lightly.

It's been said recently that I don't care about my community, that every decision I make is for my own self-interest. My only question to that is, show me. Show me where. Show me where I have gained any political standing. Show me where I've gained any monetary value. Show me where I've gone against the people of this county and city. Show me.

Every time I sit on this deus, the honesty and integrity that was instilled in me by my parents, is being attacked and dragged through the mud. I do not care if I get reelected. I do not care if I am recalled. I do not care if people think I'm doing this to somehow further my political career. Honestly, I do not care what you think or if you like me, but never, never attack or question the very principles that make me a proud Latino. That is something I will never accept or allow. You can continue to threaten to recall to take me out of office and drag my name through the dirt, I don't care. That doesn't bother me, but attacking and questioning my principles stops today.

Commissioner Ramirez said with all of that said, I cannot and I will not support the compromise resolution. Wyandotte County and Kansas City will never change for the better if we do not

modernize the rules the UG operates by. My district supported me with the original solution. Some were upset that I took the compromise, so I'm going to support them back by supporting the original resolution. I want the original resolution to come back and for us to vote on it. That's what my district wants, so that's what I'm voting for.

Action: Commissioner McKiernan seconded Commissioner Bynum's motion to approve.

Commissioner Kane asked, Legal, did you say that they're going to make something, change the wording from shall to maybe? **Ms. Brown** said in this resolution, Commissioner, in the new Subsection c, it originally read an agenda item recommended by a standing committee to the full commission for action shall be presumptively scheduled for action at the next regular meeting. This section has been amended to say, an agenda item recommended for action, that's a new piece, by a standing committee to the full commission for action, the city shall may be presumptively scheduled for action at the next regular meeting.

Commissioner Kane asked, does that mean it will or it won't or they don't have to? **Ms. Brown** said, Commissioner, it means that it could be the language before it said shall be presumptively scheduled, which even though they use the word shall, they had the word presumptively in there, which means that it's expected that it would have been at the next meeting but it allowed for the possibility that it wouldn't be. So, now changing the shall to may, I don't think, legally, it makes much difference because of the word presumptively in there.

Commissioner Kane said well, I've done some union contracts and we always try to take out the language where it says may versus shall.

Commissioner Kane asked, is there any reason why it has to be 60 days? It couldn't be 30 days? **Ms. Brown** said, Commissioner, I put 60 days in as was directed. I think the Mayor, Commissioner Bynum or Burroughs could speak to why 60 days. My understanding was it doesn't have to take 60 days, but to have at least 60 days to get the work done; but they wanted it completed within 60 days before it advanced back.

Commissioner Kane said it would have been nice, since we didn't have a special session today, that we sat down as a group and had an executive session to go over this and have all our inputs instead of just three people. We all have an emotion one way or the other. It would have

been nice to be able to share them. We came down here. We get bang, here it is. But getting this and some language changes and stuff like that, it makes it difficult to support this.

Commissioner Bynum said just two things real quick. Those, to me, those 60 days within Item b and within Item c, the change from shall to may were compatible. To me, the word change from shall to may in the language in paragraph c was matching the language in b that allowed for the 60-day turnaround.

If we made the language in b 30 days is fine because if it were to come to full commission, as we're requesting, at that level, we could all decide we aren't ready for a decision. As you know, often times the desire to bring something forward to full commission from a standing committee is so that we can talk about it among all of us. So I think that was the intent that we've been driving for the whole time is to allow something to be in front of all of us for just exactly this kind of discussion, Commissioner. So, in my mind, the word change from shall to may in Section c was to match with the 60 days in Section b. If it's the preference that become 30 days, I'm really fine with it because, again, at this level, it can go back.

Commissioner Stites said I think over the shall versus the may, it really doesn't matter what word if it's shall or may because the second word after that, that says presumptively makes it to where you still don't know what's going on. Shall or may, right? It's assumed that it may or assumed that it might not. My preference, I would like to see it go back to the 30 days also which would be the next scheduled meeting; that it's say under Section c that it shall be scheduled for action, not presumptively, but it shall.

Commissioner Townsend said I'd like to thank fellow Commissioner Bynum and Commissioner Burroughs and Legal staff for working on this; however, as it's written and as I understand it, and what the goal of the standing committee changes move forward on 12/15/22 were, I cannot currently support it as this is currently written.

Serving since 2013 on the Economic Development and Neighborhood Standing Committee, if any of you have participated or seen it, you can be likely there from 5:00 to 10 or 11 as we were with the last meeting.

If there is more information needed by the group of us at that time, it is not uncommon that we've asked to move an item back for clarification. That already gives you another 30 days, so there's already a mechanism in-house to address that. If that subsequent 30 days doesn't work out, then possibly another. So there is a mechanism already.

When we look at the 60 days in Section b, I don't think that's necessary at all from my viewpoint. From the language of c, and it's already been pointed out, shall/may presumptively. It's either shall or it's not. May and presumptively are the same thing. The whole point of this is trying to make sure that something that has gone through standing committee that then comes to this body, in this forum, is acted upon. There is still more time for discourse, so I'm still favoring the language that was presented on 12/15/22.

There should be no commissioner, no mayor, current, past, or whatever, that would hold up any item that the public and representatives should be considering. That's the whole point of this. It's not to embarrass anybody, but as one of the other commissioners said, we need to adopt and change if we see situations where there's a possibility that something that has come from the community, from people who want to improve, from people who want to just have a discussion about whatever the topic is, and we've dealt with some heavy topics over the last, since '13, the last three or four years.

That is what grieves me about this language. The language submitted on 12/15/22 was to promote that. There was no equivocation about it. It was not to embarrass anybody. I think that is still the proper language, so I could not support this language as it currently exists.

I would also think that—I forgot which of my fellow commissioners mentioned taking this back and having a more thorough discussion, but as it currently is, I could not support it.

Commissioner Davis said I'm in agreement with Commissioner Townsend on this, but a couple of things which are kind of weird here because I did not know that the agenda would be arranged. We have a lot of people here that are waiting on Planning and Zoning items. They did not come here to sit and watch us argue back and forth about a provision in language they can't even see on screen. I'm not making any judgment as to whether or not that is on purpose, but it is quite, frankly, a disservice. My apologies to you all because you all came for your specific items, many of you, I'm presuming, for Planning and Zoning; not to see us argue. So, I'm sorry that you came to see this. I thought this discussion would have happened after because you're not here to argue with

one another. We're here for you all and your needs to come before our particular discussion regarding this.

Commissioner Davis said I am not for the compromise. Quite frankly, I don't know if it's much of a compromise. It has been made very, very clear that there were three commissioners that led this effort. Myself, Commissioner Markley, and Commissioner Ramirez, we were, I think, intentionally left out of the discussion regarding the compromise. How do you compromise with a party that's not there? I don't know how that's possible.

Is it possible for us to get the actual language on the screen? Is that possible for the Clerk's Office, Mr. Deichler? It's just weird talking about this. No one can see what we're talking about. **Mayor Garner** said that's not part of the agenda, so I'm going to deny that. You have a comment or a question?

Commissioner Davis said wait, wait; hold on. It is on the agenda, sir. Mayor, it is on the agenda. **Mayor Garner** said it's not on the agenda. **Commissioner Davis** asked, what's not on the agenda? **Mayor Garner** said I made my decision. **Commissioner Davis** said that doesn't make sense. Can we get a ruling on this point of order? **Mayor Garner** said no, we can't. We can't. **Commissioner Davis** asked, what? **Mayor Garner** said no. **Commissioner Davis** said point of order. **Mayor Garner** said this is for questions and comments. **Commissioner Davis** said point of order. **Mayor Garner** said okay. The point of order is I control the meeting so no. **Commissioner Davis** said I appeal the decision of the chair. All I'm asking is that the public be made aware and can see what we're talking about. That's it. Just that we be transparent. That is all. **Mayor Garner** said, again, the rules of procedure aren't debatable, but there is a question. Since there is a question, I'm trying to move this process along.

Again, yes, there are people waiting here. I'm not trying to prolong this issue. This issue was voted on unanimously at the last commission meeting with the exact language that you all wanted. I can tell you that Commissioner Bynum and Commissioner Burroughs spent a lot of time with staff coming up with this language that you all said you wanted. That's the work that was done. You asked them to do the work. They did the work. Staff and Legal worked diligently to make sure that the work was done expeditiously to get us to where we're at today.

Some say they don't like the compromise. This is not, in my mind, a real compromise other than the fact it's allowing progress and agenda items to be moved forward just like you all

said you wanted. For those of you who say you want things to go back to 12/15/22, that's fine, but at the end of the day, that argument was predicated on misinformation.

So, no. We don't want to argue about this issue. I'm trying to move this process along. If you want that item to be viewed, I will leave that up to the body of this commission. We have a lot of work to do tonight. What I'm not trying to do is to prolong this debate about language and something that you all voted unanimously to approve and to move forward.

So, I'm going to take a motion. There is a motion but, again, to prevent all this, Clerk, do we have this item to be viewed? **Mr. Deichler** said we do, sir. **Mayor Garner** said put it up for the public. Again, I'm going to accommodate Commissioner Davis's request to cut down on the time that's involved in this. (The resolution was shown on the screen.) Clerk, could you read the a, b, and c articles for the public on the second page. **Mr. Deichler** read the following:

- a. The standing committee chairperson is responsible for recommending action to the full commission concerning standing committee agenda items recommended to the full commission within 30 days of the standing committee's vote to recommend. The recommendation for action, along with any supporting materials, shall be forwarded by the standing committee chairperson to the mayor and administrator, ~~with the assistance of the standing committee's staff coordinator~~ for placement on the full commission standing committees' agenda.
- b. The mayor ultimately determines the final agenda for the full commission meetings; however, items advanced from standing committee to the full commission may only be returned to the standing committee recommending the action by the mayor one time per item for further consideration, analysis, research, review and/or public input which shall occur within 60 days of the item being sent back to the standing committee recommending the action. If the standing committee that recommended the action to the full commission again recommends the action to the full commission, the action shall be placed on an agenda at a full commission meeting pursuant to paragraph (a) of this Section.
- c. Any agenda item recommended for action by a standing committee to the full commission for action shall be ~~presumptively~~ scheduled for action at the next regular meeting of the full commission subsequent to any regular meeting, if any, held during the same week as the meeting of the standing committee recommending the items. Nothing shall prohibit the mayor from exercising the discretion to fully manage an agenda item ~~place emergency or time-sensitive items~~ on any agenda in the interest of the unified government or the public so long as the management of said agenda item does not conflict with paragraph (b) of this Section.

Commissioner Bynum said if the Commission is not prepared to adopt this language, that is fine. I believe if it's going to go back somewhere, it belongs at Administration and Human Services, which is where word smithing and such with rules of procedure, ordinances, etc., go. I would be

okay with that, on the 12th. It's not a motion yet. Somebody else can make that motion because my motion on the table right now is to adopt this language.

On the 12th of January, I brought this language forward. I have the motion written. I can read it to you verbatim. We voted 10 to 0 to advance this language. The goal was, and I think remains, that we are giving one trip by the mayor back to a standing committee. After that, it comes forward. That was what we agreed on as a compromise to the work that we did on 12/15 that the mayor vetoed. That veto stands. So, if we don't adopt this tonight, I will concede that there may be other language in other sections of the rules of procedure that maybe we want to work on.

This language captures the motion that was made, and you all know that we crafted it almost together. We took a recess to make sure we got the language correct. We came back. I placed it in a motion and we voted on it. So, if we don't vote on this tonight, then the compromise that we've achieved at this point is zero. There is no compromise. If there's more work to do, then let's send that work to the proper standing committee. Let's get this work done. This is what we asked for. This is what we delivered.

I would put forward that the reason why the commissioners that worked on it were myself and Burroughs is because I made this motion and Commissioner Burroughs is the other at-large commissioner. We were the two that worked with the Mayor to bring forward the notion that there could even be a compromise. So, it wasn't to deliberately leave any commissioner that had been engaged in the original crafting of the changes in December. That wasn't the intent, at least not on my part, whatsoever.

We tried to work together to bring forward some give and take. We crafted the language. We voted on it and the vote was bring it to the next full commission meeting and that is where we are tonight. If we don't vote on this or we vote it down, then so be it. But if that's the case, there is no compromise.

Commissioner Burroughs said I, too, want to thank Misty and the Legal team for their assistance and diligence in drafting the proposed language that was presented here. I know it's difficult. I do know that they went back, listened to the motion a number of times to get the language as

accurate that needed to be. I do, too, want to thank Commissioner Bynum for partnering with us to try to find a remedy to address the concerns raised by our fellow commissioners in reference to the issues of bringing things forward out of a committee.

Mayor, I also want to say thank you for setting an example of initial attempt, an olive branch, in hopes to build trust with the Commission. I will state this. I know that I don't like doing anything on the first time out. I know we've adopted budget amendments that we haven't had a chance to review. I know we took action on the initial issue and those of us, we didn't get a copy until it was brought forward after the meeting was adjourned. This time, the language was given out a couple of days before for review. It is a motion that was made in a public setting and in a transparent way.

It makes no difference to me what you all feel. If we're not going to be able to work together and not trust one another and we can't reach a compromise, I agree, if we're not all at the table; but I don't know that we've all been at the table for a while. This is an attempt.

I represent four commissioners. Commissioner Bynum represents four districts and her at-large district. We were listening to the debate and the discussion and the individual concerns. I've heard from everyone. So, this language was the language that was proposed at the prior meeting. This was the language that was presented this evening. If you all don't want to abide by it, then I'm ready to sit down and visit and take recommendations that you all want to put forward, but this is getting us nowhere. We have a number of items that we need to be working on in this public venue so that people will know that we're here and open for business.

I'm just very concerned that the work that was put in by Legal—and you know the 60 days? I wanted to make comment. There was a comment made earlier this evening by one of our fellow commissioners that said staff; we're losing staff. Well, when we advance something quite rapidly, that puts a lot of pressure on a limited amount of staff to come back with information. So, it was just an attempt to give them the time necessary to let them feel like they've been part of the process. We rely on them, and that information is extremely important that it's accurate and timely.

So, body, if you choose not to take this compromise and vote it down, so be it. We'll take whatever actions necessary and, hopefully, that after we have this discussion, that maybe we can all sit down and have a conversation as to what we believe needs to be done. But most importantly,

it's what the public should see from this Commission as far as leadership. I would hope that we would collectively give that consideration.

Commissioner Townsend said I want to make a point of clarification. There's been a lot of talk about what language was approved. I made it clear that what I was voting on, when we were last here, is to seek a compromise, but there was no, I repeat, no specific language put forward. Had there been, I would have made the comments at that time.

So, I would make a substitute motion now that this item be sent to the Administration and Human Services Standing Committee. That gives the public, that gives anyone who wants to participate here an opportunity to review the language. That would be the motion, but it has to be made clear, at least from my point, that there was no language put forward when this was last discussed two weeks ago that we could vote on. The intention was clear, though, to try to see if there was language that could be brought forward at this meeting. So, again, that would be my substitute motion.

Action: **Commissioner Townsend made a substitute motion that this item be sent to the Administration and Human Services Standing Committee.**

Ms. Brown said, Commissioner Townsend, I believe I understand your motion, but I want to make it clear. Your substitute motion is that this item be sent back to the next Administration and Human Services meeting for additional review and consideration. Is that correct? **Commissioner Townsend** said that's correct, and not that it necessarily means that it's the same language that would come out, but the same topic go to that for full discussion by the body and the public.

Action: **Commissioner Johnson seconded Commissioner Townsend's motion.**

Mayor Garner said just as an item of record. I know that, again, I want to thank everybody that worked so hard on this. I believe the spirit of what you all voted unanimously was captured in what was brought before you today. But make no doubt about it, every last one of the commissioners was given this language before tonight's commission meeting. If you didn't read

it, I don't know what to tell you. You had every opportunity to bring forward questions, concerns, recommendations for it to either myself, one of our colleagues, Commissioner Bynum or Commissioner Burroughs, or questions to our legal advisor like we normally do. That wasn't done, obviously.

Again, I can tell you this mayor, I'm trying to find common ground so we can get the business of Wyandotte County done and work on matters that really matter to the people of Wyandotte County. Somehow, we don't look for reasons to work with the mayor or our community. We look for reasons not to. I can tell you that is the most frustrating part of me being mayor. I keep extending the olive branch, like Commissioner Burroughs indicated, and it's almost like kerosene gets thrown on it and somebody lights a match. It does no good to this community when we should be talking about homelessness, poverty, lowering taxes, BPU PILOT, and the things that people said they want us to get done.

I say that respectfully that a lot of work went into this in good faith, unlike what was done in December three days before Christmas where we all got sideswiped with something that was done behind closed doors, which I still say is a very shady way to do business. To be trusted, you have to show yourself to be trustworthy. I said what I said. I meant what I said. That's why we're here today.

If there were questions, every commissioner here at this table knows how to get a hold of me. I'm about 10 steps across the hallway from where you all go to work. I have a secretary that's there every day, and this mayor is at work every single day. Everyone knows how to get a hold of me. So, if there's questions and concerns, not just with this—I've sent out a new invitation for all of you to meet with me because we have to build the type of collaborations and unity to get the business of Wyandotte County done. This town deserves better than what they've been seeing. I don't know what's causing this. I'm not saying I'm not some of the blame, but what I'm saying is that we have got to come together and find common ground and get past these petty differences and get to work on the things that really matter to people.

Again, I'd like to say for clarity, every one of these commissioners, including myself, had this language before tonight's meeting. There should be no excuse tonight as to where we are prior to tonight's meeting when you voted 10 to 0 to agree to coming and meeting halfway on a compromise. I've given a lot. Unlike any other mayor, I said I'm willing to do this in the best

interest of Wyandotte County. Here we are on this merry-go-round, back to nowhere, which I just think it doesn't do our community any justice or any service.

Commissioner Davis said thank you, Mayor, again that we can be transparent and you all can see what we're talking about.

I am in favor of sending this to Administration and Human Services. I have two worries. Number one, Section 202 was completely omitted from the compromise version. That is one of the reasons why I am against this. So, for Commissioner Townsend, if that was your motion to include that Section 202 and 203, was that a part of your motion or your understanding?

Commissioner Townsend said my motion was made with the intent to send this entire thing back for a review by the AHS Committee. It may include 202, 203, or any other. I do want to make it clear that we got this homework package, at least I did, the night before last, two nights. What we are doing is the regular process here at the Board of Commissioners meeting to address these issues. So, I want it made clear, from my perspective, that this is not something that is not normally done or out of it. I would call for the question and for the vote.

Commissioner Davis said if I can just finish my last comment here. Mayor, I would hope that you would not take it off the agenda for both full commission or for Administration and Human Services. That is your prerogative. That is your right, but we've been wanting to have conversations about what we wanted and have it presented to the public and it was denied. Yes, call for the question.

Mayor Garner said there's a motion on the floor by Commissioner Bynum. Is there a second? Okay. Well, Commissioner Bynum, are you going to withdraw your motion? No, there was a substitute. Clerk, can you, for clarity, was there a substitute motion? Who made those?

Mr. Deichler said, Mayor, there was. Commissioner Townsend did the substitute first followed by Commissioner Johnson with the substitute second.

Mayor Garner said okay. Got a motion and a second. Roll call, please.

Commissioner Bynum said, Mayor or Legal, I would like to make a clarifying question before casting my vote, but we've called for the question so I don't know if it's allowed. **Mayor Garner** said, Commissioner, no. The call for the question was made. We have to take the vote.

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

COMMISSIONERS' AGENDA

No items

Mayor Garner said we need to formally adjourn from our Regular Agenda and go into the Planning and Zoning portion. Is there a motion?

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

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 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 the agenda?

Mayor Garner asked, Clerk, for clarity, was there an announcement on a valid protest petition? **Mr. Deichler** said there was an announcement, sir. I read that part. Did you want me to read it again for the record? **Mayor Garner** said yes, please.

Mr. Deichler said 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.

Mayor Garner asked, commissioners, disclosures? **Commissioner McKiernan** said I've had communication from opponents of SP2022-089. I've had communication from proponents of SP2022-114. I've had communication from proponents and opponents of COZ2021-048. **Commissioner Bynum** said I've had communication with proponents of SP2022-108; proponents of SP2022-114; proponents and opponents of COZ2021-048; and opponents of SP2022-113. **Commissioner Ramirez** said I've had communications with proponents and opponents of COZ2021-048. **Commissioner Burroughs** said I've had communication with proponents of SP2022-114. I've had discussions of support and opponents in reference to COZ2021-048 and 2022-113. **Commissioner Markley** said I've had contact with proponents and opponents of both Non-Consent Agenda items. **Commissioner Townsend** said I've had contact with proponents of SP2022-114 – Michael Dale with Holiday Sand and Gravel. **Commissioner Kane** said contact with proponents of COZ2021-048. **Commissioner Davis** said I've had conversations with SP2022-114, also all of the Non-Consent Agenda items. **Commissioner Johnson** said I've had communication with opponents of COZ2021-048. **Commissioner Stites** said I've had communication regarding SP2022-114.

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

Commissioner Bynum said, Mayor, I might be ahead of myself, but I'm making a motion to approve all items on the Consent Agenda. **Mayor Garner** said you're a little ahead of yourself, but that's okay.

Action: **Commissioner Bynum made a motion to approve all items on the Consent Agenda.**

Mayor Garner asked, do any members of the Commission, County Administrator, or the public wish to set aside any items on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission. I'll ask if anyone in attendance would like to set aside an item. Clerk, is there anyone joining us virtually that has their hand raised to set aside an item? **Mr. Deichler** said we have one hand raised.

Jason Newman, Leawood, KS, said I would like to remove SP2022-111 from the Consent Agenda.

Mr. Deichler said no other hands are raised online.

Mayor Garner said there is a motion for the Planning and Zoning Consent Agenda, minus what was requested to be set aside.

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

Mayor Garner said there's a motion, excluding the set aside. Clerk, roll call.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212212...CHANGE OF ZONE APPLICATION COZ2022-044 - ANTHONY FICARA

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for a bee farm/garden at 6822 Berry Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Anthony Ficara, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6822 Berry Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, gardening, and beekeeping. The applicant has lived at the

property a number of years and seeks to expand their existing agricultural uses. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and construct a new barn on the parcel without the need for variances. The parcel had a second single-family residence addressed as 6814 Berry Road until the current applicant demolished it in 2019. This former home site is the new barn's proposed location. This petition will be heard in conjunction with BOZA2022-061 for variances related to minimum lot size and setback requirements. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-044, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-061. 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- 061 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should livestock be introduced or timber stand improvements to be made, an updated Conservation District Plan is required;
3. A water source shall be maintained on the property and be provided prior to the introduction of an apiary.
4. The exterior debris and materials shall be removed or properly stored from public view.
5. If approved, any newly constructed buildings or accessory structures must follow the setbacks of the AG Agricultural District.
6. Driveway approaches shall be upgraded to an improved surface, such as asphalt or concrete, per UG standards. The front circle drive shall be all asphalt or concrete.
7. Any business or land use in Wyandotte County that is required to provide offstreet 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.
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public

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

10. 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,
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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-044, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212213...CHANGE OF ZONE APPLICATION COZ2022-048 - 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 6340 Riverview Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Austin Thompson with Atlas Land Consultants, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6340 Riverview Road. The Change of Zone has been requested so that the applicant can construct structures for the maintenance of the property without the requirement to first build a dwelling or the need for additional variances. The applicant wishes to build a shed to keep landscaping and mowing equipment on the property. This application is being heard in conjunction with BOZA2022-067 for a variance related to lot width to depth ratio. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-048, subject to:

1. This This City Planning Commission case is being heard in conjunction with BOZA2022-067. 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 BOZA2022-067 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should livestock be introduced, an updated Conservation District Plan is required;
3. A timber stand buffer shall be maintained or planted around the perimeter of the property to provide screening and buffering to adjacent property;
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. 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;
6. 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,
7. 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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-048, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212214...CHANGE OF ZONE APPLICATION COZ2022-049 - KORB MAXWELL WITH POLSINELLI

Synopsis: Change of Zone from CP-2 Planned General Business District to A-G Agriculture District for the American Royal development at 11787 American Royal Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Korb Maxwell with Polsinelli PC, seeks to rezone 11787 Parallel Parkway from CP-2 Planned General Business District to A-G Agriculture District to build a parking lot for the American Royal complex on 12.02 acres rather than a hotel and associated parking as previously approved in 2020. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-049, subject to:

1. The use of the property is not an agriculture use as defined per Sec. 27- 340, therefore is not subject to Sec. 27-675(b)(2). No gravel is permitted for parking within the American Royal building site east of 118th Street. Parking lots shall be an improved surface, asphalt or concrete and comply with UG Standards. However, parking areas in the northwest and southeast portions of the American Royal building site shall be permitted to be gravel for a period not to exceed five (5) years from the issuance of a building permit for the American Royal project;
2. In addition to establishing greater pedestrian connectivity between the proposed parking lot and the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so drivers in vehicles are alert to look for pedestrians;
3. If and when fencing is proposed to be constructed, the fencing around the perimeter of development shall be similar to the fencing around the perimeter of the Kansas Speedway parking lots, which is wrought iron with masonry columns. Both sites are zoned A-G Agriculture District, but are commercial in nature. In the end, the American Royal will be a highquality development and the perimeter fencing along the streets will be one of the first and last parts of the development that visitors will notice upon entering and leaving the site;
4. Lighting cannot exceed one (1) footcandle at the property line;
5. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood. Exterior lighting shall have 90-degree cutoffs fixtures;
6. Over the road truck shall not be parked on the property overnight. Livestock trucks and other similar vehicles shall be clustered together and parked close to the building as possible to minimize the view from the public right-of-way;
7. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property of Lot 2;
8. Minimum four (4) foot pedestrian path with landscape buffer and pedestrian lighting is required from parking areas to buildings;
9. Any proposed wind turbines must comply with the wind turbine ordinance;
10. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and

be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. State Avenue is classified as Class A Thoroughfare and 118th Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street;

11. Based on the landscaping requirements in the A-G Agriculture District for the parking lot, one (1) tree per 7,000 square feet of site area, the number of trees are required for Lot 2 is 75 trees. This does not include the requirement for street trees along 118th Street and State Avenue and parking lot islands;
12. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved are wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
13. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
14. All landscaping shall be irrigated;
15. 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;
16. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
18. All electrical meter banks, typically on the side of the building shall be screened from public view;
19. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
20. For any new building on Lot 2 or parts thereof, 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;
21. Regarding the BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10- foot clearance from pad when gate door is open;
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in 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, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open; and,
22. 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;
 23. If special on-site signage as specified in Sec. 27-739 is desired, new Special Use Permit is required;
 24. 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;
 25. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 26. 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;
 27. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
 28. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-049, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 4 – 212215 – CHANGE OF ZONE APPLICATION COZ2022-050 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Change of Zone from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts to RP-5 Planned Apartment District to construct a senior living facility at 2300 North 113th Terrace and 2302 North 113th Place, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and representative, David Lotz with Continental Consulting Engineers, Inc., seeks to rezone 2302 North 113th Place from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts and RP-5 Planned Apartment District to build one (1), three (3) story building totaling 40 units and connect to an existing 120-unit senior living facility totaling 140 units on 6.58 acres. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-050, subject to:

1. Because this is a planned district, a Final Development Plan and Final Plat are required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;
3. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
4. Add a raised crosswalk or stamped and colored concrete between the covered pedestrian connection of The Piper Assisted Living and Memory Care facility and the Piper Village Independent Living facility;
5. Walking trail, picnic tables, lawn games, raised gardens areas are amenities to be used by all residents;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;

7. Lighting cannot exceed one (1) footcandle at the property line;
8. Interior parking lots lights shall have 90-degree cutoff fixtures;
9. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary.

Hazelwood Assisted Living aka The Piper built a small berm and planted buffer plantings to screen their parking lot from the duplexes to the southeast, but did not install them per the approved plans.

The standard for an architectural screen abutting single-family or two-family uses is a wood privacy or metal panel fence with masonry columns installed every 32 feet running, which shall be constructed along the west property line of the independent living building;

10. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 2.59 acres, which requires 28 trees, five (5) additional evergreen or shade trees and 40 shrubs for buffering per the zoning district;

11. Street trees shall be planted with the landscaping for the development is installed;
12. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
13. All landscaping shall be irrigated;
14. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
15. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
16. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. 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, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;

18. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
19. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
20. 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;
21. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a bonded Final Certificate of Occupancy;
22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
23. 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;
24. 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,
25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-050, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212216...SPECIAL USE PERMIT APPLICATION SP2022-089 - ROGELIO FALCON

Synopsis: Special Use Permit for the Temporary Use of Land to keep two (2) storage containers on a residential lot at 444 North 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rogelio Falcon, is requesting a Special Use Permit to keep a storage container to store furniture on the property at 444 North 10th Street. The applicant would like to keep the containers for up to one (1) year to store furniture that they are transporting to family out of town. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP2022-089 due to the applicant not holding a neighborhood meeting or responding to questions and request for information from Staff.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to deny Special Use Permit Application SP2022-089. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212208...SPECIAL USE PERMIT APPLICATION SP2022-107 - NATALIE MCNUTT

Synopsis: Renewal of a Special Use Permit (SP-2021-77 – expires 3/10/2023) to operate a short-term rental at 3801 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Natalie McNutt, is seeking approval for the operation of a short-term rental at 3801 Lloyd Street. The subject property is a single-family residence on a dead-end street. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-107, 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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. The 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;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning

Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for 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,
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-107 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212217...SPECIAL USE PERMIT APPLICATION SP2022-108 - ANN MARCHAEL WITH BUSINESS LAW ADVISORS

Synopsis: Special Use Permit for the Temporary Use of Land to keep equipment and materials related to a roofing business at 6541 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Anne Marchael with Business Law Advisors, is representing Shamrock Roofing and Construction. The applicant is requesting to temporarily keep roofing materials and a skid steer at the subject property at 6541 Donahoo. The subject property is a large lot single-family residence with a large garage and garden shed. The Applicant purchased excessive materials during Covid, anticipating a material shortage, and purchased more than their current warehouse could accommodate and has been storing material at

the off-site residential location. The applicant is seeking the Special Use Permit to keep materials at the property until the inventory is reduced and they can move the remaining materials back into their warehouse or they use them on projects. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-108, for two (2) years, subject to:

1. 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 as both the property owner and the business owner that they 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;
2. This Special Use Permit cannot be renewed at the end of the two (2) year period. The applicant or property owner shall find a new location for the storage of materials and equipment.
3. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
4. Trips shall be limited to two (2) per day – once in the morning at the start of business and once at the end of the business day.
5. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
6. The automotive salvage parts near the front of the property shall be removed or located inside the garage
7. No new materials shall be brought to the property. Exposed materials shall have a tarp or other cover to increase screening.
8. The skid steer shall always be kept behind the fence and screened from view.
9. If approved, the applicant must continue to file and maintain a current business occupation tax application.
10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
11. 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 buildinginspector@wycokck.org to

confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

12. 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;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-108 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 4 – 212218...SPECIAL USE PERMIT APPLICATION SP2022-109 - SHERRI BAILEY-SCOTT

Synopsis: Home Occupation Special Use Permit to operate a chiropractic office at 5331 Miami Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Sherri Bailey-Scott, is requesting a Home Occupation Special Use Permit to operate a chiropractic practice at her residence at 5331 Miami Avenue. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-109, for two (2) years, subject to:

1. The applicant will see patients four (4) times a week, generally between 9:00 AM – 6:00 PM (Tuesday, Wednesday and Friday), and 10:00 AM – 1:30 PM (Saturday);
2. The driveway apron must be paved with asphalt and brought up to the code standard, set by Section 27-673;
3. The business will be limited to having one (1) client on-site at a time, due to the limited on-site parking provided
4. All parking must be off-street in the driveway;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. The applicant must file and maintain a current business occupation tax application;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. 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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-109 for two years, subject

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

Item No. 5 – 212209...SPECIAL USE PERMIT APPLICATION SP2022-111 - JASON NEWMAN WITH EXCANZE PROPERTIES

Synopsis: Renewal of a Special Use Permit (SP-2020-84 – expired 12/10/2022) for a short-term rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jason Newman, is seeking the renewal of Special Use Permit SP-2020-84, to continue the operation of a short-term rental at 4112 Booth Street. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-111, for two (2) years, subject to:

1. 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 as both the property owner and the business owner that they 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;
2. All remaining required repairs must be completed within 60 days of approval;
3. Maximum number of guests shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper main entrance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);

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. 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;
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.

Mayor Garner asked, Mr. Hand, could you make some remarks in regard to the set aside?

Case	
SP2022-111	
Petitioner	Address
Jason Newman	4112 Booth Street
Synopsis	
To continue to operate a short-term rental. This is not the owner's primary residence.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Gunnar Hand, Director of Planning and Urban Design, said this is a short-term rental renewal. It's the applicant's second renewal so it'd be their third approval.



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

Jason Newman said all I'm asking for is the renewal term to be extended to five years. The reason I'm asking for that is the staff report did recommend a five-year renewal term; however, based on some communication confusion with myself and the staff, I inadvertently, during the Planning Commission hearing, asked to have it removed from the Consent Agenda to formally request a five-year term when I really didn't need to. That Commission actually denied the five-year term and stuck with a two-year term. So, I'm just requesting that the renewal term be extended to five years.

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

Staff Recommendation

Approval

Mayor Garner said I'll now open the public hearing and ask the Clerk if he's received any direct notification 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 present who would like to speak in favor of the item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Mr. Deichler** said seeing none as well.

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

Mr. Newman said the only comment that I would like to make in addition is I did speak with Janet regarding this and she said that she would recommend to this Board that the five-year term be adopted. I don't know if she's here or not. Sounds like she's not.

Mayor Garner asked, can you repeat that one more time? **Mr. Newman** said I just spoke with Janet from staff regarding this issue and based on the confusion with the communication from the staff, Janet told me that she would say that the staff does recommend a five-year term renewal for this. I'm not sure if she's here at the meeting or not, but she did tell me that.

Mayor Garner asked, Mr. Hand, can you clarify that? **Mr. Hand** said staff has no problem with the five-year term. It would take eight votes of the Commission to overturn a recommendation of the Planning Commission.

Commissioner Bynum said I'm not in favor of a five-year term. We are in the process right now of looking at our short-term rentals. Any changes that we might make to those policies and procedures, I do not know. It may be in this packet and I just don't know it whether this is an

owner-occupied, short-term rental or not. I'm not in favor of extending beyond the two years that's in the packet.

Commissioner Ramirez said this is in my district. I just have a couple of questions. It says that there is an active NOV for the porch railing. I don't know. Mr. Newman or even Gunner can answer, is that going to be remedied or is that currently being remedied?

Mr. Hand said, again, it is a condition of approval to fix that and they are actively working on it, yes.

Commissioner Ramirez asked, what was the Planning Commission's reasoning for denying? I agree with Commissioner Bynum. We're in the middle of redoing our STR laws and ordinances. I think five years is long for what we're trying to do and try to modernize our STR laws. What was the Planning Commission's reasoning?

Mr. Hand said, again, I believe there was confusion at the City Planning Commission. I was actually at the standing committee at the time. We were double-booked that night, so I can't speak for it. I did talk to the planner, Mr. Byron Toy, who led that meeting in my stead. At that time, again, I think it was the original because, and per ordinance, you can go from one to two to five year to ten-year renewals. At this point in the approval process, as his third renewal, he was up for five, but when it got pulled by Planning Commission, they changed it to two. It was their understanding that they wanted it to actually be another two-year term, which is their right to recommend. So, originally in the draft staff report, we had recommended five, as per protocol and procedure. During the conversation of that evening, it was the Planning Commission that moved it down to two, at their discretion.

Commissioner Ramirez asked, so it is common practice the one, two, five, and ten? **Mr. Hand** said that's correct. **Commissioner Ramirez** said and he is, as I'm seeing, he has had the one and the two. So by policy, by protocol, he should have the five? **Mr. Hand** said that is why the original recommendation from staff was five but, again, the Planning Commission recommended for two based on their direction.

Commissioner Ramirez said knowing that, then I don't have a problem with approving the five because that's our current policy. I understand we're redoing our current policy, but it's already been our best practice to do the one, two, five, ten. **Mr. Hand** said correct. **Commissioner**

Ramirez said and I understand we're going through our own process, but he's gone through the necessary channels, the proper hoops, and it was just a miscommunication between staff and the applicant, so I don't have a problem with the approval of the five year.

Commissioner Burroughs said, Gunnar, since I've been here, it's my understanding that if you're a non-resident, you get a one-year. If they're not a resident of Wyandotte County and they own a home for a rental, it's a two-year if they live within the community and they meet the criteria. How many five years have we granted on the short-term rentals?

Mr. Hand said just a slight correction. The protocol is if there's no on-site manager that we start with one to see if it works because not all off-site managers are equal. If there have been no complaints in that first, we then go to the two, five, ten. If you do have an on-site manager, it starts at two then immediately begins the two, five, ten protocol process.

To answer your second question, we only have about, I think, three short-term rentals where there is an on-site manager, which basically means someone's renting out a room in their house or perhaps an accessory dwelling unit in their backyard. We have done very rarely—not any time in my three years have we not allowed the five year to happen if they were on their third renewal like this activist.

Commissioner Burroughs said I appreciate that clarification. Somewhere along the line either I misunderstood, and if I did that's on me, that the non-maintenance person or on-site manager—the on-site manager, is that considered a homeowner? I guess it would be. **Mr. Hand** said that is correct. **Commissioner Burroughs** said so it doesn't matter if they live in the community or if they live out of the community and they have a short-term rental in our community. **Mr. Hand** said that's correct. **Commissioner Burroughs** said I appreciate that clarification.

Mayor Garner asked, was there a motion? I'll entertain a motion.

Commissioner Ramirez said I move to approve but make the change from two to five years.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-111 for five years, subject to the stipulations.**

Mayor Garner said there's a motion and a second. Any further discussion? Seeing none, roll call.

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

Item No. 6 – 212220...SPECIAL USE PERMIT APPLICATION SP2022-114 - MIKE ODELL WITH HOLIDAY SAND AND GRAVEL

Synopsis: Special Use Permit to operate a sand excavation and sand processing operation at 4403 North 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Mike Odell with Holliday Sand & Gravel, wants to operate a sand dredging, excavation and processing business, and transport sand by barge down the Missouri River on 458 acres at 4403 North 42nd Street. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-114, for five (5) years, subject to:

1. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning & Urban Design Department at 913-573-5750 and/or planninginfo@wycokck.org for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information https://www.nps.gov/subjects/nationalregister/upload/NR_B36-Complete.pdf;
2. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
3. Continue to coordinate with the US Army Corps of Engineers (USACE) and obtain the necessary permits with the Department of the Army;
4. Existing trees and vegetation along the shoreline shall be preserved with the exception of the area specific to the dock access, loading stockpile and conveyor/access road line;
5. Site restoration and reclamation shall commence immediately following the removal of the barge loading dock/access road;
6. Normal operating hours: Earthmoving for stripping and reclamation – 7:00 AM to 5:00 PM weekdays and dredging, processing and barge loading – 10 to 24 hours per day. Operations would typically be Monday through Friday or Saturday as outlined in our submitted project operation plan.
 - a. Hours of operation for earthmoving for stripping and reclamation shall be during daylight hours. Exceptions shall be made for occasional large-scale earthmoving operations occurring on Saturdays and/or Sundays, due to imminent weather conditions (i.e. flooding) and unusual peak demand. Contractor/Operator shall provide 24-hour advance notice to the

Unified Government Planning & Urban Design office of any large scale after hours and/or weekend operations;

7. Restrooms shall be provided in a manner that is approved by the Building Inspection Department;
8. Dust has the potential to be a problem. The site (disturbed ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 47th Street;
9. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
10. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. A Right-of-Way Permit is required for the driveway extension. 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;
13. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
17. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

Board of Public Utilities Conditions:

1. During the term of this permit, Holliday will procure and continuously maintain, at its' sole expense, a location-specific Pollution Legal Liability (PLL) insurance policy which meets the requirements in Exhibit B of the September 1, 2022 letter from BPU General Manager Bill Johnson.
2. Holliday shall adopt all assurances set out in the Project Development Plan and obtain all such other permits as identified therein.
3. Holliday shall provide BPU all final governmental permits and updates of those permits.
4. Holliday shall provide for reasonable future reimbursements for BPU's future outside experts necessary to review project related environmental reports or changes in project conditions.
5. Holliday will timely share its water quality monitoring results with BPU.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-114 for five years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 7 – 212210...SPECIAL USE PERMIT APPLICATION SP2022-115 - NATHANIEL SCHOTANUS WITH RANGE 23 BREWING

Synopsis: Renewal of a Special Use Permit (SP-2020-72 – expires 2/4/2023) to operate a microbrewery at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Karen and Nathaniel Schotanus, are requesting a Special Use Permit to operate a microbrewery at 13400 Donahoo Road. The microbrewery would brew and serve both beer and non-alcoholic beverages. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-115, for two (2) years, subject to:

1. Hours of operation shall be from Thursday and Friday 12:00 PM to 7:00 PM and Saturday 11:00 AM to 4:00 PM;
2. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, State, and Federal waste disposal regulations;

3. 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;
4. 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;
5. The applicant has filed and maintained a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-115 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

VACATION APPLICATIONS

No items

PLAN REVIEW APPLICATIONS

No items

MISCELLANEOUS - ORDINANCE (The following ordinance formalize previous Commission approval.)

Item No. 1 – 212228...AN ORDINANCE rezoning property at approximately 4229 Douglas Avenue (COZ2022-030), from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-8-23**, “An ordinance rezoning property hereinafter described located at approximately 4229 Douglas Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

Item No. 1 – 212211...CHANGE OF ZONE APPLICATION COZ2021-048 - BLAIR TANNER WITH TANNER & WHITE PROPERTIES

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard. The Planning Commission voted 4 to 1 to uphold its previous recommendation of approval of Change of Zone COZ2021-048, subject to:

1. A Final Development Plan is required to complete this entitlement process;
2. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
3. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
4. Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;
5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:

- Enclosed dog yard with seating area and shade trees;
 - Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
 - 400 square foot play area with play structure;
 - Resident garden area with water access (must be in active use);
 - Swimming pool;
 - Rooftop patio; or
 - Five (5) square feet or greater balconies for all units. All buildings must provide enclosed and ground level storage for resident bicycles;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
 7. Only decorative lighting can be used on the exterior of the building(s);
 8. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
 9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
 10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;
 11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;

13. Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;
14. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
15. All landscaping shall be irrigated;

16. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;
17. All electrical meter banks, typically on the side of the building shall be screened from public view;
18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
20. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
21. The trash enclosure shall be internalized in the garage;
22. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
23. 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;
24. 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;
25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
26. 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;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;

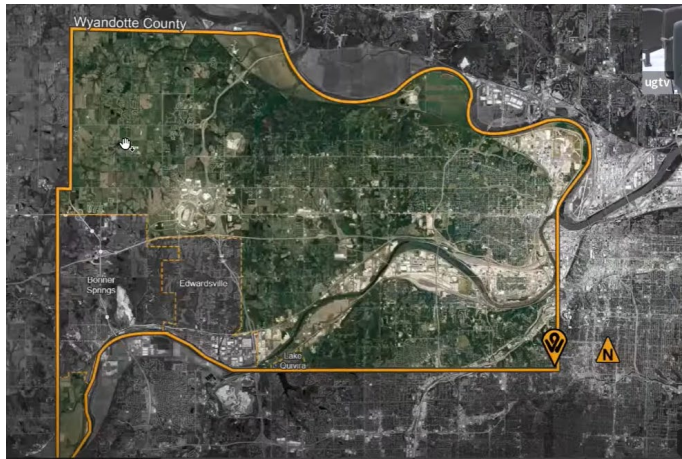
28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Mayor Garner said I'll ask Mr. Hand to make some opening remarks.

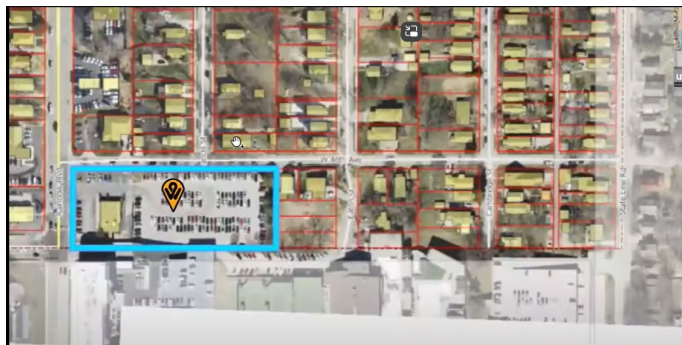
Case		
COZ2021-048		
Petitioner	Address	
Blair Tanner	4601 Rainbow Boulevard	
Synopsis		
Rezoning from CP-1 Planned Limited Business and R-1(B) Single Family District to RP-6 Planned High-Rise Apartment District to build a 5 – 7 story, 149-unit apartment building. BOZA2022-046 was approved at the January 9, 2023 Board of Zoning Appeals hearing.		

Gunnar Hand, Director of Planning and Urban Design, said this case was hard in conjunction with BOZA 2022-046 for a rear end setback. That was approved by the Board of Zoning Appeals earlier this month. You may recall that at last November's Board of Commissioners Planning and Zoning hearing, this case was before you with the recommendation of approval from the City Planning Commission. At that time, there was a protest petition in question. The applicant asked for additional time to review that protest petition. In that review process, we determined that we inappropriately noticed this agenda item for both the Board of Zoning Appeals and the City Planning Commission case which then allowed us to re-notice and re-hear the case.

It's important to note that the project, in that time period, has not changed. It was re-noticed, re-heard, reapproved by the Board of Zoning Appeals earlier on their variance case. Then re-heard earlier this month for the City Planning Commission agenda before you that's a recommendation that's before you tonight.



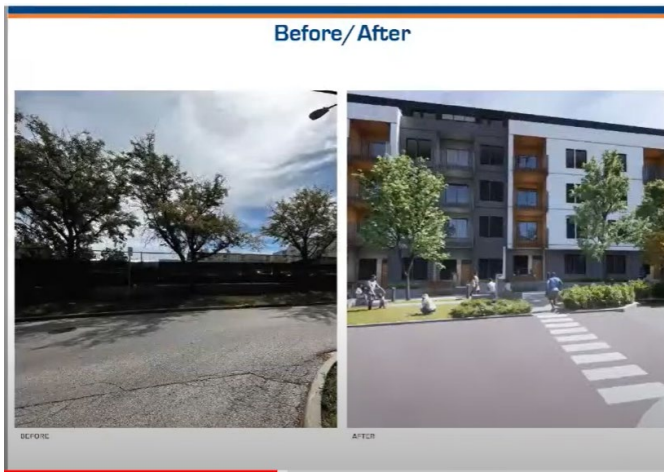
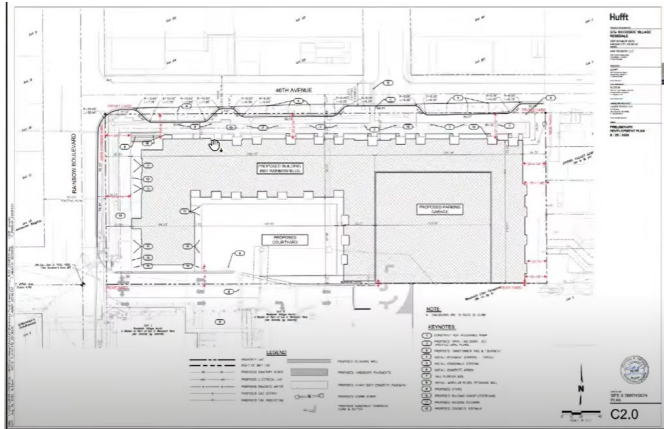
This is an apartment complex in the Rosedale Area Master Plan.



We have received both support and opposition. There are no notices of violation on this property.



Staff agrees with the Planning Commission and recommends approval.



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

Bob Johnson, Polsinelli Law Firm, said I am appearing here on behalf of the joint venture developers of this project. Aaron Mesmer with Block Real Estate is with us and Blair Tanner back there as well with Tanner & White Properties. Also with us is Hufft, our architects, and Amy Grant from my office. The team has worked long and hard, as you all know, for over a year to get back to this point.



At long last, we're back before you for the final decision on our land use application. We're incredibly and extremely excited to be finally here and seeking your approval tonight to coincide with the Planning Commission's recommendation.

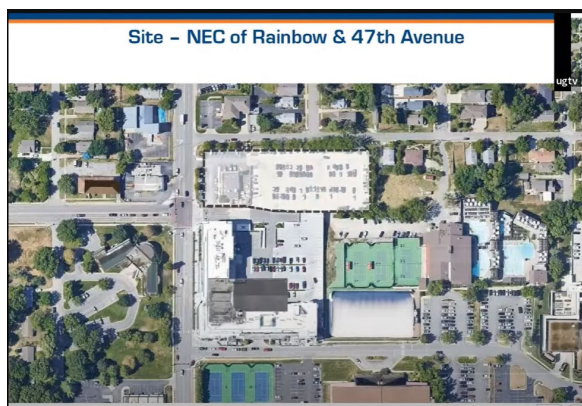


As Gunnar noted, you heard the entirety of our presentation on October 27th of last year, and you may have viewed the prior multiple Planning Commission meetings we had as well. Nothing in the project has changed since that October 27th meeting, as Gunnar noted. All interested parties had an opportunity, including us, to be heard at that time.

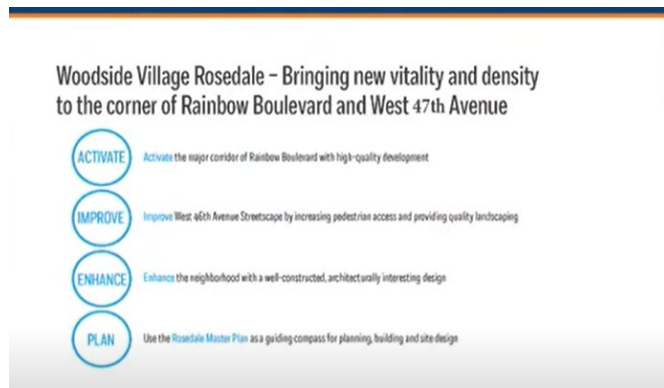
So, in respect to that and respect of your time and respect of the process, I won't go through the entirety of the presentation I did that night. I'm sure you don't want me to do that so I won't. I will ask that if you do have any questions, things I don't raise, new things that come to mind, please ask me by all means. Happy to discuss any aspect of the project.

With that preface, the applicant stands on the recommendation of your Planning Commission and your professional staff for approval of the project. Based upon those recommendations and all the factors in the staff report, which is quite thorough, of course, as you know, I believe that all establishes. I will further articulate why this is unequivocally an appropriate land use for this site under the golden criteria.

Indeed, the project presents an opportunity to transform a long stagnant site. Everybody knows this site has sat vacant for quite a long time, produced no economic value, and has been quite an eyesore to the community. We have the opportunity here tonight, a very exciting opportunity, from our perspective, to transform the site and turn it into its highest and best use that will anchor two major corridors in the Rosedale area, that being Rainbow and 47th St. By anchoring that corner, becomes a gateway to the southern and western boundaries coming from the west. We'll show a map here in a second that'll better outlay it. The city and the county can be proud of for many, many years to come with a long-standing owner and operator that will maintain this project at its highest quality.



That end goal leads all the way back to the inception of the project. Here you can see the location I was articulating there at the northeast corner of 47th & Rainbow. You can see that's the site as it currently sits today, which is an outmoded, vacant building. In front of the site you can see parking behind it. Directly adjacent to this sister project to the south, Woodside Village North, city of Westwood to the southwest, commercial businesses to the west, a commercial business and dentist office to the north. Then moving east along the site, the Spring Valley neighborhood.



This is just some verbiage that really speaks to what I want to show on the next slide. I can articulate better my points about what I mean when I say that end goal leads all the way back to the inception of the project.



When the developers conceived of the project initially, they began with that Rosedale Master Plan front and center. The master plan has a future land use plan, of course as we all know, that identifies three designations for this site. One is urban mixed use. Urban mixed use calls for and enables multi-family uses of three plus stories, which this project is. It also identifies a designation for this site of mixed-use corridors, at which we are at the conflux and the meeting of two of those mixed-use corridors. The two major ones, in fact, in the area of the 47th Ave. corridor and the Rainbow corridor. I quote from the master plan; those mixed-use corridors are intended for higher intensity, commercial, and mixed-use corridors on Rosedale's major arterial roadways.

Thirdly, we are at a designation where you see that big red vibrating dot there. That is a community center and that definition there is above the map, which is identified for the most intense uses. In fact, many more intensive uses than we are proposing here today.

As Gunnar pointed out in one of our prior public discussions, this project meets the definition of all three designations, both the mixed-use corridor, urban mixed use, and the community center identified in the future land use map. So when the developer looked at the site identifying what was appropriate for the site and the highest and best use, those three confluences of designation in the future land use plan showed them exactly the direction they needed to go.

Further, the master plan calls for achieving other macro goals.



This slide does a good job of illustrating those goals. First of all, the master plan calls for activation of Rainbow, bringing street front close to Rainbow, activating Rainbow with a well-designed, thoughtful, intensive uses fronting Rainbow. As you can see on the left, that's Rainbow today. It's clearly not activated. It clearly contains a use that does not meet that goal. We are transforming the site into a use that meets that goal quite squarely.

Secondly, the master plan calls for an emphasis upon creation of pedestrian-friendly environments and increased walkability. As you can see from this slide here, today the sidewalk along Rainbow is quite dangerous. It is flushed with the street there on Rainbow without any buffering. It is not a very inviting or safe, walkable and pedestrian-oriented environment. That will change with this project. With the type of project, the ability to structure, park the project, we can move the project off to the east of Rainbow and south from the current property line on 46th. We can—and I'll illustrate 46th here in a minute—and by doing so, we can widen the sidewalk.

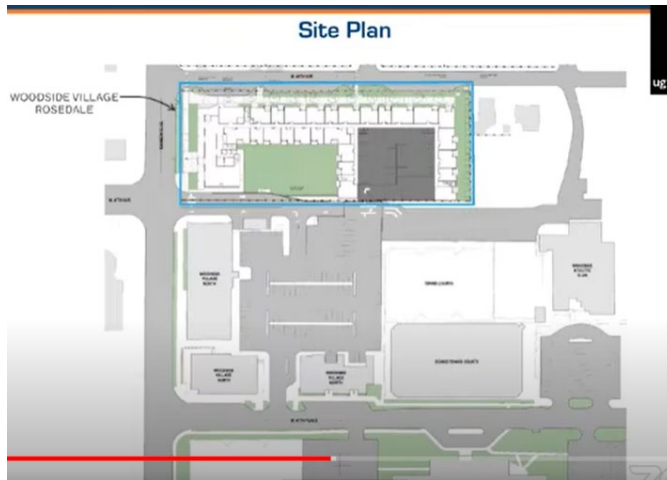
We can add landscape buffering, and we can make this a much safer and more pedestrian-friendly and walkable environment for not only the folks that will live at the project, but for all those in the community who would utilize Rainbow and utilizes pedestrian connectivity.

Thirdly, a macro goal of the master plan speaks to development of more multi-family housing in Rosedale. The reason for that is that in 2016 when the master plan was conceived, there was about 90% single-family housing stock and about 10% other housing in Rosedale. So, the result, it was identified that multi-family housing of all types was needed to diversify that housing stock, and to also create turnover in the single-family housing stock toward ownership. The goal and the theory in the master plan was development of more multi-family housing in Rosedale would allow renters in homes to move into multi-family housing thereby increasing that ownership in single-family housing. We are here offering an opportunity to transform this site and meet that goal as well.



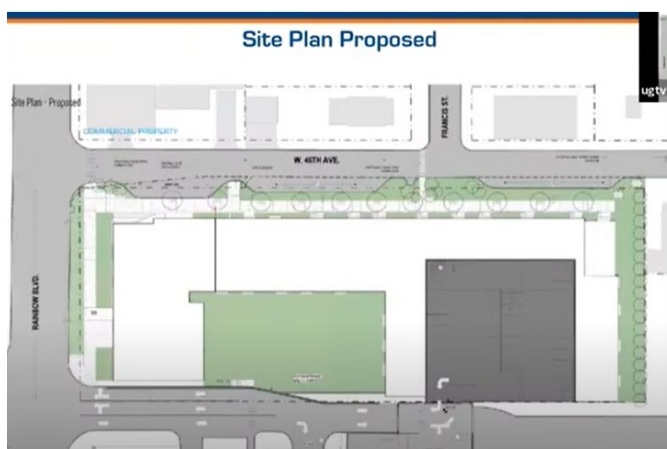
This slide shows all of those things again. All those goals, again, being met along 46th. This is 46th today. It is quite constricted. There are cars that park on 46th today. There's no sidewalks, and it is simply not a walkable environment for those living in the adjacent neighborhood with regard to safety and walkability.

This is a rendering of that same view looking to the west along 46th. You can see that condition will dramatically improve and will lead to the ability for all those in the community to use a walkable environment, to walk west along 46th to Rainbow, and increase the safety and connectivity of the neighborhood.



Before I move to this, I think to put in perspective the master plan discussion, you may hear some other comments tonight about the master plan, some that will support the case that I just put forward that this project was what the master plan identified and was intended for. Others have a different view. Everybody has their own opinion and reasons for that opinion, but really we do have an independent arbiter, someone that you, as a body, have identified as the independent arbiter. The qualified and trained arbiter of designation of your code and the master plan, and whether applicants are meeting the letter of intent of that document. That's your staff.

I would ask that you look to your staff's conclusion that we have met the letter and the intent of the master plan for this site, as articulated in prior meetings and then articulated in the staff report. They have drawn that conclusion. We stand on that conclusion. They are independent. They are unemotional, if you will, about the analysis, and they've drawn the conclusion that this project fits the master plan, both the letter and intent. Again, we stand on that conclusion.



I'll just quickly now walk through some of the slides and renderings that you've seen about the project previously just as a refresher given that was back in October; and with the passage of several months, I want to highlight a few things about the project just to pull it back into focus.

This is our site plan. 2D aerial sometimes is helpful. Sometimes it's less easy to see some of the specifics, but I think you can see on this plan some important aspects of it. First you can see the extensive sidewalk network that we will be adding along the north and western sides of the project. Again, we're able to do that because that dark grey box there, which is completely wrapped in units and is not visible from any outside angle, is our parking garage so we're able to shrink the building down and wrap it around that parking garage, which will be accessed only from 47th St.

Our only ingress/egress is from 47th St. You can see that there. That's an existing drive that was put in place several years ago to access the project to the south. In fact, at the time in working with UG staff, was always intended to be the ingress access point for the project that would eventually come on this site that's coming to fruition. As you can see, will be the ingress/egress into our parking garage, which is internal, again, to our project.

You can see the eight parallel parking spots that we have designated on 46th St. Those are not on 46th St. exactly. They are pulled off of the right-of-way. They're not on public right-of-way whatsoever. In fact, they're on our property, which is an improvement of the condition. Today, they are on the public right-of-way. They constrict the road and create unsafe conditions for drivers and pedestrians. So, we have increased, again, the safety of that condition by moving the parking off the right-of-way and moving it entirely onto the property that will be part of this project.

You can see, also, the internal courtyard. That is the green space there within the project which coincides and fulfills the obligation of the code to have particular green space available to residents of the project.



This is the massing of the project. You can see the density of the project is pushed and up along Rainbow, again, to activate Rainbow. That denser portion of the project is adjacent to the commercial portion across 46th only. It is not adjacent to any single family homes. As you go east along the site, if you look, you're going towards the upper left of that rendering there, that's moving east along the site, the project drops down to five stories and then drops down another two stories. The farthest eastern portion of the building and all along that eastern portion, the lower portion of the building, the top story is recessed so that it is not visible or quite a bit less visible from the ground level.

You can see from this photograph, as well, the diversity of materials, the articulation of the façade, both horizontal and vertical, the inset and outset balconies, all of the extensive landscaping, multilayered landscaping which is enhanced above and beyond what would be required. Ultimately, the intent of the project is to be architecturally interesting and aesthetically pleasing, which we believe is accomplished. Again, staff has recommended approval of the design of the project as well.



This is that portion along Rainbow. You can see the activation of Rainbow from our lobby area there with tall glazing, interesting architectural elements, quite a bit of landscaping, and the connectivity of the sidewalk. To the south is the building that is currently constructed. That is our sister facility, which is approximately the same height, called Woodside Village North. It will be in fit and in keeping with the continuity of that street front already along Rainbow to the south of our facility today.



Another view of that particular feature along Rainbow. This one shows an additional portion which is the 47th St. ingress/egress between the two buildings which is, as I noted, constructed today. I will say one thing that in this picture, to the right there, which is the south side of this picture, is approximately where our trash enclosure will be, which interestingly is actually in Johnson County. We will not have our trash enclosure in Wyandotte County. That was something in working with the community over the past year that we moved from the northern portion of the project on 46th back, tucked around where no one can see it or hear it.



Another view of this sidewalk along Rainbow and the extensive landscaping and pedestrian connectivity.



This is the corner of 46th & Rainbow. You can see that we will add a bike share station at this corner. This, again, is in keeping with the theme and goals and intent of the project to create, enhance, and expand multimodal transportation and further connectivity between pedestrians, bikers, cyclists, essentially changing the character of this area from less safe, less walkable, less bikeable, reversing all of those factors and enhancing bikeability, walkability, and connectivity.



This is a slide now as you move down 46th where the building has dropped down. The five levels, as you can see from this angle, you can only see four levels and the top level is recessed back and cannot be seen from this vantage point.

This shows, as well, the inset bottom portion, the lowest level of the building, which is townhome style units. They are open, 246. The intent there is, first of all, to give a unique townhome feel to those units, which is aesthetically interesting and creates a neighborhood feel. But not just the feel. We actually want to connect those renters and those residents of the building to the neighborhood itself.

This is not a standalone, set-aside project. It is something meant to be integrated into the community and the people who live here would be part of this community. That architectural feature is something that enables that circulation of people so that they will be directly entering into the neighborhood and be active in this area along our sidewalk, along our pocket park, we'll see here in a second, and interacting with those folks in the community that already live there today.



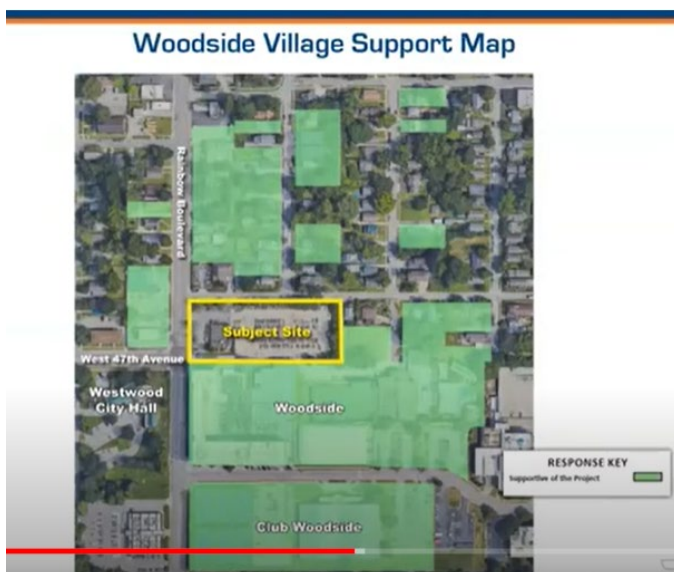
This is that pocket park intended to provide a public use gathering space both for residents or people in the public. It's just additional green space that provides that ability to spend time outside, to not just be held up inside your apartment, not just be homebound, but actually out and moving around and interacting with folks in the community.



You can see here this is that portion of the building along 46th and then the portion closer to Rainbow. I think this slide does a good job of showing the parallel parking. It also does a good job of showing the interesting and unique articulation and varying materials along the façade.



Just a closer up view of those townhome style units. Again, a very unique, interesting feel, and a feature that allows that building not to just be one long institutional looking facade, but something that actually has an interplay with the community.



With that, I'll turn it over to Aaron Mesmer, with Block, to make some comments, and then I'll come back and stand for any questions. If you do not have questions at that time, I would appreciate the opportunity to come back and address the body if you have further questions or if there's commentary in the public comment that I can address, I'd appreciate that opportunity after that. Thank you very much for your time again. We're very excited to be back in front of you tonight.

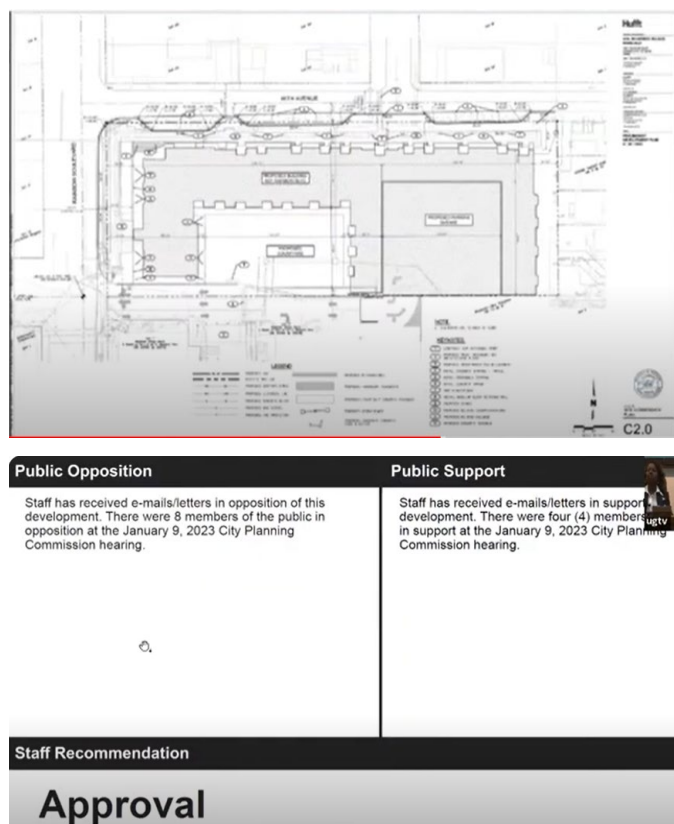
Aaron Mesmer, Block Real Estate, said thank you for your time. I know we've been here for a minute and I know we were here before, so I'll be brief. I do want to point out that we have been working with staff and the community stakeholders for more than a year. Through that process, what we think we've come up with is a really exciting project and a first class deal that is going to set the bar here at 47th & Rainbow. That process resulted in many concessions that we made, including reducing the unit counts of the building. We took an entire floor off the top of the building, and we moved the footprint of the building to make sure that we had those neighborhood vibes that Bob was talking about along 46th and along Rainbow. What I think we've come up with is a plan that not only is going to be spectacular, but it's something that the community has really gotten behind.

We do projects in many states. We do dozens of projects here. Never before in our history have we had 67 letters of support, which is what we have now. That's three more than we had at Planning Commission a couple of weeks ago. So the support continues to swell on this project. That includes 47 neighbors that are in the immediate area. It includes eight neighbors that are in the Westwood area. It includes eight businesses along Rainbow and four other industry leaders. What I would tell you is your community wants this project. They believe that it's an asset that will fit the master plan here, and that it's going to be a great asset for a long time.

Speaking about the length of our involvement in our duration, one of the things that I think is really important to highlight is that our firm and Blair's firm are very much aligned in that we are long-term holders of real estate. We are operators. We are owners. We're not merchant builders. This is not a speculative venture for us. We come in and build and sell it in a couple of years.

Block Real Estate has been in this community since 1945. In that time, we have yet to sell an apartment community that we have built from the ground up. Blair's family has been involved with the Woodside Club for more than 50 years, stewarding it through a number of different transitions over that time. What I can say is we're here for the long term. This project is going to be great for Kansas City, KS, for the long term.

I really appreciate your time. We appreciate your support. As Bob said, we're certainly happy to stand for any questions. Again, thank you very much.



Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no comments were received. **Mayor Garner** asked, is there anyone present in the room who would like to speak in favor of this item? If so, please approach the podium, state your name and address for the record. You will be given up to three minutes to state your comments. The Clerk will keep track of your time.

Jeannette Cox, 9908 W. 116th Pl., Overland Park, KS, said I am a member of the National Apartment Association and a long time member of the Apartment Association of Kansas City. I'd just like to express my support for this project. Like Aaron said, I know that company well and their developments. I think they've done a great job in planning this project and done some great due diligence to make it a benefit to the community.

Dan Thompson, 4514 Francis St., said I'm basically 250' from the project. I can see the land that's going to be used from my porch. I've owned my house for over 20 years. I chose to move

into it as my permanent residence about seven years ago. I'm raising a family there. I put a substantial amount of money into my own property. The question is why. Well, the big reason is because I saw the direction of the neighborhood. I'm a single dad of a five-year-old. We have chosen this area. We could have moved in many places, but this is home. My son goes to Frank Rushton. We walk the walk.

How did I get involved in this project? Well, in the beginning over a year ago, we were having neighborhood meetings from a base who was involved from ground zero. I was hearing from certain neighbors how they represented the majority of the neighborhood as non-supporters. It was confusing to me because the people I was talking to in the neighborhood were in support of this project. So I took the initiative to walk and talk to at least half of the 150 houses in Spring Valley, and what I found was the overall majority were in favor. In fact, many of the few non-supporters were being so aggressive toward the supporters that really made me feel uncomfortable and some of the neighbors uncomfortable so I got 100% involved. I wanted everybody to have a say in this project.

What you'll see tonight is the other side will come up with facts on the project that aren't true. Things like it's a large structure. They'll show you a drawing of a concrete structure. It doesn't look anything like it. They'll call it a ship. They'll tell you more than two houses are affected by shade. They'll tell you that traffic is going to be so bad, but in reality, none of this is true. You'll also see probably some of their aggressive nature, how they come across, and how they state their opinion. Well, we're here to represent the other side.

I have personally gotten over 40 support letters in the neighborhood. **Mr. Deichler** said you have one minute remaining.

Mr. Thompson said I've seen Blair and his team basically make changes. They did this traffic study that basically said there were no issues. A shade study that was pretty minimal. They reduced the height of the structure. They added a pocket park for landscaping. They added 46th to be wider. I personally was on there at 4:00 today and almost got ran over walking home from a restaurant. They moved the trash. They put the delivery trucks to the side. They could not put it on Rainbow because KDOT didn't approve that.

We do need more housing diversity in the area. We also need upscale housing as well. So please welcome in 140 new taxpayers on this project that might choose to live other places.

With this project, I think will be the gold standard. I think Spring Valley will only be going straight forward up. As one of you guys said, we should be open for business for this development, so please vote yes.

Gayle Bergman, 4520 Francis St., said I do apologize if this sounds like an episode of *Gilmore Girls*. If you're not familiar, they talk really fast. I have a lot to say so I'm going to talk really fast, and I don't like public speaking.

I own my home with my boyfriend and our dog. We are four houses down from the development. I support this project, and I want to see my neighborhood grow and not to be artificially stunted. I put a lot of money and work in my home since I bought it in 2019, moving from KCMO since I became a UG employee and needed to move to Wyandotte County. We added solar panels in 2021, and we have also converted our entire front yard into native plants. All of this and my home is still going to be less efficient than any new multi-family housing. This is mostly because of how the land is used. It simply is more efficient use of land to build multi-family than single-family housing. I say this as someone who owns a single-family house.

We don't have a lot of vacant lots in Spring Valley. Our small, most southeastern corner of Wyandotte County. Dense, multi-family housing is what we need to let our community grow, to get more neighbors, to see more dogs on walks, and to further diversify our tax base so that we can maintain and improve community services like parks, transit, and schools which should all be five-star in Wyandotte County.

I love my house, I really do, and I will live in it for a very long time. But being small-minded and short-sighted and selfish is not going to benefit our neighborhood. I want more neighbors so we can further justify a streetcar going down Rainbow. There are currently two transportation studies that are including KU Med as routes. It is silly to think we shouldn't develop dense, multi-family housing along Rainbow. This is the periphery of our neighborhood, and there is already an apartment complex right next door, as has already been stated.

Housing should be warmly welcomed and is a much better use than what could be built here. A lot of bad uses could happen on this site because it is already zoned commercial, and none of us would get to argue about it because it's already legally allowed to happen.

I would strongly encourage you, as policymakers, to rethink our zoning codes in the county. Much of our county should be upzoned with denser, taller buildings allowed to be built out right... **Mr. Deichler** said you have one minute remaining.

Ms. Bergman said ...especially in already urban areas where a lot of people want to live and work. I don't want to be here reading a speech I prepared on a Thursday night for hours just so some housing can be built on an ugly parking lot. Most of the area is neutral to positive about this development because most people know the truth. It actually won't affect them very much, certainly not as negatively as they think.

I bike and walk a lot. I'm excited for the improvements. It's easy to see examples of tall apartments next to single-family homes. That's not abnormal. That's just how cities grow. We shouldn't be afraid of renters. It's okay to rent. You don't have to own your home to be a contributing member of the county. People will choose to live here because of our close proximity to KU Med, parks, and restaurants. They are more on the expensive side, but rent is not the only expense people have when paying for their housing. I have unexpected maintenance I have to pay for and that's not accounted monthly. There's people who will pay to rent so they don't have unexpected maintenance and they don't want to be tied somewhere.. **Mr. Deichler** said your time has expired.

Gerald Greer, 4503 Francis St., said I'm here today in support of the Woodside Village Rosedale development project. I believe the development plan will be an inviting opportunity for people looking to move into our area. Blair and his team have welcomed the neighborhood's feedback since the beginning, and they've made significant changes to the plan in support of mitigating those concerns for our community. While I do believe that everyone in our community deserves an opportunity to voice their opinion about the growth of our neighborhood, it seems that several of those voicing opposition do not live anywhere near the development location as we do that have spoken so far.

I encourage each of you to approve the Woodside project, and I look forward to having new neighbors move into the development who will spend their money locally and appreciate the Spring Valley Rosedale neighborhood as much as I do.

Kevin Sadler, 4509 Francis St., said I'm going to speak on behalf of my brother as well. He lives at 4507 Francis St. We own 4523 Francis St. as well. I think Blair and his group have done an awesome job with the design, with listening to the community, with really tweaking their design to come back and so will not negatively impact our neighborhood in any way. Really, it's just about safety. It's about aesthetics. It's about bringing other businesses to our community as well. Going down from 46th to 45th St. on Rainbow, right now you have a dental office, a dilapidated car dealership, a dilapidated dry cleaner, a dilapidated nursery, and a dilapidated thrift store. I feel like this is just the beginning. If we build this, this can all transition in the right direction.

I'm going to leave you with a quick story here. In 1952, my grandpa, my great grandpa built Jerry's house, who just spoke, with their bare hands. Three years ago, I came in and tore down his childhood neighbor's house and built a house for my family. We moved from Prairie Village. He wasn't mad that I tore down that house. He was happy that I moved my family to this neighborhood. I think that's how you've got to look at this project. They're taking a dilapidated parking lot, building a new building. We should be happy and thankful that they're spending their money to build such a beautiful building and bringing new people to our community.

I just say let's vote yes and let's pass this thing forward.

Mike King, 5507 Crestwood, KCMO, said last time when I spoke on behalf of this, it was suggested by those who were in opposition that I shouldn't have an opinion about this because I live on the other side of the state line. That really bothered me and I thought about why is this bothering me so much. Then I realized that in the last 48 years, I don't think there's been anybody that has spent more time on this geography, on this land, in this exact place.

I'm the President and CEO of Youthfront and we owned that property. We wanted to continue to be in that place. So after we sold to Blair Tanner & Associates, we moved across the street, bought an old, dilapidated building and invested in it and now have a \$2.5M what we think is a jewel sitting there in Wyandotte County. So we love, I love this piece of land. Now, every day I sit in my office and I look out and I see that parking lot. I can't wait, that's why I'm so emotional, I can't wait until this is a place for human flourishing for community, for people to build community with each other.

Before we sold to Blair, I said Blair, what is driving you to want to do this project so badly. He said someday, I would like for my son—since that time I've gotten to know his son, just a small

tike. I won't give you a lot of information about him, but he said I want my son and any other kids I have, someday, to bring their kids and their grandkids maybe, to show them this property to say that our grandfather believed in this place and wanted to build something that was beautiful, that added (inaudible) to...**Mr. Deichler** said one minute remaining.

Mr. King said ...and to community. I believe he's followed through with that. I believe he'll be connected to this for a long, long, long time to make sure that it continues to be a place of human flourishing. So let's do this. I think you will also be proud to show your kids and your grandkids that you voted yes for this because it is the whole corridor, that whole area has become another crown jewel of Wyandotte County so let's do this thing.

Mr. Deichler said, Mayor, we have one hand online. We actually have several more popping up here.

Amanda Brisso, 4522 Francis St., said there's just two houses between me and the proposed development. I just want to say like everyone else has said, I think it's going to be a great benefit to our community. I'm really appreciative of the effort and care that Blair and his team have put into the development. With all of the changes that they've made, I'm fully on board and support this project. I look forward to hopefully not walking through a gross parking lot anymore.

Jason Sadler, 4507 Francis St., said I really wish I could be there in person to show my support but I'm unfortunately out of the country. I can see this project from my front porch. I can't really think of a better project that I'd like to see there. Sure something could go in like Chick-fil-A or something that meets the zoning requirements. That's just gonna actually destroy the character of the neighborhood. It's not like they're putting up a parking lot for an apartment complex with a fence around it. They're really building an apartment complex that is trying to engage the community and make the area more walkable, which I think most everybody is striving for.

I walk by that piece of property multiple times a week with my family to go to the shops and restaurants at Woodside, the restaurants down 47th St., and almost daily to the park. I just can't wait to see such a beautiful project hopefully go in.

I just ask on behalf of me and my family that you vote yes.

Tophers Philgreen said I own Tophers Enterprises, LLC. I own the house at 4512 Rainbow Blvd. It's just three houses down from this development actually. I've also been in this area most of my life. It's been a lot of time here. I've invested in property here because I believe in Wyandotte County. I especially believe in this corridor that goes from 47th all the way down to the river and is just the gateway to Wyandotte County and just how this is going to greatly improve this area.

I also want to speak to you, also, as a fellow planning commission member. I've been before bodies in Wyandotte County probably six times now. I actually sit where I live on the Miami County Planning Commission, so I've been in your seat. I've been in a seat where you have developers that want to come in and do something that's going to improve the community, but a few people don't like it. I just know that one of our mottos is, what does it do for the whole community. Does it help the whole community?

As I look at Wyandotte County and as somebody whose first house was just a few blocks from here when I got married, and when I think of your role sitting where you are when you think about the whole community, all of Wyandotte County, the gateway, what this does for this whole area, just the responsibility you have to take in everything like it's good for everybody. I just want to say having been on your side of the table and also watching how Blair and his team have operated, I don't think I've ever in my life seen a group of developers who have bent and changed and acquiesced and gone back and spent literally thousands and thousands of dollars to redesign and re-architect to make the community happy, to fulfill the wishes of Planning and the commissioners.

I'm just telling you, these guys, I think, are pretty committed to this area and in doing this thing right. They've already proved it on the other side of the county line. I think they'll prove it here. I think that for all of Wyandotte County, this is a really good thing. **Mr. Deichler** said one minute remaining.

Mr. Philgreen said if I were on your side of the table, I'd get this thing done. It's going to be great for Wyandotte County, for this corridor, for the people who live there, for the people who invest there, for the people who visit there. So, I just want to give my full support to this project.

Micah King, 2821 S. 8th Terr., said I'm a Rosedale resident. I'm also the Executive Director of Argentine Betterment Corporation. I just wanted to speak in support of this project. As all of you

commissioners, most of you know me. Part of my job in Argentine is to bring businesses in and help ease the transition in getting businesses set up.

In my time at ABC, we've had a number of times where we've had businesses where they've had many hoops to jump through, and it gets to the point where they just kind of give up. That's what is remarkable about this development. Blair and his people have adapted and changed on the recommendations of the Unified Government as well as the residents. I've never seen anything like this. Most of the time they just pack up and move and say I'm going to Johnson County or I'm going here. That is a true testament of how much they believe in this project.

I'm super excited about it. My family goes to the restaurants currently that are on that property, and so we're super excited about it there also.

I will speak to the residents in Argentine. A lot of times we get complaints about tax dollars and tax revenue. This is a chance to build our tax revenue. I used to live on the Plaza and I know that a lot of people are looking for luxury homes. They may not be affordable to everyone, but they are affordable to people in our community. I've got Board members that are on KU that said doctors are looking, interns are looking for places to live within the area. This is a chance for Wyandotte County to get some extra tax revenue that possibly they would jump over to Jackson County or Johnson County.

So, this is our opportunity. I know we talk about it all the time like we need to lower our taxes. The more people we have in this area, of course you guys know, the better our chances of taxes going down. So this is a great opportunity...**Mr. Deichler** said one minute remaining.

Mr. King said ...not to mention the project. It's stellar. It's awesome. I'm super excited about it. Everyone on my street that I've talked to about it, they're all in support of it. It's a funny situation. We've actually had people in the community coming around that have actually been very pushy about us going and now supporting this project. They've actually changed some of the people's minds that were on the fence about this. That's how aggressive some of these people are unfortunately.

So, super excited about the project. Everybody that I've talked to has nothing but great things to say about it. As you commissioners know, we've already approved something very similar to this and they've had less hoops to jump through. This group has really shown that they're in it for the community and want to work with us and want this area. So, I definitely hope you guys vote yes on this project. Very excited about it.

Brian Moore, 4522 Francis St., said I can see the location about 100 feet or 100 yards away from my house itself. I'm 100% in favor of this happening. We've been focusing on this for the last few months or so. I know a lot of people throughout the neighborhood, almost everyone that I've spoken to, the majority have said that they're in favor of this as well.

From most of the comments that I've heard tonight, I mean I agree with a lot of these things that have been talked about. One of the things that I haven't heard yet from a safety perspective, there have been sometimes where I've woken up at night and I've heard a lot of cars that have either been drifting or doing a lot of donuts within the parking lot. That's been a frustrating part as well because it just brings a lot of undesired attention to the area. It brings the cops over, which wastes their time as well. It's just an open space which allows people to come by and just causes some disruption to the environment as well. So for one of those issues, I would appreciate this being built to get rid of that parking lot and allow more space for growth and help for our neighborhood. I'm 100% in favor and I appreciate it.

Amber Turner, 4521 Eaton St., said I'm calling in support of the project. I've owned my home for nine years. It's just around the corner from the development site. I frequently walk on 46th Ave. & Rainbow and I will certainly appreciate the sidewalk, pocket park, and the separation from traffic.

The developers have made many of the changes requested by the neighborhood while designing a viable project. I really hope you will give it your approval.

Mr. Deichler said no other hands are raised at this time, Mayor.

Mayor Garner asked, Clerk, are there any notifications received from the public who wish to express their comments in opposition of the item? **Mr. Deichler** said we received none. **Mayor Garner** asked, is there anyone present in the room who would like to speak in opposition to this item? If so, please come to the podium, state your name and address for the record. You'll be given up to three minutes to state your comments.

Erin Stryka said I'm here representing Rosedale Development Association at 1403 SW Blvd. I want to start off by saying there's a lot of good in this proposal. You've heard a lot about it tonight.

I won't rehash all of that, but I do want to acknowledge the developers worked really hard to incorporate feedback from the community. Everybody that I've talked to in opposition, I don't believe a single person has said to me I don't want this project at all. What people have said continually is there's this one thing; there's a couple of things that are holding me back. So, I want to talk about why RDA is still in opposition tonight.

The overarching housing goal of the Rosedale Master Plan holds a couple of really important ideas for neighborhood development intensification. The first sentence of that housing goal says to protect single-family neighborhoods with strong home ownership while increasing housing options and density with quality, well-designed apartments on major streets and corridors. So, two really important ideas: intention, protect single-family neighborhoods, increase housing options and density on corridors.

Clearly, this is a really well-designed project. Clearly, it brings density. It brings more housing options. The place where I think it falls short is not protecting single-family neighborhoods part. The tool there is a master plan uses to keep both of those things intensification is height transition strategies, one of the tools I should say. So, while I think the density of this project is good and I think the housing options, we'll talk about that in a second, is mostly good, I don't think it has yet done a good enough job transitioning from the one and two story single-family homes to the five-story and seven-story density that's being brought. **Mr. Deichler** said one minute remaining.

Ms. Stryka said a big part of that is a function of the site. As Mr. Johnson discussed, it's on Rainbow, which is a community center and a corridor, and meets that very high density. A big part of it is it's in a single-family neighborhood adjacent to one and two-story single-family homes. So the thing that's holding us back is it is too sharp of a height transition still.

Finally, I remain deeply concerned about the impact of the high rent cost on everybody else's rent in the neighborhood. I just had a neighbor and again today knowing that their landlord is raising their rent at the end of their lease. There are apartments in Rosedale, but they can't afford that. I remain deeply concerned that this project may exacerbate this.

So, all of that to say I think there's a lot of good in this project. I think it's almost there, but there's just a couple of things that I would really like to see worked out before it moves forward.

Joe Hohendorf, 4314 Eaton St., Spring Valley neighborhood, said I walk through the neighborhood every day and my walk includes 46th St. The pictures that you were shown about the development, were all pictures that display the development looking to the west from the edge of the development showing a very nice strip of sidewalk that they will put in. That's great, but the rest of 46th St., which is a thoroughfare between Rainbow and State Line, is a quiet neighborhood street that is quite narrow, as the lawyer from Polsinelli pointed out. Any increase in that traffic is going to be a safety issue for pedestrians who use 46th St. for their walks.

There are no sidewalks on the north side of 46th St. from Rainbow to State Line. There are only two small sections of sidewalks in front of two houses, half a block, on the south side of 46th St. from Rainbow to State Line. As previous speakers pointed out, there are cars that park along there which causes a bottleneck. It causes the traffic to be choked into one lane.

I walk it at all hours of the day. I don't typically walk down there at night, but there's always a couple of cars that pass me when I walk through there.

On the diagram that they showed...**Mr. Deichler** said you have one minute.

Mr. Hohendorf said ...their design, there's parallel parking there for eight cars. That could conceivably increase drive-through traffic by 16 trips a day; minimum 16 trips out and back. That's eight more. That doesn't count traffic that may be the result of that development. People who are unable to make a left turn onto Rainbow to go south, take a right turn and immediately a right turn on 46th St.

So, what I want to ask briefly is that there be consideration to traffic calming on 46th St. and sidewalks on both sides from Rainbow to State Line. I understand the developer is not responsible for that, but it's going to be a safety issue if traffic increases as a result.

Also, the Rosedale Master Plan, as Erin pointed out...**Mr. Deichler** said your time has expired.

Fannie Hill, 4310 Parallel, said I'm all for growth and development, but every time you think it would decrease our taxes. It seems like the more growth and development we have, the higher our taxes go. I'm from the Northeast area; you would consider as the poorest part of town where people are really struggling. I think I talked to Ms. Townsend and Commissioner Davis. I said most of our people in our area, their head is under water. My chin is on water and you're pushing with the taxes considering the fact that our taxes went up. We're really struggling with the taxes

here in Wyandotte County. I talked to a reporter. He said I make good money. My taxes are \$7,500. BPU is too high. He said I make good money, but this is my last year here. I love the county but because of the taxes. I mean, my taxes are crushing me.

I talked to the two commissioners about the increase. I said we're developing and we're giving tax incentives, tax dollars, but yet you say we need them and at the same time you increase them. I'm not understanding that. I'd love to sit down with the commissioners. I really would love to come to your office and sit with you and have you two explain this to me how we can continue developing and get the taxes down. I mean, you say developers are not paying much taxes and getting all kinds of tax benefits. I said I feel like I'm paying them. They're getting tax benefits and mine goes up. You said I'm not paying them. So, I'm asking for you all to sit down with the community and explain to us.

Robert Ewing, 2617 N. 45th Terr., said I'm here just to piggyback and just co-sign what Ms. Hill just said. I want to sit down with the commissioners as well about the taxes, the outrageous taxes. My house is paid for. I've been here 30 years, and I'm just having a difficult time paying the taxes so I paid half.

I'm also wanting to co-sign with what the mayor stated earlier about the issues that he's passionate about. I think you need to get on his side because the PILOT with BPU, whatever it's called, that's outrageous. The taxes are outrageous. I want answers. We elected you. I voted for you. Whoever voted for, I expect some answers. I want some reliable answers.

I'm an outspoken person. I'm not really concerned about anybody being upset about it because we want some answers and we want them now. This is ridiculous. I'm not trying to make friends and I'm not trying to make enemies, but this is ridiculous, outrageously ridiculous. How can a poor person like me afford to pay the kind of money they're asking for where I live at? They're asking for approximately \$4,000. I'm struggling paying my bill for BPU.

I believe in affordable housing and I believe incentives that they're providing these businesses, but what do the citizens get for this? Like Ms. Hill stated earlier, I don't remember verbatim what she said earlier, but this is simply ridiculous. We voted for you and I want answers. I'm just straightforward. It might sound rude and I don't really care, but I want some answers.

I'm in full support of the mayor, and I wish the commissioners would do the same. We need to get on board with the mayor. I don't know what is going on in its entirety, but what I'm

hearing is not good. I'm not proud of it. I want some support for the mayor; more support for the mayor. I want answers as to why we're not supporting the mayor like we should. So, when can I meet with the commissioners to get some answers? When? **Mr. Deichler** said one minute remaining.

Mr. Ewing asked, is there a time when I can meet with the commissioners and get clarification on what's going on? **Mr. Deichler** said it's not up to me. **Mr. Ewing** asked, does that matter who's mad, who's upset? When can I meet as a citizen, a taxpayer? Can I set an appointment to meet with the commissioners? **Mayor Garner** said you can get with our office and we can help facilitate.

Chris Steineger, 4529 Francis St., said speaking against this project, my position has been the same the entire time with a year or so we've been discussing this. I think the project is too large and will create too much traffic. Those have been the same concerns I've been espousing for about a year or more on this project.

In comparison to the apartment project you guys did approve at 5th & Central or 3rd & Central, that building at 3rd & Central is 139 apartments and it sits at the bottom of a hill. This project is 149 units and it sits at the top of a hill. It has much more of a looming over the neighborhood feel than the project at 5th & Central, which you did approve. Furthermore, the project at 5th & Central, they have to do a lot of dirt excavation to make that site usable. That's a difference than the project here where it's a flat, open site that's already owned by the developer. It's a parking lot. It's flat. It's ideal for development.

This brings me to—I could go on, but our time here is short. I sent this to you all in an email. I sent it to your legal counsel as well; K.S.A. 12-759(e)(1)(A)(B))C). This was brought to my attention only a few weeks ago. This applies to the planning commission, but ultimately follows through to you guys at some point somehow. This state statute sets aside how a planning commission can differ from what the existing plan allows for.

We do have the Rosedale Master Plan, and that's been adopted by the city. These guys are asking for a variance. So, the Kansas statutes specifies when a planning commission can deviate. I would submit that the Planning Commission made a mistake. You have this. I clipped this and copied it and sent, I think, to most or all commissioners did receive it. I did send it to Misty and

Patrick earlier today. It says if they request a variance, and I can't read the whole thing, but...**Mr. Deichler** said one minute remaining.

Mr. Steineger said ...they have to show the building site. There's something wrong with the building site; therefore, they need a variance to be able to build the building. I would say there's nothing wrong with this site. It's quite flat. At 5th or 3rd & Central, they have to dig out the entire hillside to make that site work. They're digging on a hillside. They're digging out five stories worth of dirt.

Furthermore, I would say that there's no economic hardship here either. That's also allowed under statute if there's economic hardship. Well, there's no hardship. Right next door to this proposal is the existing 91-unit building. It's 91 units. It's been in operation three or four years. It's fully leased and they made that one work. Ninety-one units existing, working, cash flowing, leased. Next door on the vacant lot, they want to build 149 units. So, my point is, they really don't need a building this big to make a cash flow. They have a 91-unit building and a cash flows wonderfully. If you had a 91 unit, if they'd only proposed a 91-unit building...**Mr. Deichler** said your time has expired.

Mr. Steineger said ...there, we wouldn't be here. There would have been no opposition and they would have broken ground a long time ago.

Gil Pintar, 4178 Cambridge, said I'm here in opposition. I'm not going to read my letter or summarize it or anything. You all have it in your packet. I am going to point out that the thing is the neighborhood did go through some expense to have a massing study done. In those five illustrations in your packet show the bulk, not the architecture, but the bulk and size of this proposal, to scale, from views within the neighborhood that's accurate.

I would like to point out that the master plan process is kind of a sacred tool. I was born at the KU Med Center so I bleed Rosedale. I live two blocks away from where I was born. I love Rosedale. I was part of a coalition of folks that worked on the Rosedale Master Plan.



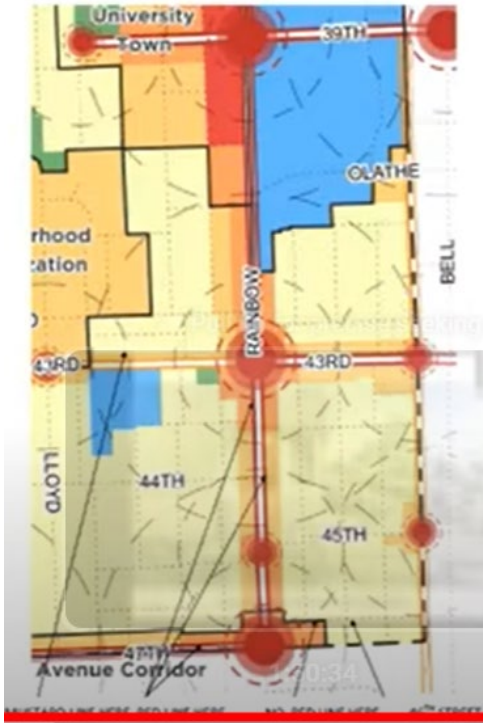
That's the Rosedale Master Plan, but if you can bring up the zoning map in the staff packet, the zoning map of the area.



We worked on the master plan. While I can agree with 99% of what was said here tonight in terms of the benefits, we'd love to see development. That's what the master plan was all about, but it's the how do you do that process. We went through the process with the master plan. I want to point out something that hasn't been pointed out is that the-I can't point, but the vacant restaurant that's red there, that's the commercial frontage on Rainbow. **Mr. Deichler** said you have one minute remaining.

Mr. Pinter said I'd like to ask for an extension when it's due; when it's time. The rest of the block, as you can see, is red and it has that same line. The parking lot, that was called the parking lot, is zoned R-1. Now, I don't know how the land was transferred or anything or what, but the neighborhood has had to live with that R-1 parking lot. You can't have a parking lot and

lease it to KU Med or whomever without a special use permit. I know that. What I'm saying is, the master plan—if we can go to another slide. I am going to ask for an extension because I do have these visuals. If we can go to the next one.



This actually shows... **Mr. Deichler** said your time has expired.

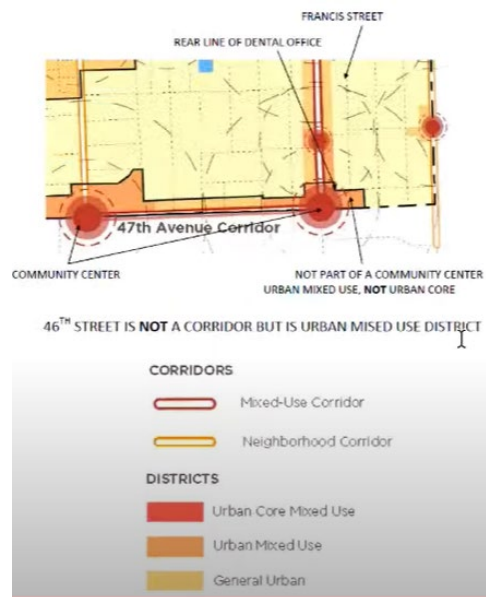
Mr. Pintar asked, can I request an extension?

Action: Commissioner Bynum moved for an extension of time for Mr. Pintar for three minutes.

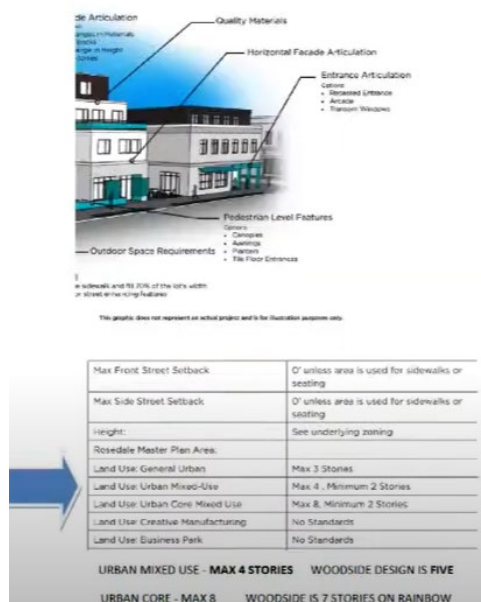
Mr. Pintar said this is a photograph of the master plan. It shows that the Rainbow corridor, those red lines, are part of the Rainbow frontage. 46th St. does not have a red line on it; it does not. It is not a corridor. It's not a commercial corridor. It's an alley, if you will, into the neighborhood. The density changes from the master plan to a—if we go to the next slide.



That talks about the corridors because 46th St. is not a corridor.



This is good. This actually shows that R-1 piece is actually an urban mixed use area versus an urban core or a node area. So, there are different requirements. If you go to the next slide,



it actually has a table that shows you that the urban mixed use table says a maximum of four stories; minimum two. What you have before you is five stories. The point I'm making here is that everyone's talking about compliance with the master plan. Well, it complies. It's slightly taller than our current building. All the smoke screen stuff is in support of their density. What we've been saying for over a year... **Mr. Deichler** said one minute remaining.

Mr. Pintar said ...is that it's just like Chris said, it's too tall. It's too dense. We'd love to see the property developed, but we've had to live with that parking lot for years, years. I can go back to aerials and show you that parking lot with trees on it. The thing is, it's never been zoned commercial. Even though the master plan shows it as mixed use, it's not urban core; it is not. It goes against the intention of the master plan.

I submit to you one last item that the folks in support of this project that spoke were never at a workshop meeting for over a year that we met on the master plan. So, those folks who bought buildings, bought houses in the area were not part of our master plan process. They don't have ownership... **Mr. Deichler** said your time has expired.

Mr. Pintar said ...of it. Please deny this. I do have one more slide. Can I show it, Mayor? **Mayor Garner** said in the interest of time, sir, and out of respect for other people, we gave you one extension, so we'll end it there.

Kelly White, Kansas City, KS, said on the level of engagement from community members regarding this application is admirable. It means we are paying attention to what we envision

future development should be through the master planning process. I'm sure every development application will have those in support and those in opposition. What should be emphasized, though, is that those in opposition are not always old curmudgeons that are resistant to change because that is not the case here. We all know there will be development, but what may be perceived as resistance is really that we are tasked with articulating to the developer, the voting boards, and staff our legitimate concerns in a system that we know little to nothing about, yet we are the most impacted.

The approval process, as we all now know, can be complex which is why the developer hires attorneys and other professionals to get their plans passed. Staff is educated in planning and zoning and have available to them legal counsel from the city. The neighborhood, however, has few options for resources, and time and money are the most restrictive. There is no one constructing letters for us or sitting next to us in a meeting providing guidance on what to say. We must navigate through a system where all parties are involved are more knowledgeable from the get-go. The community is at a disadvantage.

Our experience in this process was that we, the neighborhood, not staff, were requesting modifications from the developer to improve on the impact of our neighborhood from the parking lot access to the various studies that not only were not completed, they were never requested, yet staff still recommended approval on the very first plan. In fact, they were often an obstacle for us when we were requesting documents from them.

Staff has also given the opinion this development meets the intent and spirit of the master plan when people that were truly present and involved, as Gil just said, in forming the master plan and the current master plan committee disagree.

In an effort to make you believe there is an overwhelming amount of support for this, they have time and again said they have 63 letters of support, which are in your packet, but there is a discrepancy in their stated number. The actual number of people in favor of it due to the fact that several of the letters they're counting... **Mr. Deichler** said one minute remaining.

Ms. White said ...as part of their 63 were signed by the same person. The actual number of documented supporters are 41 people and 11 people signing on behalf of a business, not all of which are even nearby.

Now I'm sure you saw in your packet there are four sheets that contain a total of 96 signatures of area residents that do not support this. In a last effort of community collaboration,

development encouragement, and compromise, we suggest the applicant refile for a TND T-5 compliant project, as was done at 39th & Rainbow, and strongly ask the Commission to deny this request for RP-6 zoning to send an advocating message to the community.

Mr. Deichler said, Mayor, we do have one hand raised online if we need to go to that first. **Mayor Garner** said yes, please.

Valorie Wells Fenton, 4430 State Line Rd., said I've been here 17 years. I am a Board member of the RDA. My husband works for BPU and we're very happy to be in Rosedale. We moved here from KCMO and my husband from Topeka. This is our choice and we're staying.

We want this corner developed. We just don't want it to be developed with this building that we've already outlined is not in keeping with the Rosedale Master Plan. One thing I would like to mention. Mr. Blair Tanner frequently said, in all of the neighborhood meetings, that he simply cannot afford to build less than five stories on 46th Ave. and seven stories on Rainbow at an average rental of \$2,400 a month. If that is still true, then that means this design is not the right design for that corner. Put it on your other property. He originally had Woodside Village II, I believe it was called, was going to be over on 47th by Woodside Racquet Club. This corner needs a smaller building, a more reasonably priced building.

Just for a point of reference, I looked at rents directly across the street from KU Med on the corner of State Line and 39th St. above what we all know is Panera, 39 West it's called. Those apartments, one bedroom apartments currently are renting for \$1,777 a month; two bedrooms are \$1,977 a month. That's where KU Med personnel are living. So, I don't know who are these KU people who go to school for 8 to 12 years with extraordinary loans are going to get \$2,400 a month for rent down here at Rainbow & 46th Ave. **Mr. Deichler** said you have one minute remaining.

Ms. Wells Fenton said that's all I wanted to say. It's a lot of money for a too big of building and a small lot, but it's got to be done so just do it again. Blair, find something better. Make it work and we'll all work with you.

Pat Lawson, 207 S. Tremont, said I'm here in support of those opposing. We fought the battle on Central Ave., 505 Central, and our reasons are much the same; the size, the scale, the density, lack of coordination with the master plan. I'd just like to reiterate that.

I like the picture that showed right where the building was four stories. I thought that, to me, that looked more in scale and it looked good. We were hoping for something like that too, but six or seven stories, it just doesn't look good. I think we're going to have a big hulking thing even though it is at the bottom of a hill, it's still going to be a very, very big thing. That's it.

Mr. Deichler said no other hands are raised online.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make some closing comments?

Mr. Johnson said there's some legal points I just wanted to address. There was discussion about us asking for a variance. There's not a variance in front of you tonight, so those comments are actually not on point. The law that was referenced is not in front of you. There's no variance in front of you this evening.

With regard to the master plan, the section that was shown concerning urban mixed use, that actually dealt with commercial buildings so there is no four-story restriction. That was an incorrect section. It does not apply in the case of a residential building like this.

In the discussion about the master plan stating that or the current zoning, that the portion along Rainbow is commercial and that's a pad site, I would say two things about that. First of all, the master plan does, as everyone here recognized tonight, both opponents and supporters, designate the site for rezoning. It designates the site to go to urban mixed use. It does not say commercial along Rainbow and R-1 moving to the east.

The master plan anticipated, at the time, it would be rezoned to a more intensive use, that urban mixed use category. Even if the master plan intent of urban mixed use was not followed, I would proffer that a pad site along Rainbow, which I think one of the supporter folks that spoke tonight stated essentially exactly what could fit on that site, which would be a small restaurant or something, a fast food type thing would not be a better use and that a rezoning is inevitable here if we want a higher and better use for this site.

Again, in keeping with the master plan, all the things I articulated earlier, which I won't reiterate, all I can say is again, staff, as the independent arbiter, has decided and concluded that we are in compliance with it.

I do appreciate Ms. Stryka's comments about the project, the aspects she spoke to that there are things that we are in agreement with. The two things that she spoke to, I do want to address. The height transition. I think it's important to note that there is a height transition component to the master plan, but we're not asking for a deviation to it because we don't need one. We are in compliance with the height transition guidelines within the master plan, so no deviation. There is nothing to ask for different than the master plan is my point here. We are in compliance with that exact requirement and guideline in the master plan, so I would argue that quite technically and in agreement with staff, we comply with that letter and spirit of the master plan.

Secondly, with regard to affordable housing. Again, the master plan speaks to diversity of housing uses of all types and price points. Certainly, having affordable housing in the community, many of which—there is affordable housing in the community. We need more. I absolutely agree with that, but exclusionary zoning, restricting projects because one person may have a different opinion about what a rent number should be or several numbers thrown around, none of which are really quite on point. But regardless, yes, this will be a higher rent product.

If you restrict rent, if you restrict a project because of rents that someone thinks is high, you restrict supply. Very, very straightforward point. If you restrict supply overall, prices go up. Supply and demand. If there is less supply and there's demand, which there certainly is as we all know, the prices will be higher overall. So, at the affordable housing components in Rosedale will be higher priced. Adding more housing is a good thing if you have affordable housing as a goal.

A gentleman spoke to the desire for sidewalks along 46th. We would agree. As he stated, we don't control that. We certainly would support sidewalks all the way along 46th. Us being the pioneer, the first one building a sidewalk on 46th, we would think that would be a catalyst for more sidewalk to be developed along that street. We hope it happens.

We've had discussions with staff about traffic calming measures. We have no problem with that. We would support that, but again, that's not in our purview. That's something for the city to decide and not something that would be a negative associated with our application or project.

With regard to traffic on 46th, I think it's been discussed at nauseam, that 5% of the trips are distributed along 46th. It's absolutely negligible. There's not a traffic impact here. That traffic study has been accepted by staff. It has been reviewed and issued an acceptance letter as well by KDOT. It is a fully vetted study. There is not a traffic problem on 46th.

With regard to the letters, not a substance point, but I do want to say just because of out of respect for the folks who did speak in support tonight, there is not one person signing multiple letters. That's really quite off base and quite insulting. We do have as many letters as Mr. Mesmer spoke to and are in your packets that are legitimate, accurate letters. I don't think that's fair to those folks here. So, I do want to reiterate that point.

In closing on this, again, we have the opportunity to redevelop a site that is sitting there stagnant that zone today will not produce the highest and best use for the site as identified by the master plan. This is an urban mixed use site. It needs development. It needs activation at your gateway. This is a phenomenal project, one that we're very excited about and clearly a lot of folks are here as well. We hope that you support us tonight and we bring this level of investment, excitement, and special project to your community. Thank you for your time, and we look forward to working with you going forward.

Commissioner Ramirez said I'm going to be open and honest. I'm still in the same position as I was before. I see both sides. I'm going to ask my colleagues to give me a moment before anyone makes any motions to ask questions, talk to developers, talk to the community so that I can still contemplate this. If we did roll call now, I would just be sitting here because I don't know. I couldn't tell you what would make me go either way. I can't. There's no one thing that would make me sway either way. So, I'm just gonna sit here for a moment, think more because out of all the projects we've had to vote for, this is the hardest one for me. It's a good project, but it also will have an impact on the community. I want to make sure it has a good impact. Colleagues, would you give me that moment before any motions are made?

Commissioner Stites asked, Mayor, could we have counsel, if possible, to address the K.S.A. 12-759(e)(1)(A)(B))C) and (2)? I think that's something that needs verification. **Mayor Garner** asked, what's that in regard to, Commissioner? **Commissioner Stites** said one of the folks that stepped up and said that we were—you're reading it right now. I could explain it, but we're out of compliance, basically.

Misty Brown, Chief Counsel, said I'm happy to address it. Senator Steineger was gracious enough to send an email both to Patrick Waters and myself today citing his concerns, which I do appreciate. A response from Mr. Waters was sent back noting that the statute in

question pertained to the Board of Zoning Appeals and that any sort of unhappiness with the BOZA would need to be taken up in District Court. But until that happens, they are considered final.

I think after hearing some of the comments tonight, I would note that yes, a variance is not in front of us tonight. This is a change of zone. I'd also note that I think some of the questions are really about a deviation or variance from the master plan, not so much the traditional variance that we're looking at with the BOZA. Mr. Gunnar Hand might be able to better explain changes to the master plan.

Mr. Hand said the Planning Commission granted a single deviation from the master plan as the arbiter of all design guidelines within this and all other master plans. It was related to the length of the building, which cites a 200'. So, it was obviously longer than 200' on the 46th Ave. axis that essentially would require multiple buildings on the site. Again, the Planning Commission granted that deviation.

Commissioner Stites asked, what tax incentives are you all asking for on this project? I don't remember seeing any. **Mr. Johnson** said we have not asked for tax incentives. **Commissioner Stites** said so you guys will be paying full taxes, I understand. **Mr. Johnson** said that is still in consideration, but it's certainly not in front of us tonight. We don't have an application or know what an application would be at this point. We want to get through the land use process to consider whether we'll request that, but that's not ripe or in front of you this evening.

Commissioner Stites said my last question is regarding landscape. We have projects that are brought before us, get built, and then down the road the landscape outside—and there's a couple of photos that show maybe even in the right-of-way that has some trees and some landscape. Who will be, if this is approved, who would be maintaining those? What kind of a contract do you have, maintenance wise on that or would you?

Mr. Johnson said so first point of clarification. All of that landscape is on our property. Today, the property line is right there where the curb line is. It goes right there to the edge of the right-of-way. We're actually going to move that parallel parking onto our property so there will be the pocket park that will be kind of on the property line, but then the parking is all on our property.



The property line is that dash line, Commissioner. All of the landscaping is on our property. The owner and operator of the facility will do the maintenance, as they do for all of their other developments. Again, you've got Block Real Estate that owns 4,000 or so units in the community.

Mr. Mesmer said, Commissioner, if you would, you can go on our website and look at blockmultifamilygroup.com. If you look at The Royale at CityPlace, The Apex at CityPlace, 44 Washington, our landscaping is at the top end of anything that you'll see in the community. I advocate for spending less actually. I would like to do perennials and my boss does annuals or seasonal flowers because that's his reputation on the line. For him, he said if I want to be a class B developer, I'll let you know. So from that standpoint, I think that landscaping is absolutely our responsibility, and you'll find it to be first class.

Commissioner Townsend said this is hypothetical but it goes to some of the concerns expressed by people and how much the rents would be. What would be the plan if you're allowed to move forward, the rents are as you said, they were \$1,700. Obviously, everybody has different levels that they could afford for housing. So, I'm thinking the market will sort that out. We need all levels of housing, however, has the developer ever been in a situation where they started at income level A and had to reduce it because the market didn't support it? I guess the concern would be that you set the levels for income at a certain level and then you don't get what you hoped in terms of people coming in to rent at that level. What would be the plan B for that?

Mr. Mesmer said what you'll find in the market, Class A properties, brand new properties will always fill up. It's not a question of occupancy. They will always fill up. It's a question of what rate they're going to achieve and how quickly you fill up. So, that's really what we see in the market.

We certainly prognosticate what we believe the rents would be. We use market comparables. We look at what the other properties in the community are running for. Typically what you're going to see in a new property, especially one with a high amenity set and high finishes, is you're going to take what those top two or three communities are going to be and you're going to be right in that range. You may be a bit above if you think you're a bit better, but ultimately, you're going to meet the market because like you said, the market will sort it out.

Commissioner Townsend asked, have you ever run into a situation with any of your properties, not necessarily here in this locale but others, where you had to adjust or adjust downward your initial rental prices?

Mr. Mesmer said we actually adjust our rents daily. What we have is Yardie, a property management software that most professional organizations will use. What they do is they calibrate your rent based on the competitive set, and then they also calibrate your rent on how many units you might have coming available. So, we try to, for example, prevent rollover of units in November or December so you may put an incentive out there to do a 15-month lease that would put your expiration in April.

You'll also look at units that, let's say you have one unit that's not very good in terms of its view. Maybe it's not as good so what you don't want is that unit sitting there for 60 days while all of your other units are renting. So, you may take that unit, and it may be the same floor plan. It might be the one bedroom that you have 40 of, but that particular one bedroom maybe it faces the Johnson County side where the trash is that Bob talked about, right? So, you're going to maybe let that one go for a little bit less than the one that looks out at the amenity space or has that walkout. We actually found that the premium for that walkout unit that goes right out on 46th is going to be there.

So, we actually price not only our units say today, but we will price different premiums for different components within the community, even on the same unit plan. So, it's very dynamic pricing. It's meant to meet the market and to minimize your downtime because really for us, it's less about getting that last dollar and holding out for that a month or two months and more about finding the right person to be in that unit, to be in our community, and turn that unit relatively quickly.

Mr. Hand said, Commissioner, I would just quickly add that there are many ways to reach affordability in a project. One of those is the diversity of unit types. This proposal includes studio, one, two, and three bedroom. The other way to do it would be something that staff would recommend moving forward. It was noted earlier that this does not include a development agreement as we've recommended on other projects. If a development agreement were to move forward, that would be another mechanism for this Board to ask for a goal in the master plan, which is a mixed income community.

Commissioner Kane asked, you guys had multiple meetings with both sides, correct? **Mr. Johnson** said yes. **Commissioner Kane** asked, and how tall were you going to make it? **Mr. Johnson** said it was going to be six floors over on that—well, it actually started at the 7th floor portion, extended about halfway down the east side. We first pushed that over where it was only adjacent to the dentist's office, not adjacent to any single family. Then that left a six-story portion in our second iteration.

In our second community meeting—we had three full, open community meetings—the second one we presented was six stories along that portion across from a single family. When further dialogue happened, we pulled back again and dropped it another story. So it went from—and pulled it back farther, that top story's recessed. So it's a multi-step answer. It was seven stories across from some single family and six, it was seven, and six across from single family. We dropped it to six only and we dropped it to five. That's the current iteration.

Commissioner Kane said so you've had at least three community meetings where you adjusted to what they had suggested. **Mr. Johnson** said correct. **Commissioner Kane** asked, is it 46th St. the one that they're talking about? **Mr. Johnson** said that's right.

Commissioner Kane said I just recently had some speed bumps put out on Independence Blvd. There's no reason why we couldn't put some of them out there. They're not that expensive and they work quite well. **Mr. Johnson** said we're okay with any measures the city would say. **Commissioner Kane** said that's not your responsibility, it's ours, and I know that.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-048, subject to the stipulations.**

Commissioner Bynum said I have been experiencing a little bit of difficulty with the master plan part of this conversation. I want you to know I really like the project. The trouble I'm having is the varying notions of compliance with the master plan or suggestions that it does not. It looks like No. 7 in the staff report is maybe where I'm getting stuck in addition to just the notion that, for example, I have a great deal of respect for the Rosedale Development Association. I received a letter signed by them and some other community leaders that I really respect and admire, so it gave me some pause to just be looking at this again.

But No. 7 appears to be maybe where I'm struggling because it says conforms to Rosedale Master Plan, which is urban mixed use, which allows townhomes, small apartment buildings of one to three stories, multi-family apartments taller than three stories, etc. But then it says you seek a deviation in the Rosedale Master Plan, urban residential multi-family design guidelines. So the deviation, Mr. Hand, is in the design guideline section?

Mr. Hand said that is correct. There are design guidelines specifically within the Rosedale Area Master Plan. There are also design guidelines for all multi-family projects as a part of the City-Wide Master Plan. The deviation requested by the applicant of the Planning Commission, as I noted earlier, was just for the 200' length. That is the only deviation they required, and that was granted by the City Planning Commission.

Commissioner Bynum said, Gunnar, you would say, as I think your staff report says, that it's in compliance. **Mr. Hand** said that is correct. **Commissioner Bynum** said it complies with the Rosedale Master Plan. **Mr. Hand** said yes.

Commissioner Bynum said I'm just going to make a quick comment. All the years I've worked at the grassroots level and at the community level and then at the elected level, I was hoping that my work was to warrant creating a community that not just my kids, who are adults now, could go off, obtain their education, and want to come back to. That lots of our communities' kids would go get their education, wherever they chose, and want to come back. We need our young people contributing to this community and helping build this community. I'm so happy and fortunate that both of my children have done that.

What I don't think I factored in along the way was the notion that the world changed while I was raising my kids and sending them off for their education. It changed in a way that I wasn't

maybe prepped for, and that is that maybe not everybody wants to pursue the American dream of a 30-year mortgage with a house payment that you wonder if you'll ever pay off ever.

My children are living in Wyandotte County apartments as young professional people. So, I have to concede and understand that this is fulfilling a part of what I've been trying to work for the whole time I've been working right here in my community in Wyandotte County, which is a place where young people can come back to and live and be happy to live at, like my kids are. So, it's just a comment because I know we have a motion and I think possibly a second.

Mr. Johnson said may I address the deviation, just a couple of points on that. **Commissioner Bynum** said fine by me. **Mr. Johnson** said absolutely, that is exactly what we're trying to do here. Create an exciting place that really so far as of yet, it's not existing in Wyandotte County. This would be something new and exciting.

Gunnar, can you put back up one of the renderings along 46th at street level. I'll start talking just to get quickly moving here.



So, deviations. You can see the features of the building. Gunnar's talked about this in prior meetings, but I think it's worth reiterating with regard to the deviation. The deviation is meant to address two things. This is a deviation. This is that 200' guideline present in many communities around the metro. I can tell you that all Class A buildings with wrapped structured parking like this, which is absolutely necessary for any building on this site, all of them across the metro are longer than 200'; all of them, including the Hudson where this deviation was granted to the Rosedale Master Plan design guidelines. It's something you've already considered and understood prior to this project and is acceptable for this reason.

That guideline exists for two purposes. One, prevent institutional looking facades. That's the phrase that's used in the design community that we have heard numerous times before. Also, for greenfield projects where there's multiple buildings, which is not what we're talking about here. You don't want three, four, or five buildings and all of them are a thousand feet long, right? So, that's not something that's even in play.

This building exceeds 200'. The way that you address being longer than 200' to avoid that institutional looking façade is to have articulation of your building insets, outsets, different materials. You can see that here. Different coloration schemes. Different balcony inset/outsets. The townhome style units in the base. Frankly, you could stand at any different vantage point and the building will look different wherever you're looking at it. Because of that, and I don't want to put words in Gunner's mouth but it's already been said and it's in the staff report, that is why staff concluded that we're in compliance with the master plan.

I appreciate you raising that and giving me the opportunity to speak to it. I didn't articulate that well this time. I did at the last meeting so I didn't want to keep beating the same drums, but I appreciate you bringing that back up and giving me the opportunity to address it again.

Commissioner Davis said I know RDA is here. Erin, if you don't mind, I do have a question for you. I agree with Commissioner Bynum with somebody who professionally works with neighborhoods, both sides and throughout the KC metro area. I think it's hard. I'm reading you all's letter that you sent us. Heard your words and then we just had that great conversation about the changes. Can you just explain to me how you all's issue with the height is impacting your decision to be against this. Then, giving all that information and the fact that our staff is saying that it's in compliance, if that makes sense, that's where I'm having a hard time understanding.

Ms. Stryka said let me just start by saying 99.99% of the time I'm going to agree with what your staff says. They're almost always right and they may be this time. The place where our Board and where I am disagreeing with that is a couple of things. One, the master plan has height transition guidelines by feet from the adjacent building. That's why that Lego block is cut out of the end. In my opinion, cutting that block out doesn't really make for the sort of gradual transition that was envisioned and aimed for by the height transition guideline.

There's also, I think, an interpretation issue where staff is saying that adjacent building is the one on the same side of the street as the project. In my opinion, the houses across the street

from the project, also deserve that more gradual transition. So what they've done is they've pulled the building back far enough so that they're meeting all of the technical height transition requirements. So, when he's saying that there's no variance needed other than the 200', that's absolutely correct.

I'm not sure that when the master plan was written, we envisioned this exact site where there's one and two-story houses directly across the street from that urban mixed use. I think you can see that in the way that parcel is zoned, the way Mr. Pintar showed. It's one parcel but it has two different zonings on it because it's, in effect, in neighborhood experience, two different sites. Does that make sense? **Commissioner Davis** said yeah. **Ms. Stryka** said thank you for letting me clarify that.

Commissioner Burroughs asked, Gunnar, how old is the Rosedale Master Plan? **Mr. Hand** said it was adopted in 2016. By best practices planning standards, it's within the 10-year timeline of a solid plan.

Commissioner Burroughs asked, since the Rosedale Master Plan was implemented, how much growth has occurred at 39th & Rainbow, all around that corridor that wasn't included in the master plan? **Mr. Hand** said the master plan did include 39th & Rainbow. Two years after the master plan was adopted, there was a Mid-America Regional Council sustainable places plan for the University District, specifically at 39th & Rainbow, that further defined and it essentially acts as an appendices to this master plan.

Commissioner Burroughs said that corridor was identified through the Kansas State Legislature as a bioscience corridor to be a medical health corridor. There was a need for housing back years ago in reference to high-end or higher end housing density for just what we talked about; the life science, the scientists, the doctors, the lab techs, the technicians that were working at the hospital and that we were losing them to Missouri and to our friends to the south.

I was just kind of curious how old this was because the dynamics have changed considerably along Rainbow since the growth and expansion and the NCI designation of KU Hospital, which we all take great pride in. I think there's a need for density along that corridor. I would really hope that through all this discussion—and I want to commend those that have given this time and energy. This is an issue that I like to see the community come together and work. The partners that brought this forward have worked hard with the community. I know that no

matter where we go, you're going to have support and you're going to have opposition on these projects. But I just want to say thank you for your stick intuitedness, allowing the community an opportunity to have input.

I want to thank those that are here expressing your opposition and your commitment to the community, but this will not kill our community. It is mixed use. You're now going to get a higher-end rent.

Commissioner Burroughs asked, what is the rent on the present building next to the one you're wanting to build? **Mr. Tanner** said it's the same rents that we were talking about here, so the average two-bedroom rent is about \$2,400. **Commissioner Bynum** said and it's full. It's been full since you built it? **Mr. Tanner** said that's right.

Commissioner Townsend said I'm just calling for the question. I think there's been a motion and a second. **Mayor Garner** said there is a motion and a second. That ends our discussion. There was a motion and a second to approve. Roll call.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Prior to Commissioner Ramirez's vote, he asked the Mayor that after the vote, to allow him to explain his vote.)

Commissioner Ramirez said I voted for it because to me, I feel that the biggest issue was there is two different interpretations of what the master plan says, what the community is saying, what staff is saying. I couldn't feel comfortable denying a project because there's differing interpretations of a master plan. I hear and I'm listening, but that's my basis that I wanted to tell the community. I couldn't just decide whose interpretation was more true and whose was not. I just did not feel that it warranted me to vote against the project when there's just different interpretations. It's not because I don't care for the community, and I don't want the community to go downhill or anything. It was just I had no basis to go against with differing interpretations.

(Mayor Garner left the meeting at 10:18 p.m. Commissioner Bynum assumed the role as Mayor Pro Tem.)

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 Pro Tem Bynum said as previously stated, we did receive a valid protest petition on the item that represented 34.76% of landowners. I'll ask Legal to provide the Commission's options in light of the valid protest petition.

Misty Brown, Chief Counsel, said in light of the valid protest petition, if the Commission wished to go ahead and approve the project, it would require nine votes. I do not believe this one has been sent back so that is also an option that could occur. Mr. Hand, please correct me if I'm wrong.

Mr. Hand said that's correct.

Mayor Pro Tem Bynum said I'll ask staff to make some opening remarks.

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

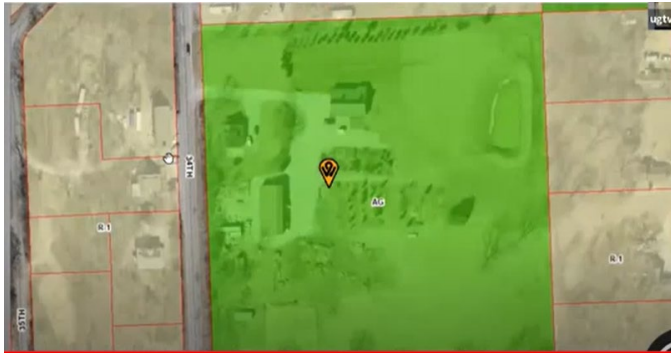
Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for an event space on an existing farmstead.



This is in the City-Wide Master Plan right there kind of where Turner meets Rosedale, meets Shawnee Heights. I think it's probably best described as Shawnee Heights.



Staff received no letters of support. There was opposition at the City Planning Commission, which is represented in the protest petition as well.



We've received no notices of violation.



Staff agrees with the Planning Commission and recommends approval for one year with certain conditions. Those conditions, among others, include that the events end at 1 AM.



There is significant redevelopment of the project that's being proposed. A final development plan will be required, which only has to go through the City Planning Commission, that they remove the shipping containers as you can see in the picture right here.



That they maintain the existing tree stance on really all sides of the property to serve as additional screening and buffering.



The City Planning Commission also added an additional condition of approval. It was the right as it relates to the use of fireworks in compliance with ordinance of the Unified Government.

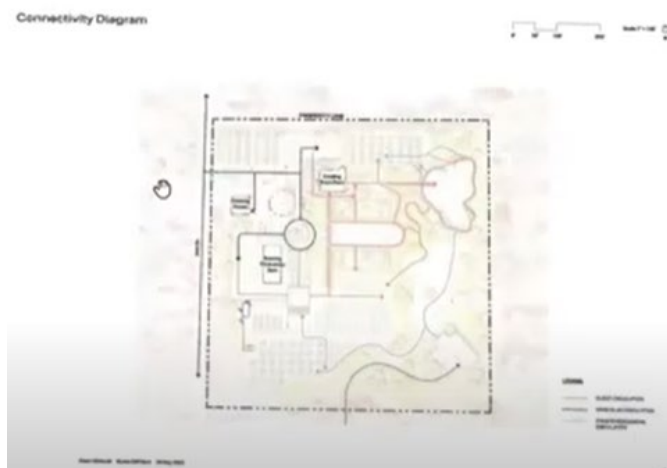




Mayor Pro Tem Bynum said I'll ask the applicant to present your application.



Tom Stibal, 509 Armstrong, said I'm a substitute for Bill Hutton tonight, who had to be out of town. What we wanted to do is ask you to move this matter to March 2nd.





Public Opposition	Public Support
Staff has received one (1) phone call in opposition. Seven (7) members of the public attended the January 9, 2023 City Planning Commission hearing to express opposition.	None to date.
Staff Recommendation	
Approval	

At the Planning Commission meeting, there was a bunch of consideration about noise and issues of sound and bothering the neighbors. Our client has agreed to hire an architectural and engineering firm to do a sound study so that we could make a determination and provide you with some objective information about what the real issues there would be if this moved forward.

We did contact Mr. Marlinton and Mr. Harmon, who were the two representatives who spoke most at the neighborhood meeting, and told them that this is our intention tonight. I know that they are here, but we did tell them that was our intention and that was what we would ask. We would appreciate it if you would agree to move this over for a month to the next meeting on March 2nd.

The architectural firm has been solicited. They have indicated that they can complete the study in the month of February, and this information would be available to us all at that time.

Mayor Pro Tem Bynum asked, Chief Counsel, is that a motion that can be made to table for the duration until the next Planning and Zoning? What would be the next Planning and Zoning full

commission meeting? Would it be March 2nd? **Mr. Hand** said that's correct. **Mayor Pro Tem Bynum** said so I'm asking legal counsel if that is acceptable as a motion to table.

Ms. Brown said yes, Commissioner. It would be acceptable to consider tabling the item and then to the extent that a public hearing would be opened up. It would be simply based on whether or not the item should be tabled to the next meeting.

Commissioner Burroughs said I would make that motion to table this until 3/2 and allow the proprietor an opportunity to come back with additional information. Hopefully, they can find an answer to this resolution.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Davis, to table Special Use Permit Application SP2022-113 until March 2, 2023.**

Mayor Pro Tem Bynum said there's a motion and a second.

Commissioner Ramirez said I have a question. Should this be a holdover or a table? **Mayor Pro Tem Bynum** said that's the question I was asking.

Ms. Brown said I think it's just a matter of semantics. You can hold it over to the next meeting or you can table it, which essentially does the same thing. I would say, though, we still need to open the public hearing simply for the purpose if there's any opposition, be it for or against, holding it over or tabling it to the next meeting.

Mayor Pro Tem Bynum said we do have a motion and a second to hold it, however, you believe we should go ahead and open the public hearing with the limited purpose of what? **Ms. Brown** said discussing whether or not there's proponents for tabling it or holding it over or opponents to it. So the discussion should be limited to I'm against or I'm for holding over this item.

Mayor Pro Tem Bynum said I'll start with the Clerk then. Is there anyone online that wants to? **Mr. Deichler** said we're seeing none. **Mayor Pro Tem Bynum** asked, anyone present that wants to speak in favor of holding it over? **Mr. Deichler** said we do have; well, the hand just went away.

Mayor Pro Tem Bynum asked, anyone virtual that appears to want to speak against holding over the item? **Mr. Deichler** said we do have the same hand back up, so we do not know if it's for or against.

Micah King said I just wanted to clarify. Is this speaking for or against the project or is this just to table it, just for clarification? **Mayor Pro Tem Bynum** said to speak for or against tabling it or holding it over only. **Mr. King** said then I am good to go right now.

Mayor Pro Tem Bynum asked, anyone present who wants to speak against holding over the item?

Brad Harmon, 3303 Forest Ave., said this SUP was tried nine years ago on this. The same concerns were raised then about the noise level. They've had nine years and they're back petitioning again. If they have made no attempt to contact the community to try and work with the community, I just don't feel that another month, when they've had nine years, is going to solve anything.

Mayor Pro Tem Bynum asked, any other persons present to speak against? **Mr. Deichler** said seeing none.

Mayor Pro Tem Bynum asked, would you like to make any closing comments, Mr. Stibal? **Mr. Stibal** said the only thing that I would say is that this is an opportunity to have some objective information to provide both to the Board and to our client to see if there is an issue that she can do something to mitigate this matter.

Mayor Pro Tem Bynum asked, any other comments or questions from our commissioners? We have a motion and a second to table to the March 2nd meeting. I'll ask for roll call, please.

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

Mayor Pro Tem Bynum said I believe, if I am not mistaken, that concludes the Planning and Zoning portion of our regular meeting. Is that correct, Mr. Hand, Clerk? **Mr. Deichler** said you are correct. **Mayor Pro Tem Bynum** said we haven't missed any items.

Mayor Pro Tem Bynum said I will entertain a motion to adjourn as the Board of Commissioners and call us back to order as the Land Bank Board of Trustees.

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to so move.**

Mayor Pro Tem Bynum said there's a motion and a second to adjourn as the Board of Commissioners. Roll call, please.

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Pro Tem Bynum said we're now acting in our capacity as the Land Bank Board of Trustees. Does any member of the Commission or the County Administrator wish to set aside any item on our Land Bank Consent Agenda?

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

Mayor Pro Tem Bynum said I have a motion and a second. Any discussion? Roll call, please, on the motion.

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

Item No. 1 – 212230...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 – 8 Homes

1. Tyler Conway – 1 home
2750 Glenrose Ln. – 194012
2. Jose Hernandez Garcia – 1 home
1104 S. 39th St. – 170559
3. Jamie Shipley – 1 home
8317 Riverview Ave.
4. Uraya Sanders – 1 home
59 N. Tremont St. – 120913
5. Ken Hinds – 1 home
1859 S. Tremont St. – 157950
6. Ken Hinds – 1 home
2021 S. 10th Terr. – 126212
7. The Village Initiative – 2 homes
2263 Quindaro Blvd. – 163312
2261 Quindaro Blvd. – 163311
2918 N. 27th St. – 116560
2914 N. 27th St. – 116561
2912 N. 27th St. – 116562

C. Commercial – 1

1. RA Engineering Corp – Office Building
816 N. 9th St. – 080611

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

Item No. 2 – 212231...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. Iganacio Hernandez – Yard Extension
647 Metropolitan Ave. – 154777

2. Delmar Sauder – Yard Extension
3208 N. 42nd Terr. - 914032
3. Unified Government –Transfer to UG
281 Central Ave. – 902800
4. Carmen Villarreal – Donation
917 Shawnee Ave. - 072946

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

ADJOURN

Mayor Pro Tem Bynum said with no other business, I would entertain a motion to adjourn.

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

Mayor Pro Tem Bynum said we are adjourned.

**MAYOR PRO TEM BYNUM
ADJOURNED THE MEETING AT 10:31 P.M.
January 26, 2023**

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

January 26, 2023