

CONSENT AGENDA ITEM NO. _____

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

PLANNING & ZONING AND
REGULAR SESSION
JUNE 29, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, June 29, 2023, with eight members present: 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; and Garner, Mayor/CEO, presiding. Bynum, Commissioner At-Large First District; Ramirez, Commissioner Third District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Jeff Fisher, Executive Director of Public Works; Jeff Miles, Director of Water Pollution Control; Brett Deichler, UG Clerk; and Brittne MacDonald, UG Clerk's Office.

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

During the meeting, please make sure that you announce yourself by name, if you're allowed to speak, as well as your title so the public that is observing knows exactly who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office. When you do speak into the microphone, make sure you speak loudly and clearly so that it could be captured for record by our Clerk.

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

Roll call: Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan, Garner. (**Mr. Deichler** said Davis and Bynum both have absent memos. Commissioner Ramirez has an absent memo.)

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

Mayor Garner asked, Clerk, are there any revisions on tonight's agenda? **Mr. Deichler** said there was a change on tonight's Regular Consent Agenda. That was the removal of Item No. 1 from tonight's agenda surrounding the adoption of a resolution of intent to issue industrial revenue bonds for the Margaritaville and Homefield Outdoor project. This action will actually require us to hold two separate public hearings which have also been added to tonight's Public Hearing Agenda. That represents all the modifications to tonight's agenda.

Mayor Garner said with that being said, we have two distinct parts to our meeting. The Planning and Zoning portion, which we'll handle first, followed by our Regular Commission meeting.

PLANNING AND ZONING AGENDA

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

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

PLANNING AND ZONING CONSENT AGENDA

Mr. Deichler asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on tonight's agenda? **Commissioner Markley** said I have had contact with opponents of Non-Consent Agenda Item SP2023-020 – Shaymond Janes. **Commissioner Burroughs** said I, too, have had contact from opponents of SP2023-020. **Commissioner Kane** said same group. **Commissioner McKiernan** said contact from opponents of SP2023-016 and opponents of SP2023-020. **Commissioner Stites** said proponents of SP2023-011.

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 recommendations of the Planning Commission.

Mayor Garner said I'll ask if anyone in attendance would like to set aside an item.

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

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

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

CHANGE OF ZONE APPLICATION

Item No. 1 – 212534...CHANGE OF ZONE APPLICATION COZ2023-011 - AARON MOORE WITH KAW VALLEY ENGINEERING

Synopsis: Change of Zone from R-2 Two Family District to RP-5 Planned Apartment District to convert a church into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212538...MASTER PLAN AMENDMENT APPLICATION MPL2023-006 - AARON MOORE WITH KAW VALLEY ENGINEERING

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and representative, Aaron Moore with Kaw Valley Engineering, wants to rezone 2508 North 12th Street and 1208 Cleveland Avenue from R-2 Two Family District to RP-5 Planned Apartment District to convert a vacant church into a two and one-half (2-½) story,

12-unit multi-family apartment building on 0.428 acres. The Planning Commission voted 9 to 0 to recommend approval of Master Plan Amendment MPL2023-006 and Change of Zone COZ2023-011, subject to:

1. Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. If historic designation is sought by the applicant, contact Randy Greeves, Historic Preservationist to begin that process at (913) 573-5763 or jlgreeves@wycokck.org
3. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i. The primary entrance or entrances to each principal multi-family building; and,
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
 - c. Exterior building materials shall not include the following:
 - i. Board and batten wood;
 - ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
 - d. Landscaping is required to screen all parking areas and service entries;
4. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall;
5. Relocate the second pole west on Cleveland Avenue due to the potential parking lot curb cut;
6. The sidewalk along Cleveland Avenue shall extend from the intersection west to the edge of the property line.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary;
7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361). Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
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. Interior parking lots lights shall have 90-degree cutoff fixtures;
10. Install bike racks near the front door or a high trafficked entrance/exit; The proposed building will need to match the building and use similar materials as the existing church;
11. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;

12. 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;
13. Maintain and prune existing trees along the north and west property lines;
14. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district;

15. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
16. All landscaping shall be irrigated;
17. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
18. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
19. All electrical meter banks, typically on the side of the building shall be screened from public view;
20. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum

- of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
22. Satellite dishes shall not be erected on the exterior of windowsills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 23. 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;
 24. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 25. 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;
 26. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 27. 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;
 28. 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; and,

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

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2023-011 and Master Plan Amendment Application MPL2023-006, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212536...SPECIAL USE PERMIT APPLICATION SP2023-022 - CURTIS PETERSON WITH POLSINELLI PC

Synopsis: Special Use Permit to operate a retail shooting range at 10000 France Family Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Amy Grant with Polsinelli, requests a Special Use Permit for a commercial retail space with a firearm training facility and shooting range at 10000 France Family Drive. This property had received an indefinite Special Use Permit in September 2016; however, the ownership of the business has changed, which necessitates a new Special Use Permit. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2023-022, subject to:

1. Shall comply with local, State and Federal laws, as applicable;
2. The parking lot shall be restriped, as the striping has faded;
3. All dead landscaping must be replaced in-kind, as demonstrated in the landscaping plan from 2017;
4. 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;
5. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. 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;

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. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-022 indefinitely, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

June 29, 2023

Item No. 2 – 212537...SPECIAL USE PERMIT APPLICATION SP2023-023 - MARIBEL SANTA ANNA WITH A+M UNLIMITED LLC

Synopsis: Special Use Permit to operate an event space at 6300 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Maribel Santa Anna, is requesting a Special Use Permit to operate an event space with offices at 6300 Parallel Parkway. The applicant is converting a former funeral home into an event space. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2023-023, for two (2) years, subject to:

1. Per the goDotte County-Wide Mobility Plan, North 63rd Street is identified as a priority sidewalk, which requires a 10-foot-wide sidewalk to be installed along 63rd Street on the east side of the property;
2. A tree shall be planted within the existing planters along the south side of the property along Parallel to meet the code standard set by Section 27- 463(g);
3. Additional landscaping or a six (6) foot tall opaque fence shall be constructed on the north and west property lines screening the parking lot and vehicle headlights from the parsonage and single-family homes;
4. All entertainment must cease by at least 1:00 AM;
5. Doors and windows must stay closed during any entertainment performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
7. No amplified speakers or entertainment is allowed in outdoor spaces;
8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. 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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 14. 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.
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 16. 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;
 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 19. 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
 20. 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

21. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-023 for two years, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212538...MASTER PLAN AMENDMENT APPLICATION MPL2023-006 - AARON MOORE WITH KAW VALLEY ENGINEERING

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone Application COZ2023-011 - Aaron Moore with Kaw Valley Engineering.

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

Item No. 1 – 212539...AN ORDINANCE rezoning property at 4601 Gibbs Road (COZ2022-047) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-59-23**, “An ordinance rezoning property hereinafter described located at approximately 4601 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G

Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 2 – 212540...AN ORDINANCE rezoning property at 10200 Abilities Way (COZ2023-001) from CP-2 Planned General Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-60-23**, “An ordinance rezoning property hereinafter described located at approximately 10200 Abilities Way, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 3 - 212543...AN ORDINANCE rezoning property at 5910 County Line Road (COZ2023-003) from R-1 Single Family District to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-61-23**, “An ordinance rezoning property hereinafter described located at approximately 5910 County Line Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-1 Planned Limited Business District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 4 – 212544...AN ORDINANCE rezoning property at 1013 Metropolitan Avenue, 1605 South Baltimore Street and 1003 Ruby Avenue (COZ2023-007) from R-1(B) Single Family

District to RP-M Planned Mobile Home Park District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-62-23**, “An ordinance rezoning property hereinafter described located at approximately 1013 Metropolitan Avenue, 1605 South Baltimore Street and 1003 Ruby Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-M Planned Mobile Home Park District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 5 – 212545...AN ORDINANCE rezoning property at 410 Ann Avenue (COZ2023-008) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-63-23**, “An ordinance rezoning property hereinafter described located at approximately 410 Ann Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 6 – 212546...AN ORDINANCE authorizing a Special Use Permit at 7250 State Avenue (SP2022-098) to operate a child education center in a building on the campus of KCKCC, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-64-23**, “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 child

education center in a building on the campus of KCKCC, 7250 State Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 7 – 212547...AN ORDINANCE authorizing a Special Use Permit at 1127 Southwest Boulevard (SP2022-122) for continuation of a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-65-23**, “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 1127 Southwest Boulevard, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 8 – 212548...AN ORDINANCE authorizing a Special Use Permit at 1963 North 63rd Drive (SP2023-002) to install and operate a stealth monopole telecommunications tower and associated ground equipment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-66-23**, “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 install and operate a stealth monopole telecommunications tower and associated ground equipment at 1963 North 63rd Drive, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 9 – 212549...AN ORDINANCE authorizing a Special Use Permit at 4443 Eaton Street (SP2023-006) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-67-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 4443 Eaton Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 10 – 212550...AN ORDINANCE authorizing a Special Use Permit at 1215 Merriam Lane (SP2023-009) to remove earthen fill from the property, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-68-23**, “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 remove earthen fill from the property at 1215 Merriam Lane, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 11 – 212551...AN ORDINANCE authorizing a Special Use Permit at 924 North 98th Street (SP2023-012) for grading to prepare the site for future development, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-69-23**, “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 prepare the site

for future development at 924 North 98th Street, Kansas City, Kansas.”
Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 12 – 212552...AN ORDINANCE authorizing a Special Use Permit at 336 South 42nd Street (SP2023-013) for tire sales and servicing for trucks and semi-trucks, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-70-23**, “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 tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 13 – 212553...AN ORDINANCE authorizing a Special Use Permit at 3130 North 122nd Street (SP2023-014) to operate a YMCA summer day camp, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-71-23**, “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 YMCA summer day camp at 3130 North 122nd Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 14 – 21254...AN ORDINANCE authorizing a Home Occupation Special Use Permit at 3704 North 99th Street (SP2023-015) to operate a commercial specialty shop, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-72-23**, “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 commercial specialty shop at 3704 North 99th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 15 – 212555...AN ORDINANCE authorizing a Special Use Permit at 695 and 701 Village West Parkway (SP2023-018) for continuation of live entertainment at Chateau Avalon Hotel, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-73-23**, “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 live entertainment at Chateau Avalon Hotel, 695 and 701 Village West Parkway, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 16 – 212556...AN ORDINANCE authorizing a Special Use Permit at 13400 Donahoo Road (SP2022-115) to continue to operate a microbrewery, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-74-23**, “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 continue to operate a microbrewery at 13400 Donahoo Road, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 17 – 212557...AN ORDINANCE rezoning property at 706 Shawnee Road (COZ2022-051) from R-1 Single Family District to RP-2(B) Planned Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-75-23**, “An ordinance rezoning property hereinafter described located at approximately 706 Shawnee Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to RP-2(B) Planned Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 18 – 212558...AN ORDINANCE rezoning property at 12200 Donahoo Road (COZ2023-004) from R1 (WYCO) Residential District to R-1 Single Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-76-23**, “An ordinance rezoning property hereinafter described located at approximately 12200 Donahoo Road, in Kansas City, Kansas, by changing the same from its present zoning of R1 (WYCO) Residential District to R-1 Single Family District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212533...SPECIAL USE PERMIT APPLICATION SP2023-016 - TYLER REYNOLDS AND JUSTIN ROBLES

Synopsis: Renewal of a Special Use Permit (SP2022-012) for a Short-Term Rental at 527 Tenny Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Tyler Reynolds and Justine Robles, are request a renewal of a Special Use Permit to operate a short-term rental at 527 Tenny Avenue. The subject property has been used as a rental periodically since 2001 or earlier. The Planning Commission voted 8 to 1 to recommend approval of Special Use Permit SP2023-016, for one (1) year, subject to:

1. This Special Use Permit shall comply with Sections 27-214 and 27-623;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2);
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;

14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. 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;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,
21. Applicant will send a letter to the property owners within 200 feet and the Strawberry Hill Neighborhood Association with the Applicants' contact information.

Case	
SP2023-016	
Petitioner	Address
Tyler Reynolds & Justine Robles	527 Tenny Avenue
Synopsis	

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 renewal for a short-term rental. This would be their first renewal.



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

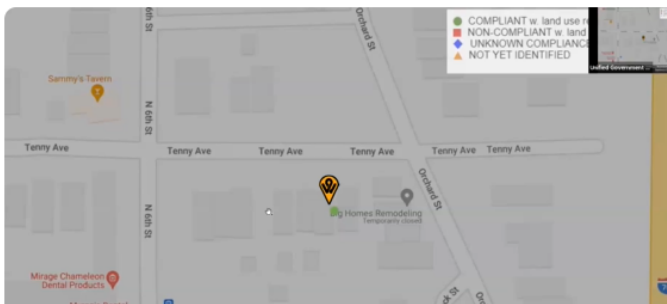


This case, during the Planning Commission hearings, was held over one month as the applicant did not meet all of the conditions of approval. After meeting all the conditions of approval, the City Planning Commission moved forward with a recommendation of approval with a vote of 8 to 1.

June 29, 2023



Staff agrees with Planning Commission's recommendation with the following conditions, including the maximum of six people in the building and two cars max off-street.



June 29, 2023



Staff Recommendation	
Commission hearing on 8:15 3053 in opposition: member of the public attended the City Planning Staff has received one (1) by one call in opposition One (1) and no other comments.	Staff has received one (1) letter in support no other comments.
Public Opposition	Public Support

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

Justine Robles said Tyler Reynolds was not able to make it today. He wasn't able to get off work. However, he is on the phone if I would be able to put a headphone in, he could help me with questions if that's okay. We are located at 536 Tauromee Avenue, Kansas City, Kansas 66101. We purchased the property of 527 Tenny Avenue, Kansas City, Kansas 66101. It was recently renovated to a family home, and we are requesting for renewal for a special use permit for a short-term rental.

Mayor Garner asked, did you say you had the petitioner on the phone, online? **Ms. Robles** said Tyler Reynolds is on the phone just to help me out with questions. **Mayor Garner** asked, are you able to patch that in so everyone can hear him? We have to hear from him directly. Is that possible? **Ms. Robles** said yeah, sure. **Tyler Reynolds, 536 Tauromee Avenue.**

Mayor Garner asked, is there anything else you would like to add?

Ms. Robles said I guess what we wanted to add, we are a small business. It's only me and Tyler that's a part of this short-term business. We're not planning to expand.

June 29, 2023

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

Mayor Garner asked, Clerk, were there any notifications received from the public who wish to express comments in opposition? **Mr. Deichler** said no notices were received. **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 would like to speak in opposition of the item? **Mr. Deichler** said seeing none as well.

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

Ms. Robles said sorry. I'm just really nervous.

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

Commissioner McKiernan asked, Mr. Hand, have there been any recorded calls for service from the Police Department at this address in the last year that this permit has been active? **Mr. Hand** said we received no notices of violation or any other complaints.

Commissioner McKiernan said I did notice that at the Planning Commission there was one letter received in opposition and one letter received in support, both from people who live within a block of this address. Given the fact that there's been no verified calls for service and given the fact I noticed in your materials to your guests that you say that there's a maximum of eight people allowed in this rental, but I know you know now it's a maximum of six, correct, with a maximum of two cars parked off-street behind that house. Excellent.

Given the fact that Mr. Reynolds lives but four blocks away from this address, and as you do as well, that you would then be available quickly if there were an issue that needed to be addressed. I'm just going to ask that you make sure that the neighbors around this residence know

how to get a hold of you, and that you make sure that to the best of your ability, your guests are good neighbors to everyone around them for the entirety of their stay there.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2023-016, as submitted, for one year, subject to the stipulations. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 2 – 212535...SPECIAL USE PERMIT APPLICATION SP2023-020 - SHAYMOND JANES

Synopsis: Special Use Permit to operate a Short-Term Rental at 2737 South 53rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Shayman Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner’s primary residence. This short-term rental has been operating without proper permitting since at least June 2022. This is the first and only non-owner occupied, short-term rental permitted on the 2700 block of South 53rd Terrace. The Planning Commission voted 6 to 3 to recommend approval of Special Use Permit SP2023-020, for one (1) year, subject to:

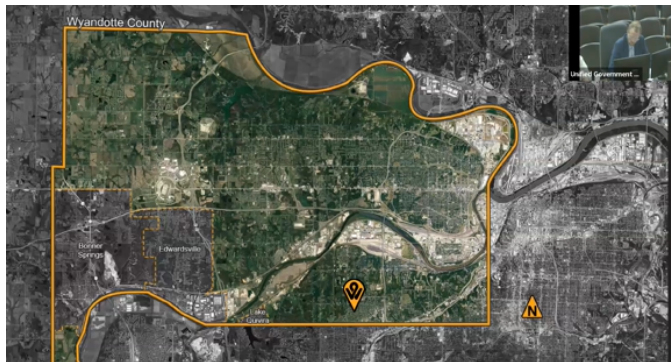
1. This Special Use Permit shall comply with Sections 27-214 and 27-623;
2. All critical repairs outlined by staff shall be repaired prior to operation;
3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant’s next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. 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;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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);

13. 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;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. 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.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 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;
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 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;
20. 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;
21. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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;
23. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit;
24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
25. No loud music on the back patio after 10:00 p.m.

Case	
SP2023-020	
Petitioner	Address
Shaymond Janes	2737 South 53 rd Terrace
Synopsis	
To operate a short-term rental. This is not the applicant's primary residence.	

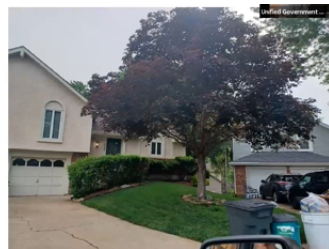
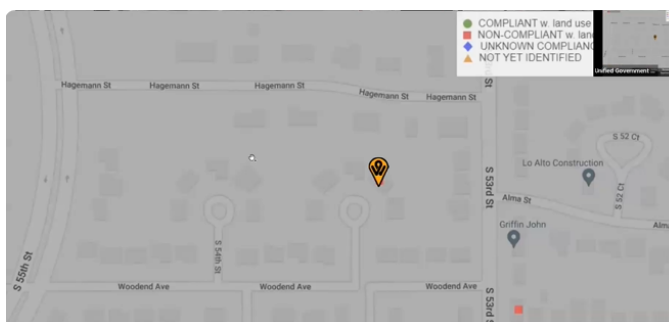
Gunnar Hand, Director of Planning and Urban Design, said this is a new special use permit for a short-term rental. Again, this is a non-owner occupied property.



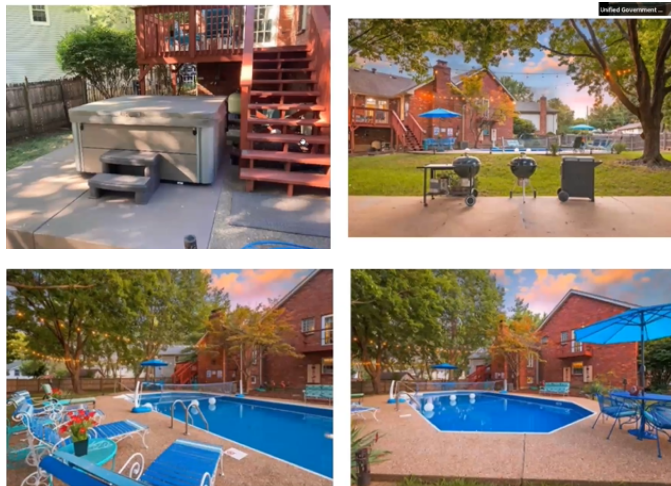
It's in the City-Wide and Comprehensive Plan area in the Turner neighborhood.



Staff received no letters of support. There was opposition, both provided to staff and at the City Planning Commission, earlier this month. There is a notice of violation on this property as it was operating as a short-term rental without a SUP. So, it came to us as a part of a zoning enforcement case. Staff does agree with the Planning Commission and recommends approval for one year with a maximum of seven people and three cars off-street.



June 29, 2023

	
Public Opposition Staff has received three (3) phone calls and one (1) letter written in opposition. Five (5) people appeared at the City Planning Commission hearing on 6.12.2023 in opposition.	Public Support None to date.
Staff Recommendation Approval	

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

Shaymond Janes, 9625 Lamar Ave., Overland Park, KS, said I'm applying for a special use permit for property address 2737 South 53rd Terrace to operate as a short-term rental. At the pre-Planning Commission, there were a couple of issues that were brought up that I was required to fix. One neighbor had brought up that basketballs were bouncing over the fence, so I was asked to put up some netting. I have done that. I don't think there'll be any more problems with basketballs.

I was also asked to have a hard cut-off with music at 10:00, which we will implement. Right now, we're not advertising the short-term rental. I wasn't aware originally that I needed a short-term use permit to operate the property, so I've been going through this process since then. The property is not rented.

In addition to the 10:00 cut-off time on music, all of the lights, we put in timers and the lights will also shut off outside in the backyard, which is where people tend to gather because

June 29, 2023

there's a pool and a basketball court back there. I've turned off the lights now at 10:00 as well. That wasn't recommended, but I added that.

We've also put in place a lot of different language so that our guests are reminded, I think, four different times now, before they come to the property, that parties are strictly prohibited and/or loud music as well. We are asking each guest and we're reminding them that this is a residential neighborhood and that there are children around and to please be respectful of the neighbors with regards to volume of music, music choices, and just in general, be respectful of the neighbors.

In addition to that, I have installed security cameras on the front of the house and on the rear of the house. These are hard-wired cameras that are wired hot, which means that they are on all the time, so it's 24-hour surveillance and that goes directly to my phone. So, if there's people there, I get notifications if someone shows up. I have the ability to view the property at all times.

I just want to state that we're honestly trying to run this as a real business. I'm a business owner in Kansas. I have been for 15 years. I run two businesses. We're really trying to do a good job here. We really want to be the model of what a good short-term rental should be as opposed to all these horror stories that we hear on the news.

That said, for the most part, I think we've done a pretty good job. I know there's been a couple of things. I don't think the police have been called or anything. To my knowledge, there haven't been any large parties and we've been strictly against that since the very beginning, as mentioned at the initial meeting.

We also require a three-night rental. I hope that will prevent against people having large parties. I do not allow local groups, which I think will eliminate the possibility of people inviting over their friends and family members from here locally. All of our guests are families that are typically traveling into Kansas City from out of town.

So, respectfully, we are really trying to do everything possible we can to do this right. We respectfully ask for your support for at least the next year so we can make this thing go.

Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, is 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, Clerk, 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 wish to express comments in opposition of the item? **Mr. Deichler** said no notices were received. **Mayor Garner** asked, is 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'd 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. Petitioner, you can make closing comments if you'd like. **Mr. Janes** said no, thank you.

Commissioner Markley asked, how many of the improvements that you spoke to us about tonight are the neighbors that were in opposition aware of? I'm just not sure what the timeline was of when some of those things that you said you didn't have to do but you've chosen to do that.

Mr. Janes said I personally spoke to—the main neighbor that was in opposition is directly behind me. I personally went to him and apologized to him. The problem there was some individuals that came at the draft and his wife was sitting outside and they were hooting and hollering at her. That's what he said. I'm appalled by that. I told him that. I apologized profusely. His wife was on the phone the day before and I tried to apologize to her directly. That is absolutely not what we're looking for with regards to the people that stay at our home. He mentioned to me that was the only main issue. He does have my contact information now. I did tell him about the other things that we're doing.

He's not the same neighbor about the basketballs. The basketballs are on kind of—the yard comes to a corner in the back so one's on one corner and one's on the other.

In my letter to all the neighbors, I provided numerous ways of getting ahold of me and I'm available via text; cell phone. I live 10 minutes away. I'm not four blocks. I do have the cameras on and I will be there very, very quickly. I'm there all the time anyway. I take meticulously good care of the property. I'm pretty OCD about it. It's a family home. My dad built the house. I grew up in that house, and the neighborhood means a lot to me. Kansas City, Kansas, means a lot to me and I want to keep it and keep it going.

June 29, 2023

Commissioner Markley said that's what I'm trying to determine is this past week we got, I did and I think several other commissioners did as well, contact from the neighborhood group and some neighbors in a different neighborhood group about this property. What I'm trying to determine is whether they were aware of some of these additional measures you've taken in terms of the security cameras and those sorts of things.

Mr. Janes said I don't know the neighborhood group. I'm not sure if they were the same group, the Turner group, that had objected originally. It is my plan to try to join some of those groups, if they're available to join, so I can be part of the community and find out what's going on and be a part of that. I welcome an invitation. If any of those groups would have me, I'd like to join.

In answer to your question, I'm not aware of even who they are so I can't answer the question.

Commissioner Markley said those items that you discussed here tonight weren't discussed at the Planning Commission, so they wouldn't have been a part of that record. Gunnar, do you see where I'm going with this?

Mr. Janes said they were recommended. The netting was recommended, yes. The music cut-off was recommended as well. I did let everybody know that I had already purchased cameras at the Planning Commission, but I had not installed them. Now they are installed.

Mr. Hand said if you look at the conditions of approval, 24 and 25 were added as it relates to the conversation at the City Planning Commission. I would also note that Ms. Barb Kill is on the call right now, who is the head of the Turner Community.

Commissioner Townsend said I was wondering, Mr. Janes, what would be your policy procedure on allowing people who had been a nuisance or on which the police had been called one time if they wanted to come back to you.

Mr. Janes said absolutely not. We have a way of reviewing people online as well. I'm, in fact, looking into going back and reviewing my Vrbo guests. I'm not sure if I'm allowed to do that. I provided a good review to that one person who stayed there, but I was not aware that had happened with the neighbors. So, no, absolutely not. It would never happen.

Commissioner Townsend asked, is that up to you or is that up to...?

Mr. Janes said it's up to me. The only site that we go through is the Vrbo site. We can approve or disapprove every single guest that request a booking. There's a lot of communication that can happen there. In fact, we go above and beyond to try to do a good job of communicating with all of our guests so they are aware of all of our rules and regulations and everything else, not only from the standpoint of the neighborhood, noise, and parties; but also just taking good care of our home. We try to do a good job of communicating via text and also email before, during, and then after the stay.

Commissioner Townsend asked, are you keeping a list of guests who've rented and what complaints have been?

Mr. Janes said quite honestly, I don't have a list. I don't have any complaints other than the one. **Commissioner Townsend** said well, that's the one. **Mr. Janes** said yes, yes; absolutely, yes.

Commissioner Markley said we have a bit of a complication here tonight because we don't have eight commissioners. As you may recall, the petitioner and the Clerk read our options. Our options are limited on what we can do with any item that comes before us tonight because we don't have our full contingent of commissioners.

My inclination was, after discussions with the neighborhood groups, to a direction that wouldn't necessarily be favorable, but it sounds like you're doing a lot of good things. What I'm inclined to do is hold this over until next month. Ask you to regroup with the neighborhood groups. Make sure they're aware of all the things that you're doing. Meet those people. Come back next month where I hope we won't have anybody who's contacted us in opposition. That makes for a much cleaner situation, I think, for your neighborhood relationships and for our situation.

Action: **Commissioner Markley made a motion, seconded by Commissioner Townsend, to hold over Special Use Permit Application SP2023-020 until the next full Commission Planning and Zoning meeting.**

Mr. Janes said I'm just curious with regard to the neighborhood meeting and going there. I'm perfectly willing to do that. What would be the expectation of me in doing that? Am I expected to convince those folks?

Commissioner Stites said here's what I think that was expressed. You just say the things that you did above and beyond number 24 and number 25. I think what you said you installed additional lighting that's going to shut off at a certain time. They weren't aware of that. Just make those aware. Maybe you can look and find out if you can join one of those groups that you were saying that you were interested in between now and then. I don't know. That's up to you. Those types of things.

Mr. Janes asked, can I receive, at least, who those groups are? **Commissioner Stites** said I'm sure Director Hand will help you with that.

Roll call was taken on the motion to hold the item over and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Mayor Garner said that concludes the Planning and Zoning portion of tonight's meeting. We will now move to the regular portion of our agenda.

MAYOR'S AGENDA

Item No. 1 – 212562...APPOINTMENT: MAYOR'S WORLD CUP READINESS TASK FORCE

Synopsis: Appointment of Alan Carr, Executive Director, Visit Kansas City, Kansas, as chair of the Mayor's World Cup Readiness Taskforce, submitted by Ana Marin, Executive Assistant, Office of Mayor/CEO Tyrone Garner.

Mayor Garner said the Greater Kansas City Chamber of Commerce has been making its rounds kind of updating local municipalities on the values and the benefits, as well as some of the challenges that may be presented to our communities from the World Cup, which is coming to the Kansas City metro in 2026. As a result, I have set up a Mayors' World Cup Readiness Task Force, which is chaired by our Visit KCK Executive Director Alan Carr and co-chaired by our Unified Government of Wyandotte County/Kansas City, Kansas Administrator David Johnston.

I'll have Mr. Carr come forward and make a presentation on just his vision and the importance of this task force.

Alan Carr, Executive Director for Visit Kansas City, Kansas, said I want to thank you, Mayor, for putting this task force together. We have a huge opportunity in front of us here in Wyandotte County and in the Kansas City metro area with the World Cup coming up in 2026. It's three years away. In fact, on this night three years from now, we will be in the middle of the World Cup. We'll likely have hosted matches already here in Kansas City and welcomed visitors from around the world. So, I'm excited to work with the County Administrator to make sure that we can take maximum opportunity here in Wyandotte County of this event.

It is the single biggest single sports event in the world. Likely one of the biggest events we can ever host here in the Kansas City metropolitan area. There's a lot of work still to be done with the local organizing committee. The County Administrator is the Unified Government's official representative to that group. There's still a lot of decisions that FIFA has to make. We don't yet know how many matches, for example, will take place here in the metro area. It's estimated it will be somewhere between seven and nine matches that will take place at Arrowhead Stadium.

We don't know what sites will be used as training facilities or what sites will be used as base camps. These would be the places where those 48 teams from around the world will use to train in advance and during the World Cup, and those sites will be meccas for the fans of those teams who will travel to those cities to spend up to 37 days, the duration of the Cup, here in the United States and potentially here in Kansas City. What we do know is that Wyandotte County is very well positioned to be a big part of this event. We have two of the premier soccer facilities in the metro and, quite frankly, in the United States. We think it's likely that both of those facilities will be part of the World Cup and in FIFA's plans,

Children's Mercy Park likely has the potential to be a training site for the teams playing their matches here in Kansas City, and Compass Minerals National Performance Center has a great opportunity to be a base camp for one of those teams to train for the duration of the World Cup. It is a facility unlike few, or may even say any, in the United States. So, there is a great opportunity to potentially attract one of the major clubs.

Just as an example. In the last World Cup in Qatar, Argentina, which is one of the powers in the soccer world, it's estimated that between 15 and 20,000 fans from Argentina went to Qatar and spent approximately a month there following their team around during the World Cup. Imagine if we have a team based here in Kansas City, Kansas, the opportunity that we have.

So, I'm excited to work with the County Administrator to put together this task force. We're just in the starting stages so we'll be organizing, but I know that there are two big picture tasks in front of us. The first is support the needs of FIFA and the Kansas City 2026 Organizing Committee to make sure that we, as a county and as a city, are ready for everything that they'll need from us in 2026 from transportation to security to looking at employment opportunities for the residents here in Wyandotte County. So, I'm excited to work with the County Administrator, who sits on that body, to look at what we can do to support those needs.

The other thing I think is just equally important and that's how do we showcase Wyandotte County to the world during this event? I think that is one of the major opportunities standing in front of us. How can we get visitors to come to every corner of our county, enjoy our attractions, our restaurants, our culture, our history? That is also, I think, one of the major focuses that we'll be looking at. How can we showcase Wyandotte County to the world and make a lot of things for a lot of fans that are here? So, thank you for this opportunity. I'm looking forward to the work to go ahead.

Mayor Garner said I know we talked about all of the benefits. What are some of the challenges that this task force could really deep dive into when you talk about this many people coming not just to the KC metro, but may end up here in Wyandotte County? I went to that meeting and there's a lot of things that come to mind, everything from infrastructure to lodging to restaurants to. I mean, you can name just about everything that the Unified Government has some type of hand in may be impacted and propose challenges not just to the Unified Government and some of our business stakeholders, but also to our residents. What does that look like to you?

Mr. Carr said absolutely. I think this event will touch every aspect in every corner of our community. Making sure that we're ready to get people around that infrastructure, that we have the capacity to do that. Taking maximum advantage of getting those visitors here. There will likely be more demand for hotels than there are rooms. So, those are things that we'll be looking at. I know that they're already looking up to a 2-hour radius outside of our metro area for hotel

rooms. There's a lot of opportunity with that, but that can also put a strain on things. We know that we have a shortage of rental housing and affordable rental housing. There's potential that you could see prices go up during the World Cup as people take advantage of all of those people looking for those opportunities. I think there's a lot of good that can come out of this, but we want to make sure that we're ready and that we're doing everything we can to address all of those needs and issues.

Commissioner Townsend said, Mr. Carr, you mentioned that with Qatar, that was a month for the actual games, I don't recall; or that took into account for a month of training and preparation. Do you have any idea if that'll be pretty much the same here, the length of time that they'd be engaged here?

Mr. Carr said yeah, so 37 days is the magic number they're giving us. That's the time from when the first match happens to the final match. Now, not all of those matches will take place here, but we also know that those teams will come into train. We are looking at approximately a 30-day window where we expect to see visitation impact in our metropolitan area.

Mayor Garner said okay. Thank you, Mr. Carr. Appreciate you.

Action: **Presentation was made.**

Mayor Garner said that takes us to Items 2 and 3. If the Clerk could read those in summary.

Item No. 2 – 212568...PROCLAMATION: JUNETEENTH 2023

Synopsis: Proclamation proclaiming June 19, 2023, as Juneteenth Freedom Day, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read a summary of the following proclamation.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, On January 1, 1863, President Abraham Lincoln's Emancipation Proclamation went into effect, recognizing and securing in law the unalienable right to freedom of every enslaved person behind Confederate lines; and

WHEREAS, over two and one-half years later, Union Army General Gordon Granger arrived in Galveston, Texas, and read Order Number Three on June 19, 1865, informing the enslaved residents of that State of their freedom; and

WHEREAS, from that day forward, June 19th has been a day of celebration, prayer, and reflection focused on the history, hardships, and achievements of Black people throughout the United States of America; and

WHEREAS, Opal Lee, the "grandmother of Juneteenth" is an American retired teacher, counselor, and key activist in the movement to make Juneteenth a federally recognized holiday inspired President Joe Biden to sign Senate Bill S. 475, on June 17, 2021, making Juneteenth the eleventh federal holiday; and

WHEREAS, the work of securing liberty, justice, racial conciliation, and healing for all continues throughout Wyandotte County and the State of Kansas. As such, we will continue our efforts to eradicate systemic racism, racial supremacy, hatred, bigotry, and bias that have a negative disparate impact on people of color; and

WHEREAS, the legacy of Wyandotte County/Kansas City, KS, has a rich cultural history as a free state given the Quindaro Township (our abolitionist settlement founded in 1856), along with our cultural diversity and the historic accomplishment of many of our African Americans residents.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 19, 2023, as:

"Juneteenth Freedom Day"

In Wyandotte County/Kansas City, Kansas,
and urge all citizens to recognize the
importance of Juneteenth. In witness
whereof, I have hereunto set my hand and the
seal of the Unified Government of Wyandotte
County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: Proclamation was read.

Item No. 3 – 212570...PROCLAMATION: NATIONAL PARKS AND RECREATION

Synopsis: Proclamation proclaiming the month of July 2023, as Parks and Recreation Month, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read a summary of the following proclamation.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, The National Recreation and Park Association recognizes July as "Parks and Recreation Month"; and

WHEREAS, this year's theme — "Where Community Grows" — celebrates the vital role that parks and recreation play in the quality of life in communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Wyandotte County and Kansas City, Kansas; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, recognizes the benefits derived from parks and recreation resources;

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim that July is recognized as Park and Recreation Month, and that Wednesday, July 12, 2023 will be a "Free Swim Day" at Parkwood Pool, 950 Quindaro Blvd.

TYRONE GARNER, MAYOR/CEO

June 29, 2023

Action: Proclamation was read.

(Mayor Garner left the meeting at 7:46 p.m.)

Commissioner Townsend said another plug for Parkwood Pool. Things are going well so far. Daily admission is only a dollar. We've kept it at that rate for any number of years.

And, again, on Wednesday, July 12th, as the Mayor's proclamation states, it'll be Free Swim Day. I wanted to give Parkwood Pool and everyone there another plug.

REGULAR CONSENT AGENDA

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

If you'll remember, on the Regular Consent Agenda, we had the removal of Item No. 1.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Regular Consent Agenda. Roll call was taken and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 1 – 212434...RESOLUTION: ADOPTION OF RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT) (REMOVED PER BLUE SHEET)

Synopsis: Adoption of a Resolution of Intent to issue industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Patrick Waters, Acting Chief Legal 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. Mayor requested this item be returned to the standing committee for further review. On June 5, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full Commission.

Item No. 2 – 212496...RESOLUTION: A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE PERFORMANCE AGREEMENT BETWEEN THE UG AND CPC LAND ACQUISITION LLC (CRITERION DEVELOPMENT)

Synopsis: A resolution authorizing the first amendment to the performance agreement between the Unified Government and CPC Land Acquisition LLC (Criterion Development), extending the construction commencement and completion dates, submitted by Patrick Waters, Acting Chief Counsel. On June 5, 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-44-23**, “A resolution approving and authorizing the Mayor/CEO to execute a first amendment of performance agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and CPC Land Acquisition Company, LLC.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item NO. 3 – 212499...ORDINANCE: AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT RELATED TO THE URBAN OUTFITTERS DISTRIBUTION CENTER

Synopsis: An ordinance authorizing the creation of a Community Improvement District related to the Urban Outfitters Distribution Center, submitted by Patrick Waters, Acting Chief Counsel. On June 5, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full Commission.

Action: **ORDINANCE NO. O-77-23**, “An ordinance authorizing the creation of a community improvement district in the Unified Government of Wyandotte County/Kansas City; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; and providing for the method of financing the same, including imposition of special assessments (URBN US Retail LLC).” **Commissioner Kane made a motion,**

seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 4 – 212559...PLAT: VILLAGE PLAZA

Synopsis: Plat of Village Plaza, located at 79th and Washington Avenue, and being developed by REK Enterprises, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 5 – 212560...PLAT: HARDEN 1ST ESTATES

Synopsis: Plat of Harden 1st Estates, located at 8941 Georgia Avenue, and being developed by Josh Harden, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 6 – 212561...PLAT: LEGENDS AUTO PLAZA 4TH PLAT

Synopsis: Plat of Legends Auto Plaza 4th Plat, located at N. 98th Street and France Family Drive, and being developed by HFS KCK LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat. Roll call was taken and

there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Item No. 7 – 212569...PLAT: EDEN VILLAGE

Synopsis: Plat of Eden Village, located at 10th and Ruby Avenue, and being developed by Three Dog Nights Charities Inc, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 8 – MINUTES

Synopsis: Minutes from the Special Session meetings of May 18, May 25, and June 1, 2023.

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

Item No. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated May 25, 2023.

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

(Mayor Garner returned to the meeting at 7:48 p.m.)

PUBLIC HEARING AGENDA

Item No. 1 – 212434...PUBLIC HEARING: MARGARITAVILLE/HOMEFIELD OUT-DOOR PROJECT (ADDED PER BLUE SHEET)

Synopsis: A public hearing regarding the proposed issuance of industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Angela Lawson, Interim Chief Counsel.

Mayor Garner said we'll take a five-minute recess to get some additional information. We'll convene back at exactly 7:55.

(Mayor Garner reconvened the meeting at 7:56 p.m.)

Mayor Garner said we have two public hearings added per blue sheet. Our first item is regarding the proposed issuance of industrial revenue bonds to finance the cost of acquiring, constructing, improving, and equipping a 229-room themed hotel and an outdoor multi-use recreational venue and related facilities located at approximately the northeast of State Avenue and North 94th Street.

Angela Lawson, Interim Chief Counsel, said I would invite Kevin Wempe from Gilmore & Bell, our Bond Council, to come forward. The next two items will follow the same format. As you stated, there will be a public hearing on each and then we will ask for an approval of a resolution for each one regarding proposed issuance of industrial revenue bonds.

Industrial Revenue Bonds: HF Baseball & Margaritaville/HF Outdoor

FULL COMMISSION

JUNE 29, 2023



Kevin Wempe, Gilmore & Bell, Bond Council to the Unified Government, said as Ms. Lawson stated, I'll just cover the next two items together as they're related and, hopefully, it looks both familiar in substance and appearance. With Mr. Todd LaSala's permission, I've even recycled some of the slides you saw when the development agreement came before you earlier this month.

June 29, 2023

I have a short presentation.

To cut to the chase, the reason we're back here tonight with a couple of familiar items is that you'll recall from the standing committee meeting earlier this month, the items were fast-tracked to your first meeting in June for consideration of an amended development agreement. However, the industrial revenue bond items require public notice and to occur at least a week before the meeting. Because it was fast-tracked, we weren't able to do those publications in time.

The publication and public notice process have been completed, so we're here tonight to complete the process prescribed by the IRB statutes related to IRBs for both Homefield Baseball, amending that PILOT schedule, and also the Margaritaville/Homefield Outdoor IRBs.

Map of Project Components



This is just to introduce and reorient ourselves here. A familiar map, obviously, but to the east is the Homefield/Baseball complex, that issue tonight, and also in the central yellow area, the Margaritaville.

Brief History-- IRB Actions

1. **April 7, 2022:** Adopted Res. Nos. R-22-21 (HF Building) & R-22-22 (HF Baseball)
2. **May & June 2023:** ED&F Committee considered amended Development Agreement
3. **June 8, 2023:** Full Commission approved amended Development Agreement
 - HF Baseball PILOTs reduced (now 8 fields instead of 10)
 - MGCV/HF Outdoor PILOTs agreed to
 - HF Building PILOTs unchanged
4. **June 29, 2023:** Statutory public hearings and consideration of Resolutions of Intent
 - HF Baseball (amend existing Resolution of Intent re PILOTs)
 - MGCV/HF Outdoor (new Resolution of Intent)

This slide displays the brief history related to IRB items here. As you will recall, the original development agreement and a couple of IRB actions from last Spring. Then, in the last several months, we've been discussing an amended development agreement. One of the components being amending the PILOT schedule for the baseball project, and also agreeing to a PILOT

June 29, 2023

schedule for the Margaritaville/Homefield Outdoor. Again, that was approved at your first meeting this month. Then we're back tonight to finish the statutory process after completing notice and publication of that notice relating to the IRB items.

Homefield/MGV Hotel PILOT Schedule

	Homefield Building	Homefield Baseball	Homefield Outdoor/Themed Hotel
Year 1**	\$ 241,253	\$ 85,362	\$ 801,500
Year 2	\$ 243,666	\$ 86,216	\$ 809,515
Year 3	\$ 246,102	\$ 87,078	\$ 817,610
Year 4	\$ 248,563	\$ 87,949	\$ 825,786
Year 5	\$ 251,049	\$ 88,828	\$ 834,044
Year 6	\$ 253,559	\$ 89,717	\$ 842,385
Year 7	\$ 256,095	\$ 90,614	\$ 850,808
Year 8	\$ 258,656	\$ 91,520	\$ 859,316
Year 9	\$ 261,242	\$ 92,435	\$ 867,910
Year 10	\$ 263,855	\$ 93,360	\$ 876,589

*Excludes capital outlay mills not subject to IRB property tax abatement.

**For Homefield Building and Homefield Baseball, begins first calendar year after the date when IRBs are issued for either Homefield Building or Homefield Baseball [See Section 4.12(b)(i) of Development Agreement].

The last two slides I have here should look familiar. Again, this is just the comprehensive list of payments in lieu of tax related to the IRB issuances for the three components that were contained in the development agreement.

The first being the Homefield building, which is unchanged, and there's no action item for you here tonight. Middle column's Homefield/Baseball and, again, this is reduced by 80% to what was originally agreed to because if you'll recall, there were originally ten fields and it is now reduced to eight at the baseball site. Finally, the right column is for the hotel, the Margaritaville and Homefield Outdoor. That's a new PILOT schedule agreed to in the development agreement.

Conclusions from Cost/Benefit Analysis

Margaritaville	Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
	City of Kansas City	1.61	6%
	Wyandotte County	2.82	18%
	Kansas City USD 500	14.80	138%
	KC Community College	11.59	106%
	State of Kansas	1.94	9%
Homefield Baseball	Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
	City of Kansas City	8.54	75%
	Wyandotte County	4.16	32%
	Kansas City USD 500	11.03	100%
	KC Community College	5.21	42%
	State of Kansas	2.82	18%

Finally, pursuant to state statute, a third-party feasibility consultant was engaged to do a cost-benefit analysis. The summary results of those are displayed here showing projected effects on other taxing jurisdictions.

That concludes sort of the prepared informational items. Again, tonight, you have both a

public hearing for consideration of the Homefield Baseball resolution of intent and then second, a public hearing on the Margaritaville/Homefield Outdoor project followed by consideration of that resolution.

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

Action: **RESOLUTION NO. R-41-23**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the principal amount not to exceed \$135,000,000 to finance the costs of acquiring, constructing, improving and equipping commercial facilities and multi-use recreational facilities for the benefit of HFMGV KCK, LLC, and its successors and assigns (Margaritaville and HF Outdoor)." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

**Item No. 2 – 212434...PUBLIC HEARING: HOMEFIELD BASEBALL AMENDMENT
(ADDED PER BLUE SHEET)**

Synopsis: A public hearing regarding the proposed issuance of industrial revenue bonds for the Homefield Baseball Amendment, submitted by Angela Lawson, Interim Chief Counsel.

Mayor Garner said this is our last item regarding the proposed issuance of industrial revenue bonds to finance the cost of acquiring, constructing, installing, and equipping a multi-sport athletic complex, including baseball and other outdoor facilities, located approximately to the north of State Avenue and North 90th Street.

Angela Lawson, Interim Chief Counsel, said this is the same information that Mr. Wempe provided before, just a different one. We would ask that you open a public hearing on this matter and at the close of the public hearing, we would ask for approval of the resolution to issue industrial revenue bonds.

Mayor Garner said a presentation has been made. I will now open the public hearing and ask the Clerk if you've received any notifications from the public who wish to express comments in favor of the item. **Mr. Deichler** said no notifications were received. **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, is there anyone joining us in the chambers who would like to speak in favor of the item? **Mr. Deichler** said seeing none as well.

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

Action: **RESOLUTION NO. R-42-23**, “A resolution amending Resolution No. R-22-22 previously adopted by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, determining its intent to issue industrial revenue bonds to finance the costs of acquiring, constructing, improving and equipping a multi-sport athletic complex for the benefit of HFBB KCK, LLC, and its successors and assigns (Homefield Baseball).” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

STANDING COMMITTEES' AGENDA

Item No. 1 – 212518...APPROVAL: EDWARDSVILLE WHOLESALE WASTEWATER RATE AGREEMENT

Synopsis: Public Works staff will present a new and updated 5-year agreement with wholesale rates that align with Kansas City, Kansas ratepayers, submitted by Jeff Fisher, Executive Director of Public Works. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on June 26, 2023. It was requested, and approved by the Mayor, to fast-track this item to the June 29, 2023, full Commission meeting.

Mayor Garner said this is the approval of an agreement with the city of Edwardsville, Kansas, for a new and updated five-year agreement that would align rates with Kansas City, Kansas, taxpayers. This item was fast-tracked from the Public Works and Safety Standing Committee on Monday, June 26, 2023, which was chaired by Commissioner Bynum. Commissioner Bynum is absent this evening, so I'll ask Jeff Fisher, who's the Director of Public Works, to make comments and remarks in regard to this item.

Jeff Fisher, Executive Director of Public Works, said I'm going to hand this off to Jeff Miles because he's the one that really spearheaded this and met with the Edwardsville Council.

Jeff Miles, Director of Water Pollution Control, said just a little bit of background. We do, I'm sure you guys are aware, we take the wastewater from Edwardsville and treat it at Plant 20. We

operated under a five-year agreement that expired January 1st the beginning of this year. I worked very closely with Michael Webb, their City Manager, and we hired Black and Veatch to do a rate study to look at total costs not only treating per gallon, but as well as our fixed rates. We did present in front of their Council on June 12th and got unanimous approval. We are looking for approval tonight to move forward for the next five years.

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

Item No. 2 – 212529...POLICY UPDATE: HUMAN RESOURCES GUIDE

Synopsis: Update the existing Human Resources Guide, Section 2.19, "Break Time for Nursing Mothers" policy and Add new HR Guide Policy, Section 2.17A, "Pregnant Worker Fairness Act" policy due to recent new federal regulations by the Department of Labor, submitted by Renee Ramirez, Director of Human Resources. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, on June 26, 2023. It was requested, and approved by the Mayor, to fast-track this item to the June 29, 2023, full Commission meeting.

Commissioner Markley said this item was unanimously approved. It is only on Non-Consent because it was fast-tracked. It just brings us in line with federal regulations which, of course, is the minimum we should be doing for our pregnant women and mothers here at the Unified Government.

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

ADMINISTRATOR'S AGENDA

Item No. 1 – 212567...RESOLUTION: EXCEEDING REVENUE NEUTRAL RATE

Synopsis: A resolution regarding the governing body's intent to exceed the revenue-neutral rate and setting the date of a public hearing, submitted by Jeff Conway, Assistant Counsel.

Mayor Garner said this is the approval of a resolution regarding this governing body's intent to exceed the revenue neutral rate and setting the date for the required public hearing.

Administrator Johnston said having such an item for your consideration is a requirement by state law. We have Debbie Jonscher, our Interim CFO, here to present this item.

Debbie Jonscher, Interim Chief Financial Officer, said as was stated, the resolution is the intent to exceed the revenue neutral rate and set the date for a public hearing. Per the state of Kansas requirements, all taxing entities must notify the County Clerk by July 20th of its intent to either remain neutral or exceed the revenue neutral rate. If an entity intends to exceed the revenue neutral rate, it must hold a public hearing between the dates of August 20th and September 20th, and then submit all their budgets to the County Clerk by October 1st.

The resolution coming forward was based on input that we received from the budget workshops over the past couple of months. It states our intent to exceed the revenue neutral rate, and it also sets the maximum mill levy at the current rate. I did just want to note for the city of Kansas City, Kansas, the current rate is 38.476593 mills and the rate for Wyandotte County is 37.328383 mills.

Once the rate is submitted to the Clerk, you will only be able to lower that rate for the budget. It will not be able to be increased.

Also, within the resolution is the date of the public hearing, which is August 28, 2023, at 7:00 p.m.

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were five "Ayes," Johnson, Kane, Markley, Townsend, McKiernan; and three "Nos," Stites, Burroughs, Garner. (Motion failed.)

June 29, 2023

Mayor Garner said that takes us to...**Commissioner Markley** said we have to, by state law, make something happen, right? **Mayor Garner** said I think we have dates.

Mayor Garner said the motion has failed. Ms. Jonscher, can you restate the state law on our statutory obligations as far as decision-making?

Ms. Jonscher said we have to notify the County Clerk by July 20th of our intent to either remain neutral or exceed the revenue neutral rate. We do have to file that. I think if we choose to file, and I'll kind of turn to the Clerk, if we were to choose not to file, that would, I would think, mean we were going revenue neutral.

Brett Deichler, UG Clerk, said that is true, Debbie. If you do not choose to exceed, then you make a declaration basically to remain neutral.

Angela Lawson, Interim Chief Counsel, said this would not prohibit you from remaining neutral at a later date. You could still.

Ms. Jonscher said that's correct. This resolution would set the maximum rate at the current rate and you would have the ability to lower it, but you would not have the ability to raise it. You could still lower it during the remaining budget process.

Ms. Lawson said I believe it changes the budget schedule as well if you don't.

Ms. Jonscher said yes. If you do not exceed the revenue neutral, then you're on the previous schedule.

Mr. Deichler said that is correct. If you do not exceed, you remain neutral, you have to have your budget certified by August 25th.

Mayor Garner said the motion has failed. There was a—that item failed so we are going to move on. I think we know the outcome of that.

Commissioner Townsend said (inaudible 1:15:28 Cloud). **Mayor Garner** said that item failed and there are no questions in regard to that item. **Commissioner Townsend** said (inaudible). **Mayor Garner** said I'm not going to entertain anymore questions on that matter. It failed.

Commissioner Kane said we have the right to talk and intermingle what's going on. Since that motion failed, we can make another motion. Legal, am I right or wrong?

Ms. Lawson said (inaudible 1:16:00).

Commissioner Townsend said I have a question. The **Mayor Garner** said I'm not going to entertain anymore questions on this matter.

Commissioner Townsend said, Mayor, the subject, though—I'm not making a motion. I think we do have a right to ask a question about the procedure and the impact of what just happened, as a legal matter. I would ask for a ruling on that. I'm not asking about a motion. I am asking about the impact of what happened.

Mayor Garner said I think that our Finance Director gave that and the option. **Commissioner Townsend** said I'd like to hear it again. That's what I'm asking about. **Mayor Garner** said I will allow our Finance Director to repeat.

Ms. Jonscher said if we do not submit to the Clerk of our intent to exceed the revenue neutral rate, we would then, by default, be not exceeding—going with revenue neutral, so we would not exceed the revenue neutral rate if we do not submit to the Clerk that we intend to exceed the revenue neutral rate.

Commissioner Townsend asked, is there a deadline or what is the deadline by which we have to make that declaration? **Ms. Jonscher** said July 20th. **Ms. Lawson** said it also moves the other deadlines up as well for filing the budget. **Ms. Jonscher** said right. The budget would be due—if you exceed the revenue neutral rate, the budget is due October 1st. If you do not exceed the revenue neutral rate, the budget is due to the Clerk August 25th.

Commissioner Townsend said the next deadline of importance is July 20th. **Ms. Jonscher** said yes.

Mayor Garner said that motion failed and that's going to take us to our next item on the agenda.

Commissioner Townsend said I do have another question about the process. We're going to have to deal with it. We have until July 20th, from what I understand.

Mayor Garner said I believe either way, I think it was announced by the Clerk and our Budget Director, if we do not make notification, we are at revenue neutral. I think that answers that question. **Commissioner Townsend** said but we haven't. **Mayor Garner** said the item was voted on. I cast the deciding vote. It failed.

Commissioner Kane said we have the opportunity to rescind the vote and vote on something else, so we don't have to wait. We can do it July 13th instead of waiting until the 20th. I don't know how you say you can just stop this all of a sudden when we're all elected to represent the people and we want to do what's right. If we wait until the 20th—if we do it on the 13th, if we have questions, staff can get them back to us before the 20th. If we wait until the 20th, we're pushing the envelope. That's all I'm saying, Mayor.

Mayor Garner said our Administrator's assured us that we can make that window. I'm not going to entertain anymore conversation on this matter. There was a vote. It failed. As part of this agenda, we're going to stick to it, and we're going to move on to the next item. That is Item No. 1, Commissioners' Agenda, recommendations, disbursements of the 2023 Casino Grant funds.

Commissioner Markley said, Mayor, I want to rescind my former motion. Who was my second?

Mayor Garner said you're out of order. I've already moved on and I'm not recognizing that. **Commissioner Kane** asked, Legal, can that happen? **Mayor Garner** said you are out of order. I'm not recognizing. I have moved on.

Ms. Lawson said I believe the person who made the motion can rescind the motion as long as the second does as well.

Action: **Commissioner Markley rescinded her motion to approve. Commissioner McKiernan rescinded his second.**

Mayor Garner said I'm going to take a recess. I do believe that violates the rules. I'll have to get the ordinance to validate that. We're going to take a 10-minute recess. We will convene back at 8:30.

Mayor Garner said we are back. Thank you. I believe we have clarity. We had to get a little clarity. Thank you for your patience. I'll let the Chief Legal Counsel read the corresponding ordinance for clarity.

Ms. Lawson said the appropriate action would be a motion for reconsideration, and that is on the previous motion, shall be in order providing such motion to reconsider is made by a member

of the side prevailing on vote of the original motion, that would be a member that voted no, providing that any member may second a motion to reconsider shall be made during the same meeting as the original motion. That means that the person who makes this motion to reconsider would have to be a no vote, but any member present could second it. This could only be attempted once during this meeting.

Commissioner Burroughs said just for clarification, if I may. A failing side makes the motion, but I believe the motion is debatable. **Ms. Lawson** said it says motions to reconsider are not debatable. **Commissioner Burroughs** said a motion to reconsider is one, but once it's prevailed, there's point for discussion and we can go right back in for debate and discussion. Once it's been reconsidered, you can go into debate and discussion, if I remember correctly. **Ms. Lawson** said correct.

Mayor Garner said we have clarity. The motion to reconsider would be the correct motion and that would have to come from one of the commissioners that voted no, which would either be, I believe, it was Commissioner Stites or Commissioner Burroughs.

Commissioner Stites said I'm going to make a motion, but with nearly one-third of our Commission not here tonight, the reason that I wanted this to go on the 13th is so that we have a full Commission to have a discussion about a very important item, which is our budget. So, based on new information. I make a motion to reconsider.

Action: **Commissioner Stites made a motion, seconded by Commissioner Markley, to reconsider and move it to the full Commission meeting on July 13th.** Roll call was taken and there were six "Ayes," Johnson, Kane, Markley, Stites, Townsend, McKiernan; and one "No," Burroughs.

Mayor Garner said, Clerk, let the record reflect a veto on this item from the Office of the Mayor.

Action: Commissioner Townsend made a motion, seconded by Commissioner Markley, to override the Mayor's veto. Roll call was taken and there were seven "Ayes," Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

(Statement made by Commissioner Burroughs before his vote)

Commissioner Burroughs asked, how much time do I have, Mayor, to make my decision? Do you have a set timeframe? Mayor Garner said we don't have all night. Commissioner Burroughs said I do respect the fact that we need the other commissioners here to give them an opportunity to be heard on this subject matter, although they have been heard on this subject matter.

COMMISSIONERS' AGENDA

Item No. 1 – 212563...RECOMMENDATIONS: DISBURSEMENT OF 2023 CASINO GRANT FUNDS

Synopsis: Request approval to disburse 2023 UG/Hollywood Casino grant funds as recommended by the Mayor and Commissioners, submitted by Lisa Rangel, Professional Assistant, Commission Office.

Administrator Johnston said this is an item that comes before this Commission every year. The way I understand it, this distribution is made with the involvement of all of the Commission. There is a list of potential grantees that has been submitted by the commissioners and the Mayor.

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

Commissioner Stites said I think this year it was \$42,187. I don't know if you added up all of the applicants that came in. There are so many of them out there in need. I wish that we each had \$420,000 to give out. It's tough to make that, but I'm glad that I was able, in my community, to pass out those dollars to the very needy 501(c)(3)s that do very good work with this money. I looked forward to it last year, and I looked forward to it this year, and I look forward to giving it out next year. I hope it's more money.

Roll call was taken on the motion to approve and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

Mayor Garner said that concludes the regular portion of our regular meeting of the Commission. I’m going to adjourn us in that capacity. I will entertain a motion to adjourn us as the Board of Commissioners and call us back to order as the Land Bank Board of Trustees.

Action: **Commissioner Markley made a motion, seconded by Commissioner Stites, to adjourn as the full Commission and reconvene as the Land Bank Board of Trustees.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, 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 McKiernan made a motion, seconded by Commissioner Markley, to approve all as submitted.** Roll call was taken and there were seven “Ayes,” Johnson, Kane, Markley, Stites, Burroughs, Townsend, McKiernan.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 – 212531...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 – 8 Homes
 - 1. Rogelio Avalos – 1 home
17 S. Cherokee St. – 139834
 - 2. RA Engineering – 1 home
1598 N. 86th St. – 934501
 - 3. James and Kelly McClellen - 1 home
1955 S. 98th St. – 939808

4. Andrea Wardell - 1 home
2926 W. 40th Ave. – 132806
5. Andrea Wardell - 1 home
4007 S. Thompson St. – 132914
6. J. Ayala Ruiz Ayala by James Michael - 1 home
1256 Argentine Blvd. – 068264
1258 Argentine Blvd. - 068263
7. Christopher L. Gray - 1 home
7651 Webster Ave. – 012413
8. Armando Mireles - 1 home
1428 N. 31st St. - 910829

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

ADJOURN

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

Mayor Garner said I’d like to wish the public a safe and happy Fourth of July coming forward in the week ahead.

MAYOR GARNER
ADJOURNED THE MEETING AT 8:48 P.M.
June 29, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

June 29, 2023