

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

PLANNING & ZONING AND
REGULAR SESSION
MAY 25, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, May 25, 2023, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second 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. Ramirez, Commissioner Third District; was absent. The following officials were also in attendance: David Johnston, County Administrator; Patrick Waters, Acting Chief Legal Counsel; Gunnar Hand, Director of Planning and Urban Design; Angel Ferrara, Director of Parks & Recreation; Brett Deichler, UG Clerk; and Monica L. Sparks, Deputy UG Clerk.

Mayor Garner said before I call this 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 us by phone should, please, mute their phones when not speaking. This will avoid background noise.

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

Mayor Garner said I will now call this meeting to order. Roll call.

Brett Deichler, UG Clerk, said before I call roll, I will mention that Commissioner Ramirez had turned in an absent memo.

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

Mayor Garner said the invocation tonight is going to be given by Pastor Daniel Freeman of New Beginning Missionary Baptist Church, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions tonight to tonight's agenda? **Mr. Deichler** said there was one change that needs to be announced. The Mayor's Agenda items were moved to the top of tonight's session; then our Planning and Zoning Agenda items, as well as the Regular Agenda items, will follow in the previously published order.

MAYOR'S AGENDA

Item No. 1 – 212495...PRESENTATION: YOUTH ADVISORY COUNCIL

Synopsis: A presentation announcing the formation of a Youth Advisory Council, submitted by Tyrone Garner, Mayor/CEO.

Mayor Garner said we have a presentation from Jillian Collier. She is the leader that put together the Youth Advisory Council. Done an awesome job. She'll be joined by Mr. J.D. Rios, Liaison of the Mayor's Office, as well as Moses Wyatt, Jr., who is also a Liaison of the Mayor's Office.

Jillian Collier, Youth Programming Specialist for the Mayor's Office, said tonight, I will be talking about the Mayor's Youth Council and celebrating and honoring those that are in attendance tonight.

The Mayor's Youth Council was recently approved by Wyandotte County commissioners and established as the official representative of the county's youth. I, along with J.D. Rios, coordinated student applications for the Youth Council. J.D. Rios and Moses Wyatt will continue to lead this endeavor upon my departure from the Mayor's Office to attend Spelman College this June. I joined the Mayor's staff in January of this year.

I would like to thank the Mayor for having the vision and dedication to support the children in this city, and for hiring me to develop this Board and other youth initiatives within his office. In addition, this also demonstrates that you, the full Board of Commissioners, also support WyCo youth by enacting this ordinance that made the Board possible. I believe that young people need to witness such partnerships between government officials and increase in our unity. For the

success of this Youth Council, it is crucial that they recognize the importance of Board collaboration. So, thank you for your support.



We have developed the REACH acronym. This basically encapsulates what the students will be getting out of the Board. R stands for representing Wyandotte County. E, exercising their leadership. A, activating your voice. C, creating impactful community projects. And H, helping others.

For the programming details, all applicants were required to have a minimum 2.5 GPA, reside within Wyandotte County, and be enrolled in 11th or 12th grade for the forthcoming school year. In addition to operating, voting on, and conversing with the Unified Government about youth initiatives in Wyandotte County, representatives will participate in a two-year program under the direction of Mr. J.D. Rios and Moses Wyatt, in collaboration with the Administrator's Office, per the Unified Government ordinance.

The first year will focus on leadership development and acquiring a deeper understanding of how the UG operates. The second year will consist of developing and implementing a Wyandotte County community beneficial advocacy initiative in the student's area of interest.

A Mayor's Youth Council is a group of young people, appointed by Mayor Tyrone Garner, to serve as county-wide ambassadors for the youth of Wyandotte County. Through leadership development, volunteer services, and increased communication with municipal leaders, they work toward the common goal of developing their individual leadership abilities to strengthen our community.

Participating in the Mayor's Youth Council will specifically create and direct initiatives with the aid of their mentors, serve as the central planning body that will enable youth engagement with various community groups, contribute to raising awareness of the positive contributions that young people make to our city, and to ensure that our voices are heard, and representing the viewpoints of children and adolescents in Wyandotte County.

We are thrilled to announce, recognize, and honor the inaugural members of the Mayor's Youth Council. The newly appointed Mayor's Youth Council consists of the following individuals. Some may be with us today. Chair Alison Asbury-12th grade, Vice Chair D'Angelo Mays-11th grade, Airly Romo-12th grade, Angel Castillo-Decerra-11th grade, Anjel Robinson-12th grade, Anthony Selgado-11th grade, Au'Miyah Chatmon-11th grade, Chau Tran-11th grade, Makayla Clark-11th grade, Jack Seal-12th grade, Malia Rachel Thompson-11th grade, Ocial Hernandez-11th grade, Thomas Hapke-12th grade, Timouini Kobei-12th grade, and Vitoria Juarez Chavez-12th grade.

Mayor Garner said thank you for these young men and women that really stepped forward. They put in a lot of time writing essays, doing interviews, and really showed a profound interest to want to be involved in this Youth Council. Really, I'd like to give a thanks to the Unified Government Board of Commissioners. I think we owe them a round of applause because this would have not happened without their support and making sure that this ordinance became reality.

They'll be working really close with the Administrator's Office in the months and weeks ahead to really learn about how the Unified Government works, different departments, and just overall governance. As they become totally acclimated to government, they'll work on formulating ideas and things that really reflect our young people here in Wyandotte County and being that voice. I believe this is just a small group. I believe overall, there were 16 total, so we do have some kids that couldn't make it with us tonight, but our youth are really valuable assets to our community. They are the future leaders of our community. They are leaders now, today, and we need to recognize, extend, and prop them up.

Thank you to staff that will be supporting these young men and women. Thank you to this Commission, again. More importantly, thank you to the parents that are allowing them to be a part of this Unified Government and to our community. Let's give the parents a round of applause and to this community for supporting this Unified Government in our efforts to really empower and

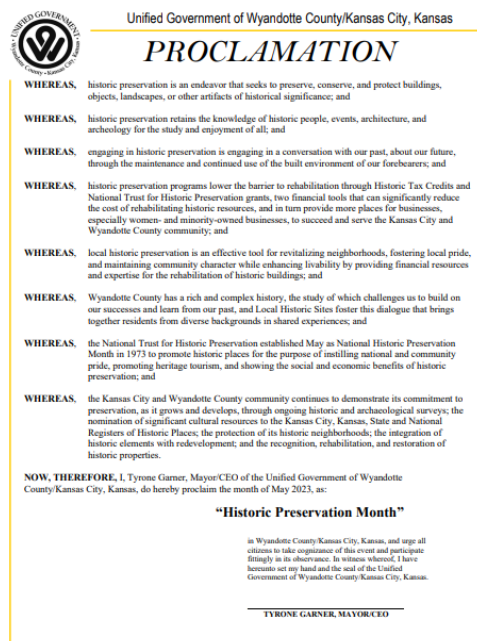
value the youth of our community. So, thank you so much, again. And thank you, Jillian Collier. Let's give her another round of applause. Wish you the best in all your endeavors and success as you go off to finish your college education.

Action: Mayor's Youth Council members were introduced.

Item No. 2 – 212481...PROCLAMATION: HISTORIC PRESERVATION MONTH

Synopsis: Proclamation proclaiming the month of May 2023, as Historic Preservation Month, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.



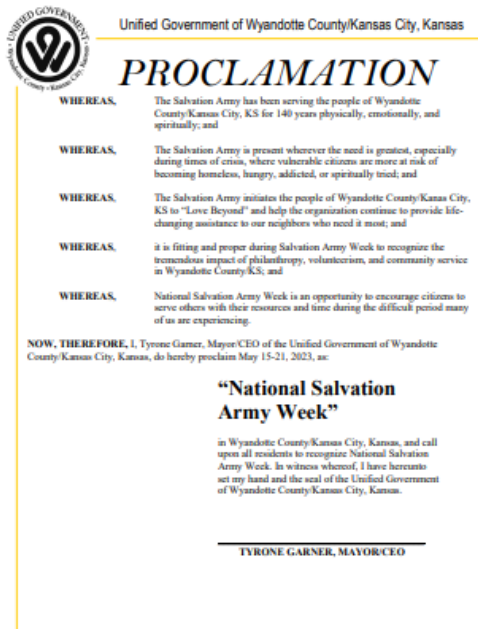
Action: Proclamation was read.

Item No. 3 – 212482...PROCLAMATION: NATIONAL SALVATION ARMY WEEK

Synopsis: Proclamation proclaiming the week of May 15th-21st, 2023, as National Salvation Army Week, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.

May 25, 2023

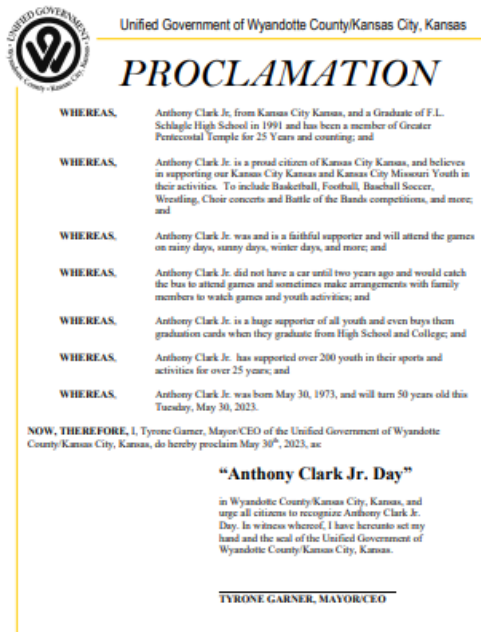


Action: Proclamation was read.

Item No. 4 – 212483...PROCLAMATION: ANTHONY CLARK JR. DAY

Synopsis: Proclamation proclaiming May 30, 2023, as Anthony Clark Jr. Day, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.



May 25, 2023

Action: Proclamation was read.

Mayor Garner said we are going to move to our Planning and Zoning portion of our meeting and we'll come back to our Regular Session. We have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the Regular Commission meeting.

PLANNING AND ZONING CONSENT AGENDA

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

Brett Deichler, UG Clerk, read the statement, required by state law.

Mr. Deichler asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on tonight's agenda? **Commissioner McKiernan** said I've had contact with opponents of COZ2022-045 and opponents of MPL2022-026. I've had contact with proponents of COZ2023-001 and MPL2023-001. **Commissioner Bynum** said I've had contact with proponents of SP2023-015; opponents of A1, COZ2022-045 and its companion MPL2022-026. Contact with proponents and opponents of A2, COZ2023-001 and its companion MPL2023-001. **Commissioner Townsend** said I've had contact with proponents of COZ2023-001 and its companion MPL2023-001. **Commissioner Markley** said contact with proponents of COZ2023-001 and its companion MPL2023-001. **Commissioner Davis** said I've had contact with opponents of COZ2022-045. **Commissioner Stites** said I've had contact with proponents COZ2023-001 and MPL2023-001. **Commissioner Kane** said same as what Commissioner Stites said. **Commissioner Burroughs** said I've had contact with proponents of SP2023-018.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

Mayor Garner asked, do any members of the Commission, the County Administrator, or the public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to

follow the recommendation of the Planning Commission. I'll ask if anyone in attendance would like to set aside an item.

Roberta Laird, 3704 N. 99th St., said I have a small gift shop in my home. I've had it since 2019, and I would like to remove it at this time. **Mayor Garner** asked, set it aside? **Ms. Laird** said yeah.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to set aside? **Mr. Deichler** said seeing none.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve the Planning and Zoning Consent Agenda items, excluding the set aside.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

CHANGE OF ZONE APPLICATION

Item No. 1 – 212473...CHANGE OF ZONE APPLICATION COZ2023-010 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the existing parcel into two (2) residential lots at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and representative, Atlas Land Consulting, seeks to rezone 13400 Donahoo Road from A-G Agriculture District (WYCO) to A-G Agriculture District (City) and plat to subdivide the existing parcel into two (2) residential lots on 40.03 acres. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-010:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. The 40-foot access easement from Lot 2 through Lot 1 to Donahoo Road shall be platted in perpetuity as a plat restriction and may not be removed unless there is solely, direct access to a public street without crossing through another parcel;
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;

5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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,
11. 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 Burroughs, to approve Change of Zone Application COZ2023-010, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212474...SPECIAL USE PERMIT APPLICATION SP2023-012 - JOHN E. BROWN WITH RED BRICK INVESTMENTS, LLC

Synopsis: Special Use Permit for grading to prepare the site for future development at 924 North 98th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, John Brown, is requesting a Special Use Permit for grading of the property at 924 North

98th Street for future development. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-012, for two (2) years, subject to:

1. The following recommendations from the Wyandotte County Conservation District shall be used during the grading operation:
 - a. Before any grading is done, the silt fence needs to be put in.
 - b. Silt fence needs to be placed on the contour as much as possible. The J-hook silt fence is needed on any slopes to reduce the amount of runoff at one time.
 - c. Topsoil needs to be saved. Four (4) to six (6) inches of good topsoil needs to be top dressed over borrow and fill areas.
 - d. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the steep disturbed area.
 - e. All other areas need to be seeded and mulched immediately after grading is completed.
 - f. All erosion control measures need to be checked once every week and after any rain event.

Any repairs need on the silt fence need to be made immediately;
2. The existing natural buffering will remain in place to buffer and screen the subject property from the surrounding single-family residences;
3. The proposed construction entrance shall be contained within the subject property, unless there is an access agreement from adjacent property owners;
4. The applicant shall return for a Change of Zone to a Planned Commercial District once a proposed plan has been developed;
5. Provide rumble strips along the proposed entrance/exit to limit the amount of dirt that is tracked onto North 98th Street or State Avenue;
6. Remove the unpermitted temporary signage that is located on the northwest corner of the site;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. 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;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. 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;
11. 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;

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;
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; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-012 for two years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 212475...SPECIAL USE PERMIT APPLICATION SP2023-013 - RUPINDER DHILLION WITH KVL TIRES, LLC

Synopsis: Special Use Permit for tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rupinder Dhillon with KVL Tires LLC, seeks to operate a tire repair shop for service and semi-trucks at 336 South 42nd Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-013, for two (2) years, subject to:

1. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
2. No parking or idling shall be allowed along the driveway stretch from 42nd Street onto the property;
3. No gravel shall be introduced to the property;
4. Stripe the parking lot for customers between the fence and public right-of-way and truck parking within the fence enclosure;
5. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;
6. Sec. 27-593(b)(20)e. Install/repair sidewalks per code. Per the goDotte Mobility Plan, 42nd Street is designated as a Minor Arterial, which requires a five (5) sidewalk. Install a five (5) foot concrete sidewalk along the west side of 42nd Street, maintaining a two (2) foot buffer/median from the back of curb;
7. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees in the median on the west side of South 42nd Street;
8. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area.
 Sec. 27-593(b)(20)a.2. Landscaping, screening and façade improvements to meet the Commercial Design Guidelines.
 Sec. 27-593(b)(20)d.2. Parking shall be upgraded to current standards and regulations including medians, landscaping and screening.
 Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site is 2.126 acres; therefore 11 trees are required to be planted. These will be noted and provided on the landscape plan for the Change of Occupancy building permit;
 If these conditions are not met a Variance application will need to be filed.
9. Landscaping shall be irrigated for a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

12. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
13. 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;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. 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;
17. 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;
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
19. 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 on 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;
20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper

disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;

21. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
22. 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;
23. 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;
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-013 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 212476...SPECIAL USE PERMIT APPLICATION SP2023-014 - STEVE SCRAGGS WITH YMCA OF GREAT KANSAS CITY

Synopsis: Special Use Permit for tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Steve Scraggs with YMCA of Greater Kansas City, seeks to operate and host a summer day camp at the Piper USD 203 District office on 19.85 acres at 3130 North 122nd Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-014, for two (2) years, subject to:

1. Hours of operation shall be generally from 7:00 AM to 6:00 PM. If hours change through the duration of the Special Use Permit that extend beyond 6:00 PM, contact the Planning + Urban Design Department to update Planning Staff;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. 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;
4. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org
5. 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;
6. 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 on 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;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business

owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-014 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 212467...SPECIAL USE PERMIT APPLICATION SP2023-015 - ROBERTA LAIRD

Synopsis: Renewal of a Home Occupation Special Use Permit (SP2021-032) for a gift, craft and antique shop at 3704 North 99th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Roberta Laird, is requesting the renewal of Special Use Permit SP2021-032, which expires on May 27, 2023. This Home Occupation Special Use Permit allows for the applicant to operate a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement and garage of their home at 3704 North 99th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2023-015, for five (5) years, subject to:

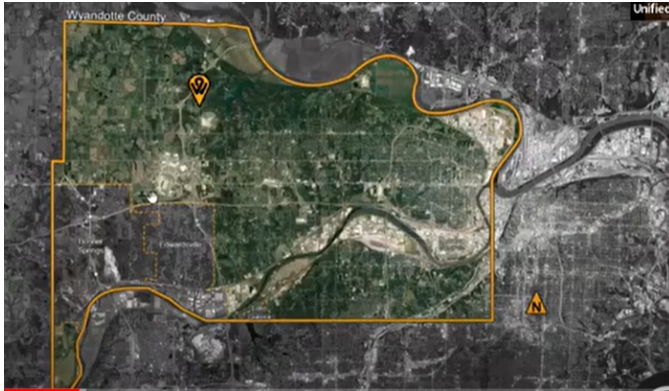
1. The applicant shall turn in sign permit applications for the remaining unpermitted signage;

2. The applicant shall restripe the eight (8) parking spaces that were previously stripped. Additionally, the applicant shall ensure that these spaces are used by customers;
3. Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;
4. The maximum number of customer vehicles shall be eight (8);
5. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
6. 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;
7. The applicant has filed and maintained a current business occupation tax application;
8. 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;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. 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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. 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;

13. 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;
14. 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;
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; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Case		Unified
SP2023-015		
Petitioner	Address	
Roberta Laird	3704 North 99 th Street	
Synopsis		
To continue to operate a commercial specialty shop in the applicant's primary residence.		

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a home occupation related to a gift shop at the residence. This would be the applicant's second renewal, third approval.



This is in the Prairie Delaware Piper area plan.



Staff received no letters in support.



No letters in opposition. No notices of violation.



May 25, 2023

Staff agrees with the Planning Commission's recommendation for approval.



Mayor Garner said it looks like our petitioner, our applicant, is present.

Roberta Laird, 3704 N. 99th St., said I have a small gift shop in my home which is called Simply Unique Gift Boutique. One of the things that I'm asking for is since I opened it in '19, at the beginning, they asked if I would stripe part of my driveway. We have found in striping that nobody ever parks in those. I have middle-aged to older ladies. I have a big area. I just feel like I'm wasting my time because I seal my driveway every couple of years and I cover it up and have to start all over. I have seen many other businesses that are a lot bigger than mine and their lots aren't striped. I feel like I'm not asking for much just to get that pulled so I no longer have to stripe my driveway. It's a big area. Some of them like to pull right up to the door. Some of them like to park away and walk. So, I just feel like it's very unnecessary for the parking to be striped.

Then my other thing that I am asking for is they were generous this time and have agreed to give me a five year, and if there would be a possibility to go 10 years because nothing's going to change. When I even have my neighborhood meetings, no one ever comes. I don't have neighbors. I'm on acreage. So, when I send the neighborhood meetings out, besides my commissioners and stuff, I have two neighbors. One is several acres behind me and one is probably

500 feet away from me. The other one's my son. So, I feel like it would save you guys time and me if we could extend it to the 10 years.

Those are my main issues of what I would like to have done tonight.

Mayor Garner said I'll now open the public hearing and ask the Clerk if you've received any notification from the public who wants to express their comments in favor of this item. **Mr. Deichler** said no comments were received by the Clerk. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of this item?

Matt Watkins, 4023 N. 111th St., said I had no idea Roberta was here, but it just so happens that Roberta fixed the button on this shirt. I drive a GMC Sierra. I have no problems getting in and out of her parking lot. I would support her 100% without having to think about the parking requirements that are required on these kinds of things. So, I would think that there is some level of support there for that. She provides a great service to our community.

Mayor Garner asked, is there anyone else in the audience who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Mr. Deichler** said seeing none.

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

Mayor Garner said I will now close the public hearing. This will give the petitioner another opportunity to speak to the Commission if you so desire. **Mayor Garner** asked, do any members of the Commission have any comments or questions?

Commissioner Bynum said thank you, Roberta, for the service that you provide to the community in the many years that you've done that. It's really a wonderful thing if you haven't been out there.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2023-015 with the two changes: removal of the striping condition and the extension of the SUP to a 10-year term.**

Commissioner Townsend said I'm just wondering about the additional request for extension of time. Counsel, is there any reason, legally, that couldn't be awarded?

Patrick Waters, Acting Chief Legal Counsel, said no. Our ordinance gives the Commission discretion on the number of years.

Mr. Hand said I would also just note that a change to the Planning Commission's recommendation requires eight votes for approval. That is condition #2 that would be struck from the conditions of approval.

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

Item No. 5 – 212469...SPECIAL USE PERMIT APPLICATION SP2023-018 - CURTIS PETERSEN WITH POLSINELLI PC

Synopsis: Renewal of a Special Use Permit for live entertainment at Chateau Avalon Hotel at 695 and 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Curtis Petersen with Polsinelli, on behalf of the property owner, seeks to continue to operate live entertainment on the Chateau Avalon patio, outdoor event space structure and the State Room within the hotel and an event space at 701 Village West Parkway. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2023-018, for five (5) years, subject to:

1. Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel (as defined in SP2021-033) at the following times:
 - a. Sunday – Thursday: 11:00 AM to 11:00 PM;

- b. Friday – Saturday: 11:00 AM to 11:00 PM;
- 2. A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;
- 3. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - a. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
- 4. In SP2021-033, the applicant reaffirmed that “alcohol will be served at some events. Kansas ABC has inspected the property and licensed the entire four (4) acres for alcohol consumption approval. Records are on file with the UG.”
- 5. Sidewalks shall remain clean and clear of trash and debris;
- 6. Alcohol can only be provided by licensed vendor;
- 7. Outside amplified speakers are only allowed at the outdoor patio event space;
- 8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 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 on 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 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. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2023-018 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

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

Item No. 1 – 212477...AN ORDINANCE rezoning property at 915 Barnett Avenue (COZ2022-037) from R-1(B) Single Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-50-23**, “An ordinance rezoning property hereinafter described located at approximately 915 Barnett Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-5 Planned Apartment District.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 212478...AN ORDINANCE authorizing a Special Use Permit for a group home/transitional housing (SP2022-092) at 915 Barnett Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-51-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a group home/transitional housing at 915 Barnett Avenue Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 212479...AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2023-003) at 4101 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-52-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to operate a Short-Term Rental at 4101 Fisher Street, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 212480...AN ORDINANCE authorizing a stealth telecommunications monopole tower (SP2022-066) at 715 North 16th Street submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-53-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to build a stealth telecommunication monopole tower on a stadium light at Bishop Ward High School sports field complex and associated ground based supporting equipment at 715 North 16th Street, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call

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

Item No. 5 – 212484...AN ORDINANCE vacating right-of-way (VAC2023-001) at 438 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-54-23**, “An ordinance vacating a portion the northeast quarter the southwest quarter of Section 17, Township 11 south, range 25 east of the sixth principal Meridian, Wyandotte County, Kansas, described by Stephen I. Marino, II, PS 1380, on September 29, 2022, containing 21,622 square feet, 0.50 acres, more or less, located at approximately 438 South 26th Street, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 6 – 212485...AN ORDINANCE authorizing a Special Use Permit to operate an event center (SP2022-123) at 1957 North 63rd Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-55-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to operate an event center at 1957 North 63rd Drive, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 7 – 212486...AN ORDINANCE repealing Ordinance No. 0-27-23 and enacting a new ordinance authorizing a Special Use Permit (SP2022-111) for a Short-Term Rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-56-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a short-term rental at 4112 Booth Street, Kansas City, Kansas; repealing Ordinance No. O-27-23 and enacting a new ordinance.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 8 – 212487...AN ORDINANCE authorizing a Special Use Permit for the continuation of tractor-trailer truck parking at the American Motel (SP2023-007) at 7949 Splitlog Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-57-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of tractor trailer truck parking at the American Motel at 7949 Splitlog Avenue, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 9 – 212488...AN ORDINANCE authorizing a Special Use Permit for a drinking establishment with live entertainment (SP2023-005) at 1639 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-58-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a drinking establishment with live entertainment at 1639 Southwest Boulevard, Kansas City, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner**

Kane, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212470...CHANGE OF ZONE APPLICATION COZ2022-045 - CHAD SCHIMKE

Synopsis: Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District to construct a self-storage facility at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212471...MASTER PLAN AMENDMENT APPLICATION MPL2022-026 - CHAD SCHIMKE

Synopsis: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Chad Schimke, is requesting a Change of Zone, Master Plan Amendment, Preliminary Plat, and Preliminary Development Plan for the operation of a self-storage facility that includes RV and outdoor storage at the subject property of 13700 Marxen Road. The proposal includes multiple self-storage buildings, an RV-storage area, and additional outdoor covered storage area. The current property is zoned for agricultural use and is agricultural land. The subject property has a total of 26.04 acres although only 8.27 acres are proposed for development at this time. This proposal is being heard in conjunction with BOZA2022-077 for variances related to minimum required parking in a C-3 zone. An approved Final Development Plan is also required. The Planning Commission voted 6 to 1 to recommend denial of Change of Zone Application COZ2022-045 and Master Plan Amendment MPL2022-026, as the project is incompatible with the neighborhood character as well as the Master Plan and the public infrastructure is not sufficient.

Case	
COZ2022-045 & MPL2022-046	
Petitioner	Address
Chad Schimke	13700 Marxen Road
Synopsis	
To rezone from AG Agriculture (WyCo) to CP-3 Planned Commercial District (City) and a Master Plan Amendment from from Low Density Residential to Planned Commercial/ Business Park (Prairie Delaware Piper Master Plan) to build a self-storage facility. PLAT 2023-001 was denied by the City Planning Commission at their May 8, 2023 hearing.	

Gunnar Hand, Director of Planning and Urban Design, said late this afternoon, staff received an email from the applicant regarding Change of Zone 2022-045 and Master Plan Amendment 2022-026 to withdraw this application. It no longer needs to be heard this evening.

Brett Deichler, UG Clerk, said I just want to verify that I'm asking Counsel if that's okay we move to Item 2 with those withdrawals, verbally. Okay. Thank you.

Action: **Withdrawn at the request of the applicant.**

Item No. 2 – 212400...CHANGE OF ZONE APPLICATION COZ2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 212401...MASTER PLAN AMENDMENT APPLICATION MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, David Block with Block and Co., Inc., seeks a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom

apartments with on-site amenities for residents on 58.68 acres. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application COZ2023-001 and Master Plan Amendment Application MPL2023-001, including the requested deviations from the multi-family guidelines subject to:

1. The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines have not been met and the Planning Commission has approved the below requested deviations:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;
 - b. A minimum of 75% of the buildings should have a zero (0) foot setback;
 - c. On-site parking will be located behind the buildings;
 - d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - i. Transparent display windows
 - ii. Outdoor seating for dining areas
 - iii. Public art and pedestrian amenities such as fountains, benches, etc.;
 - e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
 - f. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as premanufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required to 65% of the sum total of all buildings facades, except single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
6. Replace and repair existing curbs, pavement and landscaping;
7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;
8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
9. Record a deed to preserve the creek and open space to the south;
10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if

a bus shelter is warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;

11. No direct access onto State Avenue from 10200 Abilities Way;
12. Replace any trees and shrubs that are dead or dying;
13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. 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;
16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
17. 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;
18. 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;
19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
20. 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;
21. 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 by right or by Special Use Permit under the new zoning district, 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,

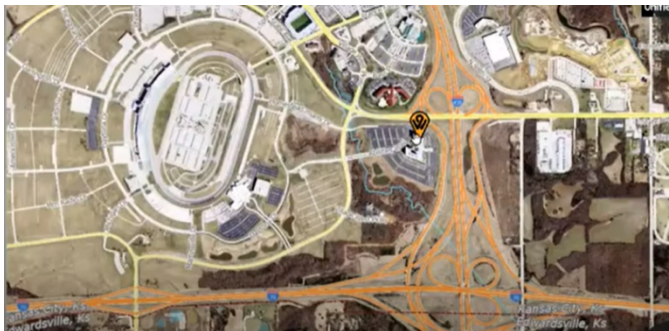
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition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

Case	
COZ2023-001 & MPL2023-001	
Petitioner	Address
David Block	10200 Abilities Way
Synopsis	
To rezone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed-use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom apartments with on-site amenities for residents on 58.68 acres.	

Gunnar Hand, Director of Planning and Urban Design, said this case is being heard in conjunction with Master Plan Amendment 2023-001. This was held over from the April Board of Commissioners' hearing. This is in regard to the existing Cerner towers conversion to a mixed-use project.



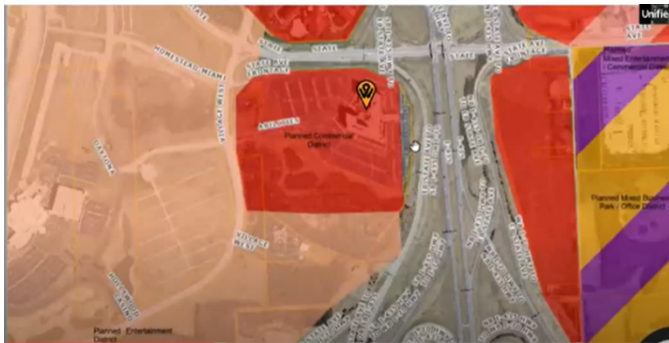
This is in the Prairie Delaware Piper area plan.



Staff had received no letters of support;



no letters of opposition.

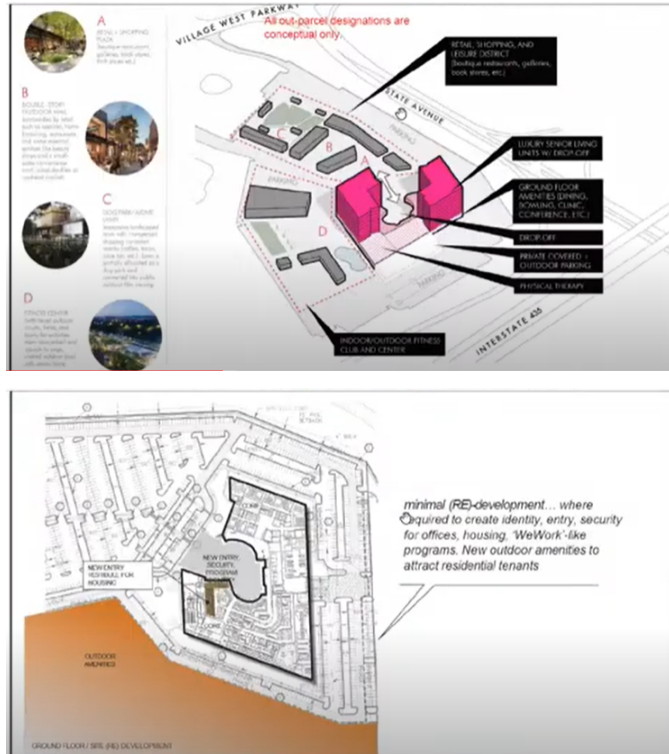


There are no notices of violation for this property. Staff agrees with the Planning Commission's recommendation of approval as it relates to compliance with the multi-family design guidelines.

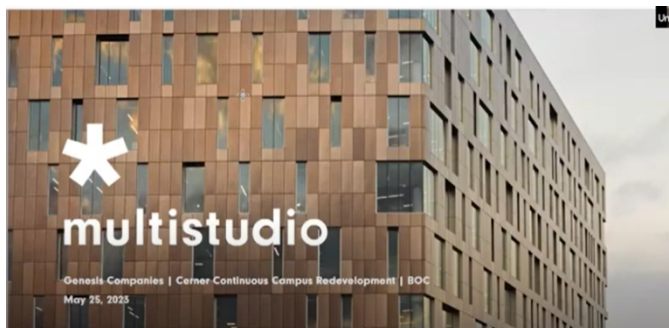


In the future, the mixed-use design guidelines and commercial design guidelines, as well as the need for a final development plan, if any of the rest of the site is developed at a later date.

May 25, 2023



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

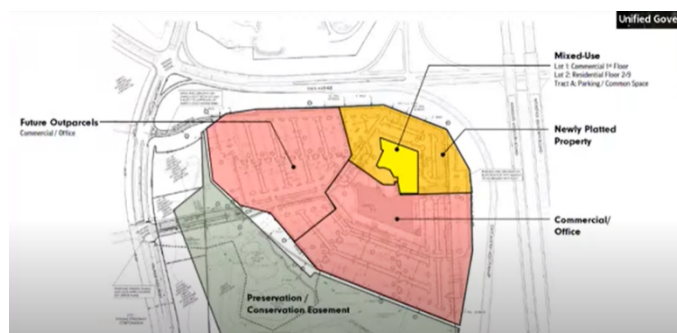


Philip Goforth, 4730 N. Hickory Ct., KCMO, said I am part of the applicant. Tonight, we wanted to bring some additional information and cover, basically, three main things that have been the focus of questions and concerns.

Number one is what the entire development is going to consist of in terms of the land use. We have a proposed plat to be able to show you, and then what the corresponding taxation of the development would calculate to. We put some estimates together to show a fairly, I think, concise plan for what that would be.

May 25, 2023

I have Multistudio, our architectural firm, here with us. I would like to ask Graham Smith, who is one of the land planners with Multistudio, to talk just a little bit about the proposed plat and the corresponding tax. After that, Katie Bean Smith will show you a little more detail about the actual development and you can get a good look at what we plan to do with it. I think that would probably help provide significant information.



Graham Smith, Multistudio, 4200 Pennsylvania, KCMO, said as was noted by the Planning Director, this is a future potential plat for the site as development continues to progress. Looking at the area shaded in yellow there—if you're familiar with the property, which I'm sure you are—that's the north tower. The one that we're proposing to convert to residential. The orange with the yellow would be the newly platted property to separate that out as a residential tower with the required parking. Adjacent, that yellow piece would actually be condominium platted into two separate pieces identifying the first floor as commercial and mixed-use and residential support, with floors two through nine being platted as residential. Tract A would be the parking to support.

We would separate out the commercial and office remaining with the south tower and the associated parking with that, and the out parcels for the parking area to the west that is no longer required as part of the conversion of the tower to residential. That would be platted off and identified for commercial and office development in the future.

With that, we've also prepared some tax estimates.

Current Parcel Taxation				
Current				
Address	Assessed	Rate	Taxes	
0101 Property Commercial	\$45,516,800	\$13.775/100	\$6,269,942	\$5,863,765
Proposed Values				
Address	Assessed	Rate	Taxes	
South Tower Commercial 1	\$25,000,000	\$13.775/100	\$3,443,750	
North Tower Residential	\$30,000,000	\$13.775/100	\$4,132,500	
New Outparcels Commercial 1	\$40,000,000	\$13.775/100	\$5,510,000	
Total	\$95,000,000		\$13,086,250	
Taxes after Abatement				\$5,863,765

Abatement				
Address	Assessed	Rate	Taxes	
Commercial 1	\$25,000,000	\$13.775/100	\$3,443,750	
Residential	\$30,000,000	\$13.775/100	\$4,132,500	
Total			\$7,576,250	

Notes for 2022 on 2021 value
Commercial assessed at 20%
Residential assessed at 15.5%
Proposed abatements and values per 1/15/21 meeting with developer

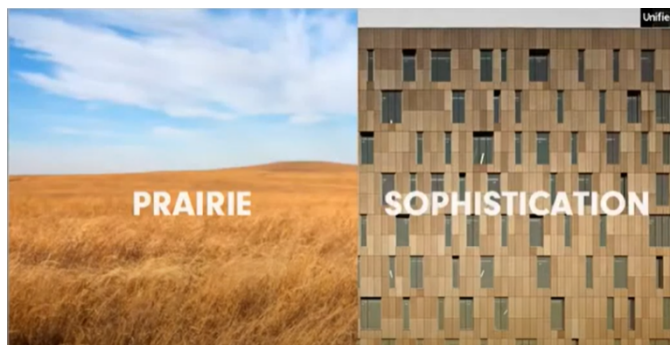
Mr. Goforth said these are the estimates. We did meet with the Assessor's Office to develop these estimates to make sure we're using the correct calculations; all the right mill levies. What it shows is currently, you have an appraised value of \$45M; just north of \$45M. That's receipts of around \$1.8M, a little more then. Our proposed development will significantly increase the total valuation of the property. It shows the increase in total taxes. On the right side, in kind of the yellow area, the abatements that we would intend to work through, through a development agreement. So, it's basically a 50% on the new commercial portion, which are the out parcel developments and then the residential portion. So, 50% on those improvements.

Total, you can see that even after abatements, we go from current tax receipts of about \$1.882M to \$2.3M. Those are the estimates that we've been able to develop based on what we intend to develop here.

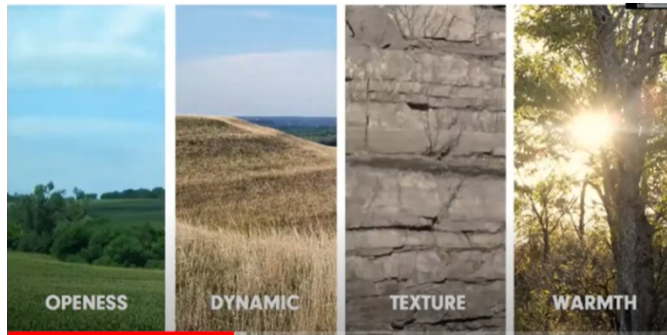
I will allow Katie Bean Smith to come up and go through the presentation on a little more visual aid of the project.



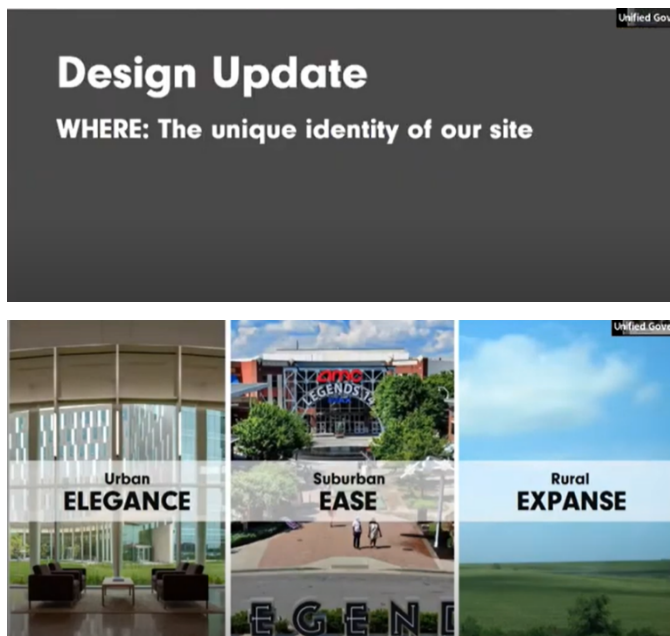
Katie Bean Smith, Multistudio, 4200 Pennsylvania Ave., said I'm excited to share some of the earlier conceptual thinking the design team has been engaged in to start the outline, the potential for the design intent, and the residential experience available at this site.



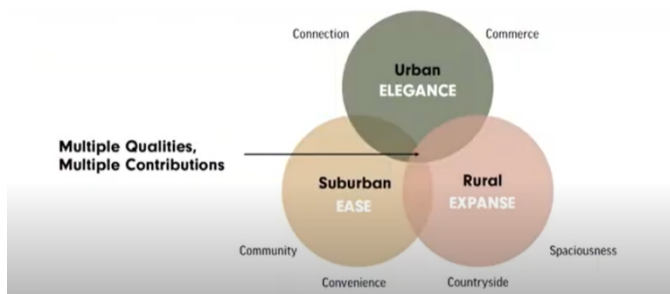
We're inspired by this guiding concept which we're referring to as prairie sophistication. This is kind of an inspiration for the team which aspires to take the sophistication inherent in the existing structure and the site of the surrounding prairie.



We're inspired by the surrounding context, the openness, the dynamism, and the texture, and the warmth of the prairie itself and how we may begin to infuse those characters into our design.



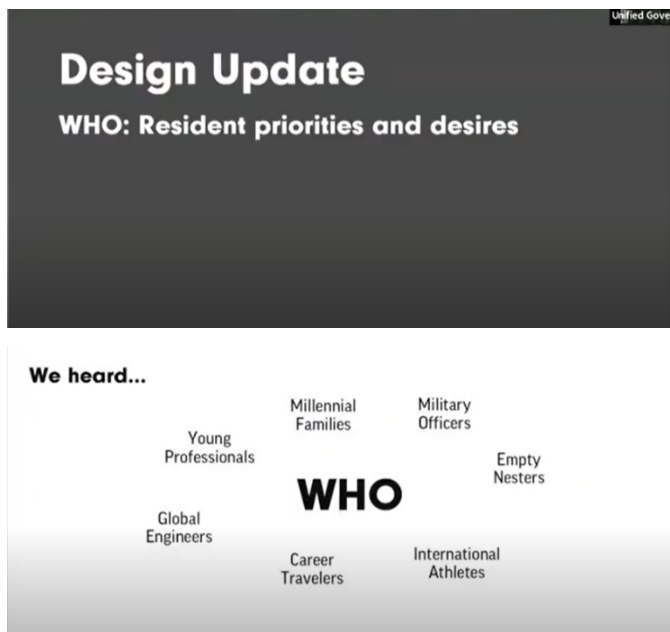
We also acknowledge the kind of unique identity of this site. It's got a three different kind of almost identities and personalities as we think of them: an urban quality and elegance to the existing structure, an ease to a lifestyle and quality of life that can be found in suburban areas, then adjacent rural expanse.



So, we're inspired by all of those multiple qualities and contributions. We believe there's a real unique opportunity and a real synergy at the intersection of each of those qualities.



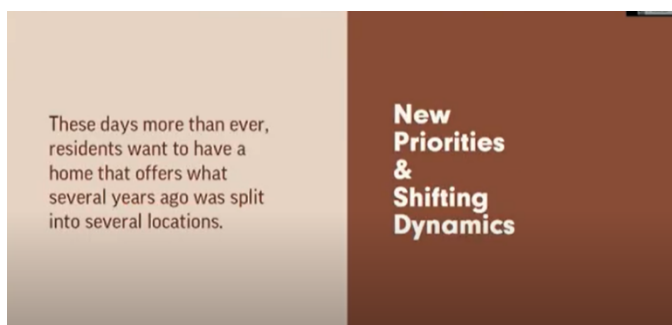
What we have is a tremendously unique opportunity for the area and the region for people to live where they can take advantage of each of those three qualities and really take the best of all of those worlds and still find themselves 20 minutes to everywhere.



When we start to look at who the resident might be that might be drawn to this mixed-use area, it may be anybody ranging from young professionals, military officers, global engineers



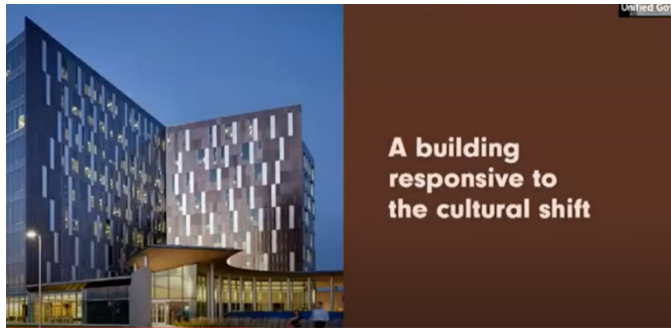
of great diversity and distinct demographics. What we can chart are their shared and mutual desires.



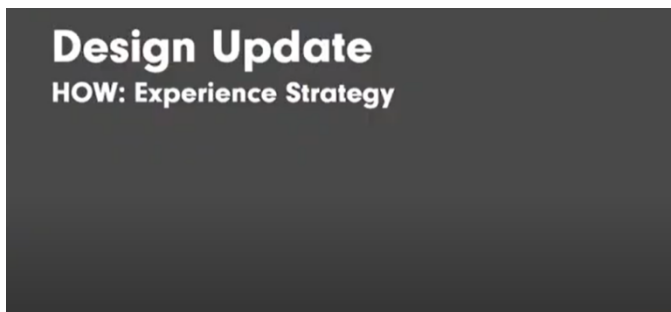
These desires we're looking at them in the ways they're shifting and the way their priorities are emerging. These days more than ever, residents want to have a home that offers what only several years ago was split into several distinct areas and locations.



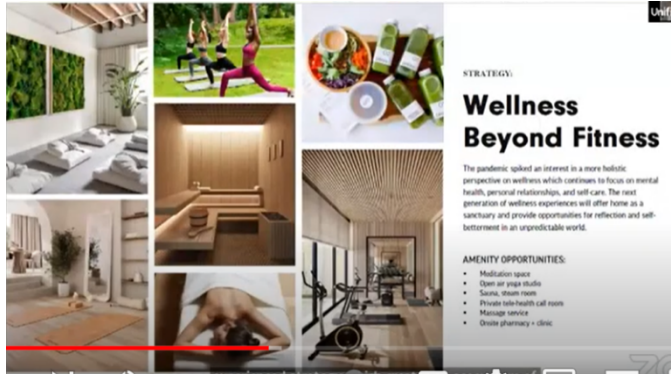
When we look at what they really want, they're after an improved sense of well-being, a better balance between life and work, and increased connection to nature and all supported by a spirit of maintenance-free living.



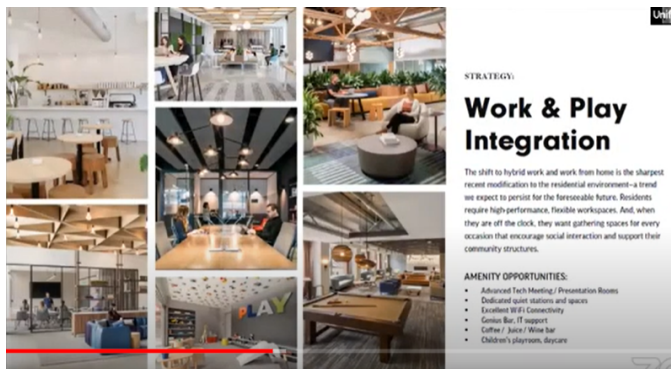
We believe we have a unique opportunity to respond to those priorities and those shift in culture with a building that can really deliver and satisfy all those known desires and respond to the unique qualities of our site.



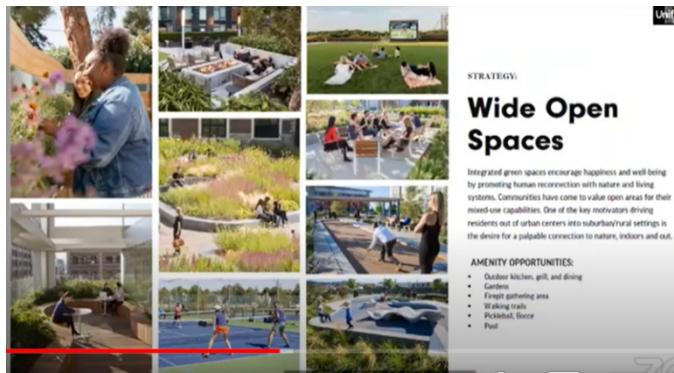
So, inspired by those known desires, we imagine an experienced strategy which creates an ecosystem of spaces and services on the site that are unique, mixed-use, and high quality.



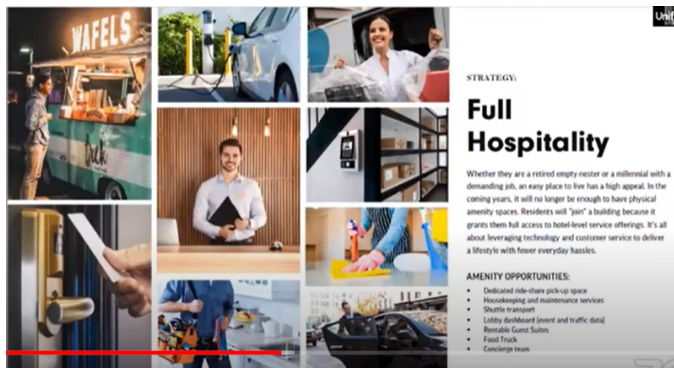
The first one in response to the known desire for an increased sense of well-being, we imagine a suite of amenities and offerings that offer wellness beyond fitness. We know that in the pandemic, people spiked an interest and perspective in wellness that really looks beyond fitness, that looks more holistically toward mental health, personal relationships, and self-care. We imagine a space that offers sanctuary and provides opportunities for reflection and betterment in an unpredictable world.



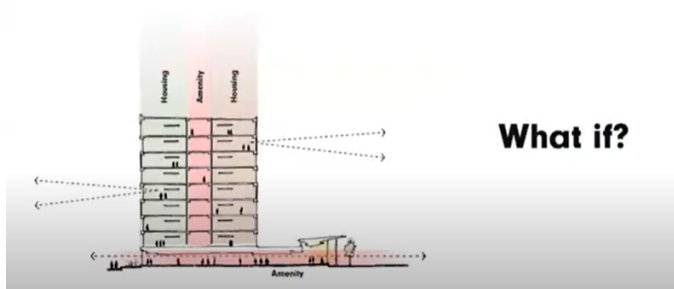
Second strategy delivers on work and play integration. We know that the shift to hybrid work and to work from home is perhaps the sharpest recent modification to both the residential environment and the work environment, for that matter. It's a trend we expect to persist into the future. Residents are looking for high performance, flexible workspaces in their home, and when they're off the clock, they need gathering spaces for all sorts of occasions that support social interaction in their community structures. We imagine a space in a building that will do just that.



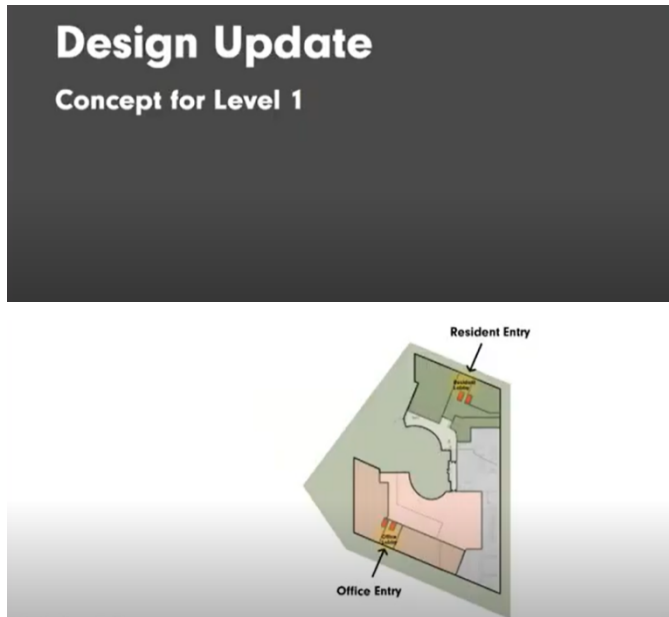
Wide open spaces, a strategy responding to the need for deeper connection to nature and here, in connection to the prairie, we have a tremendous opportunity to deliver on just this. We know that humans want integrated green spaces. It encourages happiness and well-being. It's a great reason that are driving folks out of the urban core into these more suburban and rural adjacent areas. They want that palpable connection to nature in the indoors and we intend to draw that connection through the site design.



Finally, all of these kind of intents supported by a spirit of full hospitality. Everybody from empty nesters to millennials are drawn to a lifestyle which is basically marked by fewer everyday hassles. We imagine a suite of spaces and services that helps deliver against that.



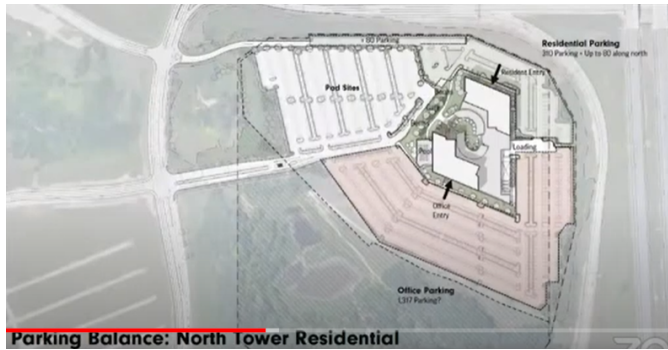
These amenities, experiences, and offerings will be threaded throughout the building, the lower level, and indeed the site on the whole for a true mixed-use delivery.



As you can see,



this is the overview of both towers. You can see we start to weave in the commercial, the residential, and the amenity offerings into that ground level



and even start to permeate into the exterior space connecting to the second tower into the surrounding pad sites for a common experience and spirit across the entire development.

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

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

Mayor Garner said I will now close the public hearing and allow the petitioner to make some closing remarks.

Mr. Goforth said I hope we've been able to at least demonstrate and provide more information to answer the question what the project's going to be and why we think it makes so much sense to have the mixed-use rezoning so that we can use this amazing building.

We focused a little bit more on the residential tonight because, I think, we're all familiar with the look of the office and the feel and what it is today and how that south tower will remain office and commercial as it is. So, there wasn't a real need to focus on that.

I think the opportunity is in combining the use of the property and take back some of that excess parking lot out there and make a great space out of it with other future commercial, retail, and entertainment development pads and incorporates into a great community for both the live and work environment that, I think, we see the trend of all throughout the country.

Mayor Garner asked, do any members of the Commission have any questions or comments?

Commissioner Bynum said first of all, for me, I'm grateful for the time that we spent between last time you were here and now. I feel like I have more information. I really appreciate the presentation on the look and feel.

I have to admit, and I hate to, I didn't understand your text chart at all, like did not understand it. So, I wonder if we could just put it back up and walk through it. Can somebody walk us through it? It was part of, I think, our concern when you were here last time. We had this conversation about potential loss of tax revenue. I just don't know what any of this means. So, anybody who can help. I'd really like to hear it.

Mr. Goforth said yeah. Happy to go through this in a little bit more detail.

Former Center Campus					
Current					
Entire Property	Commercial	Assessed	Assessed	Rate	Taxes
		\$45,500,000	\$11,375,700	0.145509411	\$1,862,793
Proposed Values					
South tower	Commercial 1	\$20,000,000	\$5,000,000	0.145509411	\$627,547
North tower	Residential	\$50,000,000	\$5,750,000	0.145509411	\$952,679
New Outgrowth	Commercial 2	\$10,000,000	\$1,500,000	0.145509411	\$1,213,323
Total		\$100,000,000	\$18,250,000		\$3,100,547
Taxes after Abatement					\$2,322,269.49
Rates for 2022 on 2023 value					
Commercial assessed at 35%					
Residential assessed at 1.5%					
Proposed abatements and values per 5/23/23 meeting with developer					

This is a spreadsheet that the Assessor's Office helped with, so he just broke it into three categories for us. The first one under the kind of blue title, Current, that just shows where the property's at today. Today's current appraised value is \$45M. The assessment then is \$11M. On that current rate, the receipts are \$1.8M.

For our proposed redevelopment, we are going to add significant improvements to the property, so those improvements will be taxed as well as the existing building. By doing that, we increase the appraised value significantly, almost double it. So, the assessment comes to \$18.2M. At that mill levy rate, that produces a total tax of over \$3M versus the current \$1.8M.

In order to make our economics even close to being realistic, we will have to have some sort of development agreement wherein we get—we're asking or we'll propose at some point, this abatement here. So, in full transparency, we want to put all this up at one time so that you could look at the net effect. The abatements that we would intend to discuss would be a 50% abatement on the improvement portion of the residential and the new commercial that would go in the approximately 11 acre area that we gain by having the residential. Without the residential, we don't have any new development in the out parcels. If it's all office, it stays the same.

By doing that and having that additional, us having those abatements, you kind of take the new tax of \$3M, less the abated portion, comes to a net effect of \$2,321,000 which exceeds by \$400,000 and change, if you will. So it exceeds the current receipts by a good portion.

Commissioner Bynum said okay. I think I can get there with you. I mean, I feel like they're vacant. As it sits right now, is not beneficial to this community. Vacant and owned by the entity that owns it, as it sits right now, is not an entity that, I think, cares about this community.

Commissioner Bynum said what I'm pondering is, and it's probably a question for Legal and Mr. Hand because what I've been thinking about is, is there a way within an approval that we would seek tonight to build in some steps that might normally be in a development agreement or steps that reach over to the development agreement if this, then this? You've told us now you'll come back through the economic development process. You'll be working with us to create a development agreement, and through that, you'll be asking for tax abatement. **Mr. Goforth** said yes, that's correct.

Commissioner Bynum asked, so can we (inaudible) components of that into a change of zone request?

Patrick Waters, Acting Chief Legal Counsel, said once a change of zone is approved, it gets published and that's final. The zoning is changed. You can't really take it back. You can impose what we call monetary exactions as long as they are reasonable. We put some stipulations in terms of requiring applicants to construct certain items as part of their approval. So, an exaction that requires a monetary contribution or some type of construction, those are allowed. I think what I'm hearing you say is—I guess the question is, are you saying, can we tie this change of zone to the future approval of a full-fledged development agreement? I don't know how to do that because once it's changed, it's changed.

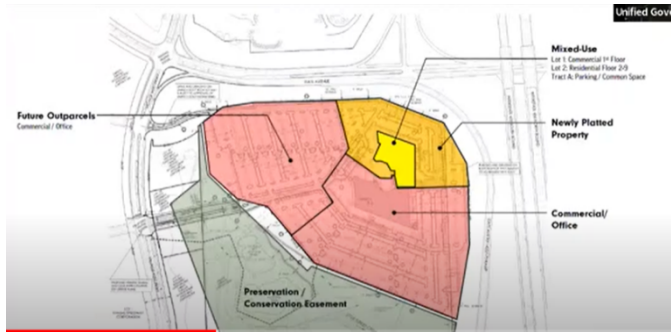
I think this can in form your vote and, obviously, they did a lot of research and talking with our Appraiser so, I think, to the extent that the Commission looks at this and they think this is a reasonable ask and, I think, that this is something that you would consider down the line, certainly we have an IRB application process and they can get started on that, but we can't condition it on a future development agreement.

Commissioner Bynum said okay.

Commissioner McKiernan said, Mr. Goforth, this is why I wanted the numbers early. This is a lot to wrap my brain around. I'm kind of slow on the uptake so, sometimes it takes me several times through this to understand this. Mr. Waters, what I'm hearing them say tonight is that they are already contemplating a future development agreement of some sort that would include the abatements that you calculate in. Even though it's just a change of zone tonight, you're already thinking ahead toward that development agreement, right? You're already thinking ahead toward the tax abatements on the increased value. Is that correct? **Mr. Goforth** said yes. We've done all that math in our documents and performance to figure out what we...

Commissioner McKiernan said but the change of zone that we're being asked to make tonight actually does not force or encumber that in any way; the investment. So, we could make the change of zone tonight but without a development agreement, without some sort of real plan for future value, future taxes, everything's just speculative tonight, correct? **Mr. Goforth** said, well, there has to be a final development plan that would come back and that would coincide with the rezoning that we are showing. **Commissioner McKiernan** said right.

Commissioner McKiernan said I'm looking at this map. I'm a simple man. I'm just trying to figure stuff out here. You've broken this up into three areas. You've got your residential. It actually, because the labels you've used on that Excel spreadsheet, don't match the labels you've used in your colored PDF, it's a little bit hard to go back and forth and estimate what's what, what's what, what's what.



It looks like what you call Commercial-1 is the south tower. Residential is the north tower in orange. Then the new out parcels, Commercial-2, is that which is all parking lot; nothing improved so far. **Mr. Goforth** said correct, yes.

Commissioner McKiernan asked, what's the timing of all this once you finally get started? What you're saying to me is if we do this and we execute this then there's going to be increased taxes that are going to come to the Unified Government because we're going to make improvements on this. What's the timing on those improvements because as I look at it, it would seem to me that what you call mixed-use in your map and what you call residential in your spreadsheet, would be the first thing. Would that be correct?

Mr. Goforth said the first improvements that would happen would be the construction of the residential tower. There would be some modifications of the office as well to accommodate...

Commissioner McKiernan said the first thing would be the residential north tower. You have projected—I've tried to break it out. Even though you sent it this morning—I've been in meetings all day. I haven't had a chance to really look at it—I've been trying to break out a little spreadsheet here and say well, if that's 40% of the present value, and that's 40%, and that's 20% and trying to look into the future. What's the buildout time on that residential tower for the increased value is realized and we get the additional taxes?

Mr. Goforth said approximately 12 months. **Commissioner McKiernan** said from the time it's approved which is somewhere still down the road. **Mr. Goforth** said from the time, well, I don't think the residential mill levy rate would go into effect until it had a certificate of occupancy. **Commissioner McKiernan** said correct. I'm trying to estimate in my mind, how many months down the road is it before we realize the additional taxes that you say we're going to get from making this move? **Mr. Goforth** said it would be the same taxes during construction. After construction, then the assessment of those improvements would be made so that's about a

12-month construction period. So, from the time we start, have a permit, that's about 12 months of construction. Then whatever the assessment time is, that reassessment would occur.

Commissioner McKiernan asked, would this property be broken up into three zones prior to the commencement of any renovation or reconstruction? **Mr. Goforth** said we would propose—what we normally see is that when we replat something is that we would have a final plat recorded before the certificate of occupancy is issued.

Commissioner McKiernan asked, with the total taxes on those three plats, the subdivisions of the current parcel, equal what the taxes are of the current parcel? **Mr. Goforth** said yeah. As it is now, right. It wouldn't change at all from what you're currently getting. Once the residential piece was done, there would be some boost from just the residential piece. Then, of course, the out parcel piece wouldn't experience any increase in taxes, obviously, until those improvements were made and those buildings were built, which would be subsequent to the residential.

Commissioner McKiernan said, again, this is what I kind of don't understand here is if the residential rate is lower than the commercial rate and the value stays the same, doesn't the taxes collected fall when you break that off and make it residential? **Mr. Goforth** said no, because you're taxing a \$30M improvement. **Commissioner McKiernan** said but only after you make that improvement. **Mr. Goforth** said yes. But until that time, the taxes don't fall. They stay at the current commercial rate because the residential mill levy rate wouldn't kick in until that residential certificate of occupancy was completed.

Commissioner McKiernan said so on the south tower, Commercial-1, you've projected all sorts of neat numbers here. How long until that's done? **Mr. Goforth** said on the south tower, that's going to remain office so there's maybe somewhere between \$5M and \$8M of improvements that we probably will make, based upon what tenants come into that space.

Commissioner McKiernan asked, the out parcels that you label Commercial-2, that's just flat ground right now? **Mr. Goforth** said that's correct. **Commissioner McKiernan** said so that would then be taxed as flat ground. **Mr. Goforth** said I can't speak to that. I guess I'm not sure how that would be taxed. It's currently a commercial lot. What's in green is the only thing that's

currently zoned as agriculture. That parking lot would still be zoned commercial so, I assume that land value would be taxed at the commercial rate.

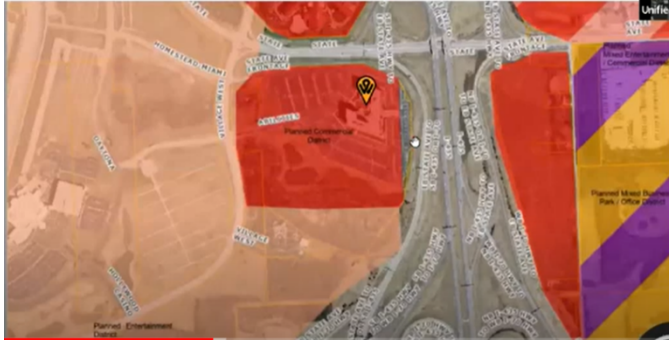
Commissioner McKiernan said maybe somebody here can help me on this. I'm just assuming that once you break this up into three parcels that the aggregate value of everything is the same as it is now. This is 40%, that's 40%, and this is 20%. **Mr. Goforth** said no. Where the improvements exist, meaning the buildings, the majority of the tax is driven where the improvements are. The parcels where the buildings are will be the majority of the tax.

Commissioner McKiernan said I appreciate you trying to take me through this. I will just say that in the amount of time that I've had to look at these numbers and try to wrap my brain around what it is you propose, what it is we, as a community, will gain from this, I have not had any success in getting there.

Commissioner Burroughs asked, Mr. Goforth, how many apartments are you projecting to put into the north tower? **Mr. Goforth** said about 230. **Commissioner Burroughs** said I want to say thank you for your transparency on telling us ahead of time that you would be coming back looking for incentives in which to negotiate in the contract. It's not uncommon, I would assume, that some of the standard requests will be made.

The 50% abatement for 10 years, I think what I heard my colleague talking about was the loss of revenue. Trying to find out how not only how much we're going to gain in increased value, but potentially how much we're going to lose in the abatement. It's kind of hard to determine those dollars when we don't know the true value of the investment and the amount of dollars that will come in from that and depending on the incentives that are put forward.

Commissioner Burroughs said I want to ask a couple of questions. The entire project, you're asking for all three parcels to be rezoned, correct, or just the one parcel in yellow?



Mr. Goforth said no, it's the entire property that would gain the classification of mixed-use. We're just simply designating the uses with the parcels and creating the separate parcels that would be taxed individually. So, it's showing what's commercial and then what's residential.

Commissioner Burroughs said so you anticipate with the mixed-use that the south tower will be the commercial facility. **Mr. Goforth** said the offices. **Commissioner Burroughs** asked, are these going to be work from home offices being they're connected to the apartment complex that's joined in physically? **Mr. Goforth** said I think there'll be a very small portion of that. There will be some of that sort of co-working space available, but it's not contemplated to be a very big portion.

Commissioner Burroughs said I think we heard in initial presentation by your organization, potential retail that might go into the parking area and/or residential development that might go into the parking areas that's presently the parking areas. **Mr. Goforth** said no residential; only commercial. **Commissioner Burroughs** said so the only residential will be in the tower. **Mr. Goforth** said that's it. **Commissioner Burroughs** said 237 rooms did you say. **Mr. Goforth** said 230. We have a couple of different versions right now. Anywhere from 224 to 232, depending on how we lay them out.

Commissioner Burroughs asked, when do you think your investment will be? Did you say a \$30M investment? **Mr. Goforth** said well, yeah. That's just the improvement portion, at a minimum. We have a couple of construction estimates now from highly qualified contractors and \$30M is going to be the minimum improvement we make in that tower. **Commissioner Burroughs** asked, they'll all be market-rate apartments, I'm assuming? **Mr. Goforth** said that's correct.

Mayor Garner said I see we've got Mr. Kindle here. Would you come forward? I've got a couple of questions for you. Greg Kindle, he's our Wyandotte County Economic Development Corporation. He partners with the Unified Government on development projects like this.

Just based on what you know, I know you've been following this project. You spoke last time to it and you've had a chance to follow it to where we're at today. Just maybe give your assessment of these presentations and the information you've gathered in between these meetings and share that with the Commission.

Greg Kindle, President of the Wyandotte Economic Development Council, said I'm in full disclosure. The client team and I have had no conversation since I was last here. They did not reach out to me, and I didn't want to create any conflict between the conversations I knew they were having with you. I only just received the same information that you had on the screen a few minutes ago. I've not backed into them but on face value, I wouldn't say that they're wrong.

I think what I remember telling you all in our last meeting is that assuming that all things were built out, the Unified Government comes out ahead in property tax dollars. This actually doesn't contemplate the sales tax opportunities so those numbers could actually grow from what they gave you. The issue here, if you're just looking purely at tax dollars, is the other taxing entities probably do lose in the long term. Eventually, it will catch up. I haven't modeled it out for 15 years, but that's probably the bigger issue here.

In the short term, if everything is built out as they have shown, my modeling shows that the UG does make out better in terms of property taxes and sales taxes, but you do need to have a strong development agreement in place defining when you want things built out by. That creates a win-win situation for them based on the market, but that makes sure that things get built in a timely fashion so that you don't, in fact, end up five years down the line and not have those sales tax dollars to sort of beef up the tax collection.

Commissioner Johnson said this is for maybe Legal or maybe even Mr. Hand. You know I've been contemplating a commercial community benefits opportunity when we look at projects like this. It would kind of spurred my mind that we talked about the number of these will all be market rate apartments. I'm wondering would this be a situation where we could have some type of requirement in, and I don't know where it would be in the development agreement, but I want to

put the marker there at least that we consider some type of marker there for affordable rate apartments also that would come as a result of this. Just kind of help guide me through that if you could.

Mr. Waters said even though we don't have a formal ordinance on the CBO yet, as we did with the Lanier deal, we structured in an affordable housing component on that specific project. We can do that project by project even before we have a formal ordinance.

Commissioner Johnson said I would like for my colleagues to at least consider that as we move forward with this.

Commissioner Bynum said the Lanier project and, then prior to that, the Scavuzzo's project are the ones that were in my mind as I was thinking about what I was proposing earlier that there were timelines. I'm gonna circle back to that because I wonder if there's any language that could be placed in the change of zone that talks about timelines for getting started. I realize those, most often, are in a development agreement. Is there anything we can tie into a condition of approval that maybe helps me have the confidence that the project will be built out? That's what I'm looking for.

Mr. Hand said, again, I think Legal Counsel addressed that earlier. **Commissioner Bynum** said I was hoping if I asked it again and a little bit different.

Mr. Waters said, Commissioner, I think the problem is, what's your remedy? If you're only doing it through the change of zone, again, you can't retract that change of zone. In a case where you impose like a monetary exaction, you could at least sue for damages on that; but failure to enter into a future development agreement, I don't know what your remedy is when the change of zone's been approved.

I think if the Commission is generally in favor of doing a future IRB structure and they're comfortable with that, we have a fairly quick process that we can do that. That's something we do quite a bit. You would be in control of that process from here on out. It looks like the developers kind of told you what they're asking for already, but I don't know how we do that through a stipulation here. I think that's something that we would start on tomorrow through the ED&F process, if you chose to go that way.

Administrator Johnston said Patrick and I have talked about this various scenario is that what we've seen in the press, I think to get to what Commissioner Bynum was hoping for, is usually you start with a development agreement where the condition is, if you get zoning. We can't do the converse because land use is a separate entity. So, you'd have to have the contractual obligation through the development agreement first, and then it would be a requirement after the zoning change gets done and then it's placed on that property. I think that's clear. We can't do one way. We could do one way but it's still conditional. But what we have before us tonight is an active application that we need a decision on based on just land use zoning. Is that correct, Counsel? Great. Thank you.

Mayor Garner said just for clarity for me, what group are you with? Who's the partner or the developer? **Mr. Goforth** said I am Genesis Companies. We are a joint venture partner with Block & Company for this development together.

Mayor Garner asked, do you currently own the property? **Mr. Goforth** said no. The property is currently under contract with Oracle.

Mayor Garner asked, is that contract contingent upon this Commission's action tonight, if you can share that? **Mr. Goforth** said the contract, yeah, basically if we didn't get rezoning, we would just cancel the contract.

Mayor Garner said so it will remain in the hands of Oracle. **Mr. Goforth** said yes, that's right.

Mayor Garner said so correct me if I'm wrong. I don't want to speak for you. You are merely trying to purchase this property from Oracle, correct? It currently is the current owner of the property, correct? **Mr. Goforth** said that's correct.

Mayor Garner said you have a plan and a vision for that property, correct? **Mr. Goforth** said yes. We've spent a lot of money on it already.

Mayor Garner said so, you're just seeking the first step which is a change of zone that can get you to have the conversations about abatements; about what's going to be approved as far as a development agreement; about what the final specs, terms, conditions, layout, amenities, affordable housing or not, whatever the case may be that may come up later. You just want the ability to have some level, I guess, of security before you make such a huge investment, I guess, \$45M plus is what you're saying you want to invest in buying this property from Oracle. Is that

what you're telling me? **Mr. Goforth** said yeah. It's a \$100M plus investment. We're at the point where if we don't understand that we can have this appropriate land use, we're at a stopping point. There's no way for us to continue spending money going forward making plans on something that we don't have available to us.

Mayor Garner said, so you're telling this Commission and the public that you're willing to make upwards of \$100M investment to acquire this property and to seek, which isn't guaranteed, but you're willing to at least invest in acquiring the property to seek some type of approval of a redevelopment proposal moving forward for that land, correct?

Mr. Goforth said yes. Our contract is out a few more months. If we don't get approval to be able to move forward with a development agreement and have an understanding with the city, the contract we would cancel it because there's no way for us to move forward with it. Yes, if we got the approval, then we immediately would start working on a final development plan consistent with what we're showing. We would want to be able to have that done before the final closing because we don't want to spend that unless we have an agreement and this is what we're going to do. If we brought a final development plan inconsistent with what we're showing, we would understand that final development plan would be rejected.

Commissioner Markley said I think, Mayor, that you and I were headed on the same path. I really just want to kind of say what's floating around in my own head. What I'm hearing and feeling myself to some extent is that this Commission is thinking gosh, this seems like we're kind of giving away the keys to the castle and then what if stuff happens that it isn't what we like. I guess what I'm thinking, maybe more from the attorney side is, what he's made clear tonight is that he needs rebates. To get those rebates, he has to come back before us. We know the kind of things that we're concerned about having happened here, that are not the things that we want. We know we're not giving him rebates if he comes back with a development plan that doesn't give us what we want.

So, I'm feeling the same thing that some of you guys are feeling. I also see where we still have really all the control over this situation because this guy doesn't want to build this project with no rebates, I'm guessing. We control whether he gets those rebates which means we control what the final site is going to look like as it's developed.

Mayor Garner asked, is that correct? **Mr. Goforth** said yes. I agree with her assessment.

Commissioner Davis said maybe I just missed this but can we go back to the page with the 50% abatement.

Former Cerner Campus											
Current											
Entire Property	Commercial	Assessed	Amount	Rate	Taxes						
		\$45,502,800	\$11,375,700	0.10509411	\$1,882,785						
Proposed Values						Abatements					
		Assessed	Amount	Rate	Taxes	Cost of Improvements	50% Assessed	Assessed	Rate	Taxes	
South Tower	Commercial-1	\$20,000,000	\$5,000,000	0.10509411	\$627,547	Commercial-2	40,000,000	\$10,000,000	0.10509411	\$1,117,179	
North Tower	Residential	\$50,000,000	\$5,750,000	0.10509411	\$951,479	Residential	30,000,000	\$15,000,000	\$1,225,000	0.10509411	\$285,500
New Outpatient	Commercial-2	\$30,000,000	\$7,500,000	0.10509411	\$1,243,313						\$699,771
Total		\$100,000,000		\$18,250,000	\$3,822,339	Total					
Taxes after Abatement					\$2,321,269.49						
Rates for 2022 on 2023 value											
Commercial assessed at 25%											
Residential assessed at 11.5%											
Proposed abatements and values per 5/23/23 meeting with developer											

Maybe I just missed this, but on the proposed value side, we have Commercial-1, Commercial-2, and then residential. On the abatement side we just have Commercial-2 and residential. What happened to Commercial-2? Is that included in the new residential? Are you following me? Under the proposed values, right, you have Commercial-1 south tower, residential north tower, Commercial-2. In the abatements, you just have Commercial-2, residential. **Mr. Goforth** said correct.

Commissioner Davis said there's not a Commercial-1, right? **Mr. Goforth** said the Commercial-1 will be the south tower which will remain office and there would not be any requests for any abatements on that office tower. The abatements only apply to the improved areas. **Commissioner Davis** said gotcha.

So in the taxes after abatement, are all three included, both the two contemplated abated properties and the non-abated property? **Mr. Goforth** said that's correct. It's the net of the total increase and then after any abatements, that \$2.3M is the net effect. **Commissioner Davis** said okay. That was very, very helpful. That was not necessarily made clear. I think that's where we are all like what does this necessarily mean.

Commissioner Davis said the Mayor kind of hinted toward this. Can you, and I understand there's some things you may not be able to disclose the relationship between Oracle, who acquired Cerner and this building, is they want to get rid of this building. **Mr. Goforth** said that's correct.

Commissioner Davis asked, have they given you all a particular timeline by which they would want this building disposed of? **Mr. Goforth** said our contract essentially expires in early fall. **Commissioner Davis** said early fall so you are really, really close. That contract is basically Oracle saying to you all, we will sell you the building.

Commissioner Davis asked, have they made it conditional that you all get a development agreement and all of that in place, or you all saying that is our deadline and we prefer to have all of this stuff, I's dotted, T's crossed, before we make that transaction with Oracle? **Mr. Goforth** said to summarize that. Basically the contract says that if we're not able to have the land use that we need to make it a feasible project, that we will cancel the contract and they start over. **Commissioner Davis** said I see. That provides a good level of clarity for me as far as what that relationship is.

Commissioner Davis said I hear the concerns, particularly on the school district. I think in this case we're talking about USD 500, but this would also impact our library. It would also impact KCKCC and then, of course, USD 500. I understand those particular concerns and I share those concerns. I would submit to my colleagues, and I'm in agreement with Commissioner Markley, that we hash this out at the development agreement and we get community benefits out of this. If we are concerned about our education entities losing revenue, then maybe we negotiate housing for teachers or housing for folks that work at the college or student housing, whatever. Same with child care, same with affordable housing. I would really recommend that we focus on that part.

We were talking about the development agreement and that would be my preference. I'm sure you all recognize this, and I said this in our meeting, that while we were talking about the technicalities, the change of zone, this building holds very sentimental and cultural significance to our community, which I'm sure you and your team understands that it represents a lot about the transformation about Wyandotte County. So, I hope that you all would continue to keep that in mind if we do continue this relationship.

Commissioner Burroughs said this is a question for Legal. I'm kind of a little bit concerned about the direction we're going because this is a zoning issue and we've gotten into making it contingent on being able to negotiate from our positions here by putting demands on the developer as to what we want. If you're not willing to do it, you're not going to get your zoning. So, I just want to ensure is that what I'm hearing? If it is, I think we've gone past our legitimate position here, as commissioners, and looking at just the zoning aspect of this agreement.

Mr. Waters said, Commissioner, I would say at the end of the day, you're looking at the golden factors like you would on any other planning and zoning case. The factors that are in the

staff report are what should guide your decision tonight. Beyond tonight, it looks like, if it does advance, we would have additional discussions in a different format. But you're right. Ultimately tonight is based on the golden factors.

Commissioner Burroughs said, Mr. Goforth, first I just want to say that one, I appreciate your willingness to invest in Wyandotte County. We have two buildings that are sitting vacant presently in the largest economic development portion of our community that's bringing a tremendous amount of tourism. I would love nothing more than to see those apartments up and some commercial going on prior to the World Cup coming to our community so that we can showcase our community in a positive way and not see derelict buildings sitting on the side. Upwards of \$100Ms of investment is a tremendous amount of investment. I don't care what community you're going into but in that area, I think, it's extremely important.

Action: **Commissioner Burroughs made a motion to approve Change of Zone Application COZ2023-001, subject to the stipulations.**

Mayor Garner said I've got a few more questions. Maybe Chief Legal or Mr. Hand. This is strictly just a change of zone, correct? Nothing more, nothing less. **Mr. Hand** said and a master plan amendment so we need two votes tonight. **Mayor Garner** said with staff recommendation for approval, correct? **Mr. Hand** said staff recommends approval of both, yes.

Mayor Garner said with a 7 to 1 vote for approval from the Planning Commission, as well as, I believe, Mr. Kindle from our Wyandotte Economic Development Council giving his cautiously optimistic approval, if that's correct, at last Commission meeting when this item came up. You can say yes or no. Okay.

Mayor Garner said so, you've got a developer that is willing to invest probably more than \$100M. All he needs to know is before he starts having serious talks with Oracle about purchasing this building, they need some level of confidence from this Unified Government that the vision they have for the property is something that they can start working with this community on to, hopefully, get them to yes on something that could enhance the number one tourist attraction in the state of Kansas; to continue to be that and continue to offer good services, resources, and

amenities that Wyandotte County and the state of Kansas continue to be proud of when you talk about Village West. This is just the first step to get us there.

We have two derelict empty buildings with a sign on it with a company, to my knowledge, that doesn't even exist anymore at a main intersection of 435 & State Avenue, highly visible in our community. I think it says a lot when, and I don't know, Mr. Hand, our Chief Legal Counsel, Administrator, please correct me if I'm wrong or Mr. Kindle who works with developers, I have not heard from my office or the Administrator's Office of any other developer coming forward wanting to spend \$100M to say not only do we want to buy these buildings, we want to invest in making something really great for Wyandotte County and, hopefully, the Kansas City metropolitan area. I have not heard anyone lining up to buy these properties.

I know a comment was made that maybe we want to keep office space, and I believe the developer said he's going to make sure that there's office space there; but as we know, post-COVID, that a lot of companies aren't looking for more office space. They're actually looking to downsize because people are working from home and that's not the business model of a lot of big corporations moving forward. Hence, when Cerner sold to Oracle, they not only put this property up for sale, they put properties up in Kansas City, MO, that was also Cerner properties as well.

You've got the thumbs-up and greenlight from those that we rely on to give this Commission advice and recommendations and all of those have greenlighted that this Commission at least start the process for, hopefully, an economic development project that you can work with them on to get it to where you want it to be. This is just the first step.

I agree with this developer. I wouldn't make a \$100M investment in anything knowing that I didn't have the full support of a commission; to at least have some level of confidence that we could at least have a discussion about what the final development is going to look like.

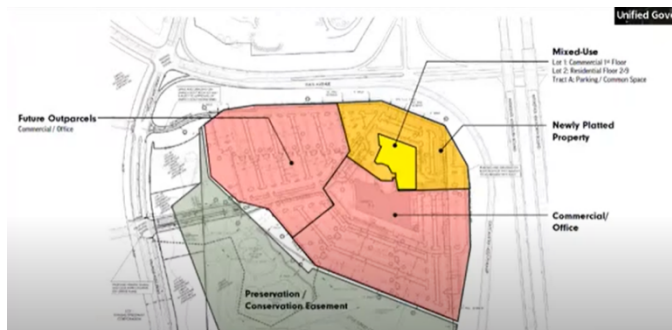
I support totally. At least get this conversation started. I'd rather have something as opposed to nothing in Village West. I encourage our commissioners to share that sentiment with me so we can have a real conversation about what we want the redevelopment of that property to look like.

For those that have wondered, my concerns were relieved when I heard that we will not be losing one penny of tax dollars as a result of any action taken tonight. Is that correct? That's correct, but we do have an opportunity to enhance and bring in more tax dollars moving forward as well as sales tax receipts that really we can't really account for right now.

I think this is a great opportunity not just for this Unified Government, but it's a great opportunity for Wyandotte County and even a better opportunity for the Kansas City metropolitan area so we can remain and keep the number one tourist attraction in Wyandotte County, not looking like other pockets of poverty and disinvestment that we see in other parts of our community. To keep Wyandotte County looking like we want it to look, a resilient and resurgent community and not have to dilapidated buildings strung throughout our community. This offers that opportunity. So with that being said, there was a motion. Is there a second?

Commissioner Stites said so it's in my district. The concern that I've had, and many of my constituents, is the amount of apartments that are currently being built out in western Wyandotte County. True, COVID started reducing the amount of office space during the pandemic. People were working from home. We're coming out of COVID. We are out of COVID right now. Actually, the trend is people are going back into office space. This is the only Class A office space in Wyandotte County. We set the master plan in place because at the time, that's what we thought was the right thing. I still think it's the right thing for Class A office space.

Can somebody help me understand, and this is probably for Legal, if the zoning changes on all three parcels—and if we can pull that map back up that shows all of them—what, if anything, stops the developer on the future out parcels commercial/office.



It could be turned into residential, right? If the developer decided, and we're not getting any commercial, we're not getting any office space, we need to do something because we got vacant ground sitting there. We could build more apartments.

Mr. Waters asked, are you referring to the other tower? **Commissioner Stites** said no, the red. **Mr. Hand** said C-3 zoning does allow for vertical mixed-use with residential, yes.

Commissioner Stites said so it could go all residential, no commercial. This project could get sold once this zoning change happens, right?

Mr. Waters said I want to ask the Director; it would be subject to a development plan. **Mr. Hand** said correct. That would have to be approved by the Commission, another development plan, yes. **Mr. Waters** said the Commission would have to approve that change. **Commissioner Stites** asked, approve the change of what? Say it again. **Mr. Waters** said redeveloping it, as you're talking about, that would have to come back through the Commission through a redevelopment plan through the planning process, so you would have the leverage there to stop that. **Commissioner Stites** said but the zoning would have already been changed. **Mr. Waters** said the zoning would change, yes.

Mayor Garner said, again, I'd just like to state we have a real opportunity here to do something great for Wyandotte County. The number one thing that I've gotten from DC, when I was at the Conference of Mayors, the Core4, with the influx of people coming into the Kansas City metropolitan area, it doesn't matter whether you're low income, moderate income, or upper income, there is a shortage of housing in the Kansas City metropolitan area. What this developer does, he recognizes both the need for office as well as retail and housing.

In the first tower if you can just describe to me, again, how is that split up? **Mr. Goforth** said the north tower, floors 2 – 9 would contain the residential units. The bottom floor would be basically space for amenities and coffee shops, effectively commercial but no residential units on that first floor.

I will say that you're correct. Most of the data that we read and see, which is a lot of industry publications, the availability and supply of market-rent apartments still isn't keeping up with demand in certain areas. Kansas City is one of those areas, actually one of the most sought after cities for new apartment development. That's because the demand here continues to increase.

On the other side, Commissioner Stites has a point. There are certain people coming back to offices, but it's not at a rate and an absorption that's going to soak up 650,000 sq. ft. of office space. It's almost impossible, and no one's going to take that financial risk right now when you have a completely empty building. Unless there's some economic drastic change where that much space is needed, and I think we have reached out and consulted with some of the brightest people in the community in terms of office leasing, large national corporations that have their finger on

the pulse, they've not come up with any great office leases for us yet. So, that's still a huge risk for us. If we double that risk and had the entire thing as office, we couldn't even consider it. I don't think any other like-minded developer could either with normal conventional financing.

Mayor Garner said it's a business, correct. You've done your market studies and your research, I take it. **Mr. Goforth** said yes. **Mayor Garner** said if both towers were profitable for office space—correct me if I'm wrong. I don't want to speak for you—I wouldn't be surprised if you were up here asking for something as far as to create probably a majority of that as office space and upgraded. Is that correct?

Mr. Goforth said if we had the ability to lease the whole thing as office, yeah. We would never have made this application. We just would have bought the building and leased as office. The problem is, we don't see how that's possible through all the research and effort and contacts that we have and that we've made, we do not see that as a possibility really for anybody.

We've researched government agency leases. We've researched large tenants. We've researched new large businesses through the Department of Commerce in the state of Kansas. We have made a pretty exhaustive effort to try to keep it all office because what would be better. That would be a great, simple thing to do if you could just buy the building and then put office back in there. You've got the jobs and the income back in the building and you don't have to do any construction. There's no brain damage and that would be a very simple path, but it's not one that we see.

Commissioner Bynum said first, I just want to say in general that I was glad Cerner came and put thousands of people to work in those buildings, and then we know what happened with the pandemic and sent all those people home. The world is what it is now and it's different than when Cerner came and built those buildings. I do remain grateful for what they brought to the community.

I think I've heard now enough to satisfy myself that on kind of both sides of this equation, we still have some leverage that we can use here at the diocese. That gives me, I think, the comfort I've been looking for. I also did not realize that Commissioner Burroughs had made a motion and I will second his motion for approval.

Action: Commissioner Bynum seconded Commissioner Burroughs motion for approval.

Commissioner Townsend said well, I'll third the motion. That's what I had in mind. I think we've gotten off track from what is really before us which is a planning and zoning question; however, and I appreciate the summary the developer and his team have brought forward. It gave more information than we had a month ago. The concerns of what exactly is going to go out there ultimately, what it's going to look like, what we do as a Commission in terms of yes or no on abatements or any other requests should be handled in the economic development environment. So, there's already been a second and I agree with that.

Roll call was taken to approve Change of Zone Application COZ2023-001 and there were six "Ayes," Johnson, Markley, Bynum, Burroughs, Townsend, McKiernan; and three "Nos," Kane, Stites, Davis.

Action: Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to approve Master Plan Amendment Application MPL2023-001, subject to the stipulations. Roll call was taken and there were six "Ayes," Johnson, Markley, Bynum, Burroughs, Townsend, McKiernan; and three "Nos," Kane, Stites, Davis.

Item No. 3 – 212472...CHANGE OF ZONE APPLICATION COZ2023-008 - JULIAN FLORES WITH 1 CORE CONSTRUCTION LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for a duplex at 410 Ann Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Julian Flores, wants to rezone the parcel from R-1(B) Single Family District to R-2(B) Two Family District to renovate an existing, vacant residential structure to a duplex on 0.07 acres at 410 Ann Avenue. The Planning Commission voted 5 to 2 to recommend approval of Change of Zone Application COZ2023-008, subject to:

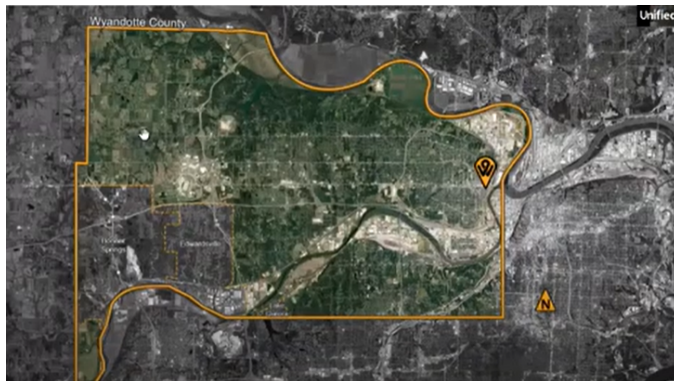
1. This City Planning Commission case is being heard in conjunction with BOZA2023-014, which is for a reduction of the front yard setback, side yard interior setback and a detached accessory structure accounts for more than 30 percent of the rear yard;

2. For reference, this parcel was downzoned as part of a large neighborhood downzoning known as the Strawberry Hill Neighborhood Downzoning occurring in 2000 (COZ 2592). This property was downzoned from RP-5 Planned Apartment District to R-1(B) Single Family District;
3. The applicant can and will provide two (2) off-street parking spaces between the accessory structure and alley. As a result, the applicant shall install a concrete or asphalt driveway, concrete wheel paths or pervious pavers for two (2) vehicles;
4. In the event the detached accessory structure is demolished, the new, detached accessory structure shall comply with the R-2(B) Two Family District standards and regulations;
5. All future driveways must feature curb cuts that are constructed to UG standards;
6. Both units shall be on separate utilities (water, electrical, sanitary sewer, etc.);
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
9. 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;
10. If rented, a rental license from Rental Licensing Division shall be obtained;
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. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
13. All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.

Case	
COZ2023-008	
Petitioner	Address
Julian Flores	410 Ann Avenue
Synopsis	
To rezone the parcel from R-1(B) Single Family District to R-2(B) Two Family District in order to renovate an existing, vacant legal non-conforming duplex on 0.07 acres.	

(Mayor Garner left the meeting at 8:45 p.m.)

Gunnar Hand, Director of Planning and Urban Design, said this case was heard in conjunction with BOZA 2023-014 that was approved by the Board of Zoning Appeals earlier this month. What you have is a legal non-conforming duplex. We know it's legal non-conforming. The best available deal that we were able to find was that it did have two utility boxes and that it was a part of a blanket rezoning to R-1(B) around 2000.



This is in the Central area plan in the Strawberry Hill neighborhood.

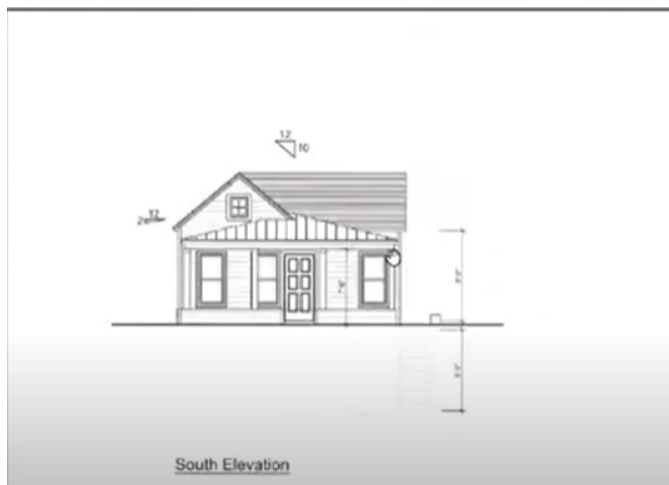


Staff has received no letters of support. There was one letter in opposition to the variance, but that opposition to the variance was specifically about the one variance regarding parking and staff was able to work with the applicant to remove that variance. There was no parking variants. Again, we just wanted to make sure that there was no opposition to that, but we removed the reason for that opposition through the process.



There are some notices of violation associated with this property because it's been vacant for about ten years. Staff agrees with Planning Commission and recommends approval.









Public Opposition	Public Support	Unified
Staff received one (1) phone call opposing the associated rezoning (COZ2023-008). Mr. David Heaston, 425 Ann Avenue, is opposed due to the lack of off-street parking, criminal activity in Strawberry Hill and the loss of single-family residences thereby changing the character of the neighborhood.	None to date.	
Staff Recommendation		
Approval		

Mayor Pro Tem Bynum asked, is the applicant present to present?

Julian Flores, 1700 S. 17th St., said I also own this property at 410. As Mr. Gunnar said, the house has been vacant for about 10, 11 years. There was a section that collapsed on the back. We

May 25, 2023

got in there and kind of cleaned it up on the inside and going through the change of zone right now. I ask all of you to help me out to bring this beautiful house back to the neighborhood.

Mayor Pro Tem Bynum said I'll open the public hearing and ask the Clerk if there were any notifications from the public to express comments. **Mr. Deichler** said no comments were received by the Clerk. **Mayor Pro Tem Bynum** asked, anyone online with their hand up? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, is there anyone present to speak in favor of the item? **Mr. Deichler** said seeing none as well. **Mayor Pro Tem Bynum** asked, anyone joining virtually to speak in favor of the item? **Mr. Deichler** said seeing none.

Mayor Pro Tem Bynum asked, any notifications expressing opposition to the item? **Mr. Deichler** said none were received by the Clerk. **Mayor Pro Tem Bynum** asked, is there anyone present who would like to speak in opposition? **Mr. Deichler** said seeing none as well. **Mayor Pro Tem Bynum** asked, anyone virtual that would like to speak in opposition? **Mr. Deichler** said seeing none at this time.

Mayor Pro Tem Bynum said I will close the public hearing and just ask if you want to make any kind of closing comments.

Mr. Flores said I just want to thank all of you guys if this can move forward so I can start the process and get everything out to permit.

Commissioner McKiernan said, Mr. Hand, do I understand correctly, the property next door to the west, 412, is already zoned R-2(B)? **Mr. Hand** said that is correct. **Commissioner McKiernan** said remind me again, how did that occur? Was that a spot rezoning like this one, a legal non-conforming use?

Mr. Hand said it had the same situation. It was a legal non-conforming duplex that got swept up into the blanket rezoning. I wouldn't describe that as spot rezoning. There is RP-5 at the corner and RP-5 on the block on 5th. I believe what you're seeing is we've had a couple of these cases in the past that have had to correct that blanket rezoning to reflect the diversity of housing typologies in Strawberry Hill.

Commissioner McKiernan said you said that the parking variance was not requested ultimately because you have the two dedicated spaces off of the alley, and that any concern that neighbors might have of parking spilling over to the rest of the block would be mitigated by your dedicated spaces.

Mr. Flores said that is correct. We're changing that house to an R-2(B). An R-2(B) doesn't necessarily have to have a parking space, but since we got that letter, I want to go ahead and put a parking space on the back of the alley.

Commissioner McKiernan said regarding this application, it means really nothing, but there seems to be an increasing tension nationwide between the desire to upzone and desire to hold firm and the fear that reducing parking minimums or eliminating parking minimums will have a negative impact, especially in older denser neighborhoods. I just make that observation that it seems I'm reading a lot more tension about upzoning and removing parking minimums.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2023-008 as submitted, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATION

Item No. 1 – 212468...SPECIAL USE PERMIT APPLICATION SP2022-117 - JESSICA BETTS

Synopsis: Renewal of a Special Use Permit (SP2021-071) to operate a short-term rental at 749 Locust Avenue, submitted by Gunnar Hand, AICP, Director of Planning and Urban Design. The applicant, Jessica Betts, is seeking to renew their Special Use Permit (which expires 2/3/2023) to continue the operation of a short-term rental at 749 Locust Avenue. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnB to market the rental. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2022-117, for two (2) years, subject to:

1. The driveway apron must be paved with asphalt. The apron cannot be gravel;

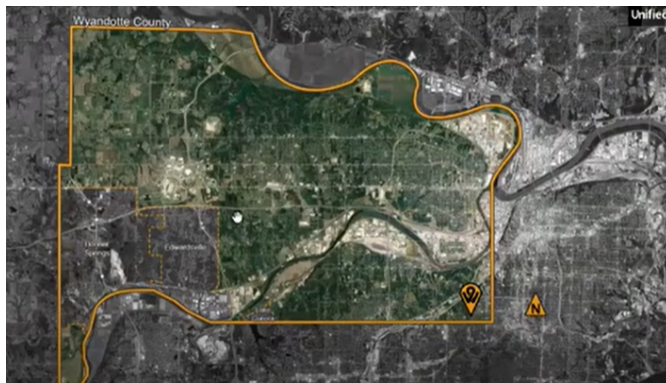
2. Maximum number of guests shall be seven (7);
3. All parking must be off-street, maximum number of vehicles is three (3);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission 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;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. 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);
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. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for

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

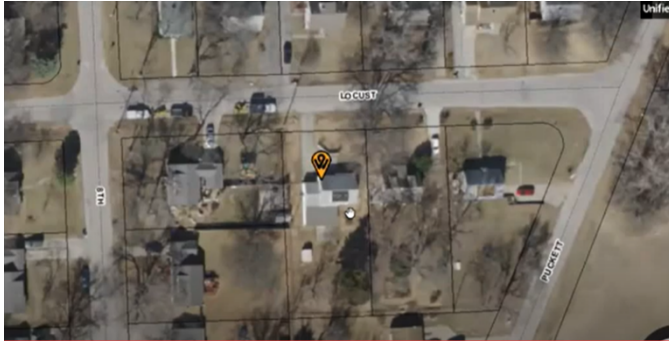
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Case	
SP2022-117	
Petitioner	Address
Jessica Betts	749 Locust Avenue
Synopsis	
To renew a Special Use Permit (expired 2/3/2023) to continue to operate a short-term rental. This is not the applicant's primary residence.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. This is a renewal. I would just make a quick note. This came in before the ordinance was adopted last month, so this is still under the previous rules and regulations related to short-term rentals. This is non owner-occupied short-term rental.



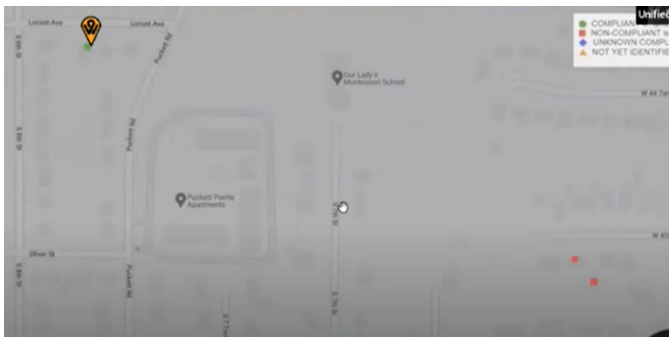
It's in the City-Wide comprehensive plan area, just outside of the Rosedale area plan, but in the Rosedale neighborhood.



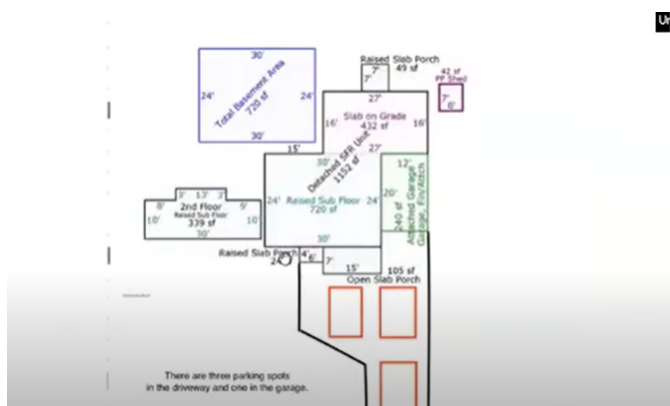
Staff has received no letters of support; no letters of opposition, and no notices in violation.



There were people in attendance at the City Planning Commission that spoke in favor of this project. Staff agrees with Planning Commission's recommendation of approval for two years with the condition that a maximum of seven people and three cars off-street.



May 25, 2023



Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation Approval	

Mayor Pro Tem Bynum asked, is the applicant present or online to make a presentation? **Mr. Deichler** said seeing none.

Mayor Pro Tem Bynum said I'll open the public hearing and ask the Clerk if we have any notifications from the public wishing to express their support for the item. **Mr. Deichler** said no notices were received by the Clerk. **Mayor Pro Tem Bynum** asked, anyone present who would

like to speak in favor who are present in the chambers? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, is there anyone virtually that would like to speak in favor? **Mr. Deichler** said seeing none as well.

Mayor Pro Tem Bynum asked, any notifications received to express opposition to the item? **Mr. Deichler** said no notifications were received by the Clerk. **Mayor Pro Tem Bynum** asked, is there anyone present in the chambers to speak in opposition? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, anyone virtual that wants to speak in opposition? **Mr. Deichler** said seeing none as well.

Mayor Pro Tem Bynum said I will close the public hearing.

Action: Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-117 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212471...MASTER PLAN AMENDMENT APPLICATION MPL2022-026 - CHAD SCHIMKE

Synopsis: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: Withdrawn at the request of the applicant.

Item No. 2 – 212401...MASTER PLAN AMENDMENT APPLICATION MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-

use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **This item was previously heard in conjunction with Planning and Zoning Non-Consent Agenda Item No. 2 – COZ2023-001.**

Mayor Pro Tem Bynum said that ends our Planning and Zoning agenda and takes us to our Regular Consent Agenda.

REGULAR CONSENT AGENDA

Mayor Pro Tem Bynum asked, is there any member of the Commission or County Administrator who wish to set aside an item on our Regular Consent Agenda?

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

Item No. 1 – 212429...RESOLUTION: A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND SUPPLEMENTAL INDENTURE WITH REGARD TO THE TAXABLE INDUSTRIAL REVENUE BONDS (DAIRY FARMERS OF AMERICA, INC. PROJECT-BUILDING)

Synopsis: A resolution authorizing the execution of a second supplemental indenture with regard to the taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project — Building), Series 2017A, previously issued by the Unified Government of Wyandotte County/ Kansas City, Kansas, submitted by Patrick Waters, Acting Chief Counsel. On May 8, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full Commission.

Action: **RESOLUTION NO. R-35-23, “A resolution authorizing the execution of a second supplemental indenture with regard to the Taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. project—building), Series 2017A, previously**

issued by the Unified Government of Wyandotte County/Kansas City, Kansas.”
Commissioner Davis made a motion, seconded by Commissioner Kane, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 212490...PLAT: THE ESTATES OF HOLLINGSWORTH MEADOWS

Synopsis: Plat of The Estates of Hollingsworth Meadows, located at 12501 Polfer Road, and being developed by Maderos/King, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 3 – 212491...PLAT: 5-RIVERS TRUCK CENTER

Synopsis: Plat of 5-Rivers Truck Center, located at 26th and Cheyenne Avenue, and being developed by 5-Rivers LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 4 – MINUTES

Synopsis: Minutes from the full Commission meeting on September 15, 2022, the Special Session meeting on April 27, 2023, and from the Executive Session on May 11, 2023.

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

Item No. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated May 4, 2023.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

Item No. 1 – 212428...RESOLUTION: AUTHORIZING UG TO ENTER INTO TWO REAL ESTATE PURCHASE AGREEMENTS WITH KCKCC

Synopsis: A resolution authorizing the Unified Government to enter into two real estate purchase agreements with the Kansas City Kansas Community College, submitted by Patrick Waters, Acting Chief Counsel. On May 8, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 5/1 to approve and forward to the full Commission.

Commissioner Burroughs said the only remark I would make was there was much concern about the impact that the purchase would have on our food kitchen. It was resolved between the community college and those within the food kitchen. I would ask that the committee support the motion coming forward for approval.

Action: **RESOLUTION NO. R-36-23**, “A resolution authorizing the Unified Government to enter into two real estate purchase agreements with the Kansas City, Kansas Community College for the sale of all of 600 State Avenue and a portion of 645

Nebraska Avenue.” **Commissioner Johnson made a motion, seconded by Commissioner Burroughs, to adopt the resolution.**

Commissioner Stites said I was the one no vote that night. I don’t know that it was technically resolved that night with the food kitchen but, subsequently, I’ve reached out to a couple of Board members and, Dr. Mosier, I’m pleased to say that your staff reached out. What I had heard was that they were very pleased with the progress. They felt like they were in the mix now and in the know, and they were happy with the direction that things were going. So, I will be in support of it tonight. Thank you, again, for your work.

Commissioner Townsend said during the standing committee, as Commissioner Stites has already mentioned, there was concern raised that there be no interruption of meals and other services delivered by Hot Lunch Service, Inc., as well as in addition to whatever services Mt. Carmel Corporation separately provides. I ask that the agreement from Dr. Mosier and the college with those entities be incorporated somehow into this resolution. I see that it has been. I wanted to get that on the record. So, I will be supporting.

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

Item No. 2 – 212459...RESOLUTION: PROCESSING ACCESS TO METRO 24 FUNDS

Synopsis: Resolution for the process of accessing Metro 24 Funds, submitted by Angel Ferrara, Director of Parks and Recreation. On May 22, 2023, the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full Commission.

Mayor Pro Tem Bynum said this item was heard by Administration and Human Services on Monday, May 22nd. We did approve the resolution and asked to fast track it to this evening.

Action: **RESOLUTION NO. R-37-23**, “A resolution authorizing the County Administer to award grants from the Metro 24 management fee for youth activities in Argentine

and Rosedale.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to adopt the resolution.**

Angel Ferrara, Director of Parks & Recreation, said this item was brought before us and Commissioner Ramirez did ask us to work on this. After working with Legal, we did bring before standing committee a resolution authorizing the County Administrator to award grants from the Metro 24 management agreement. So, just a brief overview. That was renewed in 2021. There was not a process that was approved for expending out those funds.

Mayor Pro Tem Bynum said we’re just grateful to you and staff for working out an agreement and a process for utilizing the money. It’s kind of the end of what was set forward in 2020, so we really appreciate it.

Commissioner Townsend said since we have our Director of Parks and Rec here, I didn’t want to pass up an opportunity. We’re coming up on the Memorial Day holiday. Parkwood pool will be open despite some conflicting information earlier. It will be opened on Memorial Day, so come one, come all. Thank you for all Parks & Rec has done.

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

ADMINISTRATOR’S AGENDA

Administrator Johnston said this is not an item for action but one of recognition. I want the Commission and the people in the gallery and those seeing on virtual that we are sad to see that our Interim Legal Counsel Patrick Waters—this is his last Commission meeting. When Patrick came and talked to me about a great opportunity that he had before him, you could only encourage him to explore other career opportunities because he’s given this government close to 19 years of excellent legal representation. It’s a tough position to fill because of who filled that job. I think it’s fitting if we could all applaud him and support him and thanks for his work.

Mayor Pro Tem Bynum said, Patrick, thank you so much for all your years of service.

COMMISSIONERS' AGENDA

Item No. 1 – 212492...TRAVEL REQUEST: COMMISSIONER RAMIREZ

Synopsis: Request to travel for Unified Government business to Tacoma, Washington, to attend the National League of Cities(NLC) Summer Board and Leadership meeting, submitted by Commissioner Ramirez.

(Mayor Garner returned to the meeting at 9:12 pm)

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

Mayor Garner said that concludes the portion of our regular meeting and I adjourn us in that capacity.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Davis, to adjourn as the full Commission and reconvene as the Landbank Board of Trustees.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

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

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

Item No. 1 – 212430...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://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 2 Homes

11. Justin Sorto – 1 home
23 S. 18th St. – 107737
12. Clarisia L. Balladares – 1 home
28 N. Tremont St. – 120402

B. Multi Family – 15 Units

1. DreSean Johnson – 3 Units
1837 S. 35th St. – 170215
2. RA Engineering – 10 Units
3038 Suntree Plz. – 125603
3. Darlene Dunn – 2 Units
5666 Yecker Ave. – 037189

C. Commercial – 1

1. Roberto & Nancy Rodriguez – Insurance Agency
961 Pacific Ave. – 069269

On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full Commission.

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

Item No. 2 – 212431...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://gisapp.wycokck.org/Landbank.html>

PT – Property Transfer

1. Lillie Williams
812 Lafayette Ave. – 111593

On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full Commission.

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

Item No. 3 – 212432... LAND BANK HOLD AREA

Synopsis: Requesting consideration for the Wyandotte County Land Bank to hold all properties held by it within the boundaries of Quindaro Boulevard to the north, 5th Street to the east, Parallel Parkway to the south, and 7th Street to the west for the future acquisition by Mt. Carmel Redevelopment Corporation, submitted by Jud Knapp, Land Bank Manager. On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full Commission.

Action: **RESOLUTION NO. R-38-23**, “A resolution authorizing the Wyandotte County Land Bank to hold specified properties for the acquisition by Mt. Carmel Redevelopment Corporation to return blighted and vacant properties to a productive use.” **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

LAND BANK BOARD OF TRUSTEES' NON-CONSENT AGENDA

Item No. 1 – 212489...LAND BANK OPTION APPLICATIONS

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

Please visit the site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 10 Homes

1. Mark & Rhonda Hamilton – 1 home
2916 N. 26th St. – 163438
2. Maria Hill – 1 home
3240 N. 46th St. - 066341
3. JBLOC LLC – 1 home
4907 Lathrop Ave. - 178733

4. Jorge Alfaro – 1 home
3306 N. 33rd St. – 165213
5. Omar Jurado – 1 home
3032 N. 33rd St. - 100178
6. Miguel Cortes – 1 home
1116 Washington Blvd. – 080158
7. Dania Pilar – 1 home
930 Central Ave. – 069286
8. DreSean Johnson – 1 home
3040 N. 27th St. – 116502
9. David Bean – 1 home
257 S. Mill St. – 122060
10. Georgia Dubois – 1 home
1112 Ruby Ave. – 143024
1108 Ruby Ave. – 143025
1104 Ruby Ave. – 143026

On May 8, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted 5/1 to approve and forward to the full Commission.

Jud Knapp, Land Bank Manager, said Items A1 – 8 were voted on as one. They received one no vote. All those items are single-family homes. A10 was a little different. It was three lots for one home, but they're basically on unbuildable lots and it'll be a very difficult build.

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

ADJOURN

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

**MAYOR GARNER
ADJOURNED THE MEETING AT 9:15 P.M.
May 25, 2023**

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

May 25, 2023