



Unified Government of Wyandotte County and Kansas City, Kansas

Planning & Zoning / Board of Commissioners

Commission Chambers

701 N. 7th Street Trafficway, Kansas City, KS 66101

Mayor Tyrone Garner

Commissioner At-Large Dist. 1 Melissa Bynum – Commissioner At-Large Dist. 2 Tom Burroughs –

Commissioner Dist. 1 Gayle E. Townsend – Commissioner Dist. 2 Bill Burns –

Commissioner Dist. 3 Christian Ramirez – Commissioner Dist. 4 Evelyn Hill –

Commissioner Dist. 5 Mike Kane – Commissioner Dist. 6 Phil Lopez –

Commissioner Dist. 7 Chuck Stites – Commissioner Dist. 8 Andrew Davis

UPDATED AGENDA

Thursday, February 27, 2025

7:00 PM

1. CALL TO ORDER/ROLL CALL

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. REVISIONS TO AGENDA

AGENDA UPDATE: Adding new item to the Mayor's Agenda

Item No. 5.8 Resolution Declining 2025 Cost of Living Increase

5. MAYOR'S AGENDA

5.1 PRESENTATION: DOTTE PROUD RECOGNITIONS

Synopsis: Mayor's Dotte Proud Initiative to recognize acts of volunteerism by citizens or businesses within Wyandotte County. The mayor will recognize the following individuals: The Big Fish Restaurant, Bonner Springs NAACP, Donnell's Kitchen & Lounge, Fast Fred's Market, Holt's Barbershop, Kansas City Kansas NAACP, James' Lemonade, NPB Companies, Phil's Good Tires and Accessories, Thatcher's Funeral Home, Urban League of Greater Kansas City, Wilson's Pizza, 1930 Classic Kitchen.

For information only

Tracking #: 21171

5.2 REQUEST: HONORARY STREET NAME TO HONOR MAYOR JOSEPH E. STEINEGER

Synopsis: This request represents a request to establish an honorary street name and sign(s) for a portion of Riverview from 63rd Street to 65th Street as Mayor Joseph E. Steineger Lane.

Tracking #: 21125

5.3 REQUEST: HONORARY STREET NAME TO HONOR TEAM MACKENZIE WAY

Synopsis: This request represents a request to establish an honorary street name and sign(s) for a portion of 16th and Orville. The honorary name change is intended to honor Ms. Mackenzie Cowan with the name “Team Mackenzie Way”.

Tracking #: 21126

5.4 PROCLAMATION: FRIENDS OF YATES, 45TH ANNUAL BLACK MEN AND WOMEN OF DISTINCTION DAY IN RECOGNITION OF BLACK HISTORY MONTH

Synopsis: A Proclamation proclaiming Monday, February 23, 2025, as Friends of Yates, 45th Annual Black Men and Women of Distinction Day in recognition of Black History Month.

Tracking #: 21172

5.5 PROCLAMATION: 74TH ANNUAL NATIONAL ENGINEERS WEEK

Synopsis: A Proclamation proclaiming the week of February 16, 2025, as 74th Annual National Engineers Week.

Tracking #: 21173

5.6 ORDINANCE: PROVIDING FOR COUNTY ADMINISTRATOR SUCCESSION

Synopsis: Approval of an ordinance amending the Unified Government Code to provide for county administrator succession during periods where the county administrator has been dismissed or resigned

Tracking #: 21180

5.7 ORDINANCE: PROHIBITING THE COUNTY ADMINISTRATOR FROM TERMINATING OR DISCIPLINING SUBORDINATES DUE TO UNFAVORABLE PERSONNEL ACTION

Synopsis: Approving an ordinance adding a new section to the Unified Government Code to prohibit the County Administrator from terminating or disciplining any subordinate employee when the County Administrator has received an unfavorable personnel action or notice of dismissal when the employee is carrying out directions related to the action or dismissal.

Tracking #: 21181

5.8 RESOLUTION: DECLINING 2025 COST OF LIVING INCREASE (ADDED PER AGENDA UPDATE)

Synopsis: Approval of a resolution declining Cost of Living Increase during the budget year 2025 for the Mayor/CEO and certain members of the Board of Commissioners

Tracking #: 21185

6. CLERK’S-STATEMENT

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any “set-asides” on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

PLANNING & ZONING COMMISSION

7. PLANNING AND ZONING CONSENT AGENDA

Change of Zone Application(s)

7.1 COZ2024-041 - TYRONE HARRISON

Synopsis: Change of Zone from R-1 Single-Family District to A-G Agriculture District to keep two (2) cows and two (2) goats at 144 North 61st Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21148

Special Use Permit Application(s)

7.1 SP2024-074 - ANDREW BESELICA

Synopsis: Special Use Permit for a short-term rental at 111 South 16th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 1 YEAR.

Tracking #: 21149

7.2 SP2024-107 - DAYTON ELMER

Synopsis: Home Occupation Special Use Permit to operate a brewery at 4609 Haskell Avenue, RECOMMENDED FOR DENIAL BY A VOTE OF 6 TO 0.

Tracking #: 21150

7.3 SP2024-113 - MAKSIM KUNAKHOVICH

Synopsis: Special Use Permit for continuation of a Short-Term Rental at 4211 South Thompson Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 2 YEARS.

Tracking #: 21144

7.4 SP2024-114 - BRIAN GLASSER

Synopsis: Special Use Permit for continuation of a Short-Term Rental at 508 Ohio Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 2 YEARS.

Tracking #: 21145

7.5 SP2024-115 - JACOB DOBBS WITH KAW VALLEY ENGINEERING

Synopsis: Special Use Permit (SP2022-099, which expires 3/09/2025) for continuation of an automotive body shop at 3151 Fiberglass Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 5 YEARS.

Tracking #: 21151

7.6 SP2024-118 - MICHAEL RHODES

Synopsis: Special Use Permit for continuation of the removal of earthen fill at 10702 Donahoo Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 2 YEARS.

Tracking #: 21146

Miscellaneous

- 7.1 **AN ORDINANCE** rezoning property at 13303 Parallel Parkway (COZ2024-032) from A-G Agriculture District to R-1 Single-Family District, RECOMMENDED FOR APPROVAL.
Tracking #: 21158
- 7.2 **AN ORDINANCE** rezoning property at 8010 Parallel Parkway (COZ2024-037) from C-0 Nonretail Business District to CP-1 Planned Limited Business District, RECOMMENDED FOR APPROVAL.
Tracking #: 21159
- 7.3 **AN ORDINANCE** rezoning property at 4000 Adams Street (COZ2024-038) from R-1(B) Single-Family District to R-2(B) Two-Family District, RECOMMENDED FOR APPROVAL.
Tracking #: 21160
- 7.4 **AN ORDINANCE** rezoning property at 4209, 4211, and 4213 Adams Street (COZ2024-039) from R-1(B) Single-Family District to R-2(B) Two-Family District, RECOMMENDED FOR APPROVAL.
Tracking #: 21161
- 7.5 **AN ORDINANCE** authorizing a Special Use Permit (SP2024-061) for an event space with live entertainment at 735 Minnesota Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21168
- 7.6 **AN ORDINANCE** authorizing a Special Use Permit (SP2024-094) for live entertainment at a restaurant at 2724 North 13th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21164
- 7.7 **AN ORDINANCE** authorizing a Special Use Permit (SP2024-103) for continuation of a used automotive dealership at 1401 Merriam Lane, RECOMMENDED FOR APPROVAL.
Tracking #: 21162
- 7.8 **AN ORDINANCE** authorizing a Special Use Permit (SP2024-109) for the operation of an automotive body shop at 5015 Gibbs Road, RECOMMENDED FOR APPROVAL.
Tracking #: 21165

REGULAR COMMISSION

9. REGULAR CONSENT AGENDA

9.1 RESOLUTION: ADOPTING SUBSTANTIAL AMENDMENT TO 2023 HUD ANNUAL ACTION PLAN

Synopsis: A resolution authorizing substantial amendments to the 2023 annual plan and 2022-2026 consolidated plans submitted to the U.S. Department of Housing and Urban Development.

*On February 3, 2025, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 21640

9.2 ORDINANCE: AMENDING AND RELOCATING THE UNIFIED GOVERNMENT'S COMMUNITY BENEFITS ORDINANCE

Synopsis: An ordinance amending the existing Community Benefits Ordinance, relocating it to a new section, reconfiguring the three acceptable uses for the Community benefits Fund, and repealing the old Community Benefits Ordinance.

*On February 3, 2025, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 2132

9.3 ORDINANCE: AUTHORIZING FUNDING FOR UG PARKS AND RECREATION PROJECTS FROM THE COMMUNITY BENEFITS FUND

Synopsis: An ordinance creating a new section in the Unified Government Code to set out eligibility requirements and processes for funding UG Parks and Recreation projects from the Community Benefits Fund.

*On February 3, 2025, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 2133

9.4 ORDINANCE: AUTHORIZING THE CREATION OF THE AFFORDABLE HOUSING TRUST FUND

Synopsis: Creating a new section in the Unified Government Code to establish an affordable housing trust fund and to set out eligibility requirements and processes to receive funding from the Community Benefits Fund.

*On February 3, 2025, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 2134

9.5 ORDINANCE: AUTHORIZING THE CREATION OF THE CHILD CARE ACCESSIBILITY PROGRAM

Synopsis: Creating a new section in the Unified Government Code to create a new homebased childcare accessibility program to receive funding from the Community Benefits Fund.

*On February 3, 2025, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 2135

9.6 PLAT: GARDEN ESTATES

Synopsis: Plat of Garden Estates located at South 8th Terrace and County Line Road and being developed by John and Tyea Gardner.

Tracking #: 21163

9.7 MINUTES

Synopsis: Minutes from the Regular Session meeting on October 26, 2023, and from the Special meeting on February 6, 2025.

Tracking #: 21170

10. PUBLIC HEARING AGENDA

11. STANDING COMMITTEES' AGENDA

12. ADMINISTRATOR'S AGENDA

12.1 RESOLUTION: GENERAL MOTORS ON MAIN STREET GRANT PROGRAM: CONNECTING COMMUNITY & CREATIVITY

Synopsis: The Transportation Department seeks approval to apply to General Motors (GM) on Main Street 2025 Grant Program. Approved recipients will receive \$60k for transit-focused projects, and the grant is a zero-match requirement.

Tracking #: 21130

12.2 ORDINANCE/RESOLUTION: SALE AND ISSUANCE OF GENERAL OBLIGATION 2025-A BONDS

Synopsis: An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2025-A and a resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2025-A.

The sale of bonds was approved at the Board of Commissioners meeting held January 9, 2025.

Tracking #: 21136

12.3 ORDINANCE: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR HUDSON APARTMENTS LLC

Synopsis: Approval of an Ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds (Hudson Apartments, LLC Project) series 2025, in a principal amount not to exceed \$64,000,000.

Resolution R-91-21 was adopted by the governing body on December 2, 2021, determining the body's intent to issue bonds not to exceed \$48,000,000. Resolution R-18-23 was subsequently adopted by the governing body on March 30, 2023, determining the body's intent to issue bonds not to exceed \$64,000,000.

Tracking #: 21157

12.4 ORDINANCE: ISSUANCE OF BONDS BY KANSAS DEVELOPMENT FINANCE AUTHORITY FOR THE CHELSEA PLAZA PROJECT

Synopsis: An ordinance expressing approval/disapproval of the issuance of multifamily housing revenue bonds by the Kansas Development Finance Authority for the Chelsea Plaza project located at 566 Freeman Court in Kansas City, Kansas.

Tracking #: 21169

13. COMMISSIONERS' AGENDA

LAND BANK BOARD OF TRUSTEE

14. LAND BANK BOARD OF TRUSTEES' AGENDA

15. LAND BANK BOARD OF TRUSTEES' NON-CONSENT AGENDA

16. PUBLIC ANNOUNCEMENTS

17. ADJOURN

The Unified Government of Wyandotte County and Kansas City, Kansas will provide necessary, reasonable auxiliary aids and services, such as ASL translators, machine-readable copies of meeting materials, or on-site language interpretation. Individuals requiring any auxiliary aids or services should contact the Unified Government Office of the Clerk by emailing or calling UGclerkrequest@wycokck.org or 913-573-5260 at least 48 hours in advance of the meeting.

Persons may address the Commission during the time set aside for Public Comment on each item scheduled or at any time by suspension of the rules. All persons must address the commission and state their name and address for

the record. Comments shall be limited to three (3) minutes for each participant. Per the Commission Rules of Procedure, comments should not include any rude or derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

Some commissioners, staff, and the public may attend remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, all speakers are asked to please announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Location: Hybrid

We invite you to view the meeting in person in the Commissioner Chambers, Lobby Level of the Municipal Office Building, 701 N 7th Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/84883524747>

Webinar ID: 848 8352 4747

Phone one-tap:

+12532050468,84749950038# US

+12532158782,84749950038# US (Tacoma)

Join via audio:

+1 253 205 0468 US, +1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 669 444 9171 US, +1 669 900 9128 US (San Jose), +1 719 359 4580 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 US, +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 689 278 1000 US, +1 301 715 8592 US (Washington DC), +1 305 224 1968 US, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US

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**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, FEBRUARY 27, 2025**

ADDING NEW ITEM

5. MAYOR'S AGENDA

Item No. 5.8 – RESOLUTION: DECLINING 2025 COST OF LIVING INCREASE

Synopsis: Approval of a resolution declining Cost of Living Increase during the budget year 2025 for the Mayor/CEO and certain members of the Board of Commissioners.

Tracking #: 21185



Report to Planning & Zoning / Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office
AGENDA ITEM #5.1.		
PRESENTATION: DOTTE PROUD RECOGNITIONS		
BACKGROUND		
Mayor's Dotte Proud Initiative to recognize acts of volunteerism by citizens or businesses within Wyandotte County. The mayor will recognize the following individuals: The Big Fish Restaurant, Bonner Springs NAACP, Donnell's Kitchen & Lounge, Fast Fred's Market, Holt's Barbershop, Kansas City Kansas NAACP, James' Lemonade, NPB Companies, Phil's Good Tires and Accessories, Thatcher's Funeral Home, Urban League of Greater Kansas City, Wilson's Pizza, 1930 Classic Kitchen. <i>For information only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Mayor's Dotte Proud Recognition honoring Black History Month		

Approved by Mayor and/or Chair and Administrator to add to agenda.

**In honor of Black
History Month**

**Mayor's
Dotte
Proud
Recogniti
on**



In honor of Black
History Month

The Big Fish Restauran t



In honor of Black
History Month

Bonner Springs NAACP



In honor of Black
History Month

Donnell's Kitchen & Lounge

Donnell's Kitchen & Lounge

In honor of Black
History Month

Fast Fred's Market



In honor of Black
History Month

Holt's Barbershop



In honor of Black
History Month

Kansas
City
Kansas
NAACP



In honor of Black
History Month

James'
Lemonade
e



In honor of Black
History Month

NPB
Companies



In honor of Black
History Month

Phil's Good Tires and Accessori es



In honor of Black
History Month

Thatcher's Funeral Home



**In honor of Black
History Month**

**Urban
League
of
Greater
Kansas
City**



**Urban League of
Greater Kansas City**

In honor of Black
History Month

Wilson's s Pizza



In honor of Black
History Month

1930 Classic Kitchen





Report to

MEETING DATE	PRESENTER	DEPARTMENT
FEB 27 2025	LaVert Murray, Economic Development Advisor Ana Marin, Executive Assistant lmurray@wycokck.org, amarin@wycokck.org x5010, x5010	Mayor's Office
AGENDA ITEM #		
REQUEST: HONORARY STREET NAME TO HONOR MAYOR JOSEPH E. STEINEGER		
BACKGROUND		
This memorandum represents a formal letter of request pursuant to the guidelines presented to this office governing request for honorary signs. I submit this request at the directive of Mayor Tyrone Garner. This request is to establish an honorary street name sign(s) for a portion of Riverview from 63rd Street to 65th Street as Mayor Joseph E. Steineger Lane.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
n/a		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Letter to Devin Tiebout and Troy Shaw re Mayor Joseph E. Steineger Lane		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Devin Tiebout
By: [Signature] with
perm ission

Approved:
[Signature]



Unified Government of
Wyandotte County/Kansas City, Kansas
Tyrone A. Garner, Mayor/CEO

Memorandum

To: Troy Shaw, Interim Public Works Director
Devin Tiebout, Kristopher Finger, Public Works Department

From: LaVert A. Murray, Chief Economic Development Advisor

Date: February 11, 2025

Subject: Letter of Request to rename an honorary section of Riverview from 63rd to 65th to Mayor Joseph E. Steineger Lane

This memorandum represents a formal letter of request pursuant to the guidelines presented to this office governing request for honorary signs. I submit this request at the directive of Mayor Tyrone Garner. This request is to establish an honorary street name sign(s) for a portion of Riverview from 63rd Street to 65th Street as **Mayor Joseph E. Steineger Lane**.

Subject to your review of this request, the mayor will take the necessary steps to place this matter on the full Commission agenda this month. We have given a critical review to your administrative guidelines and believe that this request and subsequent actions meets all of your requirements. We are in communication with the in-district commissioner (8th District) and will continue to work with him as this matter works its way to the full commission meeting.

Please advise if you have additional concerns or questions.

C. David Johnston, County Administrator
Mayor/CEO Tyrone Garner
Andrew Davis, 8th District Commissioner



Report to

MEETING DATE	PRESENTER	DEPARTMENT
FEB 27 2025	LaVert Murray, Economic Development Advisor Ana Marin, Executive Assistant lmurray@wycokck.org, amarin@wycokck.org x5010, x5010	Mayor's Office
AGENDA ITEM #		
REQUEST: HONORARY STREET NAME TO HONOR TEAM MACKENZIE WAY		
BACKGROUND		
This memorandum represents a formal letter of request pursuant to the guidelines presented to this office governing request for honorary signs. I submit this request at the directive of Mayor Tyrone Garner. This request is to establish an honorary street name sign(s) for a portion of 16th and Orville. I will arrange an on-site field meeting for your staff, Commissioner Burns, the Mayor and I to work on the logistics for actual pole locations. This matter is urgent as the signs will need to be installed on March 3rd. The honorary name change is intended to honor Ms. Mackenzie Cowan with the name, "Team Mackenzie Way".		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
n/a		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Letter to Devin Tiebout and Troy Shaw re Team Mackenzie Way		

Approved by Mayor and/or Chair and Administrator to add to agenda.

D. Johnston
By: [Signature] with permission

[Signature]



Unified Government of
Wyandotte County/Kansas City, Kansas
Tyrone A. Garner, Mayor/CEO

Memorandum

To: Troy Shaw, Interim Public Works Director
Devin Tiebout, Kristopher Finger, Public Works Department

From: LaVert A. Murray, Chief Economic Development Advisor

Date: February 11, 2025

Subject: Letter of Request to rename an honorary section of 16th and Orville to Team Mackenzie Way

This memorandum represents a formal letter of request pursuant to the guidelines presented to this office governing request for honorary signs. I submit this request at the directive of Mayor Tyrone Garner. This request is to establish an honorary street name sign(s) for a portion of 16th and Orville. I will arrange an on-site field meeting for your staff, Commissioner Burns, the Mayor and I to work on the logistics for actual pole locations. This matter is urgent as the signs will need to be installed on March 3rd. The honorary name change is intended to honor Ms. Mackenzie with the name, **"Team Mackenzie Way"**.

Ms. Mackenzie's life profile and details are being collected by Commissioner Burns and will be provided to you within the next couple of days for your review.

Subject to your review of this request, the mayor will take the necessary steps to place this matter on the full Commission agenda this month (before the March 3rd installation deadline). We have given a critical review to your administrative guidelines and believe that this request and subsequent actions meets all of your requirements. We are in communication with the in-district commissioner (2nd District) and will continue to work with him as this matter works its way to the full commission meeting.

Please advise if you have additional concerns or questions.

C. David Johnston, County Administrator
Mayor/CEO Tyrone Garner
Bill Burns, 2nd District Commissioner

701 North 7th Street, Suite 926
Kansas City, Kansas 66101
Phone: (913) 573-5010
Email: mayorgarner@wycokck.org



Unified Government of
Wyandotte County/Kansas City, Kansas
Tyrone A. Garner, Mayor/CEO

TEAM MACKENZIE WAY

Mayor Tyrone Garner and in-district commissioner Bill Burns are sponsoring a request to establish a part of 16th and Orville as **Team Mackenzie Way** through an honorary street naming. This request has wide support throughout the St. Peters neighborhood area. The honorary street naming recognizes the resilience of youth and the fighting spirit of Mackenzie Cowan. Mackenzie lived in the St. Peters area for the duration of her lifetime under the guidance and tutelage of her mother, Stacy Cowan and her grandparents, David and Mary Ellen Asher, along with support from an angelic and wonderful family friend, Kevin Forbis. Mackenzie, along with her twin brother, Michael, was born on March 4, 2004. As a 15-year-old sophomore at Bishop Miege High School Mackenzie summoned up the courage to wage a resolute, spirited and undaunted battle to defeat cancer. Even as she faded and succumbed to the ill effects of her treatments, she worked hard to shield her friends, her softball team members and drama team members from her hardships and pain. Mackenzie's battle proved futile as she passed away on September 27, 2019.

The honorary street name of Team Mackenzie Way is intended to carry on the memory and fighting spirit of Mackenzie and the youth of our community.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** February is Black History Month and was established in 1976 by President Ford; and
- WHEREAS,** Black History Month is when Friends of Yates Honor and Recognize Black Men and Women of Distinction; and
- WHEREAS,** in recognition of Black History Month, Friends of Yates Celebrates its 45th Annual Black Men and Women of Distinction Program; and
- WHEREAS,** the Black Men and Women of Distinction Program honors individuals in the Greater Metropolitan Area who have exemplified “excellence” for the betterment of their community and beyond; and
- WHEREAS,** the Portrait of a Black Man Award is presented to Dr. T. LaMont Holder, and the Portrait of a Black Woman Award is presented to Judge Otto; and
- WHEREAS,** the Donald D. Sewing Service Award will be presented to Mrs. Radell Oakman and Ms. Marqueia Watson.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim February 23, 2025, as:

“Friends of Yates, 45th Annual Black Men and Women of Distinction Day in Recognition of Black History Month”

in Wyandotte County/Kansas City, Kansas, and call upon all residents to recognize Friends of Yates, 45th Annual Black Men and Women of Distinction Day in Recognition of Black History Month. 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



PROCLAMATION

- WHEREAS,** Engineers provide the talents and skills necessary to analyze and solve complex problems and create the infrastructure essential for the high quality of life that citizens of Kansas City, Kansas enjoy; and
- WHEREAS,** the support of an understanding and informed citizenry of Kansas City, Kansas is vital to the efficient planning, design, construction, and operation of the public infrastructure, which includes water, sanitary and storm sewers, streets and highways, bridges, public buildings, communications, and electricity and natural gas distribution; and
- WHEREAS,** the health, safety welfare, comfort, and economic vitality of this community as well as the success of various city-wide construction projects; and
- WHEREAS,** engineers address the major technological challenges of our time from rebuilding towns devastated by natural disasters to designing infrastructure that will take the City of Kansas City, Kansas through the 21st century; and
- WHEREAS,** the Western Chapter of the Missouri Society of Professional Engineers in partnership with the Eastern Chapter of the Kansas Society of Professional Engineers is celebrating the 74th annual Engineers Week through a ceremonious luncheon at the Marriott in downtown Kansas City, Missouri on February 20th; and
- WHEREAS,** the week of February 16th, 2025, has been designated worldwide as the 74th Annual National Engineers Week.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the week of February 16th, 2025, as:

“74th Annual National Engineers Week”

in Wyandotte County/Kansas City, Kansas. 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



Report to Planning & Zoning / Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
		Mayor's Office
AGENDA ITEM #5.6.		
ORDINANCE: PROVIDING FOR COUNTY ADMINISTRATOR SUCCESSION		
BACKGROUND		
Approval of an ordinance amending the Unified Government Code to provide for county administrator succession during periods where the county administrator has been dismissed or resigned		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Ordinance on CAO succession		

Approved by Mayor and/or Chair and Administrator to add to agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING AN EXISTING SECTION OF THE UNIFIED GOVERNMENT CODE TO PROVIDE FOR COUNTY ADMINISTRATOR SUCCESSION DURING PERIODS WHERE THE COUNTY ADMINISTRATOR HAS BEEN DISMISSED OR HAS RESIGNED AND TO REQUIRE A SUCCESSION LIST OF AT LEAST THREE QUALIFIED APPOINTIVE ADMINISTRATIVE OFFICERS

WHEREAS, in section 2-102 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the county administrator is directed to designate a qualified appointive administrative officer to exercise the powers of the county administrator during times of temporary absence or disability of the county administrator;

WHEREAS, section 2-102 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, also provides that the mayor, with the consent of the of the commission, may at any time revoke the designation and appoint another administrative officer during that absence or disability;

WHEREAS, the mayor/CEO and the board of commissioners have a duty to maintain uninterrupted services for the residents and taxpayers of Wyandotte County; and

WHEREAS, the board of commissioners desires to provide for temporary succession of the county administrator's position during any period where the county administrator has been dismissed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That section 2-102 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby and is amended to read as follows:

Sec. 2-102. - Acting county administrator.

By written notice filed with the mayor and commission, the county administrator shall designate, subject to approval of the commission, a succession list of at least three qualified appointive administrative officers to exercise the powers and perform the duties of the county administrator during any temporary absence or disability of the county administrator. During such absence or disability, the mayor, with the consent of the commission, may at any time revoke such designation and appoint another appointive administrative officer of the unified government to serve until the county administrator shall return or the disability shall cease. Upon the dismissal or resignation of the county administrator, the qualified appointive administrative officer in the line of succession shall exercise the powers and perform the duties of the county administrator until the board of commissioners meets to provide consent to a county administrator successor, whichever is earlier.

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Section 2. That the Mayor/CEO, the County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force immediately upon its adoption by the governing body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____
DAY OF _____ 20__.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel



Report to Planning & Zoning / Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
		Mayor's Office
AGENDA ITEM #5.7.		
ORDINANCE: PROHIBITING THE COUNTY ADMINISTRATOR FROM TERMINATING OR DISCIPLINING SUBORDINATES DUE TO UNFAVORABLE PERSONNEL ACTION		
BACKGROUND		
Approving an ordinance adding a new section to the Unified Government Code to prohibit the County Administrator from terminating or disciplining any subordinate employee when the County Administrator has received an unfavorable personnel action or notice of dismissal when the employee is carrying out directions related to the action or dismissal.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Ordinance on CAO and staff (3)		

Approved by Mayor and/or Chair and Administrator to add to agenda.

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW SECTION TO THE UNIFIED GOVERNMENT CODE TO PROHIBIT THE COUNTY ADMINISTRATOR FROM TERMINATING OR DISCIPLINING ANY SUBORDINATE UNIFIED GOVERNMENT EMPLOYEE WHEN THE COUNTY ADMINISTRATOR HAS RECEIVED AN UNFAVORABLE PERSONNEL OR NOTICE OF DISMISSAL AND THAT EMPLOYEE IS CARRYING OUT SAID DIRECTIONS RELATED TO THE UNFAVORABLE PERSONNEL ACTION OR NOTICE OF DISMISSAL.

WHEREAS, in section 2-81(4) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the mayor/CEO has the power and authority to appoint and dismiss the county administrator, with the consent of the unified government board of commissioners;

WHEREAS, in section 2-103(7) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the county administrator is empowered to direct and supervise the administration of all appointive officers and employees of the unified government except as provided by Kansas law;

WHEREAS, the dynamic between the mayor/CEO's authority to appoint and dismiss the county administrator, with the consent of the board of commissioners, and the county administrator's authority to direct and supervise Unified Government employees has the potential to lead to unethical and unexpected results in some circumstances;

WHEREAS, the mayor/CEO and the board of commissioners have a duty to maintain uninterrupted services for the residents and taxpayers of Wyandotte County;

WHEREAS, the mayor/CEO and the board of commissioners desire to clarify the employment status of certain key employees during critical times of transition in order to maintain the appropriate continuity of governmental functions.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Division 5 of Article I of Chapter 2 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, is amended with the addition of a new section to read as follows:

ARTICLE I. - UNIFIED COUNTY/CITY GOVERNMENT

DIVISION 5. - COUNTY ADMINISTRATOR

Section 2-104. - Prohibited personnel actions.

Notwithstanding any other provision of this Division 5 to the contrary, if the county administrator has received an unfavorable personnel action by act of the mayor/CEO or has been provided notice of his or her dismissal with the consent of the board of commissioners, the county administrator shall be prohibited from retaliating, terminating, disciplining, demoting, or suspending those employees of the county administrator's office, the chief counsel, or any other subordinate unified government employee that are carrying out the directions of the mayor and commissioners related to said unfavorable personnel action or dismissal,

Section 2. That the Mayor/CEO, the County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

Section 4. This Ordinance shall take effect and be in full force immediately upon its adoption by the governing body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____
DAY OF _____ 20__.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel



Report to Planning & Zoning / Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
		Mayor's Office
AGENDA ITEM #5.8.		
RESOLUTION: DECLINING 2025 COST OF LIVING INCREASE (ADDED PER AGENDA UPDATE)		
BACKGROUND		
Approval of a resolution declining Cost of Living Increase during the budget year 2025 for the Mayor/CEO and certain members of the Board of Commissioners.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution to decline the COLAs for 2025		

Approved by Mayor and/or Chair and Administrator to add to agenda.

RESOLUTION NO. R-_____

A RESOLUTION TO FORMALLY RECOGNIZE THAT THE MAYOR/CEO AND CERTAIN MEMBERS OF THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS, DECLINE TO RECEIVE THEIR ANNUAL COST OF LIVING INCREASE DURING THE BUDGET YEAR 2025.

WHEREAS, pursuant to section 2-59(b) of the Code of Ordinances of the Unified Government of Wyandotte County/Kansas City, Kansas, commissioners “shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreement to the bargaining units taken as a whole and their average and to which the unified government is a signatory party and then averaged for the year prior to January 1 of each calendar year.”;

WHEREAS, pursuant to section 2-58(b) of the Code of Ordinances of the Unified Government of Wyandotte County/Kansas City, Kansas, the “mayor shall receive an annual cost of living increase based on the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to bargaining units taken as a whole and their average and to which the unified government is a signatory party for the year prior to January 1 of each calendar year.”; and

WHEREAS, Mayor/CEO Garner and Commissioners Hill, Townsend, Bynum, and Burroughs all indicated on or before October 25, 2024, that they declined to receive the annual cost of living increase to their salary for budget year 2025 provided in sections 2-58(b) and 2-59(b) of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas hereby adopts and acknowledges that Mayor/CEO Garner and Commissioners Hill, Townsend, Bynum, and Burroughs all declined to accept the annual cost of living increase permitted by sections 2-58(b) and 2-59(b) of the Unified Government Code of Ordinances for budget year 2025.

Section 2. Effective Date. This resolution shall take effect and be in full force from and after its passage and approval.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____ 2025.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Acting Chief Counsel



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 27, 2025

Re: Change of Zone Petition COZ2024-041

GENERAL INFORMATION

Applicant Information:

Tyrone Harrison Sr.
Property Owner
144 North 61st Street
Kansas City, Kansas 66102

Subject Property:

144 North 61st Street
Kansas City, Kansas 66102

Requested Action and Purpose:

Approval of a Change of Zone from
R-1 Single Family District to A-G
Agriculture District to keep animals.

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):

R-1 Single Family District

Proposed Zoning District(s):

A-G Agriculture District



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family residence
South	R-1 Single Family District	Vacant lot
East	R-1 Single Family District	Single-family residence
West	R-1 Single Family District	Single-family residence

Total Tract Size:	5.02 Acres
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property Low Density Residential, which allows for single family homes.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates North 61 st Street as a Local Street.
Parking Requirement:	Section 27-454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. The property provides two (2) spaces, as well as a space in the garage.
Landscaping Requirement:	Section 27-700(a) states “one (1) shade tree per dwelling unit is required in the front or corner side yard. The property provides a tree in the front and side yard, as well as several trees to the south of the residence.
Advertisement:	<u>The Wyandotte Echo</u> – January 16, 2025 <u>Letters to Property Owners</u> – January 17, 2025
Public Hearings:	February 10, 2025 and February 27, 2025
Public Support:	None to date
Public Opposition:	There was one (1) person present at the February 10, 2025, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tyrone Harrison Sr, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to keep two (2) goats at 144 North 61st Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been three (3) notices of violation on the subject property.
 - a. 2024 – ENV24-1921 – Environmental – Overgrown Weeds and Bushes
 - b. 2021 – CAC21-2097 – Admin Citation – Environmental Violations
 - c. 2021 – ENV21-3271 – Environmental – Trailers parked on unimproved surfaces

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Coronado Statistical Neighborhood. The neighborhood consists primarily of single-family residences on medium to larger sized lots, with agricultural lots mixed within. The neighborhood is surrounded by major thoroughfares, including K-32, Turner Diagonal, and Interstate 70.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of nearby properties are set out above. The proposed use as an agricultural lot, while not the predominant use within the neighborhood, is expected to be compatible with nearby property and uses.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions detrimentally affect nearby property?*

The property appears to be suitable to be utilized to keep animals, as it meets the five (5) acre minimum required for rezoning to agriculture. It is not expected that the removal of restriction will be a detriment to nearby properties. The applicant will need to work with the Conservation District to develop a plan, particularly for animal waste and land management, which will help further determine suitability of the property.

4. *The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.*

The property was developed as a single-family residence for the applicant since 2022.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public and is solely for the applicant's enjoyment. The proposed use is not expected to injure the use, quality or marketability of nearby property, as long as the site is properly managed and maintained.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed use has no expected impact on traffic, as the keeping of is being requested by the existing property owner, with no additional development proposed.

7. *The degree of conformance of the proposed use to the Master Plan.*

The PlanKCK Comprehensive Plan designates the subject property Low Density Residential, which allows for single family homes. The proposed use is occurring on a single family parcel; It is, however, a use more suited for a rural setting and context, which does not meet the Comprehensive Plan. With that considered, this use, does not preclude future development / redevelopment of the property, and thus, should not necessitate a change to the Comprehensive Plan.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

The proposed use has the potential to pollute water run-off if animal waste is not managed properly, or the land is not maintained properly. Otherwise, it is not expected that there will be major impacts.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Electric and Water Service*

BPU provides electric and water service.

b. *Sanitary Sewer Service*

There does not appear to be sanitary sewer service provided directly to the subject property. The property is served by a septic system.

c. *Storm Water Control*

The UG provides storm water service with an inlet along Riverview Avenue.

d. *Police*

Police service is provided by East Patrol, District #222.

e. *Fire*

Fire service is provided by Station #2, which is two (2) miles away from the subject property.

f. *Transit*

Public transit is provided by the UG Midtown Microtransit Zone.

g. *Schools*

Public Education is provided by Turner Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

10. *The economic impact of the proposed use on the community.*

There is no economic impact of the proposed use on the community, as the use is for the enjoyment and use by the property owner.

11. *The capability of the proposed use to meet applicable ordinance requirements.*

The applicant has not yet provided a Conservation Plan to staff for review, however, considering the scope of the application, staff anticipates that the proposal will be capable of meeting ordinance requirements.

12. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to public health, safety and welfare is limited. If denied, the applicant would still be able to keep the animals, as the property is over five (5) acres; They would, however, be limited to following the R-1 district standards, which may limit any additional agricultural activity on the property.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on January 27, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conservation Plan
Additional Development

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone application **COZ2024-041**, subject to:

1. **A conservation plan must be submitted to staff prior to publication of this Change of Zone;**
2. **The driveway found on site must be paved per UG standards;**
3. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
4. **All exterior lighting, whether mounted on a building or within a parking lot 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;**
5. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
6. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
7. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an**

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

8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. 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; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-041** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Site Photos, Taken by Staff, Dated January 15, 2025
February 10, 2025 City Planning Commission Minutes

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	February 10, 2025 Approval	February 27, 2025

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org
913-573-5762

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-041** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-041**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 10, 2025, City Planning Commission Minutes:**Hearing starts at 1:10:37:****CHANGE OF ZONE APPLICATION COZ2024-041 – TYRONE HARRISON –**

SYNOPSIS: Change of Zone from R-1 Single-Family District to A-G Agriculture District to keep two (2) cows and two (2) goats at 144 North 61st Street. Detailed Outline of Requested Action: The applicant, Tyrone Harrison Sr, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to keep two (2) goats at 144 North 61st Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 10, 2025;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Morris asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Tyrone Harrison, applicant, 144 North 63rd Street, Kansas City, Kansas 66102.

The Planning Commission directed their questions to the applicant.

Present in Opposition:

- Mary Ann O'Neal, 135 North 61st Terrace, Kansas City, Kansas 66102

Staff Recommendation starts at 1:17:34: Planner Molloy stated that this request is for a Change of Zone from R-1 Single Family District to A-G Agriculture District to keep two (2) goats and two (2) cows. The property is located in between K32, I70, and Turner Diagonal. Staff received no letters in support or in opposition. There have been Notices of Violation for overgrowth and parking trailers on non-improved surfaces prior to the construction of the current residence. Staff recommends approval with conditions, including working with the conservation district on a conservation plan, which includes a waste management plan and techniques that will help mitigate any issues with the smell. The applicant will be required to pave their driveway per their building permit.

Motion starts at 1:19:55:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of COZ2024-041:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Schwartz	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. A conservation plan must be submitted to staff prior to publication of this Change of Zone;

2. The driveway found on site must be paved per UG standards;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot 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;
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. 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; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

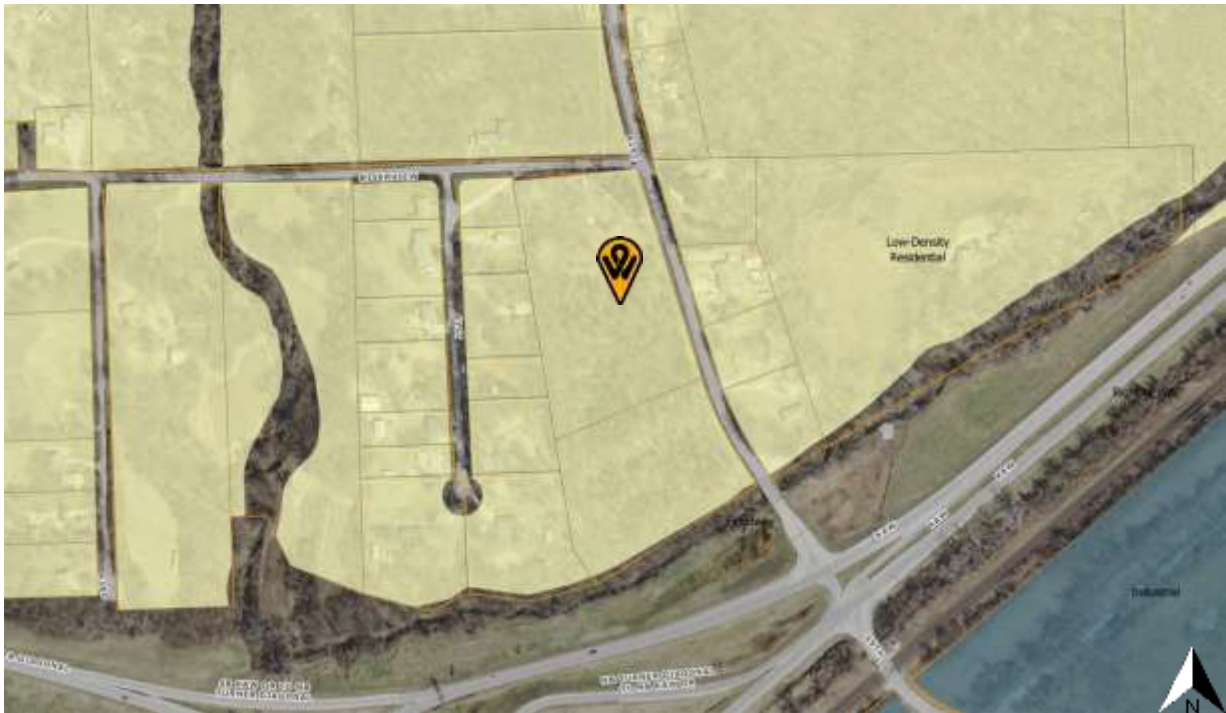
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

Comes now Tyrone Harrison, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2024-041
2. That I conducted a neighborhood meeting on 01/27/2025
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

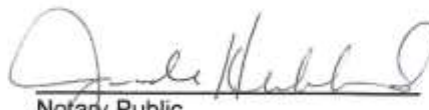


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of January, 2025

My commission expires 7th of October, 2028





Notary Public

01/27/25 Neighborhood Meeting Meeting Minutes

COZ2024-041 - 144 North 61st Street

1. Meeting Details

- **Date:** 01/27/2025
- **Time:** 6:30pm – 7:01pm
- **Location:** Zoom Meeting
- **<https://us04web.zoom.us/j/79841591163?pwd=I08LeVjAA9hY8JbjkACbYElf5SJM1>**
- **Meeting ID:** 798 4159 1163 **Passcode:** 0L8FGF
- **Note Taker:** Tyrone Harrison
- **Attendees:** Tyrone Harrison(Applicant) and Angela Harrison(Wife)

2. Agenda Items & Discussion

A. COZ2024-041 - 144 North 61st Street

- **Discussion:** None(no attendees)

COZ2024-041 - 144 North 61st Street

01/27/25 Neighborhood Meeting Attendees

1. Tyrone Harrison (Applicant)
2. Angela Harrison (Applicant's Wife)

SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 15, 2025





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 27, 2025

Re: **Special Use Permit Petition SP2024-074**

GENERAL INFORMATION

Applicant Information:

Andrew Beselica
Property Owner
3910 Valley Road
Nashville, Tennessee 37205

Subject Property:

111 South 16th Street
Kansas City, Kansas 64105

Requested Action and Purpose:

Approval of a Special Use Permit for
a short-term rental.

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner: William
(Bill) Burns

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single Family Residence
South	R-1(B) Single Family District	Single Family Residence
East	R-1(B) Single Family District	Single Family Residence
West	R-1(B) Single Family District	Single Family Residence

Total Tract Size: 0.08 Acres

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential, including single-family residences, townhomes, duplexes, and fourplexes.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 16th Street as Local Street.

Parking Requirement: Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides no off-street parking spaces.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024, October 8, 2024, December 3, 2024, and January 9, 2025

Public Hearings: February 10, 2025 and February 27, 2025

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrew Basilica, is requesting a Special Use Permit to operate a short-term rental at 111 South 16th Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 100 block of South 16th Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been several Notices of Violation on the subject property for structural violations and an unfit structure. These violations have been remedied via building permits.
 - a. 2023 – VPR23-0035 – Vacant Property
 - b. 2023 – STR22-1171 – Structural Violations
 - c. 2022 – UNF22-0346 – Unfit Structure
 - d. 2022 – VPC22-0505 – Unregistered Vacant Property
 - e. 2022 – CAC22-2781 – Admin Citation – Structural Violations
 - f. 2022 – UNS22-0166 – Unsecure Secure
 - g. 2022 – CAC22-1822 – Admin Citation – Structural Violations
 - h. 2022 – CAC22-1048 – Admin Citation – Structural Violations

Outstanding or Related Permit and Cases:

1. 2023 – RES23-0045 – Residential Remodel
2. 2023 – RES24-0083 – Residential Remodel

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, The Central Area Betterment Association (CABA) and the Prescott Neighborhood Group. The neighborhood consists of a mix of single-family residences and duplexes. To the west, along 18th Street and south, there are several commercial businesses, including the Prescott Plaza Shopping Center.

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.***

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District, with commercial uses and zoning to the west and southwest. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

- 4. *The length of time the property has remained vacant as zoned.***

The property is vacant and appears to have been since 2020.

- 5. *The degree of conformance of the proposed use to the Comprehensive Plan.***

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential, including single-family residences, townhomes, duplexes, and fourplexes. The proposed use conforms to the Central Area Plan.

- 6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use has the potential to increase vehicular traffic along North 16th Street, which should be able to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists. There are concerns, however, as there is no off-street parking available on site, which will increase demand for on-street parking within the neighborhood.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration, overcrowding of land, illumination, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. There have not been any complaints to date with the current applicant. Dust is not typically an issue related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby properties.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing built-out neighborhood.

11. *The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval, as well as limits to number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

13. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). There is no provided off-street parking. The applicant must provide the parking, as there shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit application **SP2024-074**, for one (1) year, subject to:

1. **Because the Unified Government owns the alley, the alley needs to be conveyed to the property owner prior to recording the plat with the Register of Deeds. The deed (from the Unified Government to the property owner) must be file first, followed by the plat with the Register of Deeds. The applicant or their representative(s) are responsible for recording the deed;**
2. **The short-term rental will not be permitted to operate until the Plat process is complete. Any operation prior to the plat being filed will result in nullification of the Special Use Permit;**
3. **Maximum number of guests shall be 7;**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests,**

- or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 10. 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);
 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 12. If approved, the business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 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. 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;
 17. 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;
18. 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;
 19. 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;
 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-074** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map

Land Use Map
Host Compliance Map
Home Inspection Report
Floor Plan
Business Plan
Site Photos, Taken by Staff, Dated September 2024
February 10, 2025 City Planning Commission Minutes

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	February 10, 2025 Approval	February 27, 2025

STAFF CONTACT: Kallie McLaughlin
kdmclaughlin@wycokck.org
913-573-5762

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-074** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-074**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 10, 2025, City Planning Commission Minutes:

Hearing starts at 1:28:00:

SPECIAL USE PERMIT APPLICATION SP2024-074 – ANDREW BESELICA – SYNOPSIS: Special Use Permit for a short-term rental at 111 South 16th Street.
Detailed Outline of Requested Action: The applicant, Andrew Basilica, is requesting a

Special Use Permit to operate a short-term rental at 111 South 16th Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 100 block of South 16th Street.

PLAT APPLICATION PLAT2024-038 – ANDREW BESELICA – SYNOPSIS:

Preliminary and Final Plat (Beselica Estates) to create one (1) lot and vacate adjacent right-of-way at 111 South 16th Street. Detailed Outline of Requested Action: The representative, Andrew Beselica, is requesting a Preliminary and Final Plat for Beselica Estates to plat one (1) lot to vacate an abutting alley on the south side of the property at 111 South 16th Street in order to meet required off-street parking, which is currently provided by a non-permitted driveway in the current alleyway right-of-way.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 10, 2025;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Special Use Permit; and,
7. The Notices to property owners;

Recording Secretary Morris asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Andrew Beselica, property owner, 111 South 16th Street, Kansas City, Kansas 66102.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:31:11: Planner Molloy stated that this request is for a Special Use Permit for a short-term rental and a preliminary and final plat to replat the property and vacate the adjacent alleyway. Prior to the current ownership there was a driveway, retaining wall, and small porch constructed in what's currently a platted city alleyway, and thus needs to be corrected by replatting the property. This property is located in the Central Area Plan. Staff received no letters in support or in opposition. There are several Notices of Violation on the property prior to it being rehabbed, which have been rectified. Staff recommends approval with conditions.

Motion starts at 1:33:18:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of SP2024-074:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Schwartz	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. Because the Unified Government owns the alley, the alley needs to be conveyed to the property owner prior to recording the plat with the Register of Deeds. The deed (from the Unified Government to the property owner) must be file first, followed by the plat with the Register of Deeds. The applicant or their representative(s) are responsible for recording the deed;
2. The short-term rental will not be permitted to operate until the Plat process is complete. Any operation prior to the plat being filed will result in nullification of the Special Use Permit;
3. Maximum number of guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. 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);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this

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

12. If approved, the business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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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;
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17. 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;
18. 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;
19. 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;

- 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.**

ATTACHMENTS

AERIAL IMAGERY



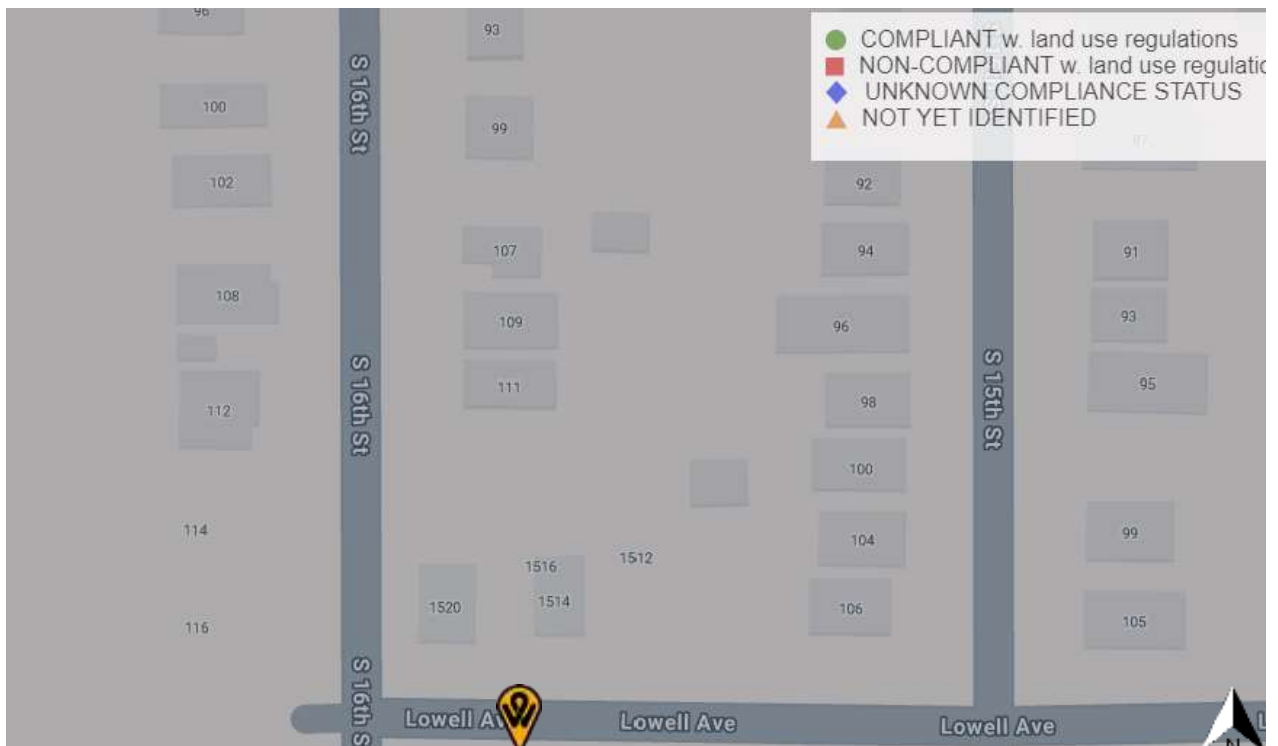
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Tennessee
COUNTY OF Davidson SS:

Comes now Andrew Beselica, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2024-074
2. That I conducted a neighborhood meeting on 9/30/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024

My commission expires 3 of November, 2025



Notary Public

SAMPLE MINUTES:

Application Number SP2024-074

Date and Location: 9/30/24 Via Zoom

Meeting called to order at: 9:00am CST

Names of people in attendance:

Stephanie Moore

Greg Take

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Question (Stephanie Moore):

-How long will the permit be for?

Answer (Andrew Beselica)

-Wyndotte County has the ability to issue a 1-2 year permit based on the ordinance on a first time application.

Question (Stephanie Moore):

-What platforms will you be using?

Answer (Andrew Beselica)

-Airbnb, VRBO

Question (Greg Take):

-How much will you be staying at the property?

Answer (Andrew Beselica)

-I travel frequently for work and will be there as much as I can but I have a property manager in place to ensure that the home is taken care of and they can have someone there quickly if any problems arise.

Question (Stephanie Moore)

-Will there be parties?

Answer (Andrew Beselica)

-I advertise that no parties are allowed and that we take an active approach in vetting guests before hand to ensure that parties don't happen. I don't want any parties at the home since I don't want any potential damage or disruption to the neighbors.

Question (Stephanie Moore)

-Will someone be managing the property?

Answer (Andrew Beselica)

-Yes. I want to make sure that the property is properly maintained, and that if guests or neighbors need anything my property manager will be able to assist quickly.

Question (Stephanie Moore)

-What's the name of the property management company?

Answer (Andrew Beselica)

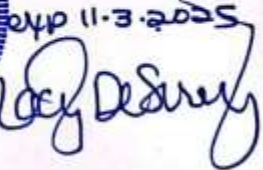
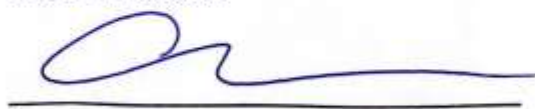
-Owl Stays. They are local to KC and have the ability to make sure that someone is onsite quickly in the event it is needed

Meeting adjourned at: 9:30am CST

Minutes taken by: Andrew Beselica

Signature:

Andrew Beselica



HOME INSPECTION REPORT

VANTAGE HOME INSPECTION

SUMMARY

111 S 16th St, Kansas City, KS 66102
Andrew Baselica
July 22, 2024

Adam Van Wyk
InterNACHI CPI, NRPP Radon Certified
Vantage Home Inspection
8165915615
adam@vantagekc.com



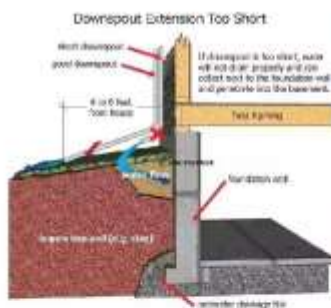
2.2.1 Gutters and Downspouts

DOWNSPOUT EXTENSION RECOMMENDED



Downspouts terminated too close to the foundation. We also recommend ensuring downspouts are extended 4 to 6 feet away from foundation.

Here is a helpful [DIY link](#) and video on draining water flow away from your house.



South

2.3.4 Covering

MULTIPLE LAYERS OF SHINGLES - ISOLATED AREA



A small area on the south side of the house contained more than one layer of asphalt composition shingles. Layering shingles can be problematic for many reasons: it reduces the lifespan of the top layer of shingles, some manufacturers will not cover warranties on shingles that have been applied over an existing roof, and layered asphalt composition shingles are more susceptible to hail damage. We recommend a qualified roofing contractor evaluate and repair as needed.



South

2.5.2 Penetrations & Flashings

DAMAGED ROOF VENT



A roof vent was damaged. We recommend a qualified professional replace.



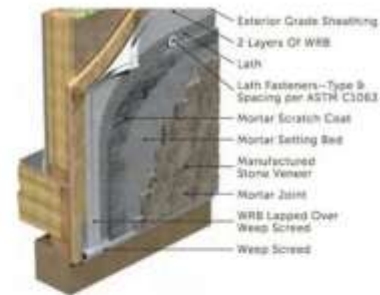
3.1.3 Driveways, Walkways & Patios

EROSION BELOW CONCRETE



Erosion was observed underneath concrete. Eventually, the concrete will settle and crack. We recommend a qualified concrete professional fill and pack void with dirt and ensure proper drainage away from the concrete.

Weep screeds were not visible at recommended locations of the manufactured stone cladding. Bottom terminations of manufactured stone veneer are best equipped with weep screeds in order to avoid the pooling of water at the lowest points. Because manufacturer's specifications were not provided, we recommend a qualified contractor evaluate to ensure the manufactured stone was properly installed according to manufacturer and AMSMV requirements.



3.6.1 Exterior Doors & Windows

MISSING DOOR HANDLE - EXTERIOR DOOR



The East sliding door was missing a handle and lock. We recommend a qualified professional install a door handle.



2nd Floor East Bedroom

3.7.1 Grading, Drainage, Vegetation & Retaining Walls

RETAINING WALL LEANING



Retaining walls were leaning at the time of inspection. We recommend a qualified professional evaluate and stabilize/repair as needed.



Northeast



6.3.3 Heating Equipment

FURNACE INOPERABLE - NO GAS SUPPLY



There was no gas supply to the furnace at the time of inspection. We recommend a qualified HVAC professional repair and ensure furnace functions properly prior to closing.



No gas supply

7.1.1 Steps/Railings

BALUSTER SPACING - GREATER THAN 4 3/8"



The baluster spacing shown was not up to modern safety standards. The space between balusters should not allow a 4 3/8" diameter sphere to pass through for child safety. We recommend having this repaired by a qualified professional.



2nd Floor West Bedroom

8.3.1 MAIN WATER SHUT-OFF LOCATION

NO SHUT-OFF INSIDE BUILDING

 Poor

A main water shut-off could not be located inside the building. The only way to shut-off the water supply was outside under the cover. I recommend a qualified plumbing professional install a shut off valve and pressure regulator at the closest point at which the water distribution line enters the building.



Water coming into house in utility closet (no shut off valve)

8.4.1 Drain

LOOSE TOILET

 Poor

A toilet was loose. Poorly secured toilets may lead to a wax ring seal breaking and leaking water onto the floor. We recommend a qualified professional ensure toilets are properly set/secured as needed.



1st Floor Bathroom

8.4.2 Drain

OPENING AROUND FLOOR DRAIN

 Poor

The flooring around the utility closet floor drain was not properly installed/finished, leaving a gap around the floor drain. If the floor drain were to back-up, sewage would overflow around the perimeter of the floor drain under the floor.

This may cause concealed damage and may be difficult to detect. We recommend a qualified professional evaluate and repair as needed. We also recommend a water sensor on the utility closet floor.



Utility closet

8.5.2 Water Distribution

GALVANIZED DISTRIBUTION PIPE

 Poor

The distribution piping on connected to the water heater was made of galvanized steel. Galvanized pipes have been coated with zinc on the outside to prevent rust and corrosion. The problem, however, is that they corrode and rust on the inside which cannot be seen.

Unseen buildup can cause poor water pressure, rust contaminated water, and leaking. We recommend a qualified plumbing professional replace galvanized distribution pipe copper.



8.6.1 Water Heater

MISSING TPR PIPE

 Significant

The temperature pressure relief valve did not have a proper pipe. We recommend a qualified professional install a copper pipe to T.P.R. valve.



9.2.2 Panel & Service Disconnect ("Main Power Shut Off")



MISSING LEGEND

A legend provides important information needed to know which circuits to shut off as well as tell if wires and breakers are properly sized for appliances etc. We recommend a qualified electrician label all circuits on panel legend.



9.2.3 Panel & Service Disconnect ("Main Power Shut Off")



WRONG TYPE OF SCREW - DEAD FRONT

The wrong type of screw was used to secure the panel dead front; sharp screws have been known to pierce through the wire insulation causing electrocution. We recommend replacing all sharp-tipped screws with approved dead front panel screws.



9.2.4 Panel & Service Disconnect ("Main Power Shut Off")

GFCI BREAKER WOULD NOT RESET



A GFCI (ground fault circuit interrupter) breaker was inoperable. The test button would not trip the breaker as designed. This often occurs when another GFCI is in the same circuit, or could mean the outlet needs replaced. We recommend a qualified electrician evaluate and repair/replace as needed.



West

9.3.1 Branch Wiring

UNCAPPED GANG OR JUNCTION BOX

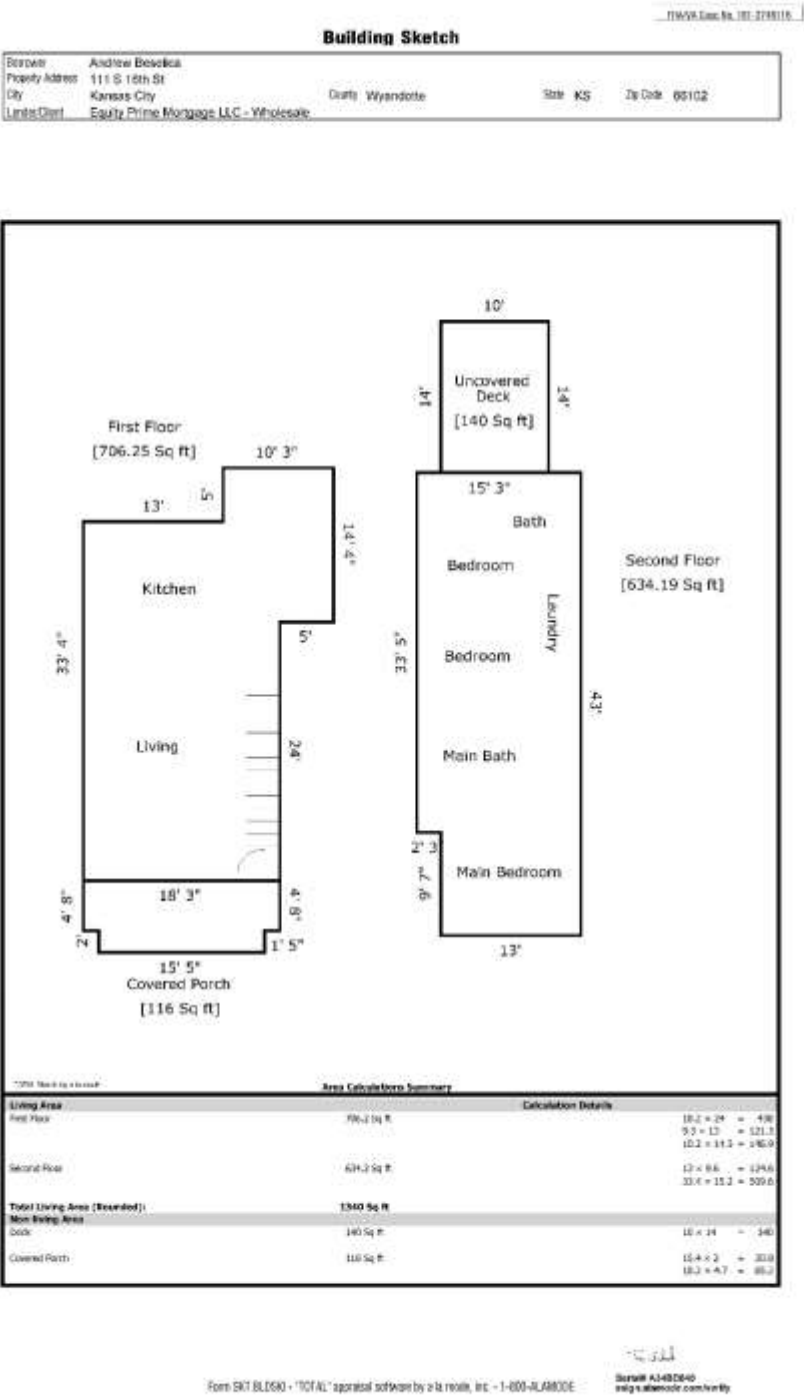


A junction box did not have protective cover plates, exposing live wires. We recommend a qualified professional ensure all exposed boxes are properly covered.



Utility Closet

FLOOR PLAN



BUSINESS PLAN

Andrew Beselica
Owner
111 S 16th St Kansas City, KS 66102

Subject: Short Term Rental Business Plan

I. Introduction

The purpose of this report is to outline the business plan for the short term rental property located at 111 S 16th St Kansas City, KS. The business aims to provide a high-quality short term rental experience for visitors in the Kansas City area. The primary objective is to meet the housing needs of travelers while ensuring a fun and safe environment for all guests.

II. Marketing Strategy

The marketing strategy will primarily focus on reaching potential customers through online platforms such as Airbnb and VRBO. Additionally, the business will accept direct bookings from guests. By leveraging the reach and visibility of these platforms, the company aims to maximize its online presence and attract a steady stream of bookings.

III. Competitor Analysis

Competitors in the area primarily consist of other Airbnb hosts. While they pose competition, they are perceived as welcomed counterparts in the industry. The competitive landscape will be monitored to adapt to market dynamics and ensure that the business remains competitive and relevant in the short term rental market.

IV. Conclusion

In conclusion, the business endeavors to establish itself as a reputable short term rental option in the Kansas City area. By employing a robust marketing strategy, acknowledging competitors while remaining adaptive to financial uncertainties, the business aims to achieve sustained success in the short term rental market.

Sincerely,

Andrew Beselica

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 2024





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 27, 2025

Re: **Special Use Permit Petition SP2024-107**

GENERAL INFORMATION

Applicant Information:

Dayton Elmer and Jose Cabrera
Brown House Brewery
4609 Haskell Avenue
Kansas City, Kansas 66104

Subject Property:

4609 Haskell Avenue
Kansas City, Kansas 66104

Requested Action and Purpose:

Approval of a Home Occupation
Special Use Permit to operate a
home micro-brewery.

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

R-1 Single Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family residence
South	R-1 Single Family District	Single-family residence
East	R-1 Single Family District	Single-family residence
West	R-1 Single Family District	Single-family residence

Total Tract Size: 0.28 Acre

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family residences.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Haskell Avenue as a Local / Neighborhood Street.

Parking Requirement: Section 27-454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport”. There are four (4) parking spaces provided, one (1) of which is in the carport.

Landscaping Requirement: Section 27-700(a) states “one (1) shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – November 14, 2024
Letters to Property Owners – November 15, 2024, December 3, 2024, and January 9, 2025

Public Hearing: February 10, 2025 and February 27, 2025

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dayton Elmer, is requesting a Home Occupation Special Use Permit to operate a home micro-brewery at 4609 Haskell Avenue.

City Ordinance Requirements: 27-214, 27-592 through 27-606 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Bethel-Welborn Statistical Neighborhood, the Neighbors Who Care Neighborhood Group, and the Leavenworth Road Association. The neighborhood consists of primarily single-family residences.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1 Single-Family District. The proposed use, which is commercial in nature, is not compatible with nearby uses, as it is a micro-brewery, a high intensity commercial use, being proposed within a purpose built-single-family residence, in a purpose built single-family neighborhood.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The proposed use is not suitable for the subject property, as the subject property is a purpose-built single-family residence, rather than a commercial space, located in the middle of an entirely single-family block. The proposed use, a micro-brewery, a higher intensity commercial use, may negatively impact nearby property, with issues such as noise, vibration, and traffic being potential issues.

4. *The length of time the property has remained vacant as zoned.*

The property appears to have been used consistently as a single-family residence since it's construction in 1949.

5. *The degree of conformance of the proposed use to the Comprehensive Plan.*

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single family residences. The proposed use does not conform to the Comprehensive Plan with, or without a Special Use Permit.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic, and, depending on frequency of deliveries, may exceed the capacity of Haskell Avenue. to accommodate it, as commercial businesses typically experience a higher frequency of delivery, than a single-family residence.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is a commercial business, entirely for the convenience of the property owner/business owner. The proposed use will affect the use, quality, or marketability of nearby property, as it proposes converting portions of a purpose-built single-family residence, within a purpose-built single-family neighborhood, into commercial space for a higher intensity commercial use. Issues such as a noise and vibration are also potential issues which may have impacts beyond the property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The proposed use may lead to issues with vibration and noise, as it is an ostensibly commercial use occurring within a purpose built single-family residence within a purpose built single family neighborhood, rather than a purpose built commercial space, built to commercial standards.

9. *Whether the proposed use will pollute the air, land or water.*

If approved, proper permitting must be obtained to convert the property to accommodate the micro-brewery, and work must be done in a manner that does not pollute the air, land, or water, which includes planning for proper disposal methods.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

If approved, proper permitting must be obtained to convert the property to accommodate the micro-brewery, and work must be done in a manner that does not destroy and irreplaceable natural resource which includes planning for proper disposal methods.

11. *The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.*

There is no tangible gain to the public health, safety and welfare, as this is a commercial business occurring within a residential neighborhood. If denied, the property owner may not use the property for a microbrewery and must find a commercial/industrial property to conduct this business.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet conditions of approval set forth by Staff and the Board of Commissioners.

13. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use is not expected to result in the overcrowding of land or undue concentrations of population, as it seems most of the use would occur within the existing structure, if managed properly.

NEIGHBORHOOD MEETING INFORMATION

The neighborhood meeting can be held by the following:

1. In person
2. Virtual Meeting

The deadline for the neighborhood meeting is **November 25, 2024**, and on **November 27, 2024** you are required to send your information to Janet L. Parker, CMA/CSC/APC, Executive Assistant, either by email (jparker@wycokck.org) or U.S. mail (Department of Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101), which includes;

1. List of people who participated in your in-person, Zoom or Skype/Teams meeting.
2. List of people who contacted you with questions and comments – please document their names, address and questions/comments.
3. Signed and **notarized** affidavit that you held the meeting.

KEY ISSUES

Conversion of Residence

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2024-107** as the property is not in compliance with the code and does not fit the character of the neighborhood.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Why has the applicant chosen to pursue the use of a micro-brewery, an ostensibly commercial use, within a purpose-built residence in a purpose-built residential neighborhood, rather than a commercial space.
2. The applicant needs to provide a set of plans for the conversion of the space, which have been produced and stamped by a licensed architect and/or engineer.
3. The carport may not be converted as part of this project, as covered parking is required on a property zoned R-1.
4. Explain the scope of the business in further detail than provided in the application. How will deliveries occur? How will sales occur? How will waste be disposed of?

Standard Conditions:

1. All exterior lighting, whether mounted on a building or within a parking lot 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.

2. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
4. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
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. 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.
9. 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.
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

11. The Special Use Permit shall be valid for two (2) year(s) 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.
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
13. 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.

Staff Response: The applicant has not responded to questions and comments in the draft staff report.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2024-107** subject to all comments and suggestions outlined in this staff report and the reasons listed by the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Site Photos, Taken by Staff, Dated November 15, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	February 10, 2025 Denial	February 27, 2025

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org
913-573-5762

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-107**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-107** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

February 10, 2025, City Planning Commission Minutes:**Hearing starts at 1:43:10:****SPECIAL USE PERMIT APPLICATION SP2024-107 – DAYTON ELMER – SYNOPSIS:**

Home Occupation Special Use Permit to operate a brewery at 4609 Haskell Avenue.

Detailed Outline of Requested Action: The applicant, Dayton Elmer, is requesting a Home Occupation Special Use Permit to operate a home micro-brewery at 4609 Haskell Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;

2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 10, 2025;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Morris asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:44:16: Planner Molloy stated that this request is for a Home Occupation Special Use Permit to operate a home micro-brewery. This is located in the north midtown area and currently zoned R-1 Single-Family District. Staff received no letters in support or in opposition. There are no Notices of Violation. Staff recommends denial of this application. The applicants are wanting to convert a portion of their home into a microbrewery, including commercial level storage areas, as the property is a residence in a single-family zoned, residential area, it is not a suitable use for the neighborhood. Furthermore, the applicant has not communicated with staff since submitting the application and they have not held a neighborhood meeting.

Motion starts at 1:45:26:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend DENIAL of SP2024-107 for the reasons stated by Staff:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Schwartz	Aye

Motion to recommend DENIAL passed: 6 to 0

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PHOTOS, TAKEN BY STAFF, DATED NOVEMBER 15, 2024





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 27, 2025

Re: **Special Use Permit Petition SP2024-113**

GENERAL INFORMATION

Applicant Information:

Maksim (Max) Kunakhovich
Owner
4211 South Thompson
Kansas City, Kansas 66103

Subject Property:

4211 South Thompson Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of Special Use Permit
(expired January 25, 2025) to
operate a short-term rental.

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Duplex
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.23 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as General Urban, which allows for rowhouses, townhomes, and single-family homes.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates South Thompson Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides two (2) parking spaces.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property does not fulfill this requirement.

Advertisement: The Wyandotte Echo – January 16, 2025
Letters to Property Owners – January 17, 2025

Public Hearings: February 10, 2025 and February 27, 2025

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maksim (Max) Kunakhovich, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 4211 South Thompson Street, Kansas City, Kansas 66103. This is not the owner’s primary residence. This would be the only permitted short-term rental on the 4200 block of South Thompson Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since the previous approval.

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

1. 2024 – MEC24-0246 – Mechanical Permit – Replacement of furnace

Previous Planning Actions:

1. 2023 – SP2023-086 – Special Use Permit to operate a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood Group, the Hilltop Neighborhood Group, and the Rosedale Development Association Business Group. The neighborhood consists of a mix of residential uses, including single-family residences, duplexes, fourplexes, and garden style apartments. The subject property is located in close proximity to Mission Road and West 43rd Avenue, which are mixed-use corridors.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to the mixed-use corridor along Mission Road and West 43rd Avenue. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property

could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant. The property has been used as a short-term rental since January 2024.

5. *The degree of conformance of the proposed use to the Comprehensive Plan.*

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as General Urban, which allows for rowhouses, townhomes, and single-family homes. The proposed use conforms to the Rosedale Area Plan designation with the renewal of a Special Use Permit.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of South Thompson Street, a Local/Neighborhood Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration, illumination, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. There have not been any complaints since the prior approval with the current applicant. Dust is not typically an issue related to the use of a residential property as a short-term rental in an urban area and ostensibly not considered to be a problem for nearby properties.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing built-out urban neighborhood.

11. *The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as approved according to previous conditions of approval as a business license has not been filed for the subject property.

13. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is three (3). There shall be no on-street parking for renters or guests of any short-term rental. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on January 27, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Business License
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-113**, for two (2) years, subject to:

1. The applicant must comply with the landscaping requirements by planting one (1) shade tree in the front or corner side yard;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

13. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
17. 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;
18. 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;
19. The Special Use Permit shall be valid for ~~one (1) year~~ two (2) years **(amended by the City Planning Commission)** 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-113** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated January 31, 2025
February 10, 2025 City Planning Commission Minutes

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	February 10, 2025 Approval	February 27, 2025

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org
913-573-5762

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-113** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-113**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 10, 2025, City Planning Commission Minutes:

Hearing starts at 1:03:27:

SPECIAL USE PERMIT APPLICATION SP2024-113 – MAKSIM KUNAKHOVICH – SYNOPSIS: Renewal of a Special Use Permit (SP2023-086, expired 1/25/2025) to operate a short-term rental at 4211 South Thompson Street. Detailed Outline of Requested Action: The applicant, Maksim (Max) Kunakhovich, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 4211 South Thompson Street, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 4200 block of South Thompson Street.

Present in Support:

- Maksim Kunakhovich, applicant, 4211 South Thompson Street, Kansas City, Kansas 66103.

The Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:05:37: Planning Director Hand stated that this request is for renewal of a short-term rental. The property is located in the Rosedale Area Plan. Staff received no letters in support or in opposition. There are no Notices of

Violation. Staff recommends approval with conditions. As the applicant has since obtained their business license, per the previous conditions of approval, Staff has no issue amending Condition #19 to two (2) years as the applicant requests.

Motion starts at 1:06:53:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of SP2024-113, amending Condition #19 to two (2) years:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Schwartz	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. The applicant must comply with the landscaping requirements by planting one (1) shade tree in the front or corner side yard;**
- 2. Maximum number of guests shall be six (6);**
- 3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
- 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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
17. 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;
18. 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;
19. The Special Use Permit shall be valid for ~~one (1) year~~ two (2) years **(amended by the City Planning Commission)** 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.

ATTACHMENTS

AERIAL IMAGERY



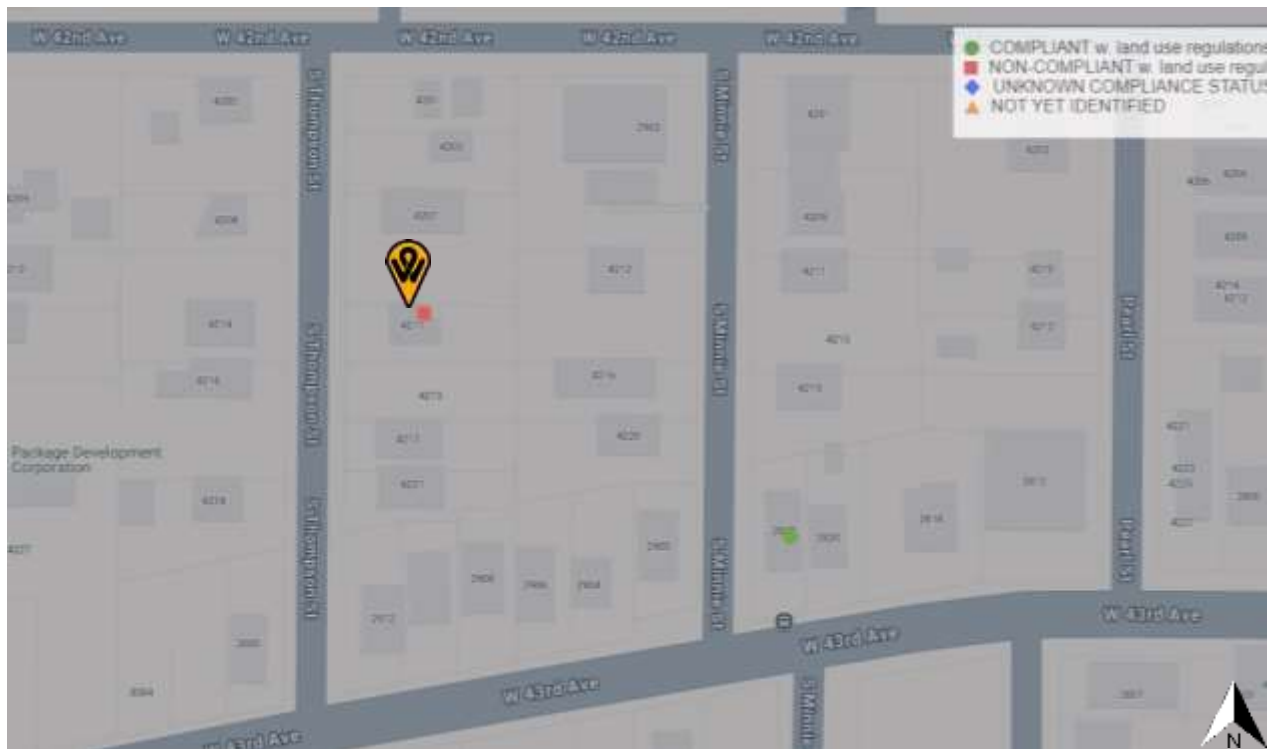
ZONING MAP



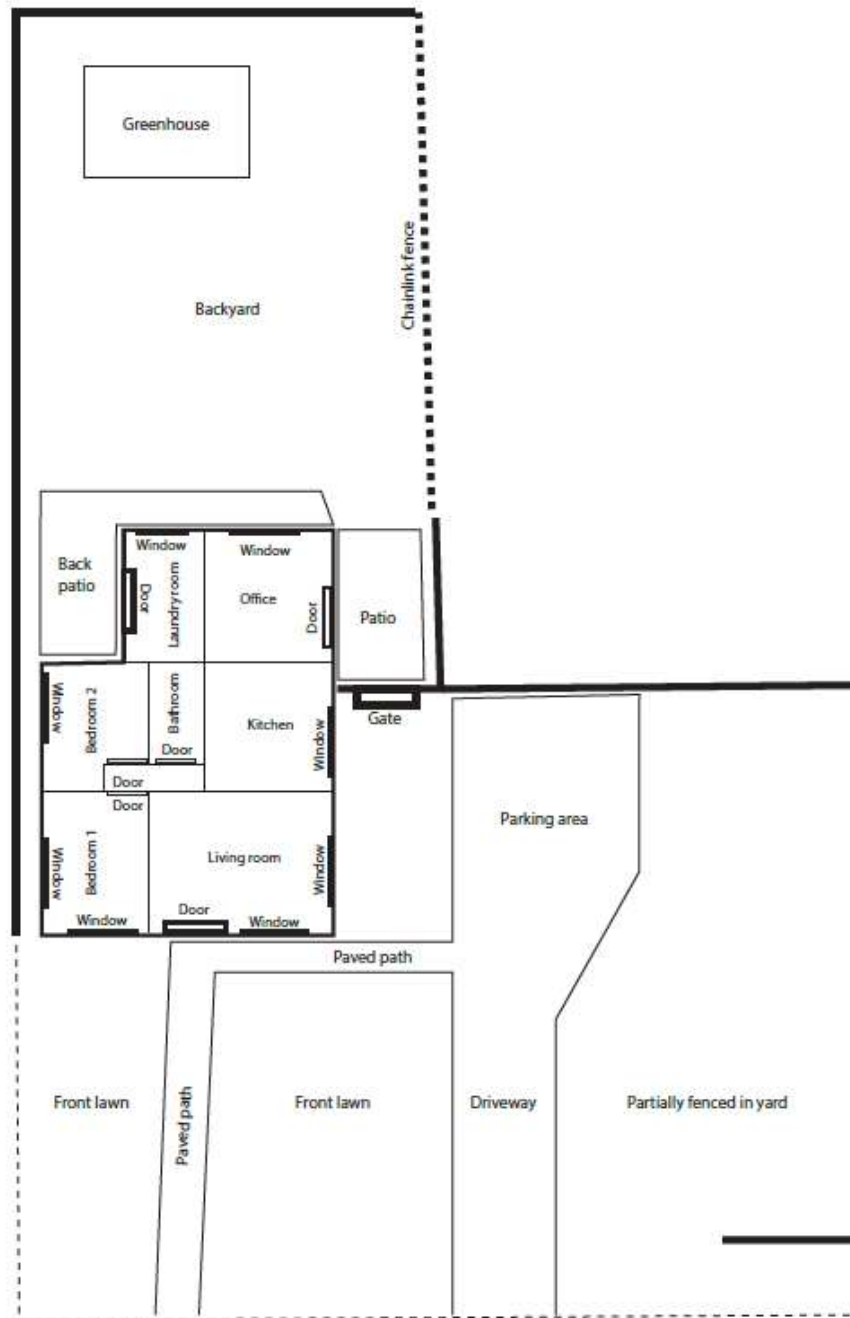
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



**4211 South Minnie Street
Property Sketch**

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Maksim (Max) Kanchanach of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2024-113
2. That I conducted a neighborhood meeting on January 27th, 2025
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]

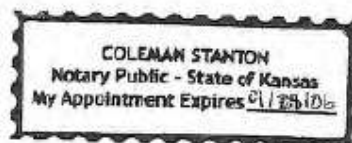
Affiant

01/28/25

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of January, 2025

My commission expires 8th of January, 2026

[Signature]
Notary Public



NEIGHBORHOOD MEETING MATERIALS

MINUTES FOR THOMPSON HOUSE SHORT TERM RENTAL RENEWAL:

- Application Number: SP2024-113
- Date and Location:
 - January 27th, 2025, 7 pm
 - <https://us05web.zoom.us/j/86599581965?pwd=kqrblrYg38l4aKY8qydbX0ucLTyavS.1>
 - Meeting ID: 865 9958 1965
 - Passcode: 2QrhCu
- Meeting called to order at: 7 pm
- Names of people in attendance: Max Kunakhovich, Ruth Kunakhovich
 - Introduction
 - Max explained the short term renewal and the process.
 - Questions and answers:
 - Ruth: Have we received any complaints this year?
 - Max: No we have not.
- Meeting adjourned at: 7:30 pm
- Minutes taken by: Ruth Kunakhovich

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JANUARY 31, 2025





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 27, 2025

Re: **Special Use Permit Petition SP2024-114**

GENERAL INFORMATION

Applicant Information:

Brian Glasser
Representative
aKCo Investments, LLC
2734 Belleview Avenue
Kansas City, Missouri 64108

Subject Property:

508 Ohio Avenue
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expired January 25, 2025) to
operate a short-term rental.

Commission Districts:

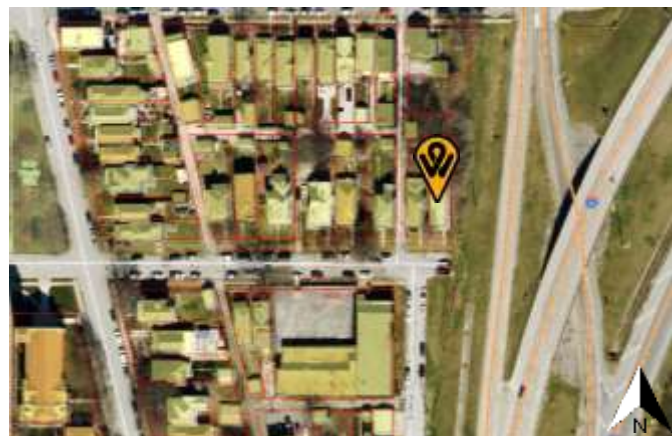
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns, Jr.

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	None (Right-of-Way)	Interstate 70
East	None (Right-of-Way)	Interstate 70
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.08 Acre

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential uses.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Ohio Avenue as a Local/Neighborhood Street.

Parking Requirement: Section 27-455 (d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides two (2) designated parking spaces in the right-of-way as it is a former alley entrance was severed when Interstate 70 was constructed. The subject property has a variance granting the use of a legal street for residential parking.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – January 16, 2025
Letters to Property Owners – January 17, 2025

Public Hearings: February 10, 2025 and February 27, 2025

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Glasser, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 508 Ohio Avenue, Kansas City, Kansas 66101. This is not the owner's primary residence. This would be the only permitted short-term rental on the 500 block of Ohio Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since the previous approval.

Building, Zoning, or Code Enforcement Complaints:

1. 2019 – 19200-02057 – Environment – Grass and weeds.
2. 2020 – 20200-01511 – Environment – Grass and weeds.
3. 2020 – 20200-01594 – Environment – Appliance on porch.
4. 2023 – ENV23-3161 – Environment – Indoor furniture on exterior of property.

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. 2020 – SP2020-013 – Special Use Permit to operate a short-term rental.
2. 2020 – 20403-00001 – Vacation – To allow legal street access to residential home.
3. 2023 – SP2023-077 – Special Use Permit to operate a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood Group, the Strawberry Hill Neighborhood Group, and the Central Area Betterment Association (CABA) Business Group. The neighborhood consists of primarily single-family residences with some duplexes and small-scale commercial uses along North 6th Street.

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.***

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to the mixed-use corridor along North 6th Street. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

- 4. *The length of time the property has remained vacant as zoned.***

The property is not vacant. The property has been used as a short-term rental since 2019.

- 5. *The degree of conformance of the proposed use to the Comprehensive Plan.***

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential uses. The proposed use conforms to the Central Area Plan designation with the renewal of a Special Use Permit.

- 6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Ohio Avenue, a Local/Neighborhood Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

- 7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration, illumination, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. There have not been any new complaints to date with the current applicant since the prior approval. Dust is not typically an issue related to the use of a residential property as a short-term rental in an urban area and ostensibly not considered to be a problem for nearby properties.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing built-out, mixed-use neighborhood.

11. *The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as a business license has not been obtained.

13. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is one (1). There shall be no on-street parking for renters or guests of any short-term rental. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on January 27, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-114**, for **two (2) years**, subject to:

1. **Maximum number of guests shall be six (6);**
2. ~~**All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**~~
2. **A maximum of one (1) parking space must be provided and maintained within the designated parking area in front of the property on Ohio Avenue. (Added by City Planning Commission)**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**

9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion

thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-114** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated January 31, 2025
February 10, 2025 City Planning Commission Minutes

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	February 10, 2025 Approval	February 27, 2025

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org
913-573-5762

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-114** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-114**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 10, 2025, City Planning Commission Minutes:**Hearing starts at 58:52:****SPECIAL USE PERMIT APPLICATION SP2024-114 – BRIAN GLASSER –**

SYNOPSIS: Renewal of a Special Use Permit (SP2023-077, expired 1/25/2025) to operate a short-term rental at 508 Ohio Avenue. Detailed Outline of Requested Action: The applicant, Brian Glasser, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 508 Ohio Avenue, Kansas City, Kansas 66101. This is not the owner's primary residence. This would be the only permitted short-term rental on the 500 block of Ohio Avenue.

Present in Support:

- Brian Glasser, applicant, 508 Ohio Avenue, Kansas City, Kansas 66101.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:00:24: Planning Director Hand recused himself from this case, as he lives within the notice area of the property and, as per protocol, did not assist with this case.

Mr. James Molloy, Planner, stated that this request is for the renewal of a short-term rental Special Use Permit. The property is located in the Central Area Plan. Staff received no letters in support or in opposition. There is a previous Notice of Violation for having a couch on the front porch, which has since been addressed. Staff recommends approval with conditions. Staff removed the application from the consent agenda to adjust the language in Condition #2, as this property cannot access any off-street parking, the language should be amended to all parking must occur within the designated parking area on Ohio Avenue.

The Planning Commission directed questions to Planner Molloy.

Motion starts at 1:02:27:

On motion by Mr. Beth, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of SP2024-114, amending Condition #2:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Schwartz	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. Maximum number of guests shall be six (6);
2. ~~All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;~~
2. A maximum of one (1) parking space must be provided and maintained within the designated parking area in front of the property on Ohio Avenue.
(Added by City Planning Commission)
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy

- of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
 6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
 9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 10. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468

- through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 19. 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.

ATTACHMENTS

AERIAL IMAGERY



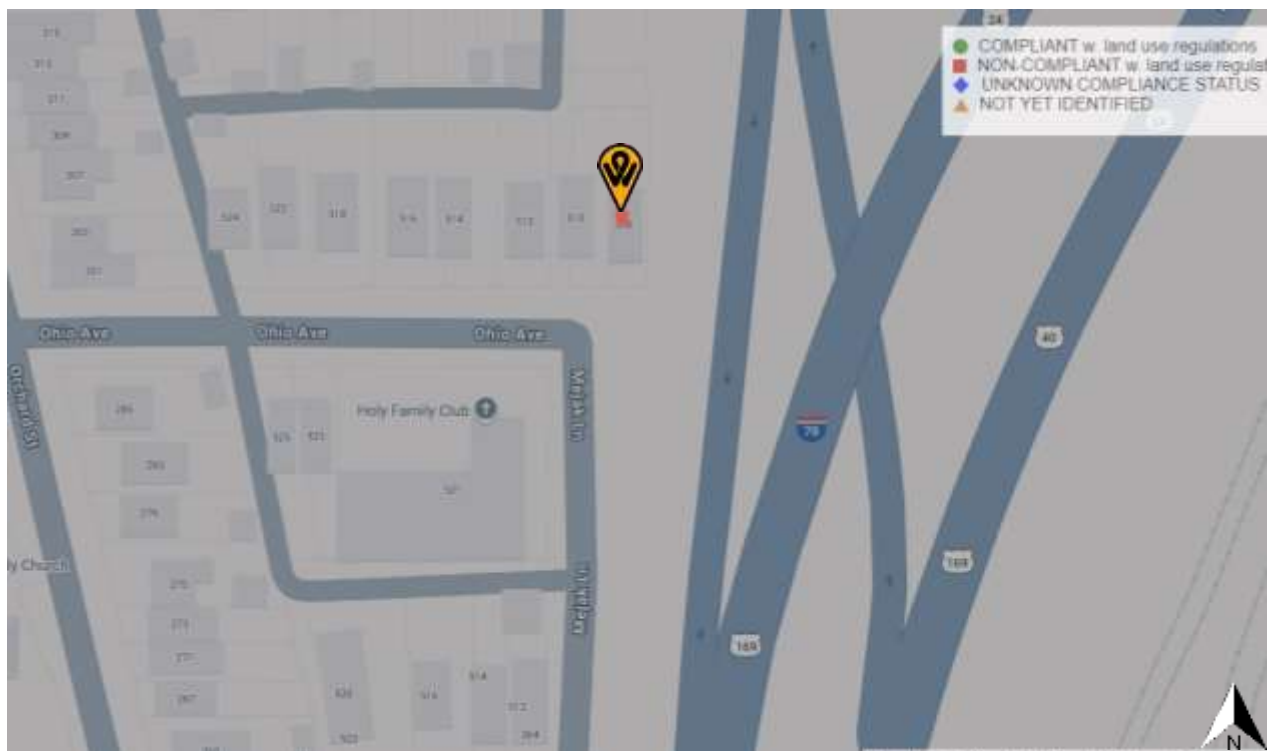
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MO)
COUNTY OF Jackson) SS:

Comes now Brian Glasser, of aKCo Investments, LLC, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-114
2. That I conducted a neighborhood meeting on 27-JAN-25
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

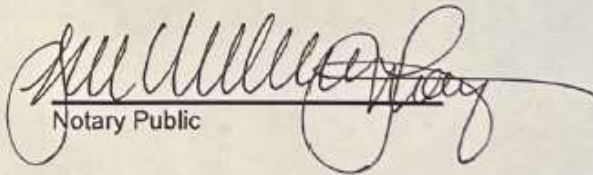
Further affiant saith not.



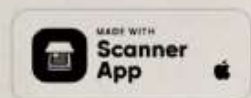
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of January 2025
My commission expires 20th of March 2025

FALLON MICHELLE THOMPSON
Notary Public, Notary Seal
State of Missouri
Jackson County
Commission # 23061818
My Commission Expires 03/20/2026



Notary Public



NEIGHBORHOOD MEETING MATERIALS

MEETING MINUTES: Application Number: #SP2024-114

Date and Location: 27-JAN-25 via Virtual Meeting

Meeting called to order at: 17:30 CST on 27-JAN-25

Names of people in attendance: Brian Glasser & Andrew Morgans

Overview: No attendees showed up, and no attendees called or emailed us personally.

- We concluded the meeting at 18:00 and we were available via phone call as well until 19:00 pm CST.

Meeting adjourned at: 18:00, on 27-JAN-25

Minutes taken by: Andrew Morgans

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JANUARY 31, 2025





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 27, 2025

Re: **Special Use Permit Petition SP2024-115**

GENERAL INFORMATION

Applicant Information:

Jacob Dobbs
Representative
Kaw Valley Engineering, Inc.
8040 North Oak Trafficway
Kansas City, Missouri 64118

Subject Property:

3151 Fiberglass Road
Kansas City, Kansas 66115

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires March 29, 2025) to operate
an automotive body repair shop.

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

M-3 Heavy Industrial District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	M-3 Heavy Industrial District	Concrete Coring and Cutting Construction Business
South	M-3 Heavy Industrial District	BPU Substation
East	M-3 Heavy Industrial District	Papermill
West	M-3 Heavy Industrial District	Trucking Company

Total Tract Size: 2.8 Acres

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods. The allowed building types include light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Fiberglass Road as a Minor Collector Street.

Parking Requirement: Section 27-470 (f) states “Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning”. The subject property has a building area of 44,257 square feet and is required to provide 45 parking spaces. However, the subject property has a variance

granting a deviation of five (5) spaces for a total of 40 parking spaces.

Landscaping Requirement:

Section 27-470 (h) states “All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property”. The subject property is surrounded by industrial zoned properties. Section 27-700 (b)(4) states “Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area. Auto salvage yards shall be enclosed by a minimum eight-foot tall architectural screening fence, and nothing shall be stored to a height greater than the height of the fence”. The subject property requires a maximum of eight (8) trees. The subject property has four (4) trees.

Advertisement:

The Wyandotte Echo – January 16, 2025
Letters to Property Owners – January 17, 2025

Public Hearing:

February 10, 2025 and February 27, 2025

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jacob Dobbs, is requesting a renewal of a Special Use Permit (expires March 29, 2025) to operate an automotive body repair shop at 3151 Fiberglass Road, Kansas City, Kansas 66115.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2021 – Theft
2. 2023 – Theft and criminal damage.

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property within the past 14 years.

Outstanding or Related Permit and Cases:

1. 2022 – COM22-0066 – Commercial – Tenant finish offices: conference room, break room, new restrooms, and new ceiling plan (closed).
 - a. 2022 – MEC22-0391 – Mechanical Permit – Install two (2) rooftop units with associated duct work (closed).
 - b. 2022 – PLM22-0645 – Plumbing Permit – Plumbing work for two (2) new bathrooms and breakroom (closed).
2. 2022 – DRC22-0073 – Interior Remodel – Installation of equipment and sprinkler system (closed).
 - a. 2023 – PLM23-0579 – Plumbing Permit – Install new gas piping, supports, and install new trench drains (closed).
3. 2022 – ELE22-0648 – Electrical Permit – Install lighting and power per plan and branch circuit for roof top (closed).
4. 2023 – DRC23-0010 – Site Improvement – Site work (closed).
 - a. 2023 – ELE23-0820 – Electrical Permit – Electrical equipment hookup and new emergency lights (closed).
5. 2023 – SPK23-0011 – Fire Suppression – Installation of a dry chem fire suppression system in paint booths and mixing rooms (closed).

Previous Planning Actions:

1. 2022 – SP2022-099 – Special Use Permit – Operation of an automotive body repair shop.
2. 2022 – BOZA2022-056 – Variance – Minimum setbacks and minimum amount of parking spaces.
3. 2022 – PR2022-042 – Final Development Plan – Operation of an automotive body repair shop.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Fairfax Statistical Neighborhood Group and the Historic Northeast-Midtown Business Group. The neighborhood consists of mixed-use industrial properties and commercial corridors. Lots are generally large to allow for industrial-sized warehouse and manufacturing uses and for large truck transportation and maneuvering. Buildings vary in size and

character; however, many are masonry structures with mid-century design elements. This area of the district shows some signs of improvements such as concrete sidewalks and landscaping and improved street lighting. This district supports no residential properties, but surrounding uses include a papermill, trucking company, chemical and lubrication manufacturing, and other similar uses.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.*

The zoning and uses are set out above. The subject property is surrounded by the M-3 Heavy Industrial District. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed and in accordance with the Special Use Permit standards.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The proposed use is suitable for the subject property as this is an existing use in an industrial area. The removal of restrictions will not detrimentally affect nearby property if the property is managed properly, and the conditions are adhered to.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant. The property has been operating as a repair shop since 2019.

5. *The degree of conformance of the proposed use to the Comprehensive Plan.*

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods. The allowed building types include light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. The proposed use conforms to the Northeast Area Plan designation with the renewal of a Special Use Permit.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use does not have the potential to increase vehicular traffic, but should not exceed the capacity of Fiberglass Road, a Minor Collector Street, to accommodate it if managed properly.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public, as it is a private business operation. However, it does provide convenience in the form of automotive body repair. The proposed use will not affect the use, quality, or marketability of nearby property as the proposed use operates on an existing property in an industrial district in which similar uses commence.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise could be related to vehicle and truck traffic; however, vehicle traffic is considered a characteristic of this district, and adjacent properties utilize similar traffic patterns. Vibration and illumination are not typically related to the use of an automotive body repair shop, as the repair work will occur inside the facility. Dust is not foreseen to be an issue, as the existing parking lot is paved with the adjacent parking lot planned to be paved as part of the tenant improvement.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use has the potential to pollute the air, land or water as automotive related uses can create environmental concerns such as fluid leakage or the release of gases. However, if properly managed and maintained, the impact should be minimal.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, industrial neighborhood. The property is in close proximity to the Missouri River and is in a recognized floodway, however, if properly managed, the contamination of the waterway with autobody materials or chemicals in a flood would be mitigated.

11. *The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to public health, safety and welfare is minimal as this use could pose potential negative impacts on public health if not properly managed. If denied, the property owner may not use the property for automotive body repair, however, they can still use the property for other business types listed in the M-3 Heavy Industrial District zoning regulations.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as the barbed wire fence on the northern portion of the property is still tilted outward, the entrance gates on the property open outward towards the right-of-way, and the southern parking lot has not been restriped. The previous Conditions of Approval can be found in the additional attachments.

13. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use is not expected to result in the overcrowding of land as it operates within an existing structure on the site and no expansion is proposed. If the applicant abides by the outlined conditions, undue concentrations of population or overcrowding should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Microsoft Teams on January 23, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floodway
Hours of Operation
Previous Conditions of Approval
Storage of chemical waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-115**, for **five (5) years**, subject to:

- 1. The hours of operation shall be from 7:00 AM to 6:00 PM;**
- 2. Vehicle repairs shall not be done in any right-of-way easement or roadway;**
- 3. Vehicles shall be repaired within an enclosed building;**
- 4. A cross-access agreement shall be maintained between the separate parcels;**
- 5. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**

6. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
7. The applicant shall ensure that they have obtained all proper permits from the local, State, and Federal agencies accordingly, as well as the respective drainage districts, as applicable;
8. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
9. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
10. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage

- systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
- i. All such proposals are consistent with the need to minimize flood damage;
 - ii. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - iii. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - iv. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;
11. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
- a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
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, the business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
17. All existing and future driveways must feature curb cuts that are constructed to UG standards;
18. 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;
19. 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;
20. 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;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
22. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the

renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

23. 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,
24. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-115** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Planning Engineering Comments
Conditions of Approval from SP2022-099
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated January 31, 2025
February 10, 2025 City Planning Commission Minutes

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	February 10, 2025 Approval	February 27, 2025

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org
913-573-5762

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-115** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-115**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 10, 2025, City Planning Commission Minutes:**Hearing starts at 1:46:23:**

SPECIAL USE PERMIT APPLICATION SP2024-115– JACOB DOBBS WITH KAW VALLEY ENGINEERING – SYNOPSIS: Renewal of a Special Use Permit (SP2022-099, which expires 3/09/2025) to operate an automotive body shop at 3151 Fiberglass Road. Detailed Outline of Requested Action: The applicant, Jacob Dobbs, is requesting a renewal of a Special Use Permit (expires March 29, 2025) to operate an automotive body repair shop at 3151 Fiberglass Road, Kansas City, Kansas 66115.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 10, 2025;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Morris asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Martin Arling, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, Missouri 64118.
- Luis Ramirez, Dent Wizard.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:49:44: Planning Director Hand stated that this request is for a Special use permit for Dent Wizard, classified in the zoning code as an auto repair facility. It would be their first renewal and second approval. This property is located in the Northeast Area Plan in the Fairfax Industrial District. Staff received no letters in support or in opposition. There are no Notices of Violation. Staff was recommending denial, as the previous conditions of approval were unmet, but the applicant did submit updated pictures showing adherence to said prior conditions.

The Planning Commission directed questions to Director Hand.

Motion starts at 1:51:50:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of SP2024-115 for five (5) years:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Schwartz	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. The hours of operation shall be from 7:00 AM to 6:00 PM;**
- 2. Vehicle repairs shall not be done in any right-of-way easement or roadway;**

3. Vehicles shall be repaired within an enclosed building;
4. A cross-access agreement shall be maintained between the separate parcels;
5. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
6. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
7. The applicant shall ensure that they have obtained all proper permits from the local, State, and Federal agencies accordingly, as well as the respective drainage districts, as applicable;
8. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
9. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
10. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures,

placement of manufactured homes, and other development:

- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
 - b. Construction with materials resistant to flood damage;**
 - c. Utilization of methods and practices that minimize flood damages;**
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,**
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:**
 - i. All such proposals are consistent with the need to minimize flood damage;**
 - ii. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
 - iii. Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
 - iv. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;**
- 11. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.**
 - b. Storage of other materials or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**
- 12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:**
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.**
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);**
- 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, the business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
17. All existing and future driveways must feature curb cuts that are constructed to UG standards;
18. 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;
19. 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;
20. 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;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty

of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;

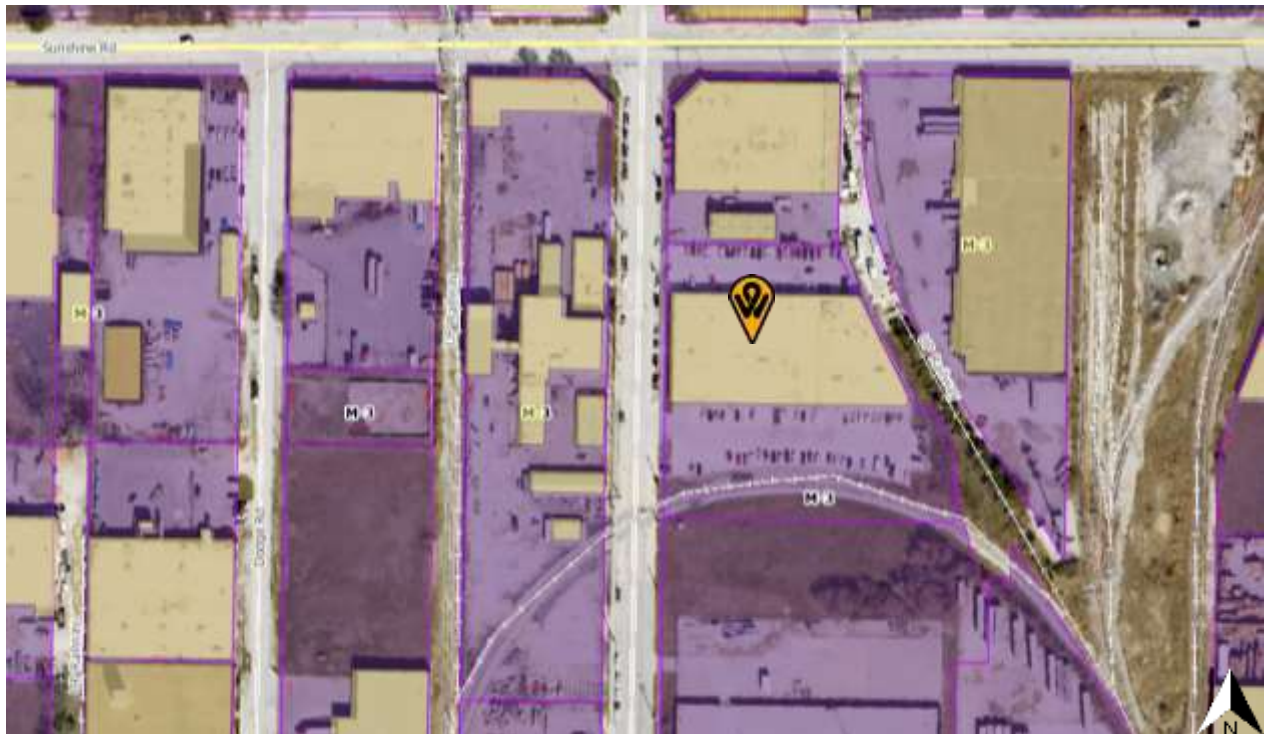
22. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
23. 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,
24. 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.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



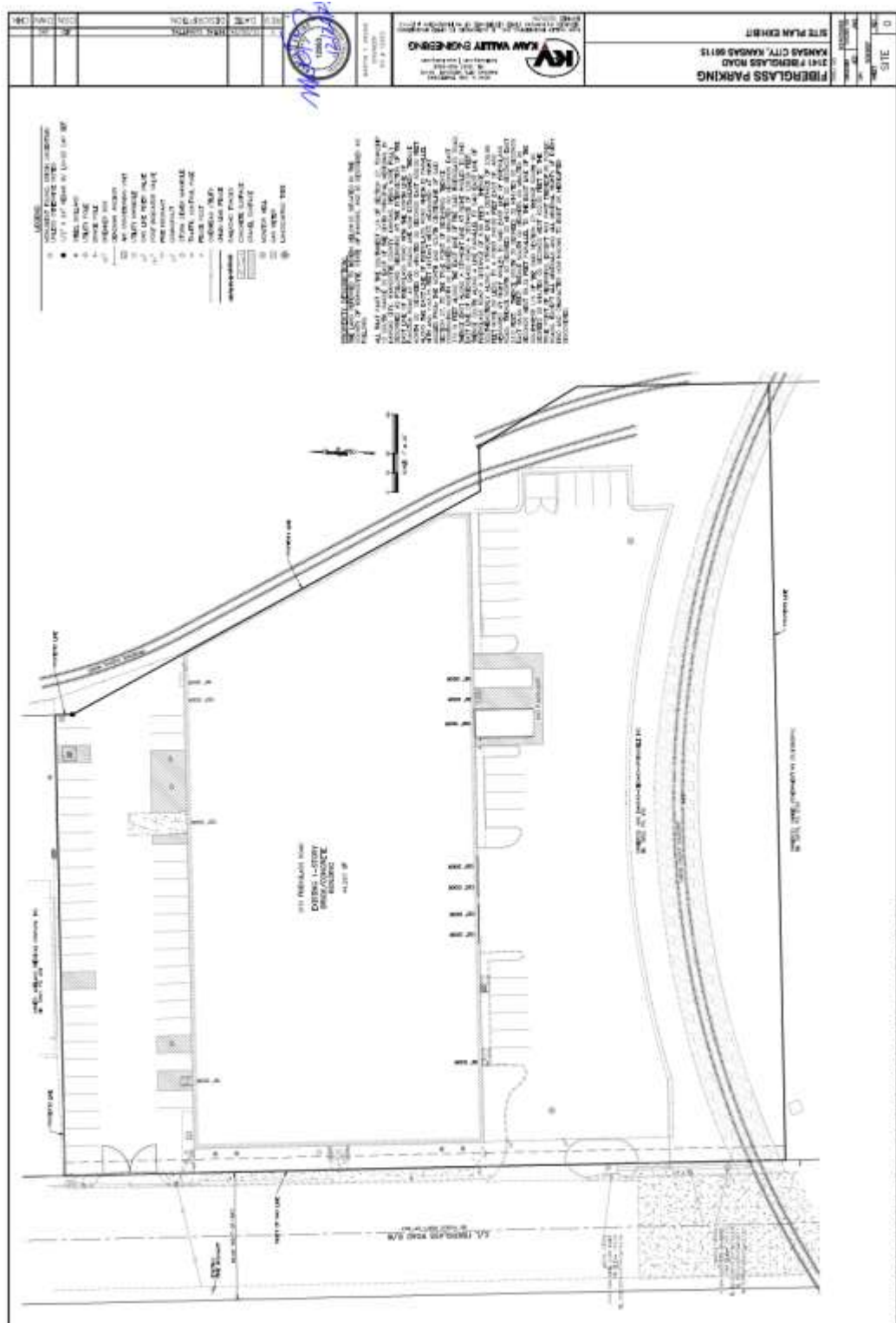
LAND USE MAP



SP2024-115

February 27, 2025

20



**Department of Planning + Urban Design**

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planningPhone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org**Memorandum**

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: January 21, 2025

SUBJECT: Jacob Dobbs – Automotive Body Repair Shop – (SP2024-115)
3151 Fiberglass Rd
General Engineering Review No. 1 (of the site plan sealed 12/20/2024, received 12/23/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Provide information regarding the type and condition of vehicles that will be parked and repaired at this site. Will there be maintenance services, i.e., changing oil and fluids? If so, how do the oil changing areas drain? In working areas with floor drains where there will be oil or other fluid changes, there will need to be an oil-water separator, meeting UG standards and criteria. Also, any chemicals related to auto body repair shall be captured before entering the sanitary service and storm sewer. If new oil-water separators and connections(s) to the sanitary sewer system shall be proposed on the site, provide details, as applicable.
- 2) Depending on the condition of the vehicles being serviced and repaired and stored, stormwater quality hotspots may be applicable. See **Stormwater Quality** for additional comments.
- 3) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2025.01.21 14:26:09 -0600

**Department of Planning + Urban Design**

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planningPhone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org**Memorandum**

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: January 21, 2025

SUBJECT: Jacob Dobbs – Automotive Body Repair Shop – (SP2024-115)
3151 Fiberglass Rd
Stormwater Quality Review No. 1 (of the site plan sealed 12/20/2024, received 12/23/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Stormwater Quality design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) As mentioned in general engineering, vehicle storage and repair sites with high likelihood of oil and grease releases are considered "hotspots" for stormwater quality and treatment and are subject to additional consideration for pollution control measures. If the building(s) or parking area(s) will be used to store and repair vehicles, there is potential for fluids, oil and grease spills. Therefore, appropriate measures shall be provided to reduce the risk of pollution in accordance with UG requirements and the MARC BMP manual, Appendix B requirements. In this regard, provide staff with measures to be taken on site for handling and disposal of waste motor vehicle fluids and bodywork paint, as applicable. Further discussion with staff may be required.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and
Land Use, email=ttrumble@wycokck.org, c=US
Date: 2025.01.21 14:26:48 -06'00'

CONDITIONS:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-056. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-056 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The following improvements shall be made to the property:
 - a. The parking lot shall be restriped.
 - b. The barbed-wire fencing shall be tilted inward
 - c. The trash enclosure shall follow commercial design guidelines if visible from the public street.
 - d. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards.
 - e. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;
3. Vehicle repairs shall not be done in any right-of-way easement or roadway. Vehicles shall be repaired within an enclosed building;
4. A cross-access agreement shall be maintained between the separate parcels;
5. Hours of operation shall be from 7:00 AM to 6:00 PM;
6. Landscaping shall be installed per plan and continuously maintained;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
11. 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;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 14. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 15. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 17. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request**

any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

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

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Clay) SS:

Comes now Jacob Dobbs, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # **SP2024-115**.
2. That I conducted a neighborhood meeting on **January 23, 2025**.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

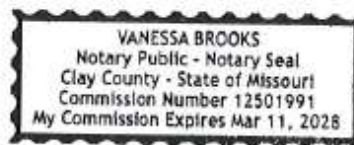
Further affiant saith not.

Jacob Dobbs
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of January, 2025.

My commission expires 11th of march, 2028.

Vanessa Brooks
Notary Public



NEIGHBORHOOD MEETING MATERIALS

SP2024-115

DATE: JANUARY 23, 2025

3151 Fiberglass Rd SUP Sign-In Sheet

Name

Address

Jacob Dobbs (Meeting Host)

8040 N Oak Trafficway

Luis Ramirez

3151 Fiberglass Rd

NEIGHBORHOOD MEETING MATERIALS

NEIGHBORHOOD MEETING

JANUARY 23, 2025

SP2024-115

Virtual Meeting Summary:

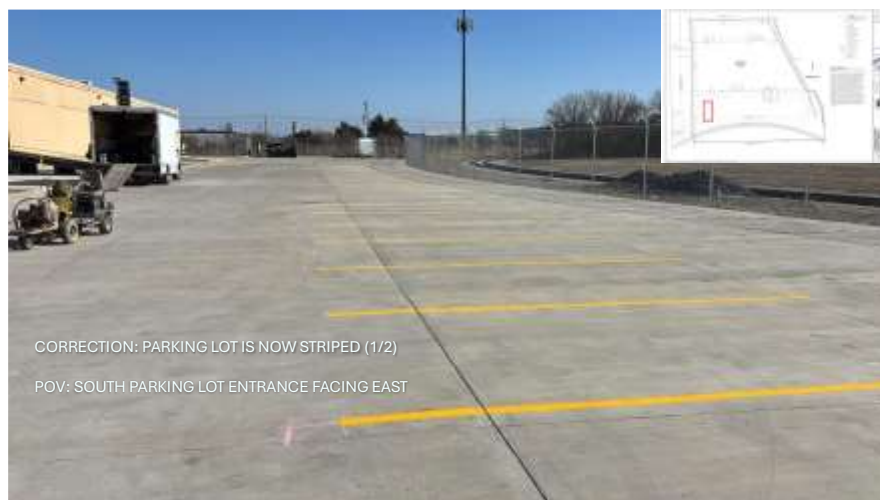
- The meeting began at 5:00 PM.
- At the start of the meeting, the only attendees were the meeting host, Jacob Dobbs, and the director of operational support of the business occupying the site, Luis Ramirez.
- After 30 minutes, no neighbors arrived, and the meeting was concluded at 5:30 PM.

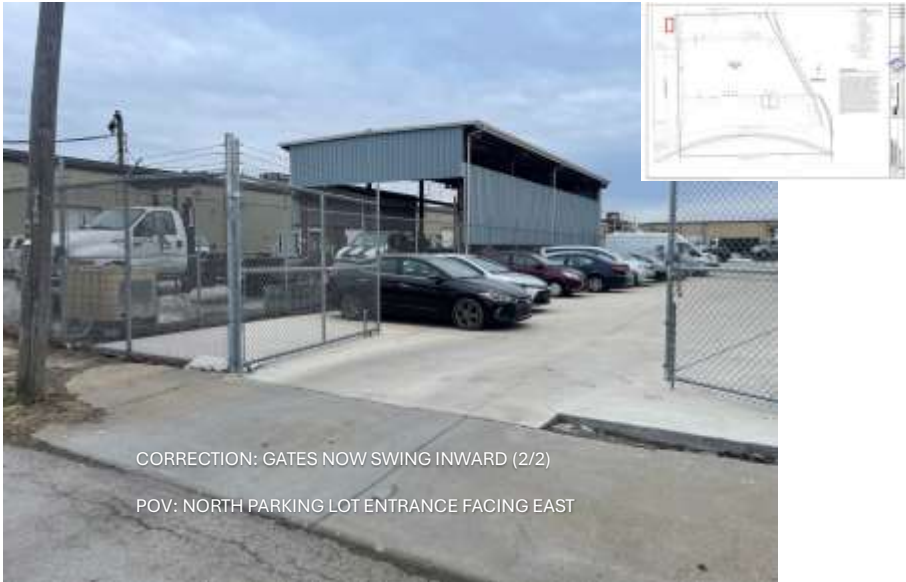
SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JANUARY 31, 2025

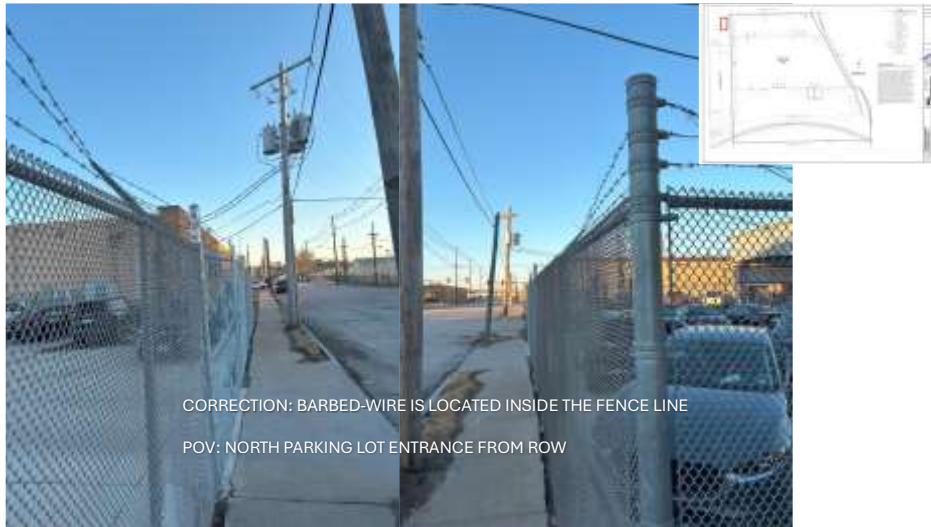












CORRECTION: BARBED-WIRE IS LOCATED INSIDE THE FENCE LINE

POV: NORTH PARKING LOT ENTRANCE FROM ROW



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycokck.org/planning

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Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: February 27, 2025

Re: **Special Use Permit Petition SP2024-118**

GENERAL INFORMATION

Applicant Information:

Michael Rhodes
10800 Donahoo Road
Kansas City, Kansas 66109

Subject Property:

10702 Donahoo Road
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of Special Use Permit to continue to grade and level the property and utilize as a borrow site of earthen material for off-site fill (Renewal).

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner:
Michael (Mike) Kane

Existing Zoning District(s):

CP-1 Planned Limited Business
District

Comprehensive Plan Area:

Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family residences
South	R-1 Single Family District	Woodend, undeveloped land
East	R-1 Single Family District	Agricultural parcel
West	CP-1 Planned Limited Business District	Single-family residence

Total Tract Size:	5.82 Acres
Comprehensive Plan Area:	Prairie Delaware Piper Area Plan
Comprehensive Plan Designation:	The Prairie-Delaware-Piper Area Plan designates this property as Planned Small Commercial District, which allows for Commercial retail and limited commercial services at major arterials near low density residential areas of the community.
Major Street Plan:	The Major Street Plan designates Donahoo Road as a Boulevard/Parkway.
Parking Requirement:	Section 27-464(e) states uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. There is no parking on-site because this is an active earthen material removal operation.
Landscaping Requirement:	Section 27-700(a) One (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site area for uses other than residences. The applicant is providing more than one (1) tree in the front yard.
Advertisement:	<u>The Wyandotte Echo</u> – January 16, 2025 Letters to Property Owners – January 17, 2025
Public Hearings:	February 10, 2025 and February 27, 2025
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Rhodes, is requesting a Special Use Permit to continue grade and level the property and utilize it as a borrow site of earthen material for off-site fill at 10702 Donahoo Road. The previous Special Use Permit, SP-2022-119 expires on April 6, 2025.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. 2023 – GRD23-0003 – Grading Permit – Soil removal and grading for fill dirt sales from vacant lot.
2. 2023 – SP2022-119 – Special Use Permit for removal of earthen material from site for off-site fill (expires in February 2025).
3. Special Use Permit (SP-2019-58) withdrawn in 2019
4. Change of Zone (COZ 3192) withdrawn in 2019.
5. Approval of a Home Occupation Special Use Permit (SP-2015-61) for two (2)
6. years in 2015.
7. Approval of a Plat (Piper Commons) in 2015.
8. Approval of a Variance (BZA 2176) in 2015.
9. Plan Review (PR-2005-2) withdrawn in 2005.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood, Census Block Group #0448041. The neighborhood is residential in nature, consisting mostly of large lot single-family residences, as well as large agricultural lots.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of nearby property are identified above. A dirt removal operation at this scale would not normally be considered to be compatible with established residential uses provided the use is temporary.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The property owner intends to use the site as a borrow site for a separate project, which is not a part of this entitlement process. Removal of restrictions may detrimentally affect nearby property as this could lead to erosion and run-off problems for nearby properties if not managed properly.

4. *The length of time the property has remained vacant as zoned.*

The property has been vacant since its creation as it has never been developed.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The property is currently designated as Planned Small Commercial District, which allows for Commercial retail and limited commercial services at major arterials near low-density residential areas of the community. The current proposal is to use the property as a borrow site for earthen fill off-site. Any proposed development on the site will have to conform to the Planned Small Commercial District designation or seek a Master Plan Amendment.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will inherently lead to the increase of traffic along Donahoo Road, as an earthen removal operation will involve heavy truck trips in and out of the subject property during the day, as well as other equipment moving in and out of the subject property. The applicant shall provide the number of trips expected, so that staff can determine if the use will exceed the capacity of Donahoo Road.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public, as there are currently no known issues with the current grade of the site and the operation is being used to bring earthen fill onto another site, rather than correct any potential issues on the existing site. The proposed use may also substantially or permanently injure nearby property if issues such as erosion, storm-water control, dust, traffic, landscaping, screening, and buffering are not adequately addressed.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Given the scale of the dirt balancing on site, it is possible that noise, vibration, and dust could be of such duration and intensity as to create problems for nearby property.

9. *Whether the proposed use will pollute the air, land or water.*

There is potential for air pollution if the dust generated by the moving of earthen material is not adequately monitored and mitigated.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

Erosion control is required to minimize erosion on the property. Tree lines and ridges adjacent to the single-family homes should be preserved for screening, buffering, and dust mitigation.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. The applicant and landowner need to continue to provide proper erosion control measures and reasonable time limits to ensure that dust, noise and other related issues associated with earthen removal sites do not become problematic for nearby property owners.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

Depending on the approximate location of the staging areas and concentration of construction activities, there is a potential for overcrowding of land that will need to be mitigated through the duration of this permit.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 21, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with Land Disturbance Ordinance
Duration and Size of Project
Mitigation Techniques
Landscaping
Dust
Noise
Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit application **SP2024-118**, for two (2) years, subject to:

1. **Adhere to previous conditions under SP2022-119:**
 - a. If the scale of the proposed operation changes from what is improved by this Special Use Permit, the applicant shall amend their Special Use Permit;
 - b. Due to the proposed duration of this project, the applicant shall provide a paved construction entrance apron at the current property entrance as well as provide rumble strips along the remainder of the driveway, where there is only gravel or dirt;
 - c. Any trees or other landscaping that are removed shall be replaced on site;
 - d. To mitigate dust, the site and construction entrance shall be watered with a watering truck on days when trucks are leaving the site;
 - e. The applicant shall maintain a 100-foot buffer, protecting the tree stands from the single-family homes and trees replaced where needed for conformance along the west and north property line;
 - f. The site shall be seeded and mulched until groundcover is established in areas where work will not occur for more than two (2) weeks and after work is completed on the site;
 - g. Topsoil needs to be saved and spread over the borrow area when complete. Seed and mulch the area within one week of completion;
 - h. Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;
 - i. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
 - j. 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;
 - k. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 - l. 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;
 - m. 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;
 - n. A building permit is required for the construction of a permanent

- structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- o. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 - p. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 - q. 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; Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;
- 2. The hours of operation are from 7:30 AM to 4:00 PM, Monday through Friday;
 - 3. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line;
 - 4. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit;
 - 5. Keep the ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
 - 6. Subject to approval, 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;
 - 7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the

Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

8. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-118** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Site Details
Site Photos, Taken by Staff, Dated January 12, 2023
February 10, 2025 City Planning Commission Minutes

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	February 10, 2025 Approval	February 27, 2025

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-118** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-118**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 10, 2025, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-118 – MICHAEL RHODES –

SYNOPSIS: Renewal of a Special Use Permit (SP2022-119, expires 04/06/2025) to continue the removal of earthen fill at 10702 Donahoo Road. Detailed Outline of Requested Action: The applicant, Michael Rhodes, is requesting a Special Use Permit to continue grade and level the property and utilize it as a borrow site of earthen material for off-site fill at 10702 Donahoo Road. The previous Special Use Permit, SP-2022-119 expires on April 6, 2025.

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 10, 2025;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Special Use Permits; and,
7. The Notices to property owners;

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda.

Mr. James Molloy, Planner, requested SP2024-114 be removed from the Consent Agenda.

Mr. Maksim Kunakovich, applicant, requested SP2024-113 be removed from the Consent Agenda.

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Schwartz	Aye
Motion to APPROVE Passed: 6 to 0	
Subject to:	

SP2024-118:

1. Adhere to previous conditions under SP2022-119:

- a. If the scale of the proposed operation changes from what is improved by this Special Use Permit, the applicant shall amend their Special Use Permit;
- b. Due to the proposed duration of this project, the applicant shall provide a paved construction entrance apron at the current property entrance as well as provide rumble strips along the remainder of the driveway, where there is only gravel or dirt;
- c. Any trees or other landscaping that are removed shall be replaced on site;
- d. To mitigate dust, the site and construction entrance shall be watered with a watering truck on days when trucks are leaving the site;
- e. The applicant shall maintain a 100-foot buffer, protecting the tree stands from the single-family homes and trees replaced where needed for conformance along the west and north property line;
- f. The site shall be seeded and mulched until groundcover is established in areas where work will not occur for more than two (2) weeks and after work is completed on the site;
- g. Topsoil needs to be saved and spread over the borrow area when complete. Seed and mulch the area within one week of completion;
- h. Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;
- i. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
- j. 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;
- k. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 - l. 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;
 - m. 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;
 - n. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 - o. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 - p. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 - q. 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; Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;
- 2. The hours of operation are from 7:30 AM to 4:00 PM, Monday through Friday;
 - 3. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line;

- 4. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit;**
- 5. Keep the ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;**
- 6. Subject to approval, 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;**
- 7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 8. 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.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Planning and Urban Design Comments with Answers:

1. Provide all applicable engineering drawings, including grading, run-off calculations, and erosion control for 2025.
[See attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)
2. Did you record the open space easement as required per SP2022-119.
[Not Required for original permit.](#)
3. Provide a landscaping plan.
[See attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)
4. Provide an updated dust mitigation plan.
[See attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)
What mitigation measures are being used on site to prevent dirt and mud from tracking onto Donahoo Road?
[See attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)
Staff suggest that the applicant provide a driveway apron paved with asphalt and provide rumble strips along the remainder of the proposed driveway to mitigate dirt and mud from being tracked onto Donahoo Road.
[Initially provided and property was used by Waste Management and other heavy traffic to turn around, they destroyed the apron breaking it up and pushing it into the ground due to the weight of their vehicles. I then brought in milled asphalt to fill the ruts and provide a dust free base. I will continue to replace as needed to maintain a dust free and erosion free surface.](#)
5. What dust mitigation measures are being used on site to reduce plumes of dust that will inevitably arise during warm and windy days.
[See attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)
6. What will be the hours of operation of the proposed grading operation?
[7:30am to 4:00pm Monday thru Friday](#)
7. How many trucks per day will the site generate?
[Over the last two years, excluding traffic using it as a turnaround, I have had approximately seven \(7\) trucks in and out of the property hauling dirt.](#)
8. The properties to the north of the subject property shall be protected from erosion, ensuring the relocation of the earthen material does not remove the existing trees stands that buffer the single-family homes from the open undeveloped land. Maintain a 100-foot buffer, protecting the tree stands from the single-family homes.
[Shown on the attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)

9. The site shall be seeded until the groundcover is established.
[See attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)
10. How long do you believe it will take to achieve the final grades necessary to close the permit?
[10 Days if I acquire a party interested in the fill dirt.](#)
11. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line.
[Shown on attached Grading and Erosion Control Plans: PROJECT # 22-0064 ISSUE DATE: 01/24/2025](#)
12. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit.
[Acknowledged](#)
13. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan for review and approval.
[Acknowledged](#)

NEIGHBORHOOD MEETING MINUTES:

Application Number [SP2024-118](#)

Date and Location: [ZOOM 01.21.2025](#)

Meeting called to order at: [6:00PM](#)

Names of people in attendance: [Michael Rhodes](#)

Introductions: [N/A No Attendees](#)

Presentation by applicant and/or team, [N/A No Attendees](#).

Questions and answers (include the following):

- Who asked questions or gave comment – [N/A No Attendees](#)
- What was the question or comment - [N/A No Attendees](#)
- Who answered the question/comment - [N/A No Attendees](#)
- What was the answer given - [N/A No Attendees](#)

Meeting adjourned at: [6:30pm](#)

Minutes taken by: [Michael Rhodes](#)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now MICHAEL RHODES, of lawful age, sound mind and upon his/her oath states as follows:

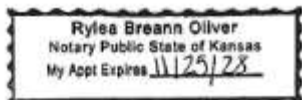
1. That I am the petitioner for Petition # SP2024-118.
2. That I conducted a neighborhood meeting on JANUARY 21, 2025.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

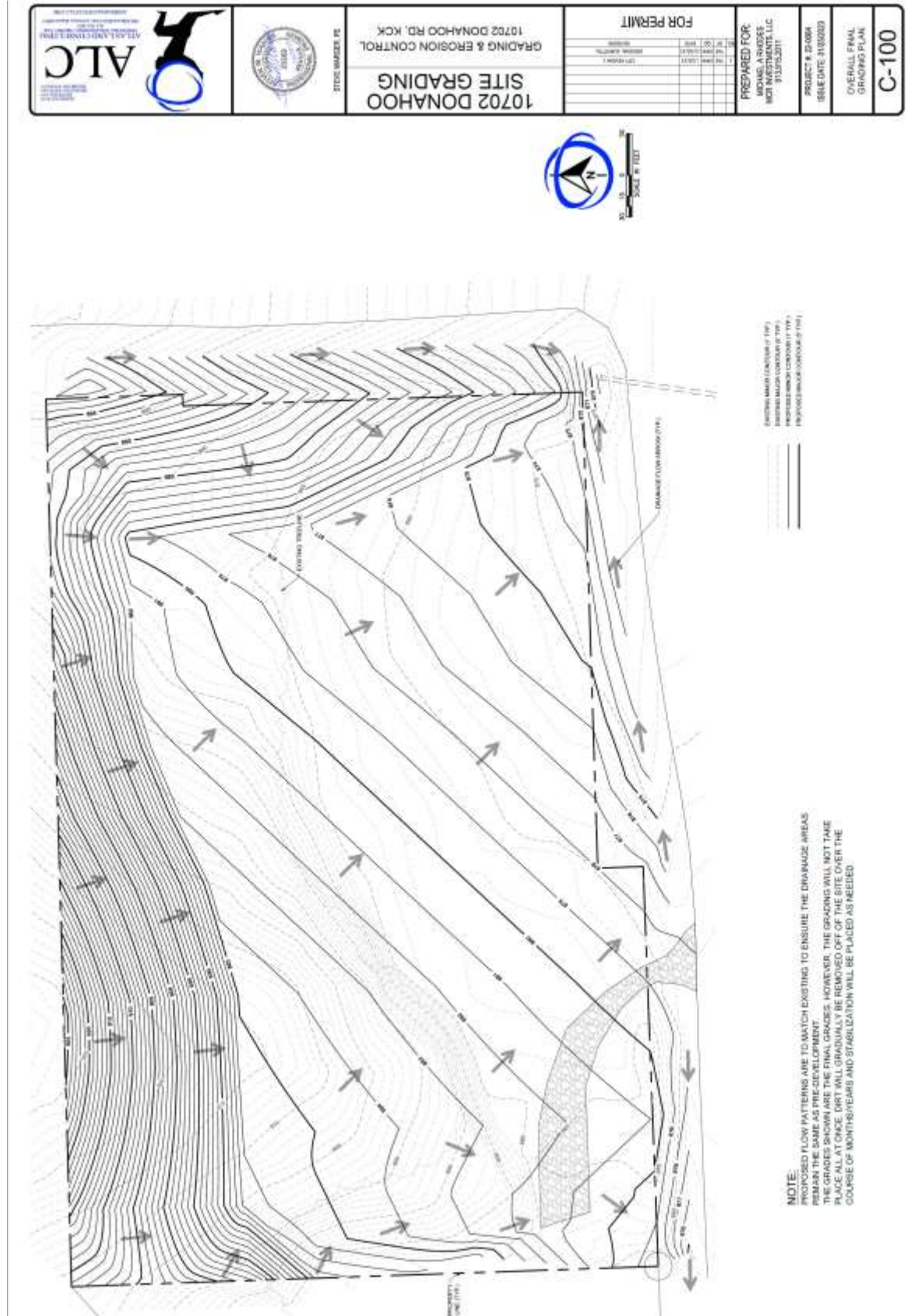
Affiant Michael Rhodes

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of JANUARY, 20025.

My commission expires 25th of November, 20028.



Rylea Oliver
Notary Public






10702 DONAHOO RD, KCK
GRADING & EROSION CONTROL

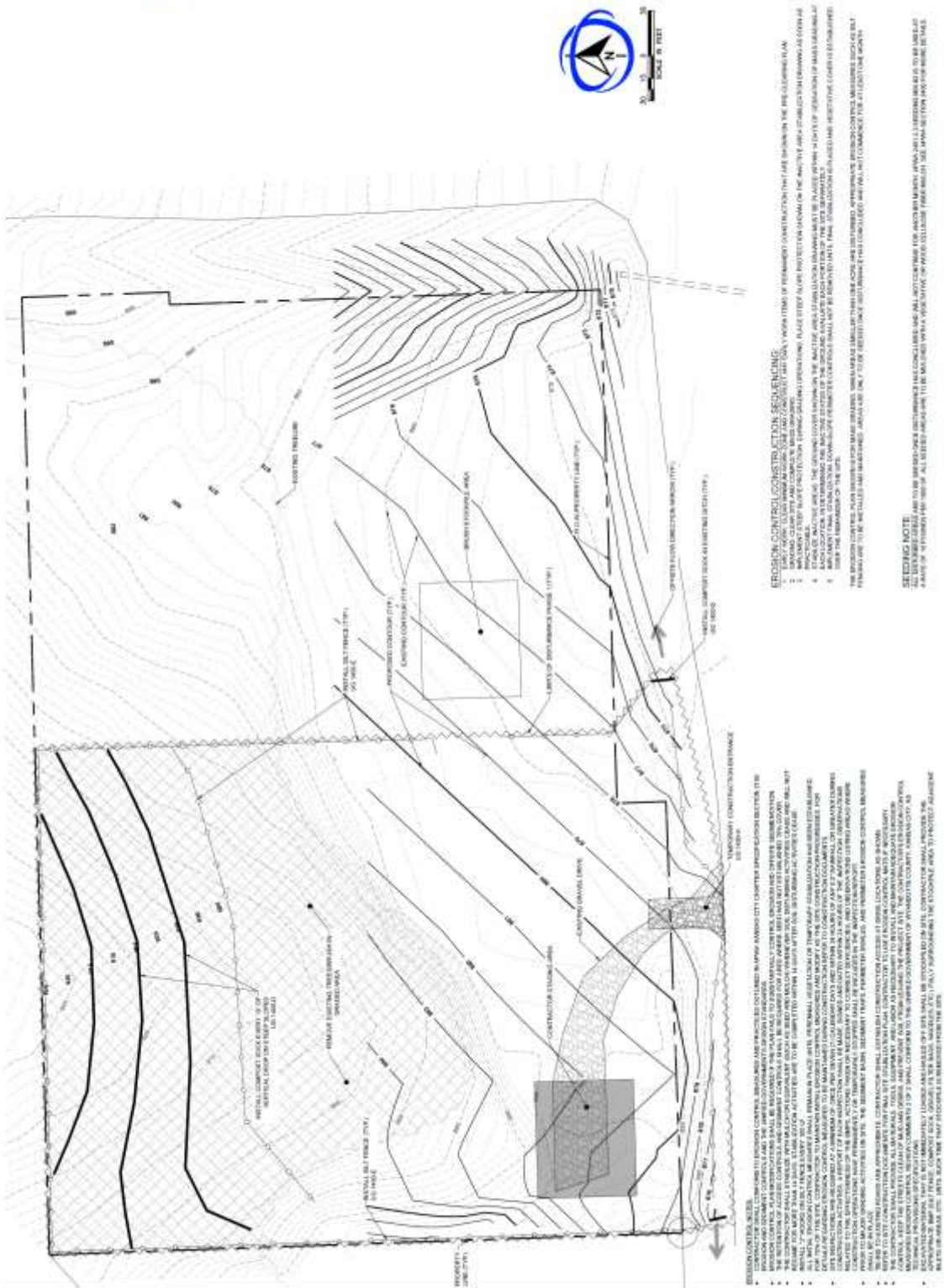
FOR PERMIT

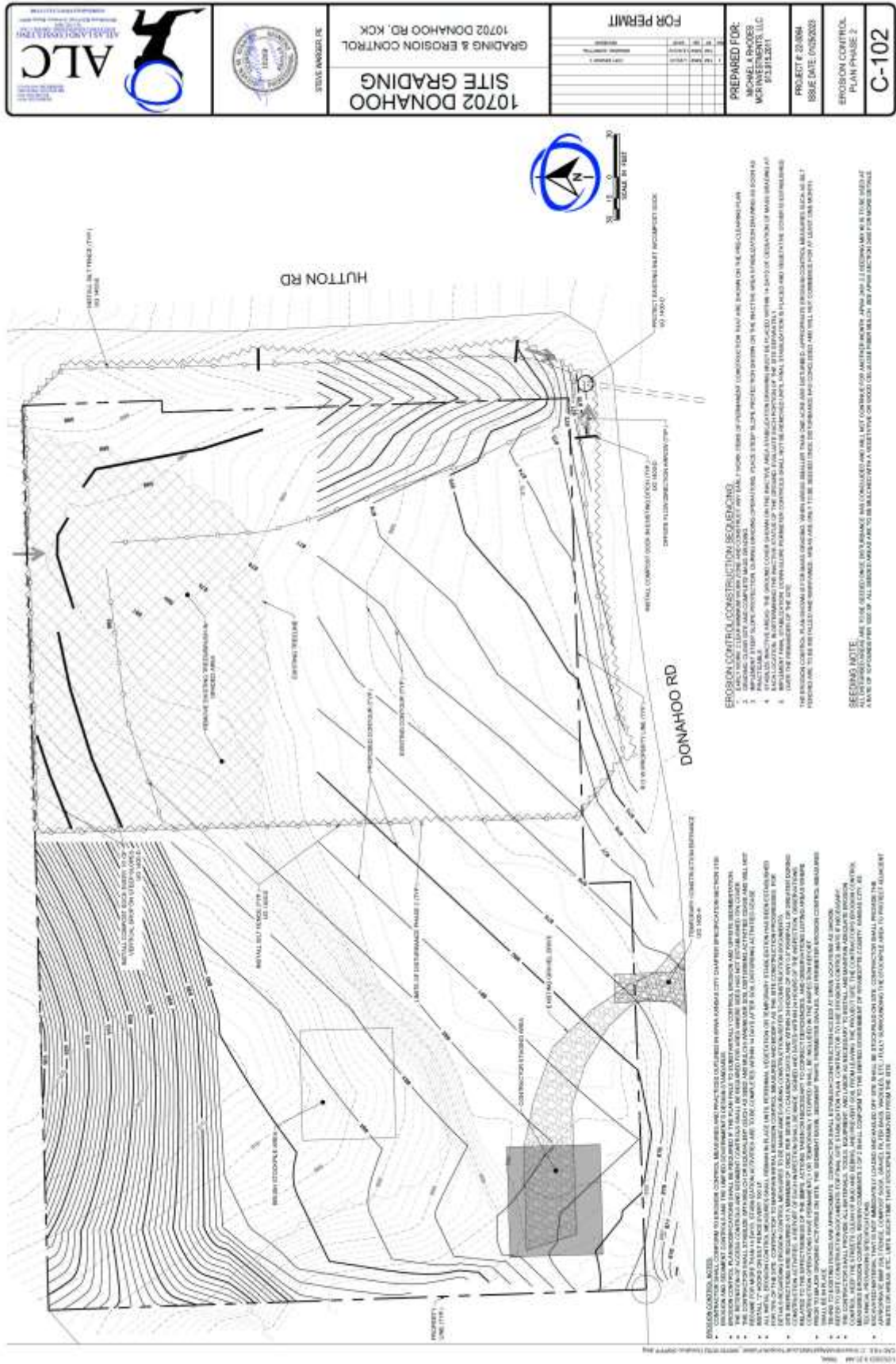
PREPARED FOR:
MCR AR0083
MCR AR0083 LLC
03/27/2021

PROJECT # 22-0066
ISSUE DATE 05/05/2023

EROSION CONTROL
PLAN PHASE 1

C-101





SITE PHOTOS TAKEN BY STAFF ON JANUARY 12, 2023



SITE PHOTOS TAKEN BY STAFF ON JANUARY 29, 2025





(First published _____)

COZ2024-032

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 13303 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single-Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 7, 2024, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to R-1 Single-Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

ALL OF LOT 2, STIMAC ADDITION, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 13303 Parallel Parkway, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture District to R-1 Single-Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1 Single Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2025.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2024-037

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 8010 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of C-0 Nonretail Business District to CP-1 Planned Limited Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on November 21, 2024, by the owners of property to have the zoning of said property changed from its present zoning of C-0 Nonretail Business District to CP-1 Planned Limited Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

SEC-32 TWP-10 RNG-24, S32, T10, R24, ACRES 0.700000, 404C BEG 405FT E OF SW COR E1/2 SW1/4; N 416.76FT, S33E- 105.81FT, S88E- 35.02FT, S 326.75FT, W 92.33FT TO POB LS R/W, located at 8010 Parallel Parkway, Kansas City, Kansas,

be changed from its present zoning of C-0 Nonretail Business District to CP-1 Planned Limited Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-464, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-1 Planned Limited Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2025.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2024-038

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 4000 Adams Street, 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.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on December 1, 2024, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single-Family District to R-2(B) Two-Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

SUMMERFIELD PARK, S34, T11, R25, ACRES 0.13, L23, located at 4000 Adams Street, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single-Family District to R-2(B) Two-Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two-Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2025.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2024-039

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 4209, 4211, and 4213 Adams Street, 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.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on December 1, 2024, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single-Family District to R-2(B) Two-Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Lots 14, 15, and 16, BOMBECK PLACE, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, located at 4209, 4211, and 4213 Adams Street, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single-Family District to R-2(B) Two-Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two-Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of

Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2025.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-061

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-061, commonly known as 735 Minnesota Avenue, Kansas City, Kansas, legally described as:

WYANDOTTE CITY, S4, T11, R4, ACRES 0.22, B130 L17 TO L19, located at approximately 735 Minnesota Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for operation of an event center with live entertainment.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Previous conditions of approval still apply, including:**
 - **Events larger than 250 people shall have a pre-determined number of security officers in the building, greater than two (2).**
 - **All doors shall remain closed during an event.**
 - **Add an ID scanner and scan all IDs of those entering the facility.**
 - **No music over 65 DBA before 6:00 PM.**
 - **An understanding by the applicant that simply removing a troubled situation out the door is not acceptable. They need to control and detain until on-duty officers arrive and take control of any situation.**

- In addition to that security one (1) non-security adult chaperon for every twenty-five (25) children for events focused on youth under 18 years old (provided by the client).
 - All alcohol will be provided by the facility or one of its approved caterers. Catering list must be up-to-date and on file in the Planning Department;
2. No more than 500 people may attend any event. Inspections by KCKFD may limit this number further;
 3. All parking agreements must be maintained;
 4. No traffic for valet parking may queue up along Minnesota Avenue. Patrons must park at the allowed lots themselves;
 5. All entertainment must cease by 1:00 AM on Friday and Saturday, and no later than 10:00pm on weeknights and Sunday night;
 6. Doors and windows must stay closed during any entertainment performance;
 7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - 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;
 - Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - An I.D. scanner will be used at all times;
 8. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
 9. No amplified speakers or entertainment is allowed in outdoor spaces;
 10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 12. If approved, occupying business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 13. 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;

14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
17. 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;
18. 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;
19. The Special Use Permit shall be valid for two (2) year(s) 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2025.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-094

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-094, commonly known as 2724 North 13th Street, Kansas City, Kansas, legally described as:

The South 30 feet of lots 1 and 2, Block 1, BROWNE's PARK, and additional in Kansas City, Wyandotte County, Kansas, located at approximately 2724 North 13th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment at a restaurant.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **No outdoor loitering in alleyways or behind the building;**
2. **Trash must be maintained at the rear of the building;**
3. **The applicant shall work with KCKFD to determine the proper occupancy. The applicant must provide proof from KCKFD with a determination of occupancy prior to publication of this petition;**
4. **All parking agreements shall be maintained and filed with the register of deeds;**
5. **As outlined by the applicant, all live entertainment shall end no later than**

- 10:00 PM on Friday and Saturday. No entertainment shall occur any other night of the week;
6. Doors and windows must stay closed during any entertainment performance;
 7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - o 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;
 - o Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - o An I.D. scanner will be used at all times;
 - o At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
 8. No amplified speakers or entertainment is allowed in outdoor spaces;
 9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. All exterior lighting, whether mounted on a building or within a parking lot 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;
 12. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 13. 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;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 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. 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;

17. 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;
18. 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;
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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2025.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-103

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-103 commonly known as 1401 Merriam Lane, Kansas City, Kansas, legally described as:

WILLIE JONES SUBDIVISION, L1 LESS FOLL: BEG NE COR L1; SELY 30 FT, NWLY 31.75 FT, LELY 20FT TO POB, LOCATED AT APPROXIMATELY 1401 MERRIAM LANE, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a used automotive dealership.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Phases 1 and 2, and any conditions of approval associated with Phases 1 and 2 must be filed for, if not completed, by the time this Special Use Permit is to be renewed;**
2. **The following previous conditions of approval will continue to be required, including:**
 - a. **The business must close by 6:00pm daily.**
 - b. **Any chemical spills from vehicles must be cleaned immediately so that it does not cause a pollution problem. Contaminated runoff in**

rain events can get into drainage ways and cause issues for Turkey Creek.

- c. If there is any additional grading to be done, practices must be utilized to protect the stream from sediment and trash.
 - d. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 - e. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length;
3. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
4. The applicant was approved for the following deviation from the commercial design guidelines:
- a. Sec 27-576(d)(1) A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures;
5. The applicant shall abide by all approved commercial design guideline improvements approved by SP2022-072, CO2022-032, and PR2023-025, including:
- a. Sec 27-575(d)(2): Curb-cuts should be minimized and concentrated at mid-block
 - b. Sec 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - c. Sec. 27-575(d)(8) states that "Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - d. Sec. 27-575(d)(9) states that "to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities,

including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

- i. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas
 - ii. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - iii. Circulation Patterns within parking areas shall be defined by curbs and landscaped islands
 - iv. Where possible, groups of buildings should be serviced by dedicated service access lanes.
- e. Sec 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
- f. Sec 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - i. Six-inch vertical curb;
 - ii. Trellis;
 - iii. Special railing;
 - iv. Bollards;
 - v. Special paving;
 - vi. Low seat wall or other architectural features;
 - vii. Pedestrian scale lighting; or
 - viii. Traffic calming devices.
- g. Sec 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
- h. Sec 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additionally 20 feet of landscaped area in addition to the required setback. This, however, would cause an undue hardship, therefore, the applicant will only be required to provide a six (6) foot landscaped buffer. Please demonstrate this on the site plan.
- i. Sec 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- j. Sec 27-575(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
- k. Sec 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
- l. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a

maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.

- m. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- n. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - i. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - ii. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
- o. Sec 27-577(a)(5) – Landscaping shall exceed the typical code requirements by at least 75 percent.
 - i. The district requirement is one tree per 7,000 square feet of site area.
 - ii. The 3.43 acre site is 84,071 Square Feet, which would require 12 trees per the Code of Ordinances.
 - iii. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - iv. Landscaping shall be irrigated;
- 6. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking

- stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
8. All exterior lighting, whether mounted on a building or within a parking lot 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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 10. 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 business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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 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;
 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2025.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-109

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-109, commonly known as 5015 Gibbs Road, Kansas City, Kansas, legally described as:

9156, Section 36, Township 11, Range 24; Beginning 170 feet east and 55 feet south of the northwest corner of the northeast quarter; N43E-21.23 feet, east 384.98 feet, south 240 feet, west 400 feet, north 225 feet to point of beginning. Containing 2.2 AC M/L, located at 5015 Gibbs Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for operation of an automotive body workshop.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Restripe five (5) spaces in the parking lot for customers and employees;**
2. **No outside storage of inoperable vehicles allowed;**
3. **Replace dead vegetation to comply with the original landscape plan from 2017;**
4. **If the property is sold, the associated Special Use Permit cannot be transferred to the new property owner or operator;**
5. **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch**

- caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be five (5) to six (6) feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to 8 feet when planted as measured 12 inches above the ground;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 7. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 9. If approved, the occupying business must annually renew their business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively

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

14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Subject to approval, the Special Use Permit shall be valid for (2) year(s) 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;
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
17. 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,
18. Comply with Previous Conditions of Approval (SP2020-048):
 - a. No wrecked cars in the parking lot;
 - b. Only employee parking in the parking lot;
 - c. No outside storage in the parking lot;
 - d. Hours of operation are from 8:00 AM to 5:00 PM;
 - e. All doors closed while working on vehicles;
 - f. Paint booth must be filtered;
 - g. Any dumpster kept outside shall be screened per the code to match

- the building;
- h. Applicant must acknowledge the following statement:**
 - i. Both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, stipulations, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
 - i. CP-3 District regulations specify a 30,000 pound gross vehicle weight rating (GVWR) limit. Semi-trucks and/or semi-trailers exceed this limit and are not allowed to parking on the property other than in performance of delivering supplies of the business;**
 - j. The vegetation growing in the parking lot must be removed. The cracked or damaged pavement must be patched and sealed;**
 - k. No outside parking of inoperable or wrecked vehicles at any time. Vehicles in any stage of repair must be stored inside at all times. This also applies to any employee vehicles parked on the property;**
 - l. Applicant is different than the legal entity listed as the property owner. Submit a signed and notarized Owner's Affidavit Form for Huffman Holdings LLC. Staff Response: The applicant has provided the required Affidavit;**
 - m. 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 Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
 - n. 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;**
 - o. 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) 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;**

- p. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request; and,
 - q. Applicant must acquire and maintain a business license for each proposed use.
19. The applicant must repair the parking lot to fill and patch any and all pot holes and other disrepair.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2025.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Report to

MEETING DATE	PRESENTER	DEPARTMENT
		Legal
AGENDA ITEM #		
RESOLUTION: ADOPTING SUBSTANTIAL AMENDMENT TO 2023 HUD ANNUAL ACTION PLAN		
BACKGROUND		
<i>Synopsis: The Community Development Department respectfully requests that the Neighborhood & Community Development Committee review the proposed resolution and forward it to the full Board of Commissioners for final consideration. The resolution will allow the Community Development Department to amend the Unified Government's 2023 Annual Action Plan and 2022-2026 5-year Consolidated Plan, which are created in accordance with HUD requirements, to reflect the fact that (1) the UG's Community Development Block Grant (CDBG) spending for public infrastructure for Program Year 2023 exceeded the budgeted amount by over 20%, and (2) that Community Development intends to shift the source of funding for home repair activities from CDBG Emergency Home Repair funds to HOME Investment Partnership Program (HOME) Home Repair funds, submitted by Dilini Lankachandra, Assistant Counsel.</i>		
RECOMMENDATION		
To adopt the resolution.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution Substantial Amendment to 2023 HUD Annual Action Plan 12.17.24 v2		

Approved by Mayor and/or Chair and Administrator to add to agenda.

[Signature] 12/19/2024
[Signature] Mayor Anne

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENTS TO THE 2023
ANNUAL PLAN AND 2022-2026 CONSOLIDATED PLANS SUBMITTED TO THE U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the City of Kansas City, Kansas is a “metropolitan city” as described in the Housing and Community Development Act of 1974, and as such is entitled to direct block grant allocations from the Community Development Block Grant Program (“CDBG”), the HOME Investment Partnership Program (“HOME”), and the Emergency Solutions Grant Program (“ESG”) from the U.S. Department of Housing and Urban Development (“HUD”);

WHEREAS, The Housing and Community Development Act of 1974 requires the Unified Government to develop and submit a five-year consolidated plan and subsequent annual action plans, and substantial amendments thereto to HUD as a condition for receipt of direct block grant allocations through CDBG, HOME, and ESG, and in which the Unified Government is required to set forth its priorities and goals for each of the three said block grant programs;

WHEREAS, The Unified Government’s CDBG spending for public infrastructure for Program Year 2023 exceeded the budgeted amount by over 20%;

WHEREAS, The Unified Government seeks to shift the source of funding for home repair activities from CDBG Emergency Home Repair Funds to HOME Home Repair Funds;

WHEREAS, The Unified Government’s Citizen Participation Plan indicates that a change exceeding 20% of the annual HUD grant amount or a change in the use of CDBG funds from one eligible activity to another will constitute a substantial amendment to the Annual Action Plan and/or Five-Year Consolidated Plan that must be approved by the Board of Commissioners; and

WHEREAS, An authorized representative of the Unified Government is required to execute certain certifications for entitlement grantees as part of the submission process to HUD in accordance with 24 CFR Part 91.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. The Unified Government Department of Community Development is hereby authorized to complete and submit the *Amendment to the 2023 Annual Action Plan* and the *Amendment to the 2022-2026 5-Year Consolidated Plan* to HUD.

Section 2. The Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government its certifications for entitlement grants by the City of Kansas City, Kansas to HUD.

Section 3. All other employees and agents of the Unified Government are hereby authorized to implement the *Amendment to the 2023 Annual Action Plan* and the *Amendment to the 2022-2026 5-Year Consolidated Plan* upon approval.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____ 2025.**

Mayor/CEO
Tyrone Garner

Attest:

Unified Government

Approved as to Form:

Unified Government Assistant Counsel



CDBG Park Project Investments

Clifton Park

2200 Wilson Blvd
Kansas City, KS 66102



Spray Park



Basketball Court

Kensington Park

2900 State Ave

Kansas City, KS 66102

Parking Lot



Klamm Park

2511 N 27th St
Kansas City, KS 66102



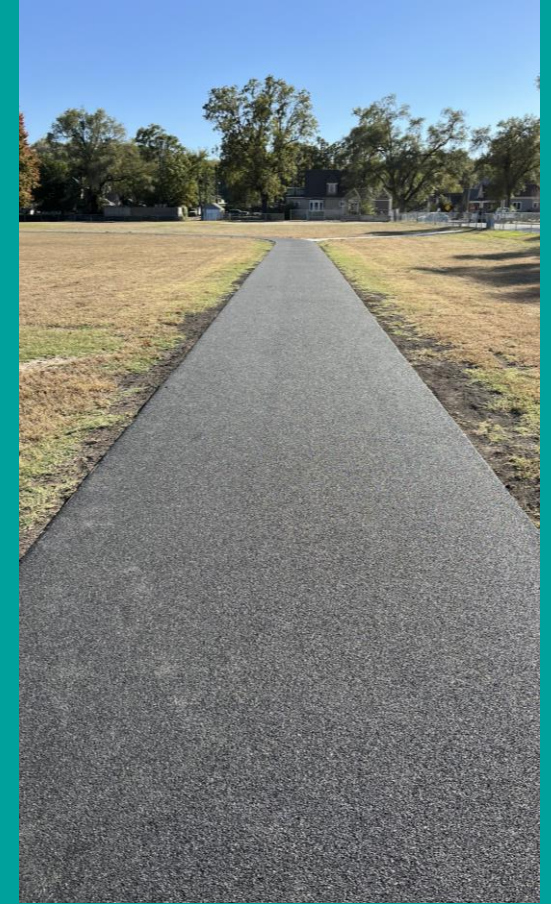
Pickleball/Tennis Courts



Basketball Courts

Clopper Field Trail

1201 S 34th St
Kansas City, KS 66106





Citizen Participation Plan



Unified Government of Wyandotte County and Kansas City, Kansas

Amended 2022

Prepared by:
The Unified Government of Wyandotte County
and Kansas City, Kansas
Community Development Department

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Para recibir la traducción del documento llamar: 913-573-5100

The Citizen Participation Plan identifies policies and procedures used to encourage citizen participation and involvement in programs funded by the Department of Housing and Urban Development (HUD) including Community Development Block Grant Program (CDBG), the CDBG Section 108 Loan Guarantee Program, the HOME Investment Partnerships Program (HOME), and the Emergency Solutions Grant Program (ESG). The Five-Year Consolidated Plan identifies the Unified Government of Wyandotte County/ Kansas City, Kansas's (UG's) housing, homeless and community development needs and establishes goals and strategies for addressing those needs utilizing the HUD Funds. Federal regulations regarding Citizen Participation can be viewed at <https://www.ecfr.gov/current/title-24/subtitle-A/part-91#subpart-B>

The following table summarizes citizen participation requirements for various documents.

Document	Due to HUD	Public Hearing Requirement	Public Review & Comment Period Requirement	Approval by Board of Commissioners
Citizen Participation Plan and Substantial Amendments	As soon as local adoption but no due date	Not required	15 Calendar Days	Not Required
5-Year Consolidated Plan with or without the Citizen Participation Plan	45 days prior to the start of the program year	At least 1 Public Hearing	30 Calendar Days	Required
Annual Action Plan	45 days prior to the start of the program year	2 Public Hearings annually	30 Calendar Days	Required
Substantial Amendments to Consolidated Plan	As soon as local adoption but no due date	Not Required	30 Calendar Days	Required
Consolidated Annual Performance & Evaluation Report	90 days after the end of program year	Not Required	15 Calendar Days	Not Required
Section 108 Application	As soon as adopted but no due date	2 Public Hearings	30 Calendar Days	Required

1. Encouragement of Citizen Participation

The Unified Government encourages all to participate in the development and review of the:

- Citizen Participation Plan
- Five-Year Consolidated Plan
- Annual Action Plan
- Substantial Amendments to the Five-Year Consolidated Plan or Annual Action Plan
- Consolidated Annual Performance Evaluation Report (CAPER)
- New Section 108 Loan Guarantee Program Submissions

The Unified Government encourages participation by low- and moderate-income persons, particularly those living in areas designated as revitalization areas, that meet the definition in [24 CFR 570.208\(b\)\(1\)](#) and where Community Development funds are proposed to be used. The Unified Government will also take appropriate actions to encourage the participation by residents of predominantly low- and moderate-income neighborhoods and minority populations, non-English speaking persons, and persons with disabilities. The Unified Government will make reasonable accommodations to ensure all interested parties can meaningfully participate.

The Unified Government will encourage the participation of local and regional institutions, the Continuum of Care and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, community-based and faith-based organizations, broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies) in the process of developing, amending, and implementing the Five-Year Consolidated Plan.

The Unified Government also encourages, in consultation with public housing agencies, the participation of residents of public and assisted housing developments located within Wyandotte County, in the process of developing and implementing the Consolidated Plan. This includes other low- and moderate-income residents of targeted revitalization areas in which the developments are located. The Unified Government will provide information to the executive directors of the Kansas City, Kansas Housing Authority so plans of each organization align and complement each other.

The Citizen Participation Plan has been and will continue to be amended as the Unified Government continues to gain access to technology that improves participation opportunities. Unless otherwise noted in this document, all communication regarding the Citizen Participation Plan and the Consolidated Plan documents, complaints, access to records, reasonable accommodation for disabled persons, or interpretation services for persons with limited English proficiency, should be directed to the contact in [section 3](#) of this plan.

2. Public Hearings, Notification and Access to Records

Public Hearing Process

The Unified Government will conduct at least two public hearings annually to obtain citizen views and comments on the Consolidated Plan and its related documents. These meetings will be conducted at different times of the program year and together will address housing and community development needs, development of proposed activities, action for affirmatively furthering fair housing, and program performance of grant funding. To obtain the views of residents of the community on housing and community development needs, at least one public hearing will be conducted **prior** to the Consolidated Plan or Annual Action Plan being published for comment. Other hearings may be required during a program year due to amendments/revisions of plans or as necessary to engage the public.

Informally, Unified Government Community Development staff may participate in community meetings or events to further interact with the public and increase knowledge of on-going plans, projects, and programs. Although these events do not constitute formal “Public Hearings”, they represent a vital component of community engagement around housing and community development needs.

Public hearings are typically held in the fifth-floor conference room or the Commission Chambers on the lobby level of the Municipal Building at 701 North 7th Street, Kansas City, KS 66101. Under unusual circumstances meetings may be held virtually or in an alternative location. Meeting location will be listed in the public hearing notice. Commission meetings will comply with all state and local ordinances and laws governing public meetings. Citizens may view Board of Commission meetings live on UGTV and the UG YouTube page. Recorded meetings can be found on the UG YouTube page. For the most up to date information on public hearings visit the Unified Government Clerk’s web page.

Public Hearing Notification

The UG will ensure adequate advance notice of all public hearings. Notices will include a summary of information to be discussed at the meeting or hearing to ensure informed comment. Public Hearing Notices will be published in one or more newspapers of general circulation at least **14 calendar days** prior to the Public Hearing. At minimum this will include publication in the Wyandotte Echo. To reach a broad variety of citizens, additional notices may be posted in other publications depending on timing and availability of publisher. To maximize accessibility, efforts will be taken to share notices in a variety of online and social media formats: at minimum on UG Community Development website but, when possible, also in the UG E-Newsletter and Livable Neighborhoods newsletter. Informally, the UG may utilize a variety of social media accounts to share information in coordination with Livable Neighborhoods and UG staff.

Access to Public Hearings

It is the intention of the Unified Government to comply with the Americans with Disabilities Act (ADA) in all respects. If an attendee or participant at a Public Hearing

needs special assistance beyond what is normally provided, the Unified Government will attempt to accommodate in every reasonable manner. Efforts may include, but are not limited to, accessible seating, video recording for those homebound, sign language services and production of written transcripts. Requests for reasonable accommodations shall be made to the contact person listed in [section 3](#). Please provide **48-hour** notice prior to the Public Hearing.

The Citizen Participation Plan will encourage comment and participation by those with limited English proficiency, and, when feasible, accommodations will be available upon request by contacting the Unified Government contact person listed [section 3](#). Please, provide **48-hour** notice prior to hearing.

Access to Plans and Records

The Unified Government will ensure timely and reasonable access to information and records related to the development of the Consolidated Plan documents and the use of HUD funds. Approved Plans and reports will be kept on file according to record retention policies and current plans can be viewed online at www.wycokck.org

Hard copies of documents can be made available by contacting the Unified Government contact person listed in [section 3](#). Upon request, reasonable efforts will be made to provide documents in a manner that is accessible to those with limited English proficiency and those with disabilities.

Technical Assistance

The Unified Government will provide technical assistance to groups representative of persons of low- to moderate-income that request such assistance in developing proposals for funding assistance under any of its programs covered by the Consolidated Plan. This assistance does not require the provision of funds to such groups.

3. Public Review of Documents and Comments or Complaints

Notice of Public Comment and Review Period

Many UG Community Development planning documents require a public comment and review period. Adequate notice will be published for a period of public review and comment. The notice shall include a summary of the document, information for submission of comments, and instructions to view entire document. At minimum, this will include publication in the Wyandotte Echo. Additional notices may be posted in other publications depending on timing and availability of publisher. To maximize accessibility, efforts will be taken to share notice in a variety of online and social media formats: at minimum on UG Community Development website but when available also in the UG E-Newsletter and Livable Neighborhoods newsletter. Informally, the UG may utilize a variety of social media accounts to share information in coordination with Livable Neighborhoods, UG staff and community partners.

Public Comments/Complaints

Written and verbal comments received at Public Hearings or during a public comment period, will be considered and summarized, and included as an attachment to the Unified Government's final documents for HUD submission. The UG is required to consider all comments or views from residents of the community in preparing final plans and reports.

Periodically, the Department of Community Development may solicit written comments utilizing an online form. The form may be submitted online or printed and mailed to the address above. Any online forms will be advertised in public comment notices and posted on the Community Development website.

Written Complaints will be accepted by The Unified Government if the complainant specifies:

- The description of the objection, and supporting facts and data; and
- The name, address, telephone number, and e-mail address, if available, of the individual filing the complaint.

Written complaints can be submitted at any time throughout the program year. A written response will be provided to written complaints within ten working days when practicable, acknowledging the letter and identifying a plan of action, if necessary. Every effort will be made to send a complete response within 15 working days.

Inquiries, comments, and complaints may be submitted to:

Attn: Receptionist
Community Development Department
Unified Government Municipal Building
701 North 7th Street, Room 823
Kansas City, KS 66101
Phone: (913) 573-5100
Fax: (913) 573-5115

4. Citizen Participation Plan Amendment Process

Plan Development

(a) Plan Review and Public Comment

The Citizen Participation Plan and Amendments will be made available for public review for **15 calendar days** prior to consideration and adoption and may be done concurrently with the public review and comment process for the Five-Year Consolidated Plan.

(b) Submittal to HUD

The Citizen Participation Plan may be approved as a stand-alone document or along with other HUD submissions and shall be submitted to HUD with a summary of all written comments and those received during the public hearing as well as the Unified Government's responses and proof of compliance with the minimum **15-day** public review and comment period requirement. A summary of any comments or views not accepted and the reasons therefore shall be provided to HUD. The Plan shall be effective until it is amended or otherwise replaced.

5. Five-Year Consolidated Plan Process

Every five years, the Unified Government Community Development Department will undertake a planning process to develop a new Five-Year Consolidated Plan.

Plan Development

As required per 24 CFR 91.105 the Unified Government Community Development Department shall use the following procedures to ensure citizen participation during development and implementation of the Five-Year Consolidated Plan:

(a) Plan Considerations

The UG will encourage participation of local and regional institutions, Continuum of Care, and other organizations as required in 24 CFR 91.100. As early as possible in the planning process the UG will direct the public to HUD-provided data and any other supplemental information the Unified Government plans to incorporate into the Five-Year Consolidated Plan. HUD-provided data is always available online via www.HUD.gov or www.hudexchange.info.

(b) Plan Review and Public Comment

The Plan will be published for a period of public review and comment for no less than **30 calendar days**. The notice shall include a summary the Plan, including expected funds, a range of activities expected to be undertaken, and the estimated amount of funds that will be used to benefit low- to moderate-income families. The notice will include directions for the submission of comments and options to view the entire Plan.

(c) Public Hearing

The UG will hold a minimum of one public hearing inviting public input during the development of the Five-Year Consolidated Plan.

The UG will consider any comments or views of community members received in writing (by mail or digitally), or orally at the public hearing in preparation of the final Five-Year Consolidated Plan. A summary of these comments and any comments not accepted, and the reasons why shall be attached to the final Five-Year Consolidated Plan.

(d) Adoption and Submission to HUD

Adoption of the Consolidated Plan shall be the responsibility of the Unified Government governing body. The UG will submit the adopted Consolidated Plan to HUD at least **45 days** prior to the start of the Program Year but **no later than August 15th**.

6. Annual Action Plan Process

Every year, the Unified Government Community Development Department will undertake a planning process to develop an Annual Action Plan (AAP). During a year when a Five-Year Consolidated Plan is developed, Annual Action Planning will happen concurrently. This plan will summarize all expected resources, planned projects and how the annual projects support the goals and objectives set-forth in the current Five-Year Consolidated Plan.

Plan development

As required per 24 CFR 91.105 the Unified Government Community Development Department shall use the following procedures to ensure citizen participation during development and implementation of the Annual Action Plan:

(a) Plan Considerations

The UG will encourage participation of local and regional institutions, Continuum of Care, and other organizations as required in 24 CFR 91.100. As early as possible in the planning process the UG will direct the public to HUD-provided data and any other supplemental information the Unified Government plans to incorporate into the Five-Year Consolidated Plan. HUD-provided data is always available online via www.HUD.gov or www.hudexchange.info.

(b) Plan Review and Public Comment

The Plan will be published for a period of public review and comment for no less than **30 calendar days**. The notice shall include a summary of the Plan, including expected funds, information for submission of comments, and instructions to view entire document.

(c) Public Hearings

The Unified Government will conduct at least two public hearings annually to obtain citizen views and comments on the Annual Action Plan and its related documents. One of the hearings must be held before the development of the Annual Action Plan. These meetings will be conducted at different times of the program year and together will review housing and community development needs, development of proposed activities, and program performance of grant funding.

(d) Adoption and Submission to HUD

Adoption of the Annual Action Plan shall be the responsibility of the Unified Government governing body. The UG will submit the adopted Annual Action Plan to HUD at least **45 days** prior to the start of the following Program Year.

7. Substantial Amendments to the Five-Year Consolidated Plan and Annual Action Plan Process

As the UG endeavors to respond to housing and community development needs, It may be necessary to make changes to the Five-Year Consolidated Plan or Annual Action Plan after adoption. A change that exceeds 20% of the annual grant amount will constitute a substantial amendment. A substantial amendment will also be required in order to change the use of CDBG funds from one eligible activity to another. The UG will use the following procedure to encourage citizen participation in the event of a substantial amendment.

(a) Plan Review and Public Comment

Notice of substantial amendments to the Five-Year Consolidated Plan or Annual Action Plan will be published for a period of public review and comment of no less than **30 calendar days** before approval by the Board of Commissioners. The notice shall include a summary of changes to the Plan and budgets, information for submission of comments, and instructions to view entire amendment.

(b) Adoption and Submission to HUD

Adoption of the Amended Plan shall be the responsibility of the Unified Government governing body. The UG will submit the Amended Plan to HUD as soon as possible following local adoption.

8. Consolidated Annual Performance and Evaluation Report Process

Annually, following the end of the program year, the UG will develop a Consolidated Annual Performance and Evaluation Report (CAPER). This report summarizes accomplishments and progress towards goals outlined in the Five-Year Consolidated Plan.

Plan Review and Public Comment

Notice of the completion of the CAPER will be published for a period of public review and comment for no less than **15 calendar** days prior to HUD submission, typically in late-November or early-December. The notice shall include a summary of the report, information for submission of comments/complaints, and instructions to view entire document.

9. Section 108 Loan Guarantee Application Process

The Section 108 Loan Guarantee Program (Section 108) provides Community Development Block Grant (CDBG) recipients with the ability to leverage their annual grant allocation to access low-cost, flexible financing for economic development, housing, public facility, and infrastructure projects. The UG will use the following procedure to encourage citizen participation in the event of an application to the Section 108 Loan Guarantee program.

Application Review and Public Comment

Notice of Section 108 Loan Guarantee Application will be published for a period of public review and comment for no less than **30 calendar days** and may be done concurrently with the Annual Action Plan, Consolidated Plan or Substantial Amendment. The notice shall include a summary of the application and budgets including anticipated program income and information for submission of comments/complaints.

Public Hearing

Two public hearings will be required before the Section 108 Application is adopted. One hearing must occur before the Section 108 Application is made available for public comment. Public hearings may be done concurrently with the Annual Action Plan, Consolidated Plan or Substantial Amendment.

Adoption and Submission to HUD

Adoption of the Section 108 Loan Guarantee Program application shall be the responsibility of the Unified Government governing body. The UG will submit the application to HUD as soon as local adoption.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KANSAS/MISSOURI STATE OFFICE

REGION VII

Gateway Tower II, Room 200

400 State Avenue

Kansas City, KS 66101-2406

HUD Home Page: www.hud.gov

July 11, 2023

David W. Johnston
County Administrator
City of Kansas City, KS
701 N 7th Street, 9th Floor
Kansas City, KS 66101

Dear Mr. Johnston:

SUBJECT: Community Development Block Grant Program; Timeliness of Expenditures

Please be advised that the City of Kansas City, Kansas is in danger of failing to meet a critical Community Development Block Grant (CDBG) program deadline. Per 24 CFR 570.902(a)(1), a grantee will be determined to be out of compliance with the CDBG timeliness of expenditures standard if, as of 60 days prior to the end of its program year, the balance of funds in the Line of Credit Control System (LOCCS) plus program income on hand is greater than 1.5 times the amount of its current grant. Please note that all program income must be reported in the Integrated Disbursement and Information System (IDIS).

As of July 6, 2023, the IDIS report PR56 indicates that the City's line of credit balance was \$5,022,602.22 and the reported program income was \$0.00. This represents 2.29 times the amount of the City's current grant of \$2,189,834.

By August 02, 2023, the City must disburse grant funds from the line of credit and/or program income from IDIS in the amount of \$1,855,450.90 to ensure compliance.

We strongly advise the City to review, and modify, where necessary, its current rate of expenditure to ensure compliance with the timeliness standard. Should the City fail to meet the timeliness standard HUD will require a workout plan to ensure compliance on the next test date of August 02, 2023. If you have any questions, please contact Pam Smith, Senior CPD Representative at 913-5583 or by email at Pamela.L.Smith@hud.gov.

Sincerely,

Dana Buckner
Director, Office of Community
Planning and Development

cc: Joe Monslow, CD Interim Director

Sharp, Kay

Subject: FW: HUD CDBG Timeliness CAUTION
Attachments: KCK 30-Day CDBG Timeliness CAUTION Letter.pdf
Importance: High

Kay L. Sharp
Director of Community Development
Unified Government of Wyandotte County/Kansas City, KS
701 N. 7th Street
Kansas City, KS 66101
(913) 573-5112
ksharp@wycokck.org

From: Smith, Pamela L <Pamela.L.Smith@hud.gov>
Sent: Friday, February 23, 2024 4:23 PM
To: Sharp, Kay <ksharp@wycokck.org>
Subject: FW: HUD CDBG Timeliness CAUTION
Importance: High

You don't often get email from pamela.l.smith@hud.gov. [Learn why this is important](#)

Hi Kay,

We issued a 2nd Time Untimely Letter to the City on 8/24/2023 requesting a workout plan be submitted by 9/29/2023.

After reviewing my emails, I do not find where either Joe Monslow or County Administrator David Johnston responded.

Would you please review the letter and provide our office with a workout plan within 30-days?

We ran a timeliness report for the field office yesterday and KCKS' shows it needs to spend over **\$2.4M** before 8/02/2024, essentially 5 months from now!

ST	GRANTEE	LAST 60-DAY NOT ADJ RATIO	LAST 60- DAY ADJ RATIO	NEXT 60 DAY TST DATE	CDBG GRANT AMOUNT	'--NOT ADJ FOR PI-- LOC BALANCE	CURRENT DRAW RATIO	'--ADJ LOC BALAN
KS	KANSAS CITY	2.16	2.16	08-02-24	2,272,222.00	5,829,206.58	2.57	5,829,206.5

Thank you.

Pam Smith

HUD Senior CPD Representative
Program Environmental Specialist
913-551-5583



From: Smith, Pamela L
Sent: Wednesday, July 12, 2023 5:03 PM
To: djohnston@wycokck.org
Cc: Joe Monslow <jmonslow@wycokck.org>
Subject: HUD CDBG Timeliness CAUTION
Importance: High

Mr. Johnston,

Attached is our letter notifying the City of Kansas City, Kansas of potential non-compliance with the Community Development Block Grant (CDBG) timeliness of grant expenditures requirement.

Please let me know if you have any questions concerning this communication.

Thank you.

Pam Smith

Senior CPD Representative
Program Environmental Specialist
Office of Community Planning and Development (CPD)
400 State Ave, Room 200, Kansas City, KS 66101
Phone: (913) 551-5583
Fax: (913) 551-5859
Office Hours: Tuesday – Friday: 6:30a.m. to 5:00p.m.





Report to

Tracking ID: 2132

MEETING DATE	PRESENTER	DEPARTMENT
FEB 03 2025	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
ORDINANCE: AMENDING AND RELOCATING THE UNIFIED GOVERNMENT'S COMMUNITY BENEFITS ORDINANCE		
BACKGROUND		
An ordinance amending the existing Community Benefits Ordinance, relocating it to a new section, reconfiguring the three acceptable uses for the Community benefits Fund, and repealing the old Community Benefits Ordinance.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
CBO amendment draft 11.25.2024		

Approved by Mayor and/or Chair and Administrator to add to agenda.

[Signature] 1/23/2025
Approved: *[Signature]*

ORDINANCE NO. O-_____

**AN ORDINANCE AMENDING THE UNIFIED GOVERNMENT'S COMMUNITY
BENEFIT ORDINANCE**

WHEREAS, on December 7, 2023, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas adopted a new section in the municipal code to create its Community Benefits Ordinance, codifying a Community Benefits Fund to be funded from fees received from development projects that have received economic development incentives;

WHEREAS, certain amendments to the Community Benefits Ordinance are required as a result of budget and program changes that have been enacted since the creation of the Community Benefits Ordinance; and

WHEREAS, these amendments are intended to condense the public comment period, provide a deadline and process for the forwarding of recommendations regarding how the funds in the benefits fund are to be allocated, update the categories of permitted expenditures from the benefits fund, and correct a numbering error in the section.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/
KANSAS CITY, KANSAS AS FOLLOWS:**

Section 1. That Chapter 9 of the Unified Government Code is hereby amended by the addition of a new section to read as follows:

Sec. 9-20. Community Benefits Fund

(a) *Purpose.* The Unified Government is committed to community outreach and engagement that promotes transparency and accountability and that ensures development projects in Kansas City, Kansas benefit and promote economic growth and prosperity for all residents.

(b) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Community Benefits Advisory Board or advisory board means those certain members appointed by the mayor/CEO and commissioners to serve as members pursuant to this section.

Community Benefits Fund or benefits fund means the designated funds collected by the unified government for the purpose of disbursement pursuant to a recommendation by the advisory board to the economic development and finance standing committee.

Economic Incentive or economic incentive means any public assistance that lowers the market cost of completing an economic development project, such as land transfers below market rate or any economic incentive tool utilized by the department of economic development. Economic incentive does not include benefits received under the Neighborhood Revitalization Act pursuant to K.S.A. 12-17,114 *et seq.*

(c) *Community Benefits Advisory Board.*

(1) The Community Benefits Advisory Board shall consist of eleven members appointed by the mayor/CEO and the commissioners. The mayor/CEO shall appoint the chair from among the members of the advisory board and the mayor pro tem shall appoint the vice-chair from among the members of the advisory board. Only residents of the county, or owners or chief executive officers of businesses located in the county, are eligible to serve as members of the advisory board. Members of the advisory board shall be residents of the appointing commissioner's district, or the business shall be located in the appointing commissioner's district, as the case may be.

Notwithstanding any other provision of this subsection to the contrary, of the members first appointed to the advisory board after the effective date of this ordinance, those members appointed by the mayor/CEO, and those members appointed by the at-large commissioner and commissioners representing even-numbered districts, shall serve an initial one-year term and then shall serve two-year terms thereafter. All other members serve two-year terms.

(2) The advisory board may meet upon the call of the chair. The board shall act in an advisory capacity only and may act to forward recommendations to the mayor/CEO, for assignment to the economic development and finance standing committee, how the funds in the benefits fund are to be allocated.

(3) To the extent permitted by state and local law, one-half of all administrative fees and issuance fees received by the unified government as a result of any new development projects located in the city funded by utilizing economic incentives shall be set aside in the benefits fund.

(4) As necessary, or when requested by the mayor/CEO or the board of commissioners, the advisory board may open a public comment period consisting of no less than thirty (30) days to receive feedback from the community on which category or categories described in subsection (d) of this section those funds in the benefits fund should be spent.

(5) The public comment period may be completed with the help and advice of those Unified Government departments and staff assigned by the county

administrator. Tools for community engagement may include town halls, online surveys, attendance at neighborhood meetings, attending public events, marketing, and multi-language meetings.

(6) After the public comment period, the advisory board may convene a public hearing on the matter, after providing proper notice. The advisory board shall forward any recommendation to the economic development and finance standing committee by October 1 of each calendar year. Any such recommendation requires an affirmative vote of a majority of all members of the advisory board. If the advisory board does not act to forward a recommendation to the economic development and finance standing committee by October 1 of any calendar year, unified government staff may make a recommendation regarding how the funds in the benefits fund are to be allocated.

(7) The advisory board shall be subject to the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.*, and the Kansas Open Records Act, K.S.A. 42-215 *et seq.*, and members of the advisory board shall be subject to the Unified Government Code of Ethics.

(7) The economic development and finance standing committee may consider any such recommendation of the advisory board at its next regularly scheduled meeting. Upon hearing the matter, the economic development and finance standing committee may recommend to the board of commissioners how the funds in the benefits fund that year are to be spent. The economic development and finance standing committee may amend the recommendation forwarded by the advisory board or may enhance or reduce the amounts contained therein.

(d) The categories of permitted expenditures from the benefits fund shall be limited to the following:

(1) Unified Government Parks & Recreation capital projects located within Kansas City, Kansas, as described in section 25-90 of the Unified Government Code of Ordinances;

(2) The Kansas City, Kansas Affordable Housing Trust Fund, as described in section 9-21 of the Unified Government Code of Ordinances; and

(3) The Unified Government microgrant and rebate program for licensed home-based child care providers, as described in section 9-22 of the Unified Government Code of Ordinances;

(e) The distribution of community benefits made pursuant to this section shall not exceed an amount that is one-third of the money in the benefits fund for any one category described in subsection (d) of this section; except that such limitation may be exceeded or waived for any distribution upon a two-thirds vote of the board of commissioners. The distribution of community benefits made pursuant to this section shall include those distressed areas identified as Qualified Census Tracts for that year, as identified by the

federal Department of Housing and Urban Development pursuant to notice in the Federal Register.

(f) *Allocation.* Allocations made pursuant to this section may occur starting June 1, 2024, or when the benefits fund has moneys totaling at least \$500,000, whichever occurs first.

(g) *Eligibility.* Recipients of funds pursuant to this section shall not be delinquent on any taxes, fines, and fees owed to the unified government. All recipients shall be residents of the city, or shall be an entity duly licensed and located in the city. No member of the advisory board shall be a recipient of funds pursuant to this section, or shall represent an entity that is a recipient of such funds.

(h) *Exemptions.* The requirements of this section may be waived in whole or in part by resolution of the board of commissioners upon submission by the mayor/CEO, in consultation with the county administrator.

(i) *Policy Review.* In consultation with the unified government legal department, the advisory board shall review the effectiveness of this ordinance and make recommendations based on that review every two years. A review report shall be submitted to the economic development and finance standing committee for consideration.

Section 2. That original section 27-801 be and the same is hereby repealed.

Section 3. Effective Date. This amendment shall take effect and be in full force from and after its passage and approval, and publication in the official newspaper.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____ 202__.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel



Report to Planning & Zoning / Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #8.3.		
ORDINANCE: AUTHORIZING FUNDING FOR UG PARKS AND RECREATION PROJECTS FROM THE COMMUNITY BENEFITS FUND		
BACKGROUND		
An ordinance creating a new section in the Unified Government Code to set out eligibility requirements and processes for funding UG Parks and Recreation projects from the Community Benefits Fund.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
N/A		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
CBO funding for parks capital projects amendment DRAFT 11.25.2024 (2)		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Published in *The Wyandotte Echo* _____

ORDINANCE NO. O-_____

AN ORDINANCE TO PROVIDE FOR A NEW SECTION IN THE MUNICIPAL CODE TO CODIFY ELIGIBILITY REQUIREMENTS AND PROCESSES FOR MAJOR UNIFIED GOVERNMENT PARKS & RECREATION INITIATIVES WITHIN KANSAS CITY, KANSAS TO RECEIVE FUNDING FROM THE UNIFIED GOVERNMENT'S COMMUNITY BENEFIT ORDINANCE

WHEREAS, on December 7, 2023, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas adopted a new section in the municipal code to create its Community Benefits Ordinance, codifying a Community Benefits Fund to be funded from fees received from development projects that have received economic development incentives;

WHEREAS, the Board of Commissioners subsequently amended the Community Benefits Ordinance on _____, 202__;

WHEREAS, the Community Benefits Ordinance, as amended, provides for the eligibility of Unified Government Parks & Recreation capital projects located within Kansas City, Kansas to receive funding from the Community Benefits Fund; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas wishes to adopt a Kansas City, Kansas Parks & Recreation Community Benefits Act to assist its Parks & Recreation Department in its mission to provide clean, safe facilities and well-maintained green spaces for the public to enjoy and make recreation programming available for all.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. That Chapter 25 of the Unified Government Code be amended by the addition of a new section to read as follows:

Sec. 25-90. Kansas City, Kansas Parks & Recreation Community Benefits Act

- (a) *Eligibility Criteria.* Only projects within the jurisdiction or boundaries of the Unified Government of Wyandotte County/Kansas City, Kansas Parks & Recreation Departments located in Kansas City, Kansas are eligible to receive funding under this section.
- (b) *Administration.* The Wyandotte County Parks & Recreation Department shall be responsible for administering this program. The Unified Government Board of Park Commissioners, created by charter ordinance and charter resolution, may provide

recommendations to the Community Benefits Advisory Board created in section 9-20 regarding capital projects located in city parks.

(c) *Eligible Expenditures.* Projects meeting the eligibility requirements contained in this section may be spent on the following eligible expenditures:

1. Capital improvements; and
2. Equipment improvements or purchases.

(d) *Funding Source.*

1. The funding allocation for this program shall be made as provided by section 9-20 of the Unified Government Code as funding in the Community Benefits Fund allows.
2. Nothing in this section shall prohibit the Unified Government from adding additional revenue to this program as deemed necessary by the Board of Commissioners.

(e) *Reporting.* The Unified Government Parks & Recreation Department shall collect the following data regarding allocations under the Kansas City, Kansas Parks & Recreation Community Benefits Act for reporting to the Unified Government Board of Commissioners upon request: the total amount of funding allocated; the number, location, and description of projects funded; and any recommendations for improvements to the program.

Section 2. Effective Date. This amendment shall take effect and be in full force from and after its passage and approval, and publication in the official newspaper.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____ 202__.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel



Report to

Tracking ID: 2134

MEETING DATE	PRESENTER	DEPARTMENT
FEB 03 2025	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
ORDINANCE: AUTHORIZING THE CREATION OF THE AFFORDABLE HOUSING TRUST FUND		
BACKGROUND		
Creating a new section in the Unified Government Code to establish an affordable housing trust fund and to set out eligibility requirements and processes to receive funding from the Community Benefits Fund.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
CBO funding for affordable housing trust fund amendment DRAFT 11.25.2024 (2)		

Approved by Mayor and/or Chair and Administrator to add to agenda.

[Signature] 6/23/2025

[Signature]
[Signature]

Published in *The Wyandotte Echo* _____

ORDINANCE NO. O-_____

**AN ORDINANCE TO PROVIDE FOR A NEW SECTION IN THE MUNICIPAL CODE
CREATING THE KANSAS CITY, KANSAS AFFORDABLE HOUSING TRUST FUND
AND CODIFYING ELIGIBILITY REQUIREMENTS AND PROCESSES FOR IT TO
RECEIVE FUNDING FROM THE UNIFIED GOVERNMENT'S COMMUNITY
BENEFIT ORDINANCE**

WHEREAS, on December 7, 2023, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas adopted a new section in the municipal code to create its Community Benefits Ordinance, codifying a Community Benefits Fund to be funded from fees received from development projects that have received economic development incentives;

WHEREAS, the Board of Commissioners subsequently amended the Community Benefits Ordinance on _____, 202__;

WHEREAS, the Community Benefits Ordinance, as amended, provides for the eligibility of its Kansas City, Kansas Affordable Housing Trust Fund to receive funding from the Community Benefits Fund;

WHEREAS, much of the housing stock within previously red-lined areas of Kansas City, Kansas is older and in need of repair, and many existing and prospective homeowners lack the resources to make necessary repairs;

WHEREAS, repairing the existing housing stock helps to stabilize neighborhoods by maintaining property values in the surrounding neighborhood, reducing the incidence of vacancy and blight, and decreasing the need for government-funded demolition;

WHEREAS, many area seniors are on a fixed income and are unable to pay property taxes on their homes;

WHEREAS, Kansas City, Kansas is also experiencing a shortage of decent, safe and sanitary housing that is accessible to people with mobility impairments and other disabilities;

WHEREAS, at any given time, there are Kansas City, Kansas households on a waiting list for housing and homeless services;

WHEREAS, existing affordable housing resources provide relatively short periods of affordability, which can cause the Unified Government to invest its limited resources into preserving the existing affordable housing stock instead of expanding the supply;

WHEREAS, financing mission-driven developers and prioritizing permanent affordability will help maximize the effectiveness of the Unified Government's housing resources; and

WHEREAS, the Unified Government has experienced steady decreases in funding from federal and state resources for investment in neighborhood development and affordable housing projects.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. That Chapter 9 of the Unified Government Code be amended by the addition of a new section as follows:

Sec. 9-21. Kansas City, Kansas Affordable Housing Trust Fund

- (a) *Purpose.* The purpose of the Kansas City, Kansas Affordable Housing Trust Fund is to provide net new resources for affordable housing in Kansas City, Kansas.
- (b) *Definitions.* For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Affordable or *affordable* means housing related expenses do not exceed 30% of a household's gross income. If no income target is specified, the term *affordable* shall be construed as referring to an income target of 80% of AMI or below.

Income Restrictions or *income restrictions* means household qualifications established through income levels.

Area Median Income or *area median income* or *AMI* means the median household income for Wyandotte County, Kansas as published annually by the U.S. Department of Housing and Urban Development ("HUD").

- (c) *Establishment of the Wyandotte County Affordable Housing Trust Fund and Advisory Board.*

1. The Wyandotte County Affordable Housing Trust Fund ("the Trust Fund") shall be created by the Chief Financial Officer and managed by the Unified Government Community Development Department as a separate fund for the purpose of supporting the development and preservation of affordable and accessible housing in Wyandotte County as more particularly specified in subsections (c) and (d) of this Section.
2. Monies allocated for the Trust Fund must be used exclusively for purposes consistent with this section and applicable law. Therefore, any assets remaining in the Trust Fund at the end of any fiscal year shall be carried into the next fiscal year.
3. The Community Benefits Advisory Board established in section 9-20 of the Unified Government Code shall also serve as the Affordable Housing Trust Fund Advisory Board to make recommendations on the expenditures of the funds and receive reports from staff on how funds have been spent.

(d) *Revenue Sources.* The funding sources for the Kansas City, Kansas Affordable Housing Trust Fund shall include, but not be limited to:

1. Through the Unified Government's Community Benefit Fund as recommended by its Community Benefits Advisory Board;
2. Through private philanthropic donations;
3. Through State and/or Federal funds; and
4. Through any other source of revenue deemed appropriate by the UG Board of Commissioners.

(e) *Disbursement of Kansas City, Kansas Affordable Housing Trust Fund assets.* Funds allocated from the Trust Fund shall be allocated consistently with the overall priorities set forth by the Board of Commissioners. The following are eligible activities for the Affordable Housing Trust Fund with their qualifications:

1. *Upper Story Housing Development Reimbursement Fund.* The Upper Story Housing Development Reimbursement Fund program shall be housed within and administered by the Unified Government Community Development Department. Properties with non-residential active use on the first floor of the structure are eligible under this section for funding as follows:
 - i. Reimbursement is available only for funds used to renovate or otherwise prepare upper story space for residential housing.
 - ii. Applicants applying for these funds shall not also be the occupants of the rental unit that benefits from this program.
 - iii. The applicant must be the current property owner or be able to show documentation for future ownership.
 - iv. The applicant must be current on all Unified Government property taxes.
 - v. The property shall not be in a floodplain.
 - vi. Property owners receiving reimbursement through this program must rent to Kansas City, Kansas residents at 80% AMI or below for 2 years after receiving the last reimbursement payment.
 - vii. Eligible expenditures include: HVAC, flooring, roofing, plumbing, walls, framing, lead abatement, fire safety, ADA compliance, beautification, and other expenditures required to prepare the property for residential housing.
 - viii. The minimum reimbursement amount is based on the HUD minimum; maximum reimbursement amounts will be determined by Unified Government staff based on fund availability.
 - ix. No unit renovated or otherwise prepared for residential housing shall be more than 2000 square feet in size.
 - x. Applicants may apply for reimbursement for eligible expenses for multiple upper story units renovated or otherwise prepared for residential housing under this section.
 - xi. Applicants who make good faith efforts to engage local and small businesses and women and minority owned businesses as defined by

Unified Government purchasing policy shall be given priority consideration under this section.

- xii. Applicants who are Wyandotte County residents shall be given priority consideration under this section.
 - xiii. Reimbursement under this section will commence on January 1 of each year and will proceed as funding allows.
 - xiv. Property owners who receive reimbursement under this section must inform Unified Government staff prior to transferring any interest in the funded property.
 - xv. A portion of the funds allocated under this section may be retained by the Unified Government for administration of the program, but no more than ten percent of the allocation may be so retained.
2. *Kansas City, Kansas Homes for Generations Program.* The Kansas City, Kansas Homes for Generations Program shall be housed within and administered by the Unified Government Clerk's Office. Eligibility for financial assistance through the Kansas City, Kansas Homes for Generations Program is as follows:
- i. Applicants for the program must meet the eligibility criteria of the Utility Sales Tax Rebate Program, as set out in section 2-296 of the Unified Government Code.
 - ii. Applicants may only apply for assistance for their primary residence.
 - iii. Only one applicant per household may apply.
 - iv. Previous recipients of funding under this section are ineligible for further funding.
 - v. Funding under this section will commence on January 1 of each year and will proceed as funding allows.
 - vi. Eligible expenditures under this section include: assistance with obtaining death certificates and other documentation required to ensure transfer of property title; and contracted legal assistance with issues related to contract for deed, probate, evictions, foreclosures, or other issues preventing title transfer.

(f) *Reporting.*

1. The Unified Government Community Development Department shall collect the following data regarding allocations from the Kansas City, Kansas Affordable Housing Trust Fund for reporting to the Unified Government Board of Commissioners upon request: the total amount of funding allocated; the number, location, and description of projects funded, including number of affordable residential rental units created; the primary use of the funding; and any recommendations for improvements to the program.
2. The Unified Government Clerk's Office shall collect the following data regarding allocations from the Kansas City, Kansas Affordable Housing Trust Fund for reporting to the Unified Government Board of Commissioners upon

request: the total amount of funding allocated; the zip codes and total number of grantees; and any recommendations for improvements to the program.

Section 2. Effective Date. This amendment shall take effect and be in full force from and after its passage and approval, and publication in the official newspaper.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____ 202__.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel



Report to

Tracking ID: 2135

MEETING DATE	PRESENTER	DEPARTMENT
FEB 03 2025	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
ORDINANCE: AUTHORIZING THE CREATION OF THE CHILD CARE		
BACKGROUND		
Creating a new section in the Unified Government Code to create a new homebased childcare accessibility program to receive funding from the Community Benefits Fund.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
CBO funding for home-based childcare amendment DRAFT 11.25.2024		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Not 1/27/2025

Approved: Lynne Hume

Published in *The Wyandotte Echo* _____

ORDINANCE NO. O-_____

AN ORDINANCE TO PROVIDE FOR A NEW SECTION IN THE MUNICIPAL CODE TO CODIFY ELIGIBILITY REQUIREMENTS AND PROCESSES FOR HOME-BASED CHILD CARE FACILITIES TO RECEIVE FUNDING FROM THE UNIFIED GOVERNMENT’S COMMUNITY BENEFIT ORDINANCE

WHEREAS, on December 7, 2023, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas adopted a new section in the municipal code to create its Community Benefits Ordinance, codifying a Community Benefits Fund to be funded from fees received from development projects that have received economic development incentives;

WHEREAS, the Board of Commissioners subsequently amended the Community Benefits Ordinance on _____, 202__;

WHEREAS, the Community Benefits Ordinance, as amended, provides for the eligibility of licensed home-based child care projects or programs to receive funding from the Community Benefits Fund;

WHEREAS, access to quality child care is essential for the well-being of children and families;

WHEREAS, the current availability of childcare in Kansas City, Kansas does not meet the community’s demand for child care;

WHEREAS, the lack of access to quality child care reduces tax revenues due to lost business income and resident wages;

WHEREAS, the Kansas Department of Health and Environment (“KDHE”) administers the Health and Safety Grant to provide funding towards minor renovations for child care facilities; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas wishes to adopt a Child Care Accessibility Act to augment KDHE’s Health and Safety Grant for the purpose of supporting eligible home-based child care providers in Kansas City, Kansas to increase the community’s access to such child care.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. That Chapter 9 of the Unified Government Code be amended by the addition of a new section to read as follows:

Sec. 9-22. Child Care Accessibility Program

- (a) There is hereby created the Child Care Accessibility Program to administer microgrants and rebates pursuant to this section.
- (b) *Eligibility Criteria.*
 - 1. Only licensed home-based child care providers, as described in K.A.R. 28-4-113, provided that the child care services are located in a residential structure located in Kansas City, Kansas may be eligible to receive microgrant funding for eligible expenditures pursuant to this section.
 - 2. In addition to being a home-based child care provider located in Kansas City, Kansas applicants must:
 - i. Be current on all licensure requirements of and taxes owed to the Unified Government;
 - ii. Have no open code violation cases nor any substantial history of such a case;
 - iii. Be current on CPR and First Aid certifications as required by the State of Kansas;
 - iv. Hold a current license in good standing to provide home-based child care in the State of Kansas; and
 - v. Be current on any other registration, permit, or licensure requirements required by local, state, or federal law.
 - 3. New home-based child care providers located in Kansas City, Kansas may be eligible to receive funding for eligible expenses under this section as a rebate only after the provider has met all licensure, tax, and permitting requirements as provided by sub-subsection 2 of this subsection (b).
- (c) *Administration.* The Unified Government County Administrator shall designate a department and allocate staff to manage and oversee the microgrant and rebate program pursuant to this section.
- (d) *Eligible Expenditures.* Microgrants or rebates for home-based child care providers meeting the eligibility requirements set forth in this section may be spent on the following eligible expenditures:
 - 1. Facility improvements specific to the provision of home-based child care, such as fencing, deck, playground, and entry-way upgrades;
 - 2. Energy efficiency building upgrades, such as solar panels; HVAC updates, including, but not limited to, heat pump, furnace, or air conditioning; and weatherization improvements;
 - 3. Child-proofing items, such as safety gates, furniture padding, smoke detectors, and safety latches for windows, cabinet doors, or doors;

4. Education items, such as library materials, development toys, technology and software to interact with parents and children.

(e) Funding Source.

1. Funding allocation for this microgrant and rebate program shall be made as provided by section 9-20(c) as funding in the Community Benefits Fund allows.
2. Nothing in this section shall prohibit the Unified Government from adding additional revenue to this microgrant and rebate program as deemed necessary by the Board of Commissioners.

- (f) Reporting.* The department administering the program shall collect the following data regarding the microgrant and rebate program for reporting to the Unified Government Board of Commissioners upon request: the total dollar amount granted or rebated to eligible home-based child care providers; the number, location, and types of projects; the number of parents and children served by each recipient; and any recommendations for improvements to the program.

Section 2. Effective Date. This amendment shall take effect and be in full force from and after its passage and approval, and publication in the official newspaper.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____ 202__.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 13, 2025

Ms. Monica Sparks
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **GARDEN ESTATES**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **GARDEN ESTATES** located at South 8th Terrace and County Line Road and being developed by John and Tyea Gardner.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by
Troy Shaw
Date: 2025.02.13
11:32:54-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT

GARDNER ESTATES

PART OF SW1/4, SEC. 34, TWP. 11, RNG. 25
Kansas City, Wyandotte County, Kansas

DESCRIPTION

This is a survey and subdivision of a part of the Southwest Quarter of Section 34, Township 11, Range 25, in Kansas City, Wyandotte County, Kansas, described by Maurin and Sons Survey CLS-276 Project No. 24-081 May 22, 2024, to wit:

Commencing at the Southwest corner of the Southwest Quarter of said Section 34; thence N 02°08'13" W, along the West line of the Southwest Quarter of said Section 34, a distance of 35.00 feet; thence N 87°51'01" E, a distance of 25.22 feet, to a point on the East right-of-way line of South 8th Terrace, as now established, said point also being on the North right-of-way line of County Line Road, as established by the Permanent Right-of-Way Grant recorded in Book 2929 at Page 541, in the Office of the Register of Deeds, Wyandotte County, Kansas, said point also being the Point of Beginning; thence N 02°08'13" W, along the East right-of-way line of said South 8th Terrace, a distance of 140.07 feet; thence N 87°47'00" E, a distance of 190.91 feet, to a point on the West line of Lot 101, FRIENDSHIP HEIGHTS NO. 4, a subdivision in said City, County and State; thence S 02°08'13" E, along the West line of said Lot 101, and its Southerly extension, a distance of 140.29 feet, to a point on the North right-of-way line of said County Line Road; thence S 87°51'01" W, along the North right-of-way line of said County Line Road, a distance of 190.91 feet, to the point of beginning, containing 26,762 square feet, or 0.6144 acres, more or less.

DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "GARDNER ESTATES".

An easement or license is hereby granted to Unified Government of Kansas City, Wyandotte County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, surface drainage facilities, ducts cables, etc., upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement".

EXECUTION

IN TESTIMONY WHEREOF: Mr. Robert C. Gardner and Mrs. Therese Gardner (husband and wife) the owners of the above described Parent Parcel have caused this instrument to be executed so that Parent Parcel, can be divided in the manner shown hereon this ____ day of _____, 2024.

Robert C. Gardner
Therese Gardner

Acknowledgment:

State of Kansas)
County of Wyandotte) SS

Be it remembered that on this ____ day of _____, 2024, before me appeared Robert C. Gardner and Therese Gardner, (husband and wife), to me personally known, who, after being duly sworn, did say that they are the owners of the Parent Parcel and they executed this instrument as their free act and deed.

Signature of Notary
My Commission Expires: _____

Printed Name of Notary

Approvals:

APPROVED by the Unified Government of Wyandotte County / Kansas City, Kansas Planning Commission this ____ day of _____, 2024.

Chairman: Jeff Carson
Secretary: Gunnar Hand, AICP

The dedications shown hereon, if any, are accepted this ____ day of _____, 2024.

Mayor/CEO: Tyrone Garner
Interim Unified Government Clerk: Monic Sparks

Recommended for approval by the Wyandotte County/Kansas City, Kansas, Engineer, this ____ day of _____, 2024.

Wyandotte County Engineer: Troy Shaw, PE

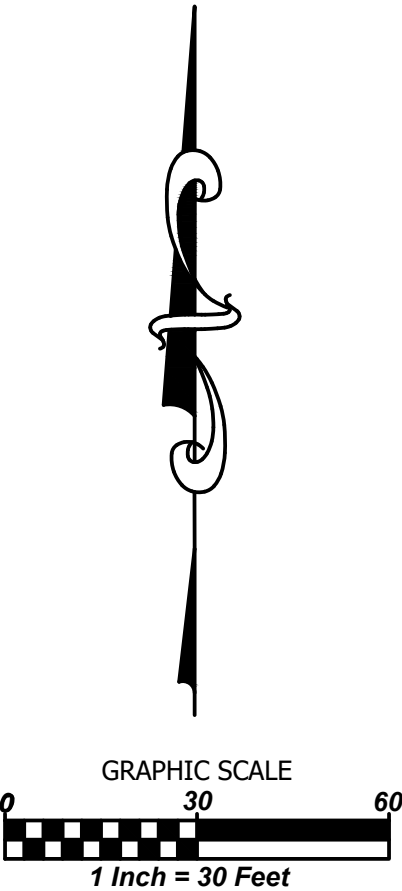
This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005 and 58-2011 for content only, and is in compliance with those provisions. No other warranties are extended or implied.

County Surveyor: Brent Thompson, PS-1277

State of Kansas)
County of Wyandotte) SS

This is to certify that this instrument was filed for record in the Register of Deeds Office on this ____ day of _____, 2024 at _____ and is duly recorded.

Register of Deeds: Susie P. Nelson
Deputy: Margaret A. Orendac

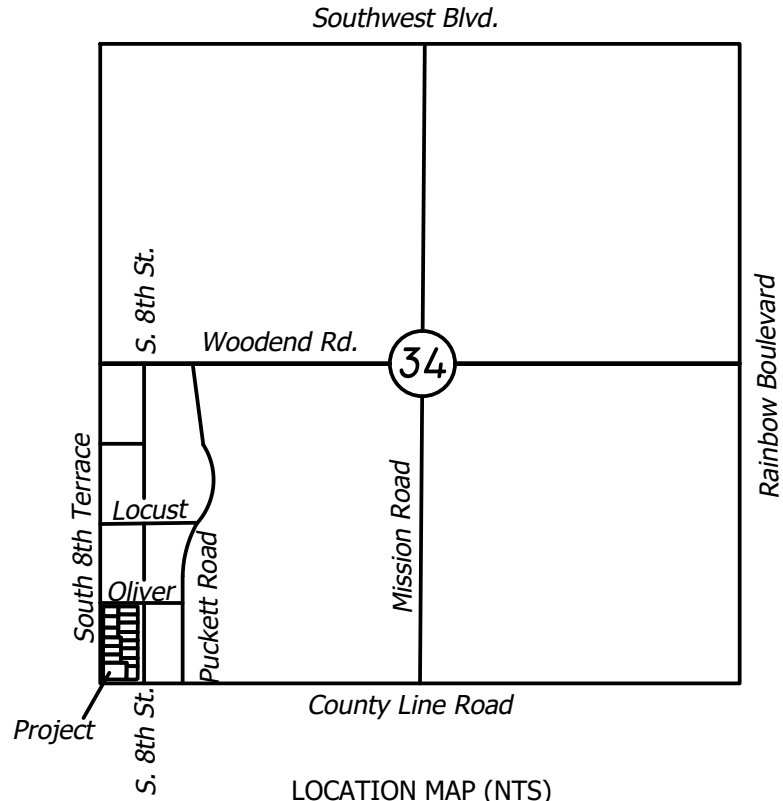
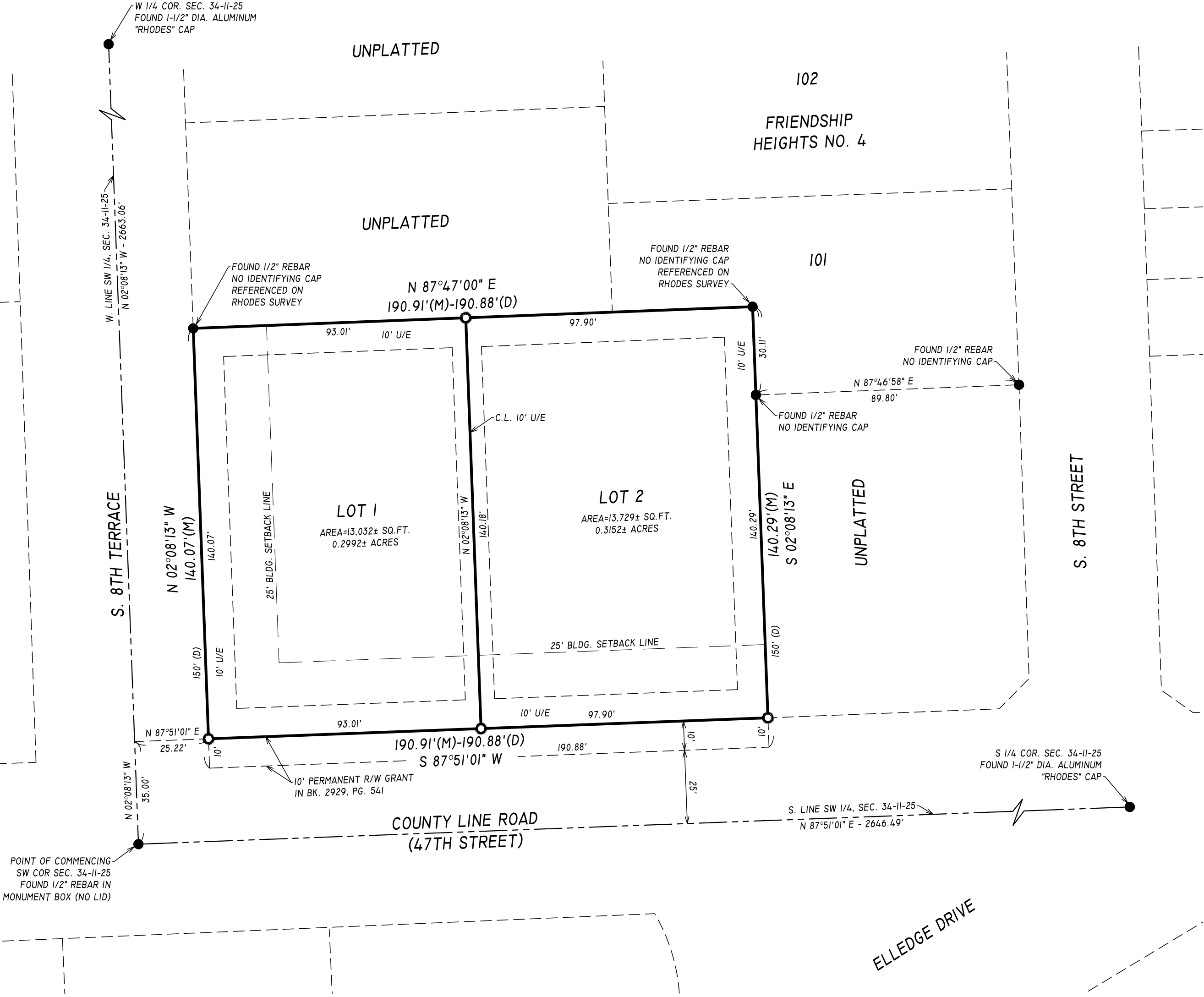


BEARING BASIS: STATE PLANE
COORDINATE SYSTEM, KANSAS
NORTH ZONE NAD83 #1501

LEGEND

- = FOUND SURVEY MONUMENT
- = SET 1/2"x24" REBAR W/CLS-276 CAP

SURVEY NOTE: The following survey of the subject premises was used to aid in the establishment of the boundaries shown hereon: Murray Rhodes job number W-202114 September 9, 1977.



LOCATION MAP (NTS)
SW 1/4 34-11-25
Kansas City, Wyandotte County, Kansas

OWNER:

GARDNER RENTALS LLC
5141 Stearns Street
Shawnee, Kansas 66203

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR KANSAS CITY, COMMUNITY NO. 200363, WYANDOTTE COUNTY, KANSAS, MAP NO. 20209C0170D, AND DATED SEPTEMBER 2, 2011.

I, HEREBY CERTIFY THAT IN 2018, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.

MAURIN & SONS
LAND SURVEYING & CONSULTING SERVICES, LLC
14502 HEMLOCK STREET
OVERLAND PARK, KANSAS 66223
P. 613-638-7769
WEB: MAURINANDSONS.COM | EMAIL: INFO@MAURINANDSONS.COM

PROJECT:
FINAL PLAT
PART OF SW1/4, SEC. 34-11-25
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

CLIENT INFORMATION:
John R. Gardner and Tyea Gardner
5141 Stearns Street
Shawnee, Kansas 66203

DWG #:	24-081 PPLAT
PROJECT #:	24-081
DRAWN BY:	JPM
SHEET SIZE:	6-21-2024
SHEET:	24"X36"
	1 OF 1

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

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

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, October 26, 2023, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO, presiding. Davis, Commissioner Eighth District, was absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Acting Chief Counsel; Jeff Conway, Assistant Counsel; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning and Urban Design Department; Randy Greeves, Historic Preservationist; Debbie Jonscher, Interim Chief Financial Officer; Monica Sparks, Interim UG Clerk; and Brittne MacDonald, UG Clerk's Office.

Mayor Garner said today is both the full session of your full Commission meeting of the Unified Government of Wyandotte County as well as your Planning and Zoning regular meeting as well. Before I call this meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely by Zoom or other means. All participants joining by phone should please mute your phones in the audience when not speaking to avoid any background noise.

During the meeting, please make sure that you announce yourself by name, if you're asked to speak, and title every time you speak so that 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. I ask that you also please speak clearly into the mic at an audible level so the Clerk can capture your comments for record.

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

Roll call: Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Garner. **Ms. Sparks** said we have an absent memo from Commissioner Davis.

Mayor Garner said tonight, we're going to have an invocation given by Reverend George Kemper of the Ebenezer Baptist Church. Immediately after the invocation, we will have the Pledge of Allegiance.

Mayor Garner asked, Clerk, has there been any revisions to tonight's agenda? **Ms. Sparks** said yes, we have one revision. There will be a change in the order of the published agenda. The Mayor's Agenda will be heard first.

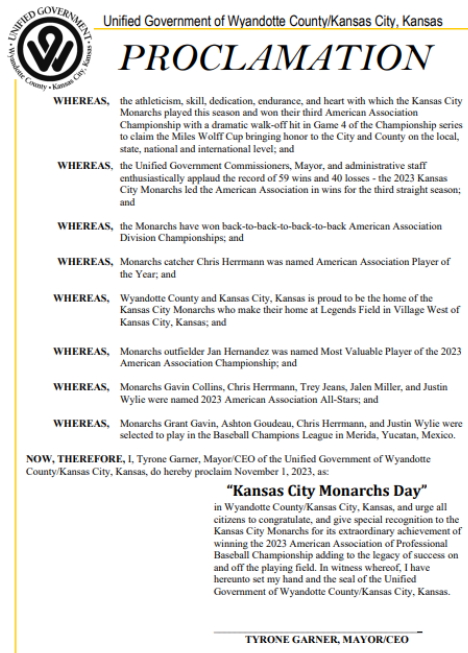
MAYOR'S AGENDA

Mayor Garner said the first item on the Mayor's Agenda, I'm going to let the Clerk read that in its entirety. Before she starts I'll ask, do we have any members of the championship Kansas City Monarchs? Please come forward.

Item No. 1 – 212754...PROCLAMATION: KANSAS CITY MONARCHS DAY

Synopsis: Proclamation proclaiming November 1, 2023, as Kansas City Monarchs Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



October 26, 2023

Mark Brandmeyer, Kansas City Monarchs, said I want to thank Wyandotte County, the Mayor, and all the council people for this honor. I couldn't be happier to represent Kansas City, KS, as the Kansas City Monarchs. It's a special team and this is a special city, and we're honored to be part of it. Thank you very much.

Mayor Garner said there's a lot of history with the Kansas City Monarchs. It really says a lot about our bridge to Kansas City, MO, with the Negro League Museum and the relationship they have with that facility over in Kansas City, MO, at 18th & Vine. We are really excited and happy to have the Monarchs as being our hometown team and champions.

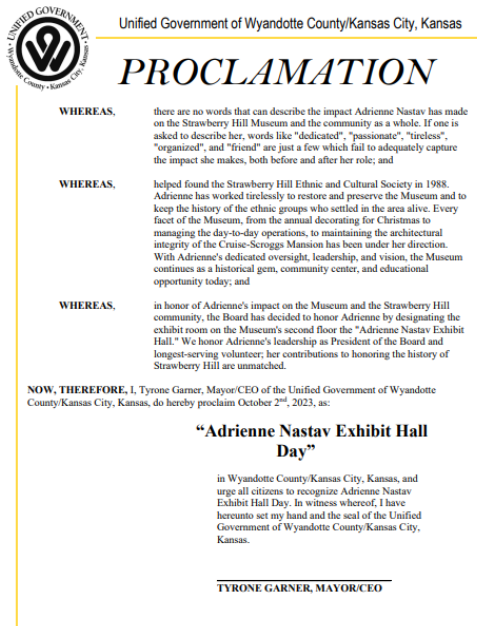
Again, congratulations to our hometown team championship, winning team, baseball team, the Kansas City Monarchs.

Action: **The proclamation was read.**

Item No. 2 – 212825...PROCLAMATION: ADRIENNE NASTAV EXHIBIT HALL DAY

Synopsis: Proclamation proclaiming October 2, 2023, as Adrienne Nastav Exhibit Hall Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



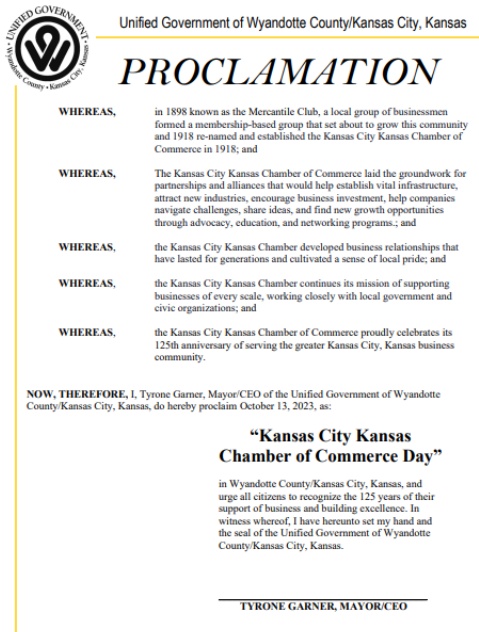
October 26, 2023

Action: **The proclamation was read.**

Item No. 3 – 212828...PROCLAMATION: KANSAS CITY KANSAS CHAMBER OF COMMERCE DAY

Synopsis: Proclamation proclaiming October 13, 2023, as Kansas City Kansas Chamber of Commerce Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



Action: **The proclamation was read.**

Item No. 4 – 212829...PROCLAMATION: MARCH4MIA DAY

Synopsis: Proclamation proclaiming October 14, 2023, as March4Mia Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Mr. Marlon Chinn and the children of Wyandotte County/Kansas City, Kansas on this day have set it aside as the 1st Annual Mia D. Williams 5K Cancer Walk/Run; and

WHEREAS, this is will the start of an ongoing presence in Wyandotte County, Kansas City, Kansas for years to come; and

WHEREAS, all who are involved, are productive members of Wyandotte County, Kansas City, Kansas. This event will continue to grow throughout time with love, family work, and involvement to be successful; and

WHEREAS, The Chinn and William Families continue to work to make Breast Cancer Awareness alive in Wyandotte County, Kansas City, Kansas; and

WHEREAS, Mr. Marlon Chinn and his Family exemplify our goal of developing a comprehensive plan, that will attract those from all over seeking to bring awareness to all within our community.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim October 14, 2023, as:

“March4Mia Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Mia D. Williams 5K Cancer Walk/Run Day. 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

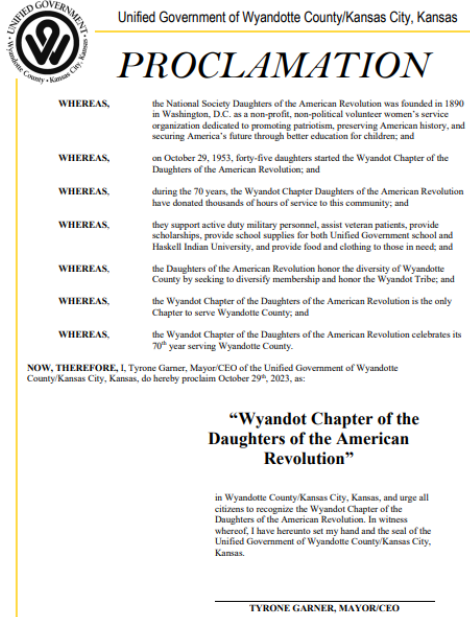
Action: **The proclamation was read.**

Item No. 5 – 212839...PROCLAMATION: WYANDOT CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Synopsis: Proclamation proclaiming October 29, 2023, as Wyandot Chapter of the Daughters of the American Revolution, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.

October 26, 2023

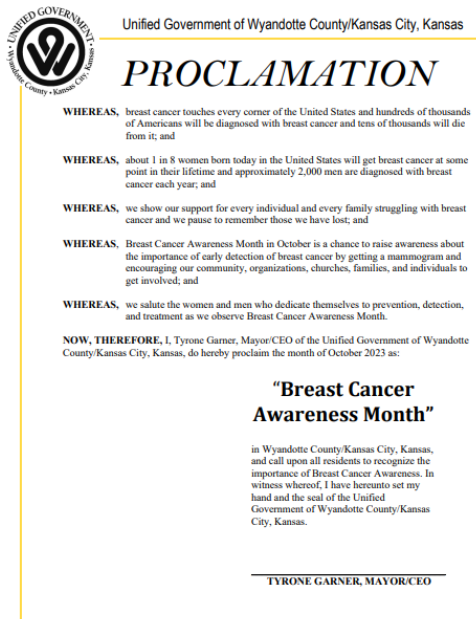


Action: The proclamation was read.

Item No. 6 – 212826...PROCLAMATION: BREAST CANCER AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2023, as Breast Cancer Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



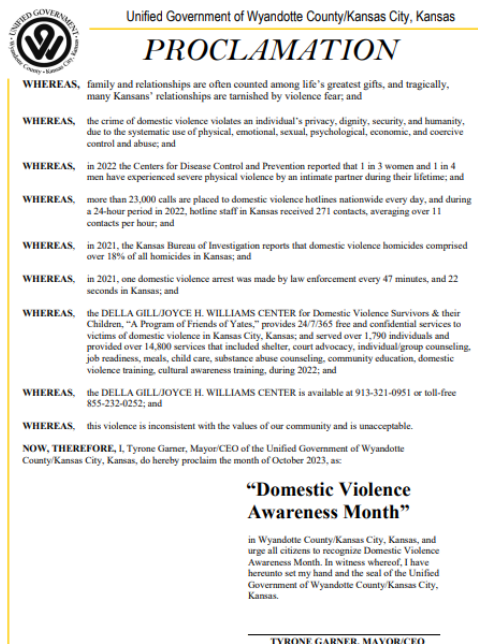
October 26, 2023

Action: The proclamation was read.

Item No. 7 – 212827...PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2023, as Domestic Violence Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



Action: The proclamation was read.

PLANNING AND ZONING AGENDA

Mayor Garner asked, Clerk, could you read the statement? **Monica Sparks, Interim UG Clerk,** read the statement required by state law.

Ms. Sparks asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Markley** said contact with proponents and opponents of SP2023-067, Megan Duma. **Commissioner Townsend** said I wish to disclose contact with those in opposition to SP2023-041. **Commissioner Kane** said I've got a couple of them: COZ2023-017, Special Use Permit SP2023 opposing 041, opposing 014; contacts

on 017 and 067. **Commissioner Bynum** said on Consent Item B3, SP2023-041, opponents. On Non-Consent Item A5, proponents and opponents, SP2023-067. **Commissioner McKiernan** said proponents and opponents of SP2023-067. **Commissioner Ramirez** said proponents and opponents of SP2023-067. **Commissioner Burroughs** said proponents of SP2023-017 and opponents of SP2023-067. **Commissioner Stites** said opponents of SP2023-067.

PLANNING AND ZONING CONSENT AGENDA

Monica Sparks, Interim UG Clerk, 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 items on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

I'll ask if anyone in attendance would like to set aside any item that was listed. (No one appeared.) Clerk, is anyone joining us virtually who would like to set an item aside? **Ms. Sparks** said yes. We have Matt Thomas online.

Matt Thomas said I would like to set aside SP2023-041. That's on the Shawnee.

Ms. Sparks said there are no other hands raised.

Commissioner Burroughs said I'd like to set aside COZ2023-017. **Commissioner Kane** said same one.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212796...CHANGE OF ZONE APPLICATION COZ2023-012 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to RP-5 Planned Apartment District to convert a school into apartments at 290 South 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212795...MASTER PLAN AMENDMENT APPLICATION MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10th Street from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District to convert a vacant school into a three (3) story, 20-unit multi-family apartment building, preliminary plat to subdivide the parcel into two (2) lots and amend the Central Area Plan from Public/Semi-Public to High-Density Residential on 0.93 acres. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment Application MPL2023-007 and Change of Zone Application COZ2023-012, subject to:

1. These City Planning Commission petitions are being heard in conjunction with BOZA2023-019;
2. Because this is a planned district, 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;
3. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a building permit by the Building Inspection Division;
4. 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;
5. Sec. 27-573(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. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the school is to be maintained in perpetuity;” and amend Conditions #15 to read “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. This standard shall apply to only new construction.
 6. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior
 7. The existing stone retaining wall located in the southwest corner of site, adjacent to Gilmore Avenue shall be preserved with the understanding and agreement that as the wall extends north towards the rear property line, the wall which is between at-grade to one (1) foot shall remain in-place until a development plan is created for Whittier Heights, Lot 1;
 8. As discussed with the applicant and design team, the stairs on the south side of the site off Gilmore Avenue will be preserved and a sidewalk will connect the stairs to the front door on the east side of the building;
 9. The sidewalk along Gilmore Avenue shall extend from the intersection west to the end of the parcel. There will be a small gap between this development and South 11th Street.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.
 - b. A brick sidewalk would be considered an historic feature of the site;
 10. 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);
 11. 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;
 12. 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;
 13. Interior parking lots lights shall have 90-degree cutoff fixtures;
 14. Install bike racks near the front door or a high trafficked entrance/exit;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 16. 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. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior;
 17. Maintain existing trees throughout the site;
 18. 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 0.93 acres, which requires 9 trees, three (3) additional evergreen or shade trees and 20 shrubs for buffering per the zoning district;

19. Add street trees along South 10th Street and Gilmore Avenue spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy to observe the BPU overhead electrical lines;
20. Remove the falling over volunteer tree along Gilmore Avenue;
21. 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;
22. All new landscaping shall be irrigated with an in-ground, buried irrigation system;
23. 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;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
25. All electrical meter banks, typically on the side of the building shall be screened from public view;
26. All exterior lighting, whether mounted on a building or within a parking lot 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;
27. 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;
28. 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;
29. Satellite dishes shall not be erected on the exterior of window sills. 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;
 30. 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;
 31. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 32. 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;
 33. 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;
 34. 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;
 35. 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;

36. 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,
37. 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 Ramirez, to approve Change of Zone Application COZ2023-012 and Master Plan Amendment Application MPL2023-007, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 2 – 212797...CHANGE OF ZONE APPLICATION COZ2023-015 - BRIAN TERRY

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212798...SPECIAL USE PERMIT APPLICATION SP2023-024 - BRIAN TERRY

Synopsis: Special Use Permit for grading of the property for hay fields at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Brian Terry, has filed a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming and a Special Use Permit for on-site grading of hay field on 25.13 acres at 3850 North 55th Street. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-015 and Special Use Permit Application SP2023-024, for two (2) years, subject to:

1. Hours of operation for balancing the site for grading shall be Monday through Friday, 8:00 AM to 5:00 PM;

2. The equipment used on the property will be a 955 loader, crusher, dump trucks, excavator and concrete truck. At the conclusion of the on-site grading, this equipment shall be removed as the keeping of industrial equipment is not permitted on the premises without a Special Use Permit for the Temporary Use of Land for industrial purposes. This Special Use Permit is for on-site grading only;
3. Obtain a hauling permit from the Public Works Department;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - a. The existing driveway does not meet UG standards;
6. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. 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;
8. A grading permit is required from the Building Inspection Division prior to earthen material is brought in, removed or relocated on the property;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. 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;

12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
13. 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 Ramirez, to approve Change of Zone Application COZ2023-015 and Special Use Permit Application SP2023-024 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 3 – 212799...CHANGE OF ZONE APPLICATION COZ2023-017 - VICTOR FRANK MARTINY II

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep farm animals at 6019 Woodend Avenue and 6029 Oak Grove Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Victor Martiny II and Katie Martiny, are requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 6029 Oak Grove Road and 6019 Woodend Avenue. This change of zone is necessitated by the fact that there is not a dwelling unit on the property, and there are multiple accessory structures on the property, which violates R-1 standards for accessory uses. The applicants are also seeking a preliminary and final plat to combine two (2) lots and vacate a portion of the Woodend Avenue right-of-way. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-017, subject to:

1. The following recommendations from the Wyandotte County Conservation District shall be followed, including:
 - a. The stream (Davis Creek) and the drainage areas shall be fenced off, with a buffer of 25 feet on each side to preserve the integrity of the stream.
 - b. Stream crossings with geo-textile and gravel should be installed to provide long-term protection for drainage areas.
 - c. Timber areas should be fenced off as well to keep livestock out.

- d. Any timber areas that are cleared shall be mulched and seeded.
- e. Groundcover shall be enhanced;
- 2. The applicant shall file for a retroactive building permit for any structure that is over 120 square feet that was constructed without a permit;
- 3. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;
- 4. This City Planning Commission case is being heard in conjunction with BOZA2023-028. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-028 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- 7. Lighting shall be installed to have a 90-degree cutoff;
- 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district,

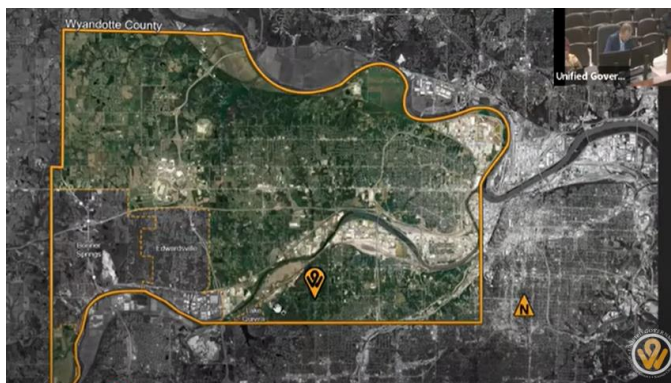
or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

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.

Case	
COZ2023-017	
Petitioner	Address
Victor & Katie Martiny	6029 Oak Grove Road & 6019 Woodend Avenue
Synopsis	
To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural uses.	

Gunnar Hand, Director of Planning and Urban Design, said this case was heard in conjunction with BOZA 2023-028 for a side and front yard setback variants, which were granted by the Board of Zoning Appeals earlier this month. It's also associated with Plat 2023-027 to combine two parcels into one and vacate a portion of a public right-of-way, which was also approved by the City Planning Commission earlier this month.

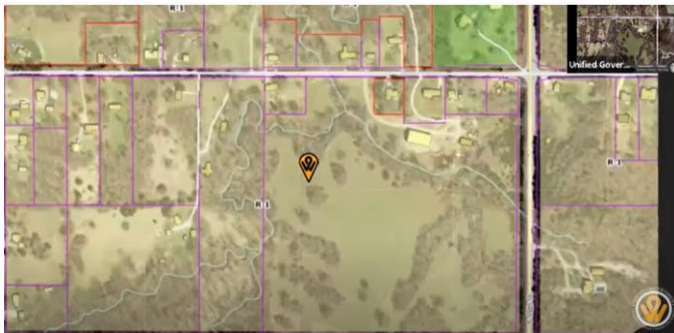
This is a change of zone to maintain a cattle operation on the property.



This is in the Citywide Comprehensive Plan Area in the Turner-Morris neighborhood.

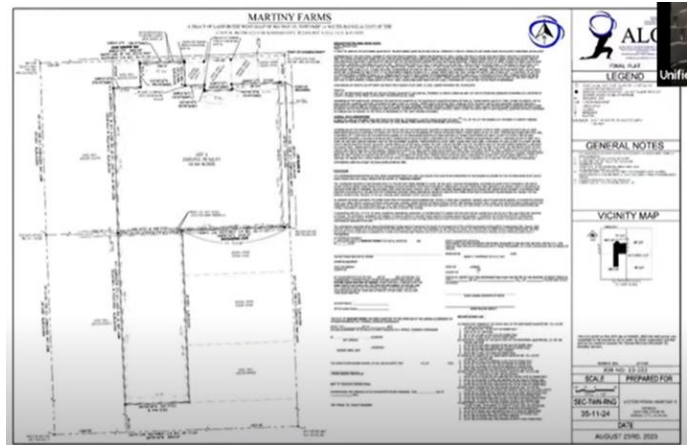
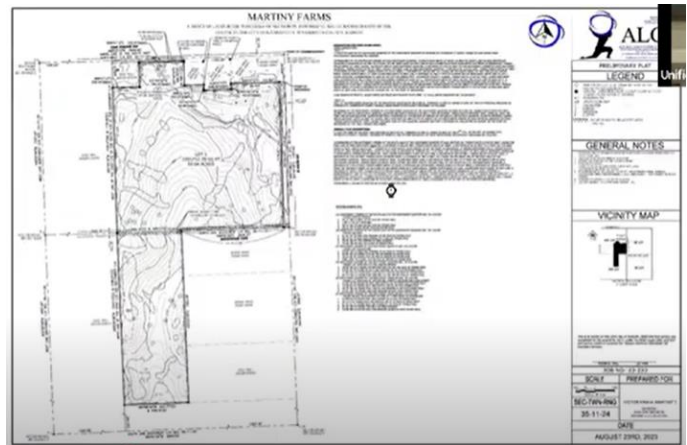


Staff received no letters of support; no letters in opposition.



There was a notice of violation related to unpermitted barn. Staff agrees with Planning Commission and recommends approval. One of those conditions is to retroactively receive a building permit for said barn.





Public Opposition
None to date.

Public Support

Staff Recommendation
Approval

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

Victor and Katie Martiny, 6029 Oak Grove Rd., appeared. **Mr. Martiny** said we would like, like we've discussed, a change of zone. We also had a little issue with the Conservation stipulation of what the Conservation is asking just as far as our setup goes. We'd like to present maybe a different alternative. We also think that it's kind of in between of what Conservation's asking so that we can make this situation work as far as the Conservation's asking for the holding of cattle.

Ms. Martiny said we have a list of what the Wyandotte County Conservation District wanted, and then we have a list of what we would compromise with. We also paid for a private conservation plan to be drawn up by Atlas Land Consulting. When we made our responses back to the county before the last meeting, October 9th, we did not acknowledge to their response on that portion of the conservation. We didn't really know that we had to compromise then on October 9th at that meeting. So, that's what we're here to do tonight.

I have a printout for you guys if you guys need a copy of the WyCo Conservation, if you need to see that. **Mayor Garner** said you can give it to the Clerk for record.

Mr. Martiny said if you guys want to review that and if we could have some further discussion about it just to basically to lay out why we feel that we'd like to take that procedure instead of what Conservation's proposing. **Mayor Garner** said you'll have an opportunity to follow up.

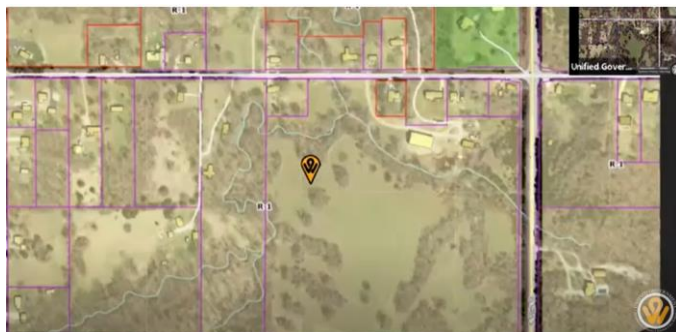
Mayor Garner said I'll now open the public hearing. Clerk, have you received any direct notification from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any direct notification from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in opposition of this item? (There were none.) Clerk, is there anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, you can come back forward and you can make some closing comments.

Ms. Martiny said you guys have your WyCo Conservation. We feel that their comments are more of an urban list of wants. For our property, it's 50 total acres. We are only housing about ten heifer calves on this property. We're not a commercial operation here. It's just a hobby farm. The things that they're asking not only would be costly, but we would lose, we believe, about half of our property.

The first item is the stream. It really snakes through our property. I don't know if Gunnar, if you can pull up a picture.



It's very heavily treed and heavily brushed around the creek areas.

The picture that I passed around is my son. He's almost 10. He's standing in the creek. That wall of that creek right there is at least 10 feet tall. Our animals aren't in the creek. They only have access at the crossways or you can drive across and on the side that they're on currently, there's only two. The buffer that they're wanting on 25 feet of either side of the creek, the entire property fenced off and in the tree area, we would lose a ton of our property, our pasture for our animals. The timber area that they want crossed off or fenced off, there goes our forage, our shelter, and our shade for our animals. We have done some ground cover and reseeding.

This is our seventh year owning the property. We are willing to do that as needed. We can fence off the crossways to the creek just so they're not able to enter the creek from the low points and then make sure they're not able to wade where the creek comes in on the east side of the property. We are willing to geotextile and gravel where we cross to provide long-term protection for the drainage areas. We already implemented the rotational grazing. It's fenced off in sections and we rotate our cattle to give the pasture a break when they're not on it.

Mr. Martiny said as she stated about the creek, too, the biggest issue that I know that they were concerned about contamination with the creek, which the only way that the cattle would ever contaminate the creek is if they waded in it. The creek runs shallow. The last two years it's been very dry so the creek hasn't run at all. There are natural springs in the creek that I do rely on for water source so I don't have to put out city water. It helps keep my overhead, my costs down, which is nice especially in the winter months when it's cold and it's hard to keep stock tanks open and you're thawing out hoses. It could be a burden.

Like I said, with them wanting to fence off the creek, 25 feet both sides of it, the way the property is laid out with the brushy areas and stuff, because the property is overgrown and it has been since we bought it, we've been slowly mulching and keeping up with it and trying to get it

perfected to our needs so that we can run our animals on it. I've spent a lot of time maintaining. As you can see, the way the creek runs above on the east side, you've got the Highland Crest area so I get a lot of their stormwater. I personally spend the time keeping the creek maintained. I have to clean out brush where we get backfill and it floods. We get debris and trash and stuff that we have to clean up, so we work on that, too.

Like I said, there's no possible way for them to wade in it. If there are eroded places in the creek, I take the time to fix so that there's no issue. Like I said, then they can't swim in it; therefore, contaminate it which makes it nice and it's just a good water source.

As far as the wooded areas go, fencing off the wooded areas, like Katie said, losing shade. In the summer months it's very hot. Cows don't sweat so they rely on the shade to help keep cool. It's much of kind of a process to do outbuildings and shelters for them. The trees provide that natural shelter which is very nice so that we don't have to go through that process of trying to get an outbuilding put in. Then you have the maintenance of the building and cleaning it out, so it's kind of an issue there. Then they provide the forage and everything for it, too.

The other thing I worry about, too, is we have perimeter fences on the property to keep the animals on the property which is well needed. Over excessive on the fencing I worry about the wildlife in the area. I've got a lot of deer on the property. I personally walk the perimeter fences at least once or twice a month. I've countless times helped deer either free from the fence that have been caught up or collecting remains from deer that have been hung up in the fence and died. I'm surprised that the Conservation didn't mention. But it's a burden kind of for the wildlife in the area, too. Worried about that, this over excessive fencing. That's just kind of the issues we're looking at now.

Commissioner Ramirez asked, is staff opposed to this alternative conservation plan?

Mr. Hand said staff relies on the Conservation District as our reviewing agency to provide these conditions of approval. I would recommend that we hold this over for a month so that we confirm this with the Conservation District. I think if you look at the two lists, they're not too far off. I think that, potentially, the most contentious issue would be the fencing off of the creek, otherwise, if the Board of Commissioners wanted to make a motion to accept these new conditions or these conditions within the Conservation District plan, you could do that, but it would take eight votes.

Again, I would recommend we hold it over for a month. I don't think it would put the Martiny's at any disadvantage other than they'd have to come back in a month. They did receive their plat so their parcel, once recorded, will be combined, if it's not recorded already. They've resolved that issue which is really the genesis of all of this. It wouldn't necessarily stop you guys from any operation in the interim. That would be my recommendation.

Commissioner Ramirez asked, is there any opposition from the applicant if that's the route this Commission went?

Mr. Martiny said, like I said, yes, we're close. We're talking about just eliminating a lot of the fence and losing some of our pasture. That's the only thing we're really against on their conservation plan. I don't know why we couldn't find an end to this tonight. I'm not running a cattle operation. Like Katie said, it's a hobby farm. I don't know why we couldn't find some closure on this tonight.

I understand Mr. Hand. He's by the book. He wants to make sure it's right and we have to go by Conservation. I don't have a problem with Conservation at all, like I said, but there's by the book and there's realistic. Realistically, we need to find an alternative here. The way the creek is, it's winding. It would cost a lot to fence. I do use the creek. I do manage the creek so cutting that off, my access, basically. Like I said, inhibiting the wildlife. A lot of deer on the property and over fencing does create a problem for them. I don't know why we couldn't find a little closure here tonight, if we could.

Commissioner Burroughs asked, how many acres are we referring to? **Mr. Hand** said there's 50 acres on the property. **Commissioner Burroughs** said I noticed that you did list that you are implementing rotational grazing to improve pasture health. That clay soil over there's pretty hard with wildlife running through those wooded areas. I'm sure you have what they call traces where the animals run, so I imagine that ground is quite compacted and the fact that you've admitted already to reseeding and trying to make that better. I commend you for that because that's healthy for the animals.

Commissioner Burroughs said the question I have is, how many animals do you plan on having on that 50 acres?

Mr. Martiny said basically what this place is—I have places in other counties that we have cattle on, so basically, at the end of the year when I’ve started weaning off my calves—I select a group of heifers that I like to keep because at the end of the day, cows get old. They don’t have a retirement home. They go to Wendy’s. They go to McDonald’s. That’s the end of it.

When I get rid of these old cows, I’ve got to have replacement heifers. It’s nice to have a place where I can keep a group of heifers that have a lot of characteristic and stuff that I kind of favor for that. I know they’ll be good mothers in the future. They’ll make good cows for me. I keep those heifers at this place here, and I can hold on to them to a certain age and then I introduce them back into the herd. We bring in new bloodlines. We get rid of old bloodlines. Then we reintroduce the calves. We have calves all over again.

So, basically, this place is a holding. It’s a holding place for me. It’s nice to have a place like that. I try to respect my grass. I take proper precautions with fertilizing, seeding. There’s lots of stuff you can do for land management that I’ve done over the years that helped, too. Basically, I try not to overload this place. Like I said, it keeps down with my waste and everything. It’s just 10 replacement heifers is what I’ll call them, sorry.

Commissioner Burroughs said that’s what I was getting to was 10 and 50 acres. These heifers probably run a couple of hundred pounds by the time you get rid of them. They’re running, if I remember correctly, most cattle they like to get rid of them before they reach a thousand pounds. I imagine in that area—I live over in that area. I’m quite familiar with a lot of the deer that are over there. A lot of the deer are bigger than some of those heifers. **Mr. Martiny** said yes, they are. **Commissioner Burroughs** said I imagine that some of those traces that are over there are caused by the wildlife that’s over there. The fact that you walk your fence to make sure the animals are not one, safe; but two, not getting out.

Commissioner Burroughs asked, do you have an idea of what it would cost you if you had to meet the Conservation’s request to fence the stream, just a rough number? That’s quite a bit of property to have to run a fence line down both sides.

Mr. Martiny said yes, sir. I’ve got a piece of fence that I need to repair on the very far north end of my property. I’ve been kind of looking into woven wire, T-posts, and corner posts.

Not figuring in my labor, but if I was to do whatever the Conservation asked, I would say it would be anywhere from \$8 to \$10,000, every bit of it. There's a lot of feet there. It would take a while to do that.

Commissioner Burroughs said I'm a city guy, but I've had families had farms. I do like the compromise that you brought forward and referenced to cutting off those edges where the cattle can get in from the crossways because that does make sense. If that's a 10-foot drop, I can't image a 200 pound heifer even running and jumping off of there that would even survive a fall like that. I do appreciate the information you've brought forward.

Commissioner Burroughs said I have a question for Legal. Legal, if we were to make a motion that the applicant has stated they don't want to send this back; they'd like action on it this evening. If we were to make a motion to approve the alternative, I guess, the conservation comments that they have presented, how many votes would it take to pass that?

Angela Lawson, Acting Chief Counsel, said with the alternative, it would take eight. **Commissioner Burroughs** said eight votes. That's all I have at this particular moment.

Commissioner Stites asked, what triggered the County Conservation comments? **Mr. Hand** said for all cases that are planned to be rezoned to agriculture, we work with the Conservation District on matters of livestock.

Commissioner Stites asked, who are they? I've never heard of them. **Mr. Hand** said the Conservation District is part of the K State Extension Program. **Commissioner Stites** said well, I'm going to tell you. I think it's absolutely ridiculous to think that somebody's going to fence off their creek and fence off their timber where cattle go in. I happen to have a couple hundred head of cattle. Not to dispute Commissioner Burroughs, but if you're holding back 200 pound heifers, you better get out of the business. Those are calves.

Commissioner Stites said I like the compromise. I know when you talk about rotational grazing and what you're doing to maintain the ground—and it's to your benefit to make sure that you're being good stewards of the ground—I think with what you've proposed, you are doing that. I wouldn't want to fence off this amount of space. Trees are going to fall. They're going to tear

down the fence. You're never going to be able to stay on top of that, ever, unless you did a pipe fence. Now you're talking about a couple of hundred thousands of dollars.

I am of the opinion that I want to make, and I will make the motion to take the recommendations that are presented to us tonight and resolve this tonight because if you guys have paid any attention to the weather, next week it's supposed to be freezing. We don't need anybody out there fencing creek off during the winter.

Action: Commissioner Stites made a motion, seconded by Commissioner Kane, to approve Change of Zone Application COZ2023-017, with the recommendations presented tonight.

Mayor Garner said let me be sure. Commissioner Stites, can you just be clear on what your motion is? **Commissioner Stites** said yes. I would like to make the motion that would accept the one, two, three, four, five recommendations made by the applicant. **Commissioner Kane** said second. **Mayor Garner** said, and the Clerk has a copy of that for record. That will be presented later so it'll be available to the public.

Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites. (Prior to Commissioner Bynum's vote, she said for clarity, the conservation districts were created by state statute within the Kansas Department of Agriculture. I think a vote aye would be a vote in favor of the motion that has the amendments. Is that correct? **Angela Lawson**, Interim Chief Counsel, said yes.

Item No. 4 – 212800...CHANGE OF ZONE APPLICATION COZ2023-020 - JACKSON TAYLOR WITH TWG DEVELOPMENT

Synopsis: Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct an apartment complex at 745 North 78th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 212801...MASTER PLAN AMENDMENT APPLICATION MPL2023-010 - JACKSON TAYLOR WITH TWG DEVELOPMENT

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jackson Taylor with TWG Development, LLC, wants to rezone 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue from R-1 Single Family and to RP-5 Planned Apartment Districts to build five (5) three (3) story apartment buildings totaling 152 units and a clubhouse on 24.47 acres. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment Application MPL2023-010, and Change of Zone Application COZ2023-020, subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. The City Planning Commission granted a deviation to the retaining wall design standard so that a single slope retaining wall (i.e., NOT “stepped”) can be built. These non-standard retaining walls are to be designed to blend into the landscape as much as possible, provide above standard landscape screening, and either be made of masonry stone or give the appearance, either by stamping concrete or using stacked concrete blocks to mimic natural stone, including staining the concrete to appear more natural”.
3. Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side. This will require coordination with the Public Works Department regarding the specific type of signaling needed for the crosswalk;
6. A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street;
7. In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west;
8. 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).

Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection. The 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;

9. Lighting cannot exceed one (1) footcandle at the property line;
10. Interior parking lots lights shall have 90-degree cutoff fixtures;

11. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments);
12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage;
13. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade;
14. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. Board and batten are not permitted and shall be removed from the elevations;
15. 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;
16. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
17. The final plat must reflect the following: (i) the land between Buildings 1, 2, the existing detention pond and the northern property line as an open space easement with an independent note stating that buildings, parking lots and/or vehicular drive are not permitted within the open space easement; (ii) a 25' building setback along the project's southern boundary abutting the rear yards of 7706, 7718 and 7640 Tauromee Avenue; (iii) and a 25' building setback along the western property boundary adjacent to 7640 & 7634 Tauromee Avenue.
18. Plant trees around the detention basin;
19. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
20. 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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district;

21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk;

22. 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;
23. All landscaping shall be irrigated;
24. 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;
25. 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;
26. All electrical meter banks, typically on the side of the building shall be screened from public view;
27. 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.
 - a. 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.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - d. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - e. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
28. 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;
29. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
30. 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;
31. All existing and future driveways must feature curb cuts that are constructed to UG standards;
32. 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;

33. 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;
34. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
35. 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 Ramirez, to approve Change of Zone Application COZ2023-020 and Master Plan Amendment Application MPL2023-010, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 5 – 212802...CHANGE OF ZONE APPLICATION COZ2023-025 - LANDON FLIGER WITH ATLAS LAND CONSULTANTS

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District to bring an existing duplex into compliance at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 3 – 212803...MASTER PLAN AMENDMENT APPLICATION MPL2023-013 - LANDON FLIGER WITH ATLAS LAND CONSULTANTS

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Landon Fliger, is requesting a Change of Zone from R-1 Single Family District to R-2

Two Family District and a Master Plan Amendment from Low Density Residential to Medium Density Residential in the City-Wide Comprehensive Plan to bring a legal, non-conforming duplex into conformance at 3009 and 3011 North 57th Street. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment Application MPL2023-013 and Change of Zone Application COZ2023-025 subject to:

1. The pull-in gravel parking in the front-yard of the residence shall be removed. Only parallel parking along North 57th Street is allowed. A right-of-way permit shall be obtained for this parking;
2. The storage area shall not be converted into a third unit. If it is converted into an additional unit, a change of zone will be required;
3. 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;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. 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;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2023-025 and Master Plan Amendment Application MPL2023-013, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212798...SPECIAL USE PERMIT APPLICATION SP2023-024 - BRIAN TERRY

Synopsis: Special Use Permit for grading of the property for hay fields at 3850 North 55th Street, 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 COZ2023-015.

Item No. 2 – 212805...SPECIAL USE PERMIT APPLICATION SP2023-036 - GUNNAR HAND WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Special Use Permit for an event space with live entertainment and alcohol sales at 600 North 7th Street (Memorial Hall), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special Use Permit to operate an event space and host live entertainment and sell of alcohol at 600 North 7th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-036, indefinitely, subject to:

1. 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;
2. Alcohol can only be provided by licensed vendors;
3. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;
4. All entertainment shall cease by 12:00 AM;
5. Public rights-of-way may not be blocked by trash enclosures or receptacles;
6. Sidewalks shall remain clean and clear of trash and debris;

7. No amplified speakers are allowed in outdoor spaces;
8. Doors and windows shall remain closed during any entertainment performance;
9. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid indefinitely from the publication date of the associated ordinance; 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 Ramirez, to approve Special Use Permit Application SP2023-036 indefinitely, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 3 – 212806...SPECIAL USE PERMIT APPLICATION SP2023-041 - MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC.

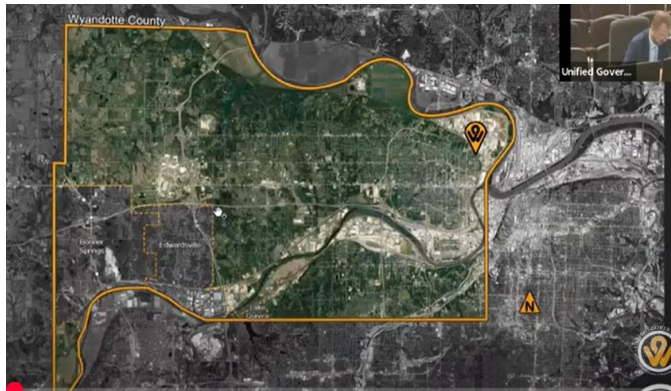
Synopsis: Special Use Permit to operate a group dwelling unit at 2204 North 5th Street. submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 2204

North 5th Street. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit for at least three (3) years. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-041:

1. The project did not obtain a parking variance, has not met their parking requirement to date, and that the project is not in character with the residential neighborhood.

Case	
SP2023-041	
Petitioner	Address
Matthew Thomas	2204 North 5 th Street
Synopsis	
To approve a Special Use Permit to operate a transitional housing facility for individuals recently released from incarceration.	

Gunnar Hand, Director of Urban Planning and Design, said Special Use Permit SP2023-041 was heard in conjunction with BOZA 2023-039, parking variants, which was denied by the Board of Zoning Appeals earlier this month. This is a special use permit for a group home.



This is in the Northeast Area Plan.

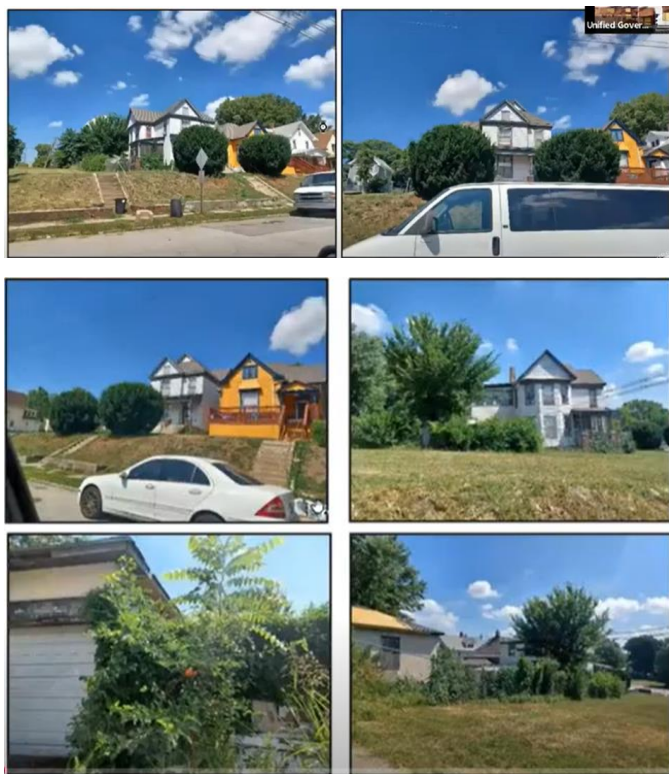


Staff received both support and opposition regarding this case.

October 26, 2023



There were notices of violation related to the maintenance of the property as well as the house, all of which have been rectified at this time.



October 26, 2023

2284 N. 5th Street
Floor Plan

2284 N. 5th Street
Floor Plan

Public Opposition
The applicant provided statements from the neighborhood group expressing concerns. There were 9 people in attendance at the 10/9/2023 CPC hearing who expressed opposition.

Public Support
The applicant provided statements from two property owners who expressed support. There were 2 people in attendance at the 10/9/2023 CPC hearing who expressed support.

Staff Recommendation
Denial

Staff agrees with the Planning Commission and recommends denial.

Mayor Garner said, Applicant, I believe you set that aside. You want to present your application?

Matt Thomas, Shawnee, KS, Firm Foundations Ministries, said we wanted to set it aside for a couple of reasons. Number one, we want to be able to try to build as much community support as we can because we understand that we were behind the eight ball. We understand that we should have done it ahead of time. Even though, obviously, we didn't know that we were to do a special use permit, we should have done it. I don't disagree with any of that. What I'm asking is if we could hold off for a final vote for denial or approval to try to build relationships with the church across the street and with some of the other people to just try to see if we can get a different outcome out of this.

Mayor Garner said I'll now open a public hearing in regard to this matter. Clerk, have you received any notifications from the public who wish to express their comments in favor? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in

the audience today who would like to speak in favor of this item? Seeing none. Clerk, is there anyone joining us virtually who'd like to speak in favor? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received notification who wish to express their opposition? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who'd like to come forward and speak in opposition of this item?

Elnora Jefferson, Kansas City, KS, said I am the neighborhood president of the Oak Grove neighborhood where this proposed group home is situated. I'm here to speak in opposition of the group home. I'm speaking in opposition not because of what the group home does because, certainly, it has a value. There's no one that I know of who would deny anyone a second chance who wants to make amends for wrongs that he or she has committed before, but I'm here tonight to speak in opposition because my neighborhood is also looking for a second chance.

Over the years—and I was born and raised in that particular neighborhood—we've seen a lot of changes anywhere from a model landfill that's no longer a model because it was not done correctly. You heard from people who have not been able to have roofs and other types of home improvements because the value of their property did not come up to the standards as far as the appraisals and so forth. We've also withstood a lot of the drug culture, and the war on crime was not successful in my neighborhood. We've had people who have been denied types of home improvements because money that they got, perhaps of a family member who died, was deemed as income when it actually was not.

Most recently what we've had is that we've had an opportunity to participate in something called a Northeast Area Master Plan. We've never had that in the Northeast. Never. We have it now. That particular investment, plus the investment for the Northeast Kansas City, KS Heritage Trail, I believe, would be close to a half million dollars. This gave people hope. Over 550 people came to participate in the Northeast Area Master Plan. Nowhere in that plan did the citizens, community itself, say that we want to have a cluster, a number of group homes in the neighborhoods where we're trying to actually make a difference. **Ms. Sparks** said one minute remaining.

Ms. Jefferson said we were talking about improved sidewalks. We were talking about raising the density in that particular area, and some of the other things that we all want in the neighborhoods where we live.

The approval of this particular application in my neighborhood would not bring people to that neighborhood. It would not make that particular neighborhood a point of destination. It will not do anything to that neighborhood to raise the value of particular census tracts. Really, it won't do anything that's positive for the neighbors who are there or for the area.

I would implore Mr. Thomas to find another place, maybe where he lives in Shawnee or elsewhere, where he could actually do what he wants to do and we are able to do what we want to do as well.

Marcus Williams, KCMO, said I'm a lifelong member of Trinity AME. The reason I come today is just to—we talk about community and building relationships and how important that is, and how important it is to love and care about one another and really look at one another and see each other as people. When we do that, it's a thing about honesty. It's about going in and trying to do that. I hear Mr. Thomas saying that's what he would like to do.

I want to be fair. I did a little bit of research about his organization. I just looked and I saw that in Topeka, if I have it correctly, his organization did something very similar. They went ahead and they moved into an area and they attempted to have a group home. The city did not approve, I mean, it wasn't approved by the city. The other organization had attempted to do it and they came back and said, oh, I didn't know. I just don't think that's fair for our community for one, to do that. If you care about what you're doing, if you care about it, then go in and do the right thing. Why would it take going before and getting a special use project to actually go and do the home renovations. Who would have a mattress out in front of a group home? What kind of hope does that bring? What kind of hope does it bring when you don't abide by the simple things that our law says to do? Put up safety. Put up railing. There's a new railing now. As this gentleman just said, they're all up to code today, but why couldn't they do that before if they really care about people?

Again, that's what we're talking about, caring about people and trying to build a stronger community.

Roy Fowler, 8600 NE Ave., KCMO, said I'm a long-term member and officer of Trinity AME Church. Trinity has been at 5th & Greeley since 1903. We have been in this community that long.

I'd like to speak to the issue of the location of the house in proximity to existing neighbors. Mr. Adair lives next door. He spoke at the Planning Commission meeting. His house is less than 10 feet from the 2204 house that they wish to make into a group home. Why would you place a house 10 feet from the next door? Mr. Adair can't go out on his porch and feel safe. He has a 14-year-old daughter. We have sex offenders that are residing in this house. It's not safe for him and his family. It bothers me that they feel that they did due diligence in locating the house where it is. That's why I oppose as a member of Trinity.

Leroy Williams said I'm a member and officer at Trinity AME Church, lifelong member. Born there in the north end district. Raised there in the north end district.

What we hear about is one, the way they came in. They didn't come in and knock on our door or come put flyers out and say we are interested in and we want to buy this house. We want to put a group home in. They didn't come to us or anybody in the neighborhood and done this. All they did was come and put the house together and the next thing we know, we got people there.

I'm at the church quite a few times in the evening. We have a ladies group, dance group, praise team, and they were downstairs practicing. So happened I was downstairs and I thought I heard something at the side door downstairs. So happened I did so I went to the door. There's a guy standing there talking about could he get some money to get a bus so he can go up here and catch the bus so he can get to work. Didn't have the problem with lending the money, but never seen him around here before. Come to find out we got a group home here.

We come to say the houses are too close together. People can't live like that. You cough and you can hear somebody next door. You don't need no group home around like that. What we just want to be is like we always have been. The doors open to the church. We welcome everybody. We even had some of their members to come and worship with us. We didn't ask them what they have done or nothing. They volunteered. Some of them sit and talk to us and just tell us what they've done. All we're saying is to just don't come in our neighborhood and think you're just going to force stuff down on us.

Ronald Scroggins said I'm a lifelong member of Trinity AME Church. Actually, I grew up in that neighborhood. I walked to that church ever since I was able to walk.

The comment that I would like to make is all while I was living in that neighborhood, that neighborhood was considered that neighborhood. Nobody thought of it as a positive neighborhood. It was always considered that neighborhood. Really, it's hard to even get contractors to come down there and work on our church because we live in that neighborhood.

My thing is, I don't have a problem with what the project is about. It's about bringing it down there. What it's doing is not helping the neighborhood. It's also putting another negative aspect on the neighborhood. So I oppose it because it doesn't lift the neighborhood up. It actually puts more things against the neighborhood which makes it a negative neighborhood.

Also, I think that's what I wanted to say. It was something else, but I can't think of it right now. It happens when you get older, but I just think it's not really improving our neighborhood. I like the project, the idea of it, but they can move it somewhere else.

Delores Williams said I oppose it only because of the fact that they didn't, as a Christian organization, they didn't do the right thing. What they did not do was look at the best avenue for the people that they are trying to help; to have the resources and establish programs for them. In that neighborhood, if they were really sincere, they would want to have a resource so that they could teach them how to go shop. Have the resources so that they could be able to have transportation and be able to improve their quality of life that maybe they did not have. I have a problem with that.

As a Christian myself, it's good because we have, the Lord gives us second chances. To me, they did not do that. They didn't put forth the very best that they had to help these people. For that, I do not want them there. They should not, as far as I'm concerned, they should not come and offer a program to help somebody and yet not give them the very best that they could give them. That's what I disagree with them for that. Yes, they need help. Yes, they need the services. Yes, they need supervision. They did not do that. For that, I'm ashamed of them to even call themselves that type of organization, a ministry.

A ministry is there to do the work that God has put them there to do. They put them there. Can you even imagine? Have you been there to walk around that area was a beautiful area. Like Mrs. Jefferson was saying, trying to build up the area and that's what we're trying to do. Why would you put somebody there when the grocery stores are too far? **Ms. Sparks** said one minute remaining.

Ms. Williams said other things that they need. Recreation is not there. They don't have that. How can you do that and say I'm putting them in a place so they can get better and they can have those resources that they need to improve their life and to get out of the situation that they're in. They did not do that and shame on them.

Mayor Garner asked, is there anyone else who would like to speak in opposition? (There were none.) Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, you can make closing comments.

Mr. Thomas said with all due respect, I have not had any problems in Topeka at all. We've actually had two places in Topeka. We sold one because it was an apartment complex that was not in great condition and we didn't want our men living there so we sold that. Bought a newer house, which is a really nice house, and actually have a great relationship with the neighborhood that we live in out there. So, there's never been a problem like that. Anybody can go on the website, firmfoundationministries.org and see what we do. We have a great relationship. As a matter of fact, I was in the *Topeka Capitol*, the newspaper, talking about what we do and it was well received with the Continuum of Care Group that is in Topeka which includes Vallejo, the Housing Authority, and the Shawnee County Jail. So, that is complete untruth.

Last time we had this meeting, they specifically asked during the Planning and Zoning meeting, have you ever had any incidents in this neighborhood. There has not been any incidents. Consistently these brothers and sisters got up and said we just don't like what you do, but there's not been any incidents. My struggle is, if there's not been any incidents, we haven't caused a problem, we rebuilt the house, brought value back to the house, have not had any trouble with the police there, have not done anything bad, I don't understand why we can't build a relationship, help out Elnora with some roofs or with—we have a bunch of able-bodied guys. We're willing to do this.

I reached out to the pastor of the church to try to talk to him. He read my message and didn't respond. So, I am trying to build a relationship. What I don't understand is if we've been

operating there and doing well and not causing a problem, why can't we get a temporary special use permit for a year? See how we do. See if there's a problem and go from there, or at least give us time to really find out who each other are rather than just saying we don't want this in the neighborhood, even though it hasn't caused a problem.

To the point of the other piece, which is hey, this is going to bring the neighborhood value down, it is not. If you look up online who registers, they're all over the place. It's not like all of our houses have this big flag outside that says hey, we put people here that are dangerous for your community, because we don't. We put men there that have changed their lives and are trying to do what's right. That brings value to a community. There is not one place that we have a house that has not added value to the community.

I apologize that I didn't do it the way that I was supposed to. I apologize that I didn't come talk to the church. I apologize for all that, but for that to be the reason that there's going to be men homeless, I don't have a good feeling about that.

Commissioner Ramirez said a couple of questions to staff. I see here in the report that they went without an SUP, or us knowing about them for at least two years. What caused, Director Hand, what caused for them to be brought in the process now? Was it an NOV? A complaint by the community?

Mr. Hand said we received a complaint from the community, looked into it, and provided a notice of violation. They responded to that notice of violation with an SUP application.

Commissioner Ramirez asked, when we approached the applicant and the organization, were they aware that they needed to have an SUP for that type of establishment? **Mr. Hand** said no, until the applicant received the notice of violation letter, they were unaware, according to them, that they needed a special use permit.

Commissioner Ramirez said so they have facilities in Lawrence, or Topeka, sorry. Does Topeka follow the same guidelines of SUPs and zoning that we do as well or is each city different?

Mr. Hand said every city has a unique zoning code. If we are to believe the applicant, who has researched this in the other cities, I believe it's Wichita and Topeka, I could be wrong,

they do not require anything. Our ordinance requires any place with six or more people, unrelated people, is considered a group home and requires a special use permit.

Commissioner Ramirez said it says here staff recommended denial based on one of the parameters by the community that it's too close to residential and interior structure. Also, the parking issue. Can you explain the parking issue?

Mr. Hand said the parking count for a use like this is based on the number of rooms. They have requested, at the Board of Zoning Appeals, a variance. I believe it was seven. The requirement was seven total. That was denied. Depending on the decision tonight and what Mr. Thomas wants to do with his property, if denied, they would still have to meet a parking requirement. We would have to work with staff to figure out what that is. If denied and only five people, unrelated, were to live there, I think it's five parking spaces off street, but I would have to double check.

Commissioner Ramirez asked, are there five parking spaces available on this street for that purpose?

Mr. Hand said, again, the parking requirement is for off street so they have to find it on their parcel. Without seeing a site plan, I couldn't say that for sure. It's a pretty small parcel. It's a pretty tight backyard. It's off of an alley. There is an accessory structure in the backyard. My guess would be that would either have to be rehabilitated or probably removed, and then maybe have to go with some carports because there is a covered parking requirement in that zone district. I think it's plausible, but I couldn't say for sure unless I saw a site plan. It's tight, though. **Commissioner Ramirez** said yeah. I can see here on the picture.

Commissioner Townsend said I'm going to get to the chase. This body, and everyone present listening, has heard what the desires of those people who have lived there, as I do right in that neighborhood, those who worship there. It really just steams me. I can't say it any other way that while those who come from outside the community and seek to do well think they can know better than those who live, worship, work in these neighborhoods every day.

I will let you know that when neighborhood residents brought to my attention that there was work being done on that house back in December 2019, I was given a phone number for Mr. Thomas but I did not hear back. It was a Wichita number. That's not the most disturbing thing.

We heard last month by the same ministry at a different location, again in District One, that although this group has been about this business for ten years, they didn't realize they needed a permit. There is a concept that, certainly, if you've done business that long in a particular area, you should have known. You should have made reasonable inquiries. This is a business. That was not done.

With regard to incidents that have taken place. As recently as May of this year, there was a drive-by with the targets being aimed at that house. There were, I believe, the report said something like 23 shell casings found. Luckily, no one was injured, but bullets don't have eyes. There has never been, to my knowledge, in that area a drive-by. That is what this house and organization have brought to that neighborhood.

Ms. Jefferson eloquently talked about the hope given to that area, specifically that neighborhood, and even on a broader scale throughout District One in the Northeast Master Plan. That was one of the first things that I brought to the Council years ago when I came in. We want to see that followed through on. That plan does not call for any group homes.

Again, it's despairing to see groups who say they mean well, come into areas like District One, in this particular neighborhood, to do good. Deference should be given to those people, as I said before, who live there every day. They deserve to live quietly, peacefully, look forward to the upgrade of their homes without a group home coming in.

I don't know where he is tonight, but previously, Mr. Anthony Adair had testified and talked about, and I followed up and looked at, the number of persons with sexual offenses who have resided and/or currently resided in that home since 2019. This is not the type of situation that we want or need in that neighborhood, as you've heard many of the neighbors and the church say today.

While this is great that you have these organizations, I think they should give more sensitivity to how they go into a neighborhood. I believe it's a little bit late now to try to go back to do what should have been done in 2019. The outcome may have been the same, but at this point, I don't believe that's any reason to go against what the Planning and Zoning and the neighborhood have said they want.

Action: Commissioner Townsend made a motion, seconded by Commissioner Johnson, to uphold the denial of the Planning and Zoning Commission and deny Special Use Permit Application SP2023-041.

Mayor Garner said I'd just like to add to that. I believe the work of some of these non-for-profit groups are great, but I think, just my personal opinion is that Wyandotte County is oversaturated with non-for-profit groups trying to do good work, nevertheless. We support that work because the need is great. The resources in Wyandotte County aren't as great, and you're talking about an area that has been disenfranchised and disinvested for far too long. The Northeast area is more than group homes, potholes that need to be filled, parks that are in disrepair, liquor stores, and things that just wreak of urban blight and decay. These types of initiatives don't do anything to bring the community up.

I can tell you I've heard that there may be sex offenders in these homes. I believe it'd be hard-pressed to find any developers that want to do any extensive economic development in those areas knowing that. You've got schools in the area. You got churches in the area and that is a great concern to the community. I think this community, Wyandotte County in itself, especially Kansas City, KS, we need to move beyond being viewed as the home base for homelessness and the portal for poverty, period. Our residents have sacrificed too much for too long and they deserve better. Reinforcing these types of resources in these areas don't further any type of resurgent, revitalization, or anything of that nature in these areas. What it does is it anchors these areas in poverty and urban decay and the ghetto. Our residents need to move beyond the ghetto. They don't want a hood, they want a neighborhood.

I know a lot of these organizations, a lot of these leaders come from other cities. My question has always been, why Wyandotte County? Why Kansas City, KS? Take these back to your city and see what Shawnee says. Take it to Overland Park. Take it to Shawnee. Wyandotte County and our community is not and cannot continue to be viewed as being the armpit of the metro. We have a huge minority population here between Black and Brown folks and that perception needs to change because our residents deserve better. We cannot be this huge diverse population in the metro and others view us as being this place where you send all the people you don't want and put them in our community.

I stand firm with the community in the Northeast and these neighbors that are saying we don't want this, not because it's not a good program, but you need to just find another location to do your program. I stand with our two commissioners in this regard, and I hope the Commission will see value in those two motions that are made by Commissioner Townsend and, I believe, Commissioner Johnson.

Commissioner Ramirez said just clarification for how we vote. An aye vote is to uphold. A no vote is to not uphold. **Mayor Garner** said correct. **Commissioner Ramirez** said uphold the denial. Is that correct, Counsel?

Angela Lawson, Acting Chief Counsel, said I want to make sure how the motion was made. A yes vote would be to uphold the denial.

Commissioner Townsend said I wanted to say, also, that while we talk about what we don't have but hope to achieve, the one thing that needs to be recognized is the strength of the residents who have been there and have been jewels for the community, as you see tonight, despite what's not there and what we hope to see come. People appreciate and are steadfast in supporting what's there. That is the strength of that community. I want to recognize those who are there tonight who have come to say that this is our community and we want better. We are looking to have better and receive it, and we are going to defend what we have there. Kudos to those residents who came out.

Mayor Garner said I'd just like to add. If there's any developers out there that may be watching, just know, this community wants a grocery store. They want restaurants. They want amenities. They want housing that is affordable at all income levels. They want infrastructure that reflects the rest of vibrant communities. So, any developers out there, let's bring those to the Northeast, in our downtown, and east of 635; not liquor stores and halfway houses. Take it somewhere else.

Ms. Lawson said as the Commission goes through their vote, I would advise them to put their reasoning for their particular vote, perhaps referring back to the golden rules for this vote, even though it's a special use permit. They may wish to articulate their vote based on those reasons.

Commissioner Townsend said a question about that. This is a motion to uphold what the Planning committee has done. I question that any more rationale is needed than that. **Ms. Lawson** said it can also be based on staff's recommendation and the Planning Commission's vote.

Mayor Garner said hold on, Counsel. I believe that the way it's written is that they're just voting, correct? **Ms. Lawson** said but there have been comments made on the reason, so I ask that everyone clarify their reasoning for their particular vote.

Mr. Hand said, Mayor, you could ask the maker of the motion to provide the reasoning. **Mayor Garner** asked, Commissioner Townsend, can you restate your motion with the reason?

Commissioner Townsend said well, let me say on the record, I don't think that really is necessary or appropriate, but since it's been required, yes. The motion was to uphold the denial of this SUP by the Planning committee. You've heard strong, credible support in opposition from the neighborhood. There have been violations already there. There has been detriment to the neighborhood based on testimony made at the previous hearing and tonight. It does not support the growth or benefit of this neighborhood.

Commissioner Burroughs said this is for Legal. Legal, I'm sorry. Let me go to Gunnar first. Gunnar, this facility was not operating with a permit to begin with, correct? **Mr. Hand** said that is correct.

Mayor Garner said just as a point of order and clarity. It just normally in most circumstances, our Commission does not have to give a reason for their vote. I think it was a request from our Legal just in case there were some questions that may have some legal implications and concerns from our Legal Department, but normally, the commissioners do not have to give a rationale, reason for their votes. They either vote yes or they vote no in most instances.

With that being said, are we clear on the motion? I believe, Commissioner Johnson, you seconded it. **Commissioner Johnson** said definitely. I agree with you, Mayor. We should not have to have some reason for it. I do agree with Commissioner Townsend and I seconded her motion.

Ms. Lawson said because it's been clarified with the motion, I don't believe any further clarification is needed.

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

Item No. 4 – 212808...SPECIAL USE PERMIT APPLICATION SP2023-063 - SUMEY RABIE

Synopsis: Special Use Permit to operate an auto repair shop at 927 Kansas Avenue (SP-2020-97 expired 8/5/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Sumey Rabie, seeks a renewal for a Special Use Permit to operate an automotive repair, auto body and used vehicle sales business at 927 Kansas Avenue. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-063:

1. The applicant failed to complete SP-2020-97 conditions of approval requiring site improvements, and other mitigation measures to buffer the use from the adjacent residential properties

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to deny Special Use Permit Application SP2023-063.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 5 – 212809...SPECIAL USE PERMIT APPLICATION SP2023-065 - UMED SAIDOV WITH FRANKS MOTORS INC.

Synopsis: Special Use Permit to operate an auto repair shop at 402 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Umed Saidov with Frank Motors, Inc., seeks a Special Use Permit to operate a used automotive dealership in one (1) tenant space of a multi-tenant building at 402 Osage Avenue. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-065.

1. The applicant failed to complete SP-2019-98 conditions of approval requiring site improvements, specifically:
 - a. Planting 11 trees to comply with the Commercial Design Guidelines;
 - b. Parking spaces – both for customers and vehicles that are for sale or being repaired are not in striped, designated parking spaces; and,
 - c. Vehicles are double stacked throughout the property, which does not comply with the Parking Code; and,

2. Vehicles are parked on the property, in an unorganized manner on an unimproved surface has resulted in an overcrowding of land thereby violating Factor to Be Considered #12.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to deny Special Use Permit Application SP2023-065. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

(The above item was later set aside and heard before the Public Hearing Agenda with reverse action taken.)

Item No. 6 – 212809...SPECIAL USE PERMIT APPLICATION SP2023-069 - NEAL PALMER

Synopsis: Special Use Permit for a Short-Term Rental at 2520 North 131st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Neal Palmer, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2520 North 131st Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2520 block of North 131st Street. This short-term rental has been operating without permits since 2022. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-069, for one (1) year, subject to:

1. All repairs identified in the home inspection report shall be completed prior to renewal of this Special Use Permit;
2. The driveway apron shall be paved to UG standards by no later than September 1, 2024 and after major construction of the nearby school is nearing completion and major construction traffic is reduced on N 131st Street.
3. Maximum number of guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. 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);

11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
13. 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;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
17. 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;
18. 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;
19. 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;

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 Ramirez, to approve Special Use Permit Application SP2023-069 for one year, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 7 – 212793...SPECIAL USE PERMIT APPLICATION SP2023-070 - SARAH CATHERINE BELARDE

Synopsis: Renewal of a Special Use Permit (SP2022-068, expired 10/6/2023) to operate a Short-Term Rental at 3008 South 9th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Sarah Belarde and Javier Saenz, are requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-068, which expires 10/6/2023) to continue to operate a short-term rental at 3008 South 9th Street. This is not the owner’s primary residence. This will continue to be the only permitted short-term rental on the 3000 block of South 9th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-070, for two (2) years, subject to:

1. Maximum number of guests shall be 7;
2. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;

6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. 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 Ramirez, to approve Special Use Permit Application SP2023-070 for two years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 8 – 212794...SPECIAL USE PERMIT APPLICATION SP2023-073 - OSCAR FLORES-URRIITIA

Synopsis: Renewal of a Special Use Permit (SP2021-066, expires 12/9/2023) to operate a dog kennel at 4001 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Oscar Flores, is requesting a renewal of a Home Occupation Special Use Permit to continue the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-073, for five (5) years, subject to:

1. The following comments from the Wyandotte County Conservation District remain in effect:
 - a. Some of the area has been covered with gravel. If animals are to be allowed to run here, clean up after them will be harder.
 - b. The sod area looks good. Animal waste needs to be cleaned up on a daily basis and disposed of in a proper manner;
2. The following conditions from the previous approval of SP2021-066 remain in effect:

- a. Applicant maintains proof of Kansas Boarding License and continuously maintains the license through the life of the permit (if approved).
 - b. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance;
3. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
8. Lighting shall be installed to have a 90-degree cutoff;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. 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 Ramirez, to approve Special Use Permit Application SP2023-073 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

MASTER PLAN AMENDMENT APPLICATIONS

Item No. 1 – 212795...MASTER PLAN AMENDMENT APPLICATION MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street, 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 COZ2023-012.

Item No. 2 – 212801...MASTER PLAN AMENDMENT APPLICATION MPL2023-010 - JACKSON TAYLOR WITH TWG DEVELOPMENT

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street, 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 COZ2023-020.

Item No. 3 – 212803...MASTER PLAN AMENDMENT APPLICATION MPL2023-013 - LONDON FLIGER WITH ATLAS LAND CONSULTANTS

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212804...SPECIAL USE PERMIT APPLICATION SP2023-019 - TIMOTHY OKEOWO WITH REDEEMED CHRISTIAN CHURCH OF GOD

Synopsis: Special Use Permit for the Temporary Use of Land to keep a shipping container in the parking lot of a church at 8155 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Timothy Okeowo, is requesting a Temporary Use of Land Special Use Permit to keep a shipping container in the parking lot of the Redeemed Christian Church of God at 8155 Parallel Parkway. The applicant intends to store furniture in the container for this church as well as potentially for other church locations. This Special Use Permit is the result of an active Notice of Violation. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2023-019, for two (2) years subject to:

1. The container must be moved to the southwest corner of the property/parking lot;
2. All unpermitted signs on the property must obtain a sign permit;
3. All code enforcement citations must be closed;
4. The applicant shall install additional landscaping along the north and west sides of the property;
5. The abandoned pole sign on the property must be removed;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;

8. If approved, the applicant must file and maintain a current business occupation application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed. The trailer must be removed from the premises;
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

17. 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 unless otherwise determined by the Director of Planning or their designee. The failure to satisfy all conditions of approval after one (1) year or the term identified by the Director of Planning will result in automatic termination of this Special Use Permit. Termination is not subject to the revocation process identified in Section 27-214(i).

Case	
SP2023-019	
Petitioner	Address
Timothy Okeowo	8155 Parallel Parkway
Synopsis	
To approve a Temporary Use of Land Special Use Permit to keep a storage container on the property to store furniture for church operations.	

Gunnar Hand, Director of Planning and Urban Design, said the special use permit is a temporary use of land for a special use permit for a storage container. Again, a temporary use of land. A SUP can only be approved for two years maximum. This is in relation to, again, a storage container for furniture related to a church.

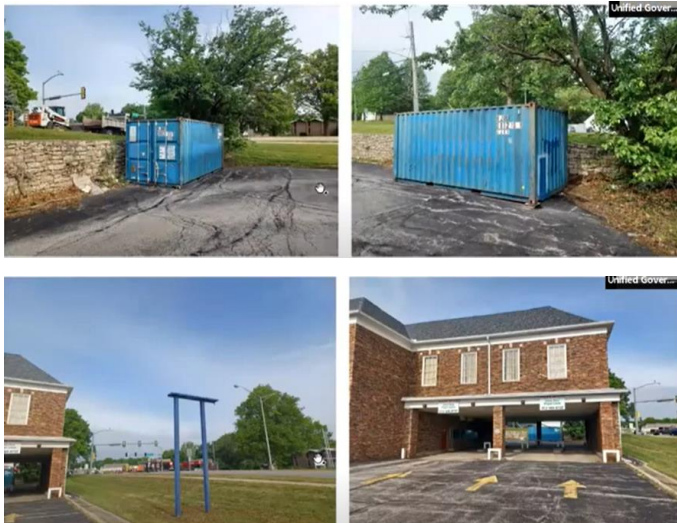


This is in the Citywide Comprehensive Plan area in the Midtown neighborhood. Staff received no letters of support. At the first City Planning Commission hearing, there was a member of the public. The adjacent property owner had issues that staff felt there was a nexus related to it as that shipping container is in a parking spot and the adjacent property owner had some parking issues with this use. The Planning Commission did not agree with that nexus, but I thought it was important to state here.

There are notices of violation on this property that need to be rectified.



Staff agrees with Planning Commission's recommendation for two years maximum with those conditions. Again, the conditions being to rectify the notice of violation to move the container from this corner to the southwest corner, and provide some additional screening, and to remove an illegal sign on the site.



October 26, 2023



On Mon, Sep 18, 2023 at 2:47 PM Molloy, James <jmolloy@wycokck.org> wrote:

Timothy,

It was a pleasure speaking with you on Friday. I just want to follow up and ensure you understand that the following will be conditions of your approval:

1. The container must be moved to the southwest corner of the property/parking lot;
2. You must install additional landscaping, either trees, shrubs, bushes, etc along the west and north property lines;
3. The pole sign must be removed; (if it is replaced, a sign permit application shall be filled out);
4. The remaining drive thru signs and any other new signage on property must be permitted; and,
5. Following all other standard conditions of approval.

Please respond to this email either indicating that you agree or you disagree with what our conditions.

From: Timothy Okeowo
Sent: Monday, September 25, 2023 11:47 AM
To: Molloy, James <jmolloy@wycokck.org>
Subject: Re: SP2023-019 - Follow-Up

Hello James,
This is to notify you that we agree to the terms outlined in your email.
Thank you.

Sincerely,

Timothy Okeowo
Pastor
RCCG Agape House
8155 Parallel Pkwy, Kansas City, KS 66112

On Mon, Sep 18, 2023 at 2:47 PM Molloy, James <jmolloy@wycokck.org> wrote:

Public Opposition	Public Support
There was opposition expressed by the adjacent property owner's representative not related to this application, but to the operation of the church in general at the September 11, 2023 City Planning Commission hearing.	None to date.

Staff Recommendation

Approval

Mayor Garner said I'll ask the representative/petitioner to present the application.

Timothy Okeowo said we have reached an agreement with the county, and we would move the container as we have been asked to do so. So, yes.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from individuals who wish to express their comments in favor of the item? **Ms. Sparks** said no

October 26, 2023

comments have been received. **Mayor Garner** asked, is there anyone present who'd like to speak in favor of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in the audience who'd like to speak in opposition? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in opposition to this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will close the public hearing. Petitioner, you can make some closing comments if you'd like.

Mr. Okeowo said we have started the operation to move the container. We would abide by every requirement that the Planning Commission has given to us.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-019.

Commissioner Townsend said I did have a question for the applicant. What is the long-term plan for the storage of this equipment for the subject church or other churches? These are not the most visually inviting units to have out on property at all. I know from the time that I've been on the Commission, there had been a move for a while to use these storage containers. It doesn't seem like the type of thing we really want to see for Wyandotte County. So, I am wondering what is the long-term plan for this and why didn't the church seek a different type of storage situation?

Mr. Okeowo said we do plant churches regularly. We do get donations and we do procure church items from time to time to be moved to the locations by which the churches have been planted. We didn't know that this was going to be an issue when we brought the container. We have asked for two years. We have been told we could only have this for two years.

We've also been told to move it away from where it's located now. We're in no way in the way of our neighbor. We are in no way obstructing anything because the container is not even on the parking lot. The container, if you look at the picture, the view, if you look at it, it's on the

corner. It is not obstructing anything. It's not in the way of our neighbors. I don't know why this should be an issue, but now that we have been told it's an issue, we would move it. We have been given two years to (inaudible).

We are seeking for two years permit, after which we would look for another home outside of Wyandotte County to be able to keep storing our items for new churches. It was just a lot of surprise for us that we could not have an additional storage, and we will comply with the City Planning Commission. We'll comply with whatever they have said. We would move it accordingly.

Commissioner Townsend said thank you for your explanation. These things are unsightly. I used to work for a freight transportation company so I'm very familiar with what they look like. They don't necessarily add to the beautification of any neighborhood. I think what's important for me that you said that your plan is this will be a temporary situation and you have long-term plans for storage.

Commissioner Burroughs said I appreciate Commissioner Townsend's comments in reference to how they're viewed. I'm quite familiar with this piece of property. I'm also aware that there's a number of businesses that have a frontage on that that face the road. I just don't think it's fair to them to have something as unsightly as a container stuck in the corner of the parking lot. I don't care if it's covered by trees or not available to be seen from the street. It's still not fair to them. If you need storage, we have public storage facilities that can be utilized to store furniture. I'm not trying to sound insensitive. I just believe that this corner business should not have a container on its property to impact the view and/or the presence of the businesses along the storefront. I would hope that we, as a body, be prudent in looking at how we are viewed when we have containers stored all over our property in individual property areas. That's just my comment.

Commissioner Stites said I think two years is a pretty dog-gone gracious amount of time to have an unsightly shipping container sitting there. Does the church have a basement or a garage? Can the applicant answer that? Do any of the churches have basements or a garage?

Mr. Okeowo said we do not have a basement. We have a fellowship hall that we do allow the public whenever they approach us to use. We do not have a basement. Again, we would at the expiration of the two years, we'll make sure that this is removed from the premises.

Commissioner Stites said I can appreciate the answer of two years, but that's two years that other people have to look at it. **Mr. Okeowo** said it will be moved to the southwest corner of our building. It's no longer on Parallel Parkway.

Mr. Hand said, Commissioner, if I may. This Board has the authority to reduce the amount of time, if you can get eight votes to change the recommendation of the Planning Commission.

Commissioner Stites asked, is that an 8 x 20 shipping container; a 20 foot shipping container? **Mr. Hand** said yes. I think that's correct. It's a smaller one.

Commissioner Stites said we have places that have shipping container storage here. As a matter of fact, in Wyandotte County. That can be resolved this weekend. I think a year is too long, to be honest. I think it's unfair to the other businesses around there. We wouldn't allow a dumpster to not be shielded and quite frankly, dumpsters look a little bit nicer when you see the trash that is all around it and it's grown up. I'm not in favor of it being there at all. I know there's already been a motion.

Mr. Hand said what I would say, just as a matter of fact, if this Commission chose to amend their recommendation to a lesser year, or six months, or whatever it may be, the applicant could come back and ask for a renewal for up to that two years still. So, just as a course of action that they hypothetically get six months to get out, three months to get out, he could come back in three months and request an extension of it to two years. You'd either get another bite of the apple or they could come back. Does that make sense? **Commissioner Stites** said yes, it does.

Commissioner Stites said, let me ask you this. So there's multiple churches is what I'm understanding, right?

Mr. Hand said I believe this church, as the applicant mentioned, they plant a lot of other churches. So, he's creating a network of churches, yes.

Commissioner Stites said so maybe there's a location at one of these other churches. I think this kind of goes back to like what we were talking about in the downtown Northeast area, right, of unsightly. Accepting what's not sightly or what the people in the area don't want to see and accepting it. I think this is the same situation. Take it somewhere else. Take it out of Wyandotte County. We don't allow it anywhere else. I'm not in favor of it sitting there at all.

Action: **Commissioner Bynum** said I'm willing to retract my motion. I would ask **Legal** for assistance in how to properly do that. **Commissioner McKiernan** said, **withdraw my second**. **Ms. Lawson** said I think you'd done it.

Commissioner Burroughs said I want to ensure that now we don't have a motion. We could make a motion for denial altogether and that would remedy the situation it would be done, right? **Ms. Lawson** said that is correct.

Action: **Commissioner Burroughs** made a motion, seconded by **Commissioner Stites**, to deny **Special Use Permit Application SP2023-019**. Roll call was taken and there were eight "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Bynum.

Item No. 2 – 212740...SPECIAL USE PERMIT APPLICATION SP2023-047 - LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Special Use Permit to operate a Short-Term Rental at 3917 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3917 Fisher Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Fisher. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application SP2023-047, for one (1) year, subject to:

1. The sidewalk in front of the property shall be repaired and/or replaced;
2. The utility line hanging above the front yard must be raised or relocated;
3. All steps must have a secured handrail installed;
4. Trees must be trimmed in a manner to not impact the utility line above;

5. Maximum number of guests shall be six (6);
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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; and,
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.

Case	
SP2023-047	
Petitioner	Address
Lance Pierce & NeShae Wells	3917 Fisher Street
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.	

Gunnar Hand, Director of Planning and Urban Design, said this case was held over from the August agenda, I believe. No, sorry. Last month's agenda. This is a special use permit for a short-term rental. It is non-owner occupied.



This one's located in the Rosedale Area Plan.



Staff had received no letters in support; no letters in opposition.



There are no notices of violation associated with this parcel.



October 26, 2023

Public Opposition	Public Support
None to date. Three (3) members of the public attended the 9/11/2023 City Planning Commission hearing to express opposition to short-term rental and this proposed project.	None to date.
Staff Recommendation Approval	

Mayor Garner said I'll ask the applicant, you can make some comments or remarks.

Lance Pierce, 3917 Bell St., KCMO, said I'm seeking a short-term rental for the Fisher address. We have addressed a lot of the concerns that you guys have raised, so I think we are kind of all in line. What we haven't addressed already, we've got planned to have addressed.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of the item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone who would like to express their opposition to this item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, you can make some closing comments if you'd like.

Mr. Pierce said I don't have any comments unless you guys have questions.

Mr. Hand said as a point of clarification, I misspoke earlier. I apologize. I said there was no opposition. We didn't receive any letters, but there were people at the Planning Commission hearing that did speak in opposition to it. So, I'm sorry for that mistake.

Commissioner Ramirez said this is in my district. It's literally the street behind where I live. The neighborhood that this is in it's very quiet. It's very family-friendly. I know this will be the first one on the block, which under our new rules would negate no other STRs to apply within this 3900 block. I do see that part of the conditions of approval are repairing the sidewalk or be replaced, the utility line, steps secured, handrail raised or installed. Again, going to the Rosedale Master Plan, this is zoned as a single-family home. Unfortunately, in Rosedale, we have a lot of conforming and non-conforming STRs to our code. I do not think this one should. I think it should remain as it is as this part of Rosedale, this neighborhood, has not been touched yet by an STR as far as we know. I don't want to start that yet.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Burroughs, to deny Special Use Permit Application SP2023-047 based on non-conformity to the neighborhood and non-conformity to the Rosedale Master Plan.**

Commissioner McKiernan asked, Mr. Hand, was this one of the properties that was operating as an unpermitted STR? **Mr. Hand** said no.

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

Item No. 3 – 212744...SPECIAL USE PERMIT APPLICATION SP2023-061 - TATUM PHILLIP (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Special Use Permit to operate a Short-Term Rental at 809 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Tatum Philip, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 809 Central Avenue. This is not the owner's primary residence. This would be the first and only permitted

short-term rental on the 800 block of Central Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2023-061, for one (1) year, subject to:

1. The entire rear yard of the residence is paved over. The applicant shall modify the driveway to provide the required 60% open space in the rear yard. Demonstrate how the applicant intends to meet this requirement. If the applicant cannot meet this requirement, a variance application shall be filed for;
2. The applicant shall install landscape screening around the air conditioning unit in the rear yard;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. 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);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
13. 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;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;

17. 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;
18. 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;
19. 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;
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;
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.
22. If the basement is to be converted into a fourth bedroom, a building permit must be obtained and subsequently closed out by the applicant to provide an egress window as per building code requirements.

Case	
SP2023-061	
Petitioner	Address
Tatum Philip	809 Central Avenue
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.	

Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. This one, as the previous item, was also held over from last month.



This one is in the Central Area Plan.



Staff received no letters of support; no letters of opposition.

October 26, 2023



There are no notices of violation related to this property.



Staff agrees with Planning Commission and recommends approval for one year with conditions including a maximum of six people at any time on the property, and a maximum of two cars off street only at any time.

This property does need to address a violation in the rear yard. It's completely paved in the rear yard violating the open space issue. If you remember, we had a case similar to this with a short-term rental. We made them come in and just do the parking strips, so there is a solution here. We'd have to follow up with that. The applicant may reach out for a BOZA if they want to go

that route as well, but that is part of the conditions of approvals to rectify this, as well as to provide some additional enhanced screening.

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

Staff Recommendation

Approval

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

Tatum Philip, 809 Central Ave., said I missed everything. I've been on hold for a while. I'm so sorry. I'll just tell you what I know. I purchased this house and I did not realize I needed a permit at the time. When I found out about Kansas City, MO, needing permits for Airbnbs, I looked into Wyandotte. I saw I needed one and I immediately filed. Was there anything else you were wanting to know about my case? **Mayor Garner** asked, what's your request, ma'am? **Ms. Philip** said I am filing or asking for a special use permit to do short-term rental at my property.

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 the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone who wish to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to this item? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, applicant, you can make some closing comments if you'd like.

Ms. Philip said I'm good. Thank you.

Commissioner McKiernan said, Mr. Hand, the applicant just gave her address as 809 Central and that's the address of this STR. Will this be owner occupied? **Mr. Hand** said no, it is not.

Commissioner McKiernan said so the applicant does not live at 809 Central. **Mr. Hand** said no.

Commissioner McKiernan said if I may ask the applicant. What is your home address?

Ms. Philip said it's 701 Berkley Parkway, KCMO.

Commissioner McKiernan said thanks. For the benefit of everybody else who comes before us, that's what we're asking for when we ask for your name and your address, not the address of the property that's under consideration.

Commissioner McKiernan asked, Mr. Hand, was this property operating without a permit? **Mr. Hand** said yes. This one came out in from the cold. It's been operating for about two years.

Commissioner McKiernan asked, during that time, other than the completely paved backyard, which needs to be remediated, were there any other code violations? **Mr. Hand** said no.

Commissioner McKiernan said you said that during the public hearing there were no comments either in favor or in opposition. **Mr. Hand** said that's correct. **Commissioner McKiernan** asked, during the time that it was operating without a permit, were there any neighborhood complaints regarding tenants of this facility? **Mr. Hand** said none reported. **Commissioner McKiernan** asked, were there any police calls for service recorded at this address? **Mr. Hand** said no.

Commissioner McKiernan said I would move to approve this request with the stipulation that the parking in the rear of the building be remediated per the suggestion from Planning and Zoning regarding the parking strips.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-061 for one year, subject to the stipulations.** Roll call was taken and there were nine "Ayes,"

Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 4 – 212807...SPECIAL USE PERMIT APPLICATION SP2023-062 - RACHEL MILLS

Synopsis: Special Use Permit to operate a drinking establishment at 612 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street. The Planning Commission voted 5 to 2 to recommend approval of Special Use Permit Application SP2023-062, for two (2) years, subject to:

1. Hours of operation shall be:
 - a. Thursday, Friday and Monday: 5:00 PM – 12:00 AM.
 - b. Saturday and Sunday: 10:00 AM – 12:00 AM.
 - c. Tuesday and Wednesday: Closed;
2. If a commercial dumpster is placed on west side of the building, it shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. No amplified speakers are allowed in outdoor spaces;
6. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit;
7. Rideshare will be available for customer transportation;
8. Stripe the parking lot in the rear of the property for the apartment units;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The

Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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.
15. No outdoor seating area or drinking outdoors is allowed. All patrons must stay inside of the building in order to minimize noise and other impacts to the surrounding residential neighborhood.

Case	
SP2023-062	
Petitioner	Address
Rachel Mills	612 North 5 th Street
Synopsis	
The applicant seeks to operate a drinking establishment in a former restaurant (Sarah's on the Hill and Free State Pizza).	

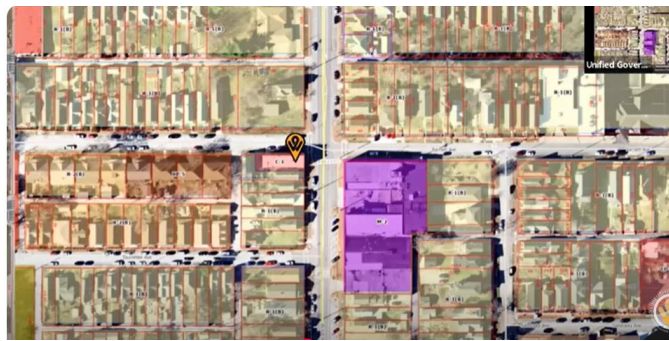
Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a drinking establishment. This is the old Chente's and formerly Sarah's on the Hill.



This is in the Central Area Plan.



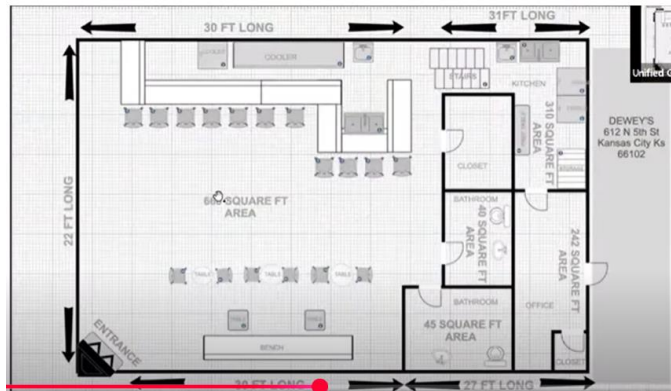
Staff received no letters of support.



There was one member of the public in opposition at the City Planning Commission earlier this month.



There are some older notices of violation on the property. All have been remediated and rectified.



Staff agrees with Planning Commission's recommendation for approval for two years.



October 26, 2023



Public Opposition	Public Support
One (1) member of the public attended the 10/9/2023 City Planning Commission hearing to express opposition.	None to date.
Staff Recommendation	
Approval	

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

Rachel Mills, 501 Beach St., KCK, said I'm applying for a special use permit for a drinking establishment at the location of 612 North 5th St., Kansas City, KS.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is anyone in the audience who would like to speak in favor of this item? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in favor? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is anyone present in the audience who's like to speak in opposition to this item? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll close the public hearing. Petitioner, applicant, you can make some closing comments if you'd like.

Ms. Mills said I have no closing comments. Thank you.

Commissioner McKiernan said I'd just like to clarify from the applicant. You do live in Kansas City, KS? Is that what I heard? **Ms. Mills** said I live in Edwardsville, KS.

Commissioner McKiernan said, Mr. Hand, remind me. Are there any conditions for this approval in the staff report?

Mr. Hand said yes, sir, there are. There's the standard conditions that we apply to all drinking establishments. At the City Planning Commission hearing, I believe based on the concern of the person in opposition there, they added two conditions. One was to change the hours of

operation to cease at midnight. They were originally proposing 1:00. Again, bars can go till 2 AM in the state of Kansas. The other one was to say that they could not have outdoor seating for this bar. Again, it's not a restaurant anymore, it is a bar, so it's a different use. They didn't want this specific business to have the benefit of the streets for people ordinance.

Commissioner McKiernan said so then this staff request for action does include those two stipulations as you just stated. **Mr. Hand** said that's correct. We carried those over from Planning Commission into there. I should have mentioned in my opening comments. I apologize.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-062, as submitted for two years, subject to the stipulations.**

Commissioner Ramirez said just curious before voting. What was Planning Commissioner Miller and Mohler's reasoning for not voting for approval of this item?

Mr. Hand said I think they cited with the applicant and they felt that there were too many—there's a growing concentration of bars on this street.

Commissioner Burroughs asked, do we have an ordinance about how close you can be to a recreational facility? I know we have a lot of young people that are utilizing that area for track practice and outdoor athletics, so I'm just kind of curious if there's an ordinance about how many feet they have to be away from a place like that.

Mr. Hand said the only use that requires a buffer in our ordinance is a liquor store.

Roll call was taken on the motion and there were eight "Ayes," Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Burroughs.

Item No. 5 – 212810...SPECIAL USE PERMIT APPLICATION SP2023-067 - MEGAN DUMA WITH MD RENTAL HOMES, LLC

Synopsis: Special Use Permit for a Short-Term Rental at 2706 Espenlaub Lane (SP2021-028 expired 8/5/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Megan Duma, is requesting a Short-Term Rental Special Use Permit to operate a

short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2700 block of Espenlaub Lane. There was previously a Special Use Permit on the property (SP2021-028), however, it lapsed in August 2022. The applicant has continued to operate despite this lapse. There is one (1) other unpermitted short-term rental on the block. Staff has informed that operator that they must cease operation. The Planning Commission voted 4 to 4 and provided no recommendation for Special Use Permit Application SP2023-067.

Case	
SP2023-067	
Petitioner	Address
Megan Duma	2706 Espenlaub Lane
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence. There is one (1) other unpermitted short-term rental on this block of Espenlaub Lane.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. It is also non-owner occupied. This use and this owner had a previous approval for a short-term rental but did not apply for the renewal in time, so it is effectively now a new short-term rental application.

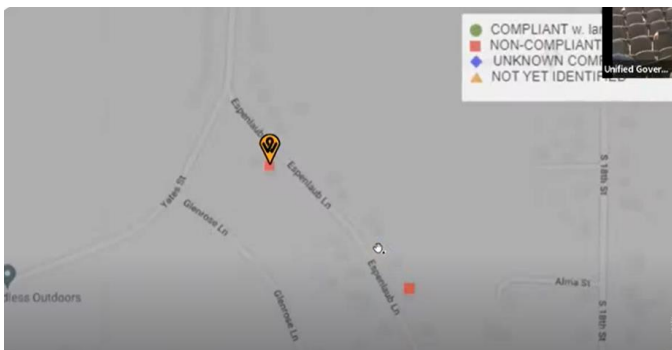


This is within the Citywide Comprehensive Plan area, just outside the Rosedale Area Plan. It's basically in Rosedale.

Staff received no letters of support. There was opposition to this case, I apologize, we have since received letters of support from the applicant after the Planning Commission. We have also received letters in opposition. There was opposition at the City Planning Commission hearing.

There are no notices of violation associated with this property.

Technically, at the Planning Commission, this ended in a 4-4 tie, which is no recommendation which by default, is a recommendation of approval. I'll just say staff sticks by its original recommendation of approval for one year with conditions seven people max, three cars off street max.



October 26, 2023



2706 Espenlaub Lane Plan With Exits



Public Opposition	Public Support
Two (2) members of the public attended the 10/9/2023 City Planning Commission hearing to express opposition.	None to date.

Staff Recommendation

Approval

Mayor Garner said, Applicant, you can present.

Megan Duma, 4520 West 65th St., Prairie Village, KS, said I'm about a 10-minute drive to this property. I've owned this property since November 2019. I've had no code violations on this property. I have three letters from my neighbors, two of them are directly adjacent to me, that are supporting my continued use because they've had no issues with any of my guests whatsoever.

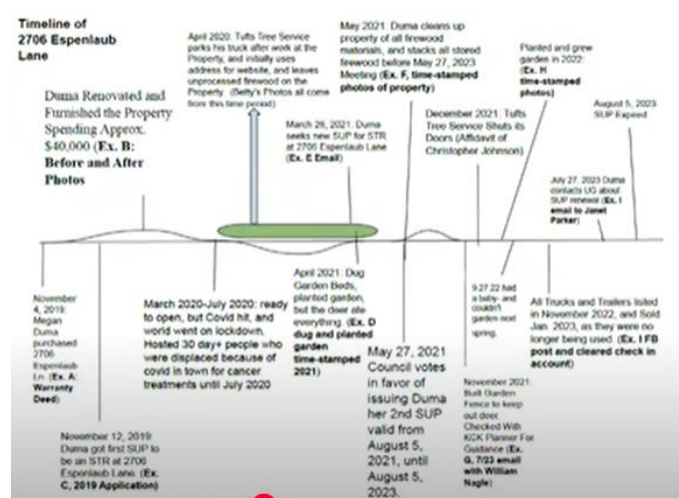
October 26, 2023

I also have planted my own family garden on this property. It's an organic garden. I'm at this property very often with my four children. I just think it's awesome and we like to hang out there because it's very beautiful.

Now, as you can see, I tied at the City Planning Commission meeting. That vote was a tie 4 to 4, which brings me to kind of a long-winded explanation as to how that happened. I have two neighbors, who I believe are present tonight, both live beyond 200 feet beyond my property so I realized that they did not get the neighborhood notification that's required. The list that got sent to me was only for those that are 200 feet within my property. One of them lives up the street on Shawnee Drive and one of them lives closer to Merriam Drive on Espenlaub Lane.

The person who spoke the most at the hearing in front of the City Planning Commission, her name is Bette McGill and she is here tonight. She is the write-in candidate for District 3 and lives on this street. As I was reaching out to the neighbors, who I got letters of support from, I started asking them what's going on with Bette. I am not the only one that she has targeted with false allegations. Before the City Planning Commission, she made false allegations about my family, about this property, and about myself. I have to go in and address these because she's going to stand up before you tonight and say the exact things that she did on October 9th. I have evidence that I've submitted to the City Clerk and I'd like to go through her allegations one by one, and I would like to submit my evidence refuting them.

To begin, I'd like to start with a timeline—is there any way to bring up my exhibits, like the timeline?



I bought the property on November 4, 2019, as you can see. I actually—before I even bought it, I bought it from a 60-year-old womanish named Christy Ferrel. A really nice lady. She was very much in support of me doing a short-term rental. I have other short-term rentals in the Kansas City area. I have this one. I have, hopefully, another one that is operating not as a short-term rental illegally in Strawberry Hill that I'll be in front of you guys with next month. Those are the only two that I have in Wyandotte County. I also have two in Kansas City, MO. I have one in Shawnee, one in Lenexa. I do this all over equally and I, hopefully, do as good of job all over.

I spent \$40,000 renovating this property. I have some before and after photos that you can see what I've done. It was mostly cosmetic renovations: tearing out old carpet, painting, things like that, and then furnishing it. All of these exhibits are part of this file, so if you would like to go through them after so we don't have to go through everything one by one.

I had my first special use permit issued in 2019 because Chris Ferrel, Christy, she let me start the application before I purchased the property. That was great. Then I spent six months renovating. Then I was ready to open, legally, March 2020 and the world shut down because of COVID and we were on lockdown. I ended up housing some people who were in town to do cancer treatments at KU Med. They had gotten kicked out of another more of a group living, not group living in the sense that we've talked about earlier, but a group living for patients seeking treatments. I wasn't sure what I was going to do with the property at that point. We had some short-term, some long-term through COVID. I wasn't sure what was going to happen so I didn't actually seek my new special use permit until March 26, 2021.

Now, about during this period, or just before this period, where it says April 2020 on the timeline, that actually should be April 2021, Tuft's Tree Service. Tuft's Tree Service is a one-man arborist, named Chris Johnson, who's my husband. He sometimes has one employee from time to time that helps him. If you ever had tree work done at your house, take tree limbs down, drag the brush and chip it. He was moving from Lawrence to move in with me in Prairie Village. We had purchased this property to start a garden, to do a short-term rental. We allowed him to park his truck and his trailer there at night. Chris thought it would be a good idea to start processing firewood for our own personal home, for our wood burning stove there. It became a mess. I came before you guys two years ago and I had remedied everything. We had stacked the wood. Chris was not putting any more firewood here. He's here tonight. He's going to testify as well. So, we

took care of everything but this really made Ms. McGill angry, this period of when it was kind of not looking good.

I got my permit despite her complaints last time, but this time she's going to come before you and she's going to show you the same photos from last time.

I got my second special use permit issued August 5, 2021 to August 5, 2023. During that time, Mr. Johnson, my husband, actually decided to shut down his tree business. We work together now. It took him about 11 months or so but he sold that trailer, he sold the truck. It's just hard sometimes for men to let go of trucks that they love. We were able to get that all taken care of. We did not do any of that in anticipation of being before you again asking for another special use permit for a short-term rental.

After this truck and firewood issue was resolved, Ms. McGill takes incredible issue with my garden. She accuses us of never having grown anything there. She says that we put up the world's ugliest fence. What this has to do with my short-term rental special use permit is absolutely nothing. I use this property personally. I use it for my own garden. My children, my dog, we go there and hang out.

My kids did the Endless Outdoors Program with Nick Christianson just across the way, like we're part of the community. We don't live there. We live 10 minutes away, but we are part of the community.

I'm not going to go through every single thing that Bette said, but I do have an exhibit that you guys can reference. Some things that I do want to highlight. If there are concerns about the way that I'm maintaining my property, like I said, the tree issue was resolved before you guys gave me my permit last time. Six months later, Chris completely wrapped up his business. I've never gotten a code violation for any portion of operating a tree service at this property. I do have a valid business license currently to operate a short-term rental.

One of the really troubling things that Ms. McGill accused me of is that she said that I was commenting on my Facebook. Now she's been trolling my Facebook literally. I'm not friends with her. Trolling means bullying online. She'll come in and when I ask my friends a question like hey, I love this Airbnb. Why is it not doing better? She trolls it with a post that says maybe this has something to do with it, and posts these nasty photos and makes nasty comments accusing me of paramilitary training operations, of housing migrant workers for my tree business,

completely absurd things. I'm an attorney. I'm a mother of four. I don't even know what paramilitary training is. She continues with these allegations that are just absurd.

This chart that I have here, she goes through saying I knew I only had a one-year permit. I didn't. I had a two-year permit. She said I had a very large event on Sunday, October 17th, and now she's renting it out as an event space. That never happened. I did have an event from 4 to 8 PM. I hired a local jazz band because this was, again, in the middle of COVID. This is 2021, October 2021. Everyone's in masks. You can't go anywhere. I had friends and family come to the property and we listened to jazz for four hours, kind of like a fall festival, for some of my friends, family, and real estate and law clients. I'm allowed to do that. I'm allowed to invite people to my property. According to her, I was renting it out and she said the police came. The police did come. Guess who called them? I did. I called the non-emergency line and I told them we're going to have—we've got neighbors that are an issue. We're going to have cars here. If you need anything, I'll be here. I spoke to the police when they arrived. They were totally cool. There was no issue whatsoever.

She also accuses me of—I have a garden gnome that has its middle finger up. The name of the garden is called The Gnome Grown Garden. I've got like 12 or 15 gnomes in that garden. I have pictures of them that I've submitted that actually we'll see. We'll go through there. Can you bring up Exhibit O by chance, or are they all the same under Betty's exhibits? **Mr. Hand** said no. They're all different.

4400 College Blvd.
Suite 100
Overland Park, KS 66211
20195755

2019R-16128
NANCY BURNS
REGISTER OF DEEDS
WYANDOTTE COUNTY, KS
11/18/2019 03:58:35 PM
WARRANTY DEED 15.00
PAGES: 3

KANSAS WARRANTY DEED
(Kansas Statutory Form)

THIS INDENTURE Made on 11/18/2019 by and between

Grantor: **Christie Lyle Farrell, a single person**

For One Dollar and other valuable considerations conveys and warrants to

Grantee: **MD KC, LLC**
(stating address of said first named grantee is: 4520 W. 65th St., Prairie Village, KS 66208)

the following described real estate:

Legal Description:
SEE EXHIBIT "A" ATTACHED HERETO
2706 Esperanza Ln., Kansas City, KS 66106

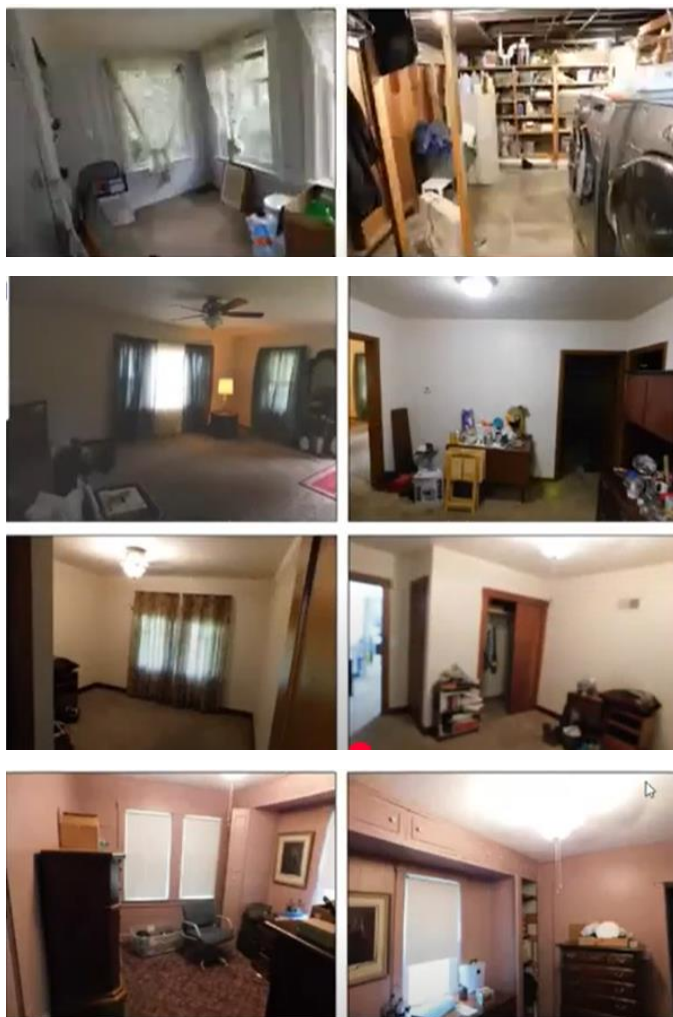
SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said party(ies) of the second part and unto his/her/their heirs/successors and assigns forever; the said party(ies) of the first part hereby covenanting that he/she/they lawfully seized of an indefeasible estate in fee of the premises herein conveyed, that he/she/they have/has good right to convey the same, that the said premises are free and clear from any encumbrance done or suffered by him/her/them, or those under whom he/she/they claim; and that he/she/they will warrant and defend the title to the said premises unto the said party(ies) of the second part and unto his/her/their heirs/successors and assigns forever.

This is just the list of exhibits. You can just scroll down a little bit.

These are the before and after photos I was talking about. This is the property before I did the renovations.

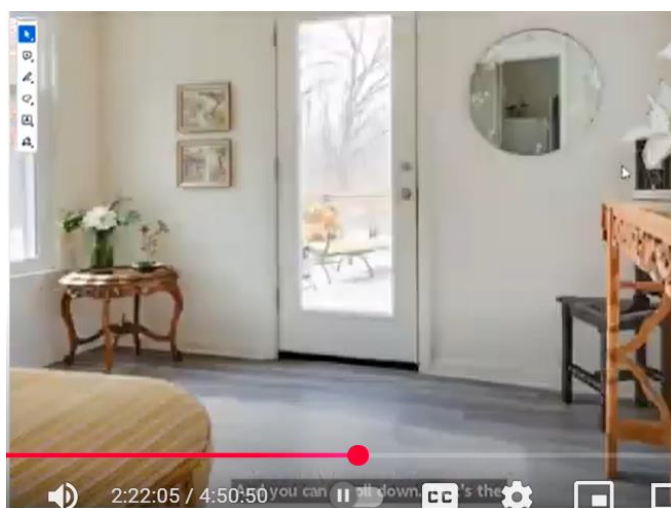




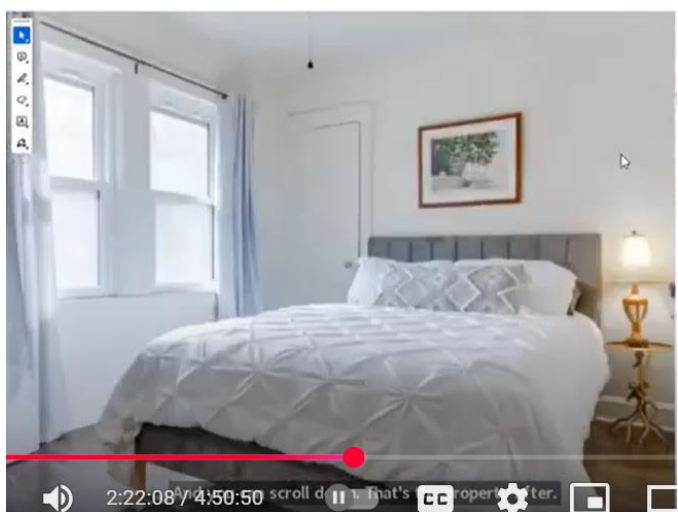
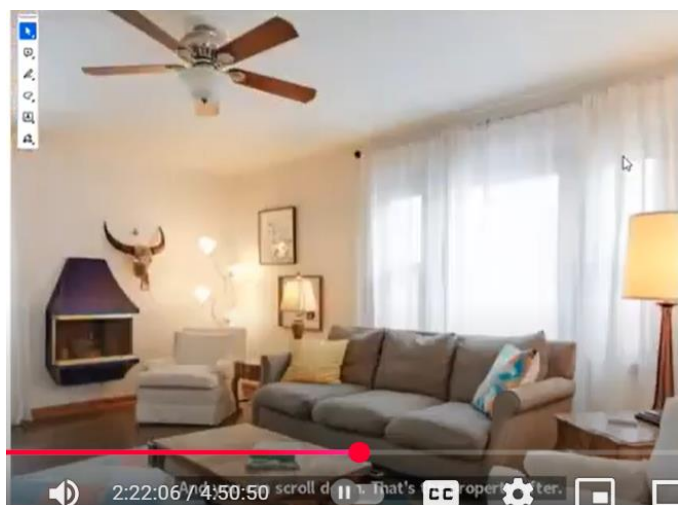
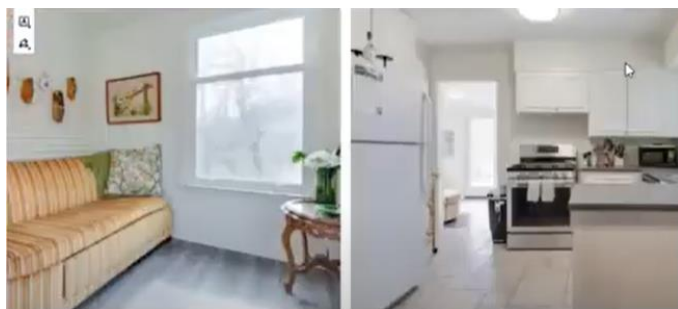
That's the property after.



October 26, 2023



October 26, 2023



October 26, 2023



DEVELOPMENT APPLICATION

Urban Planning and Land Use Department
701 North 7th Street - Suite 423
Kansas City, KS 66101
Phone: 913-573-5750; Facsimile 913-573-5796
Website: www.kccokck.org/planning.aspx; Email: planninginfo@kccokck.org

For Office Use Only: Case Number: SP-2019-00 Staff Planner: _____ Filing Fee: \$018.00
Date Fee Paid: 09/25/2019 Anticipated PC Date: 11/12/2019 Anticipated BOC Date: 12/09/2019

- Have you ever worked through a Planning and Zoning process before? ☐ Yes ☒ No
If yes, where? _____
- Have you worked in a UG Planning and Zoning Process in the last year? ☐ Yes ☒ No
If yes, please explain? _____
- Have you worked in a UG Planning and Zoning Process in the last five years? ☐ Yes ☒ No
If yes, please explain? _____

4. Application is hereby made to appear before the Planning and Zoning Commission at the 11/17, 2019 meeting requesting:

☐ Rezoning from _____ to _____	☐ Master Plan Amendment
☐ Preliminary SDA Development Plan	☒ Special Use Permit (STR)
☐ Final Site Development Plan Approval	☐ Special Use Permit (Home Occ.)

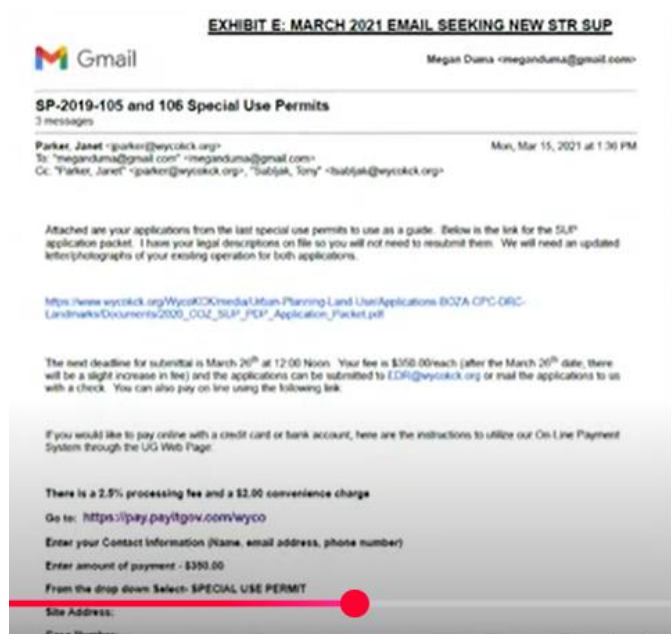
5. Applicant/Property Owner Information

Home Address is: 4520 W 65th St. Raintree Village #5
66201

Applicant(s) Name: Melvin Duenas Company: _____
Street Address: 2706 Egan Lane City/State: KC, Kansas Zip: 66106
Telephone: (913) 874-3209 e-Mail: mduenas@gmail.com

Property Owner(s) Name (if different than applicant): Christie Rydell
Street Address: 7206 S. 10th St. City/State: KC, KS Zip: 66106
Telephone: (913) 334-3565 Fax: _____ e-Mail: woodson@kccokck.org

This is my application in 2019 for the special use permit.



This is just following up with Ms. Parker for my 2021 special use permit.



She made a huge deal about how my fence was the world's ugliest fence and that there's all these fence problems and it was probably illegal and it had nothing to do with gardening. So I just wanted to point out that this is the email that I sent, before I built the fence, to Codes, to Bill Nagle, who's retired since then, just making sure that I was following everything that I was supposed to do when I built this fence. I looked into it. He sent me the setback requirements and everything, and I followed the law.



This is Exhibit H. This is a picture of actually our planted garden. Bette said that we never planted the garden, or we planted it once and all that we grew was green peppers and nobody ever came to harvest them. These are all lies. This is the garden planted in 2021.



This is in June 2021 of the garden growing.



These are cucumbers that we planted, picked, and harvested.



Heirloom tomatoes. Various kinds of squash.

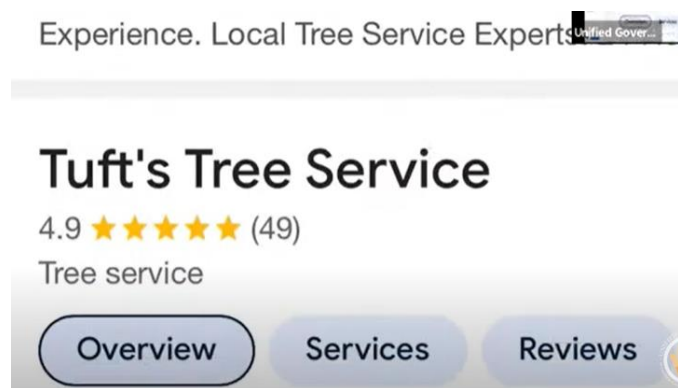


Some serrano peppers. Yes, we did have peppers.

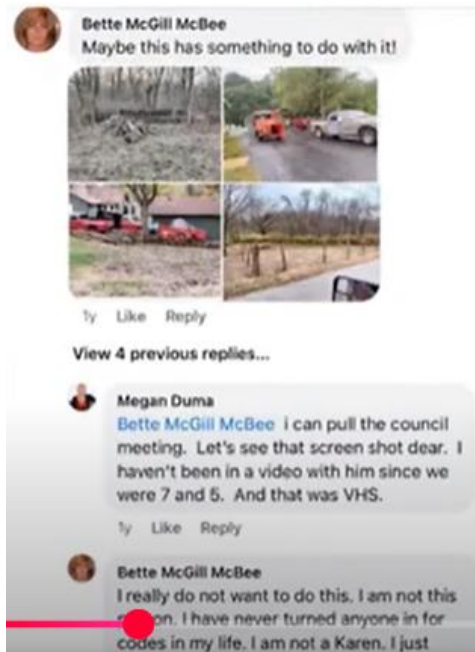


These are pumpkins. The reason—these all came from our garden here and this is our home. This is where we took from our garden to our home. I hate to belabor everything that she said that was not true.

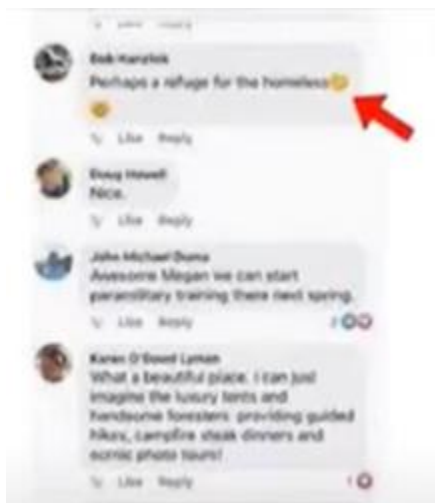
There were a couple of things that were true that I was not aware of. She said that we have a lot of overgrowth on the property. It was the first time I'd heard about overgrowth being a problem for visibility. I come and go from the property often, as I've mentioned. Part of our driveway was blocked. There was a little bit of overgrowth on the road. Immediately after we heard these comments from Ms. McGill on October 9th, we took care of it.



This is just showing that Tuft's Tree Service on Google is permanently closed. They no longer operate and their website has been taken down. They've been closed since November 2021, almost two years.



This is Bette trolling me on Facebook, getting on my Facebook page and posting photos that came from well before that time period just to be nasty. Then accusing me of paramilitary training operations.



This one's hard to see, but this is where supposedly me saying that there's paramilitary training operations happening at the property came from. This is a post I put something like isn't this property beautiful. I love it. I can't wait to do a short-term rental here. This is what I do for a living. My Uncle Bob Hanzlick, who lives in Colby, KS, he commented: perhaps a refuge for the homeless. Funny face, funny face, funny face. This friend says: nice. Then my father, who's

here tonight will testify, said: awesome, Megan. We can start early paramilitary training there next spring. Now for anyone, and I know many of you know my father, it was completely a joke. We did no paramilitary training operations. Bette's getting on my private Facebook page and then making accusations and spreading these rumors around the neighborhood and trying to gain support from other neighbors for whatever she opposes. I'm not the only one that she's done this with. There was another neighbor, who I spoke with, who wanted to rezone to agricultural and she went around to all the neighbors behind him and she told them that he wanted to do a housing development. He busted her doing that and was able to tell them the truth and set the record straight and got his rezoning to agricultural.

The reason I'm going into so much of this about Bette is because she impacted what the City Planning Commission...how they voted. One of the City Planning commissioners said, oh, I remember this case and thought that I was still at it. It was 1:45 in the morning when I, I'm sorry, it was 12:45 in the morning when Bette came to the podium and I was not prepared. I'm prepared now and I submit all these exhibits to protect my record so she cannot do this to me, hopefully, or to anyone else ever again.

There was also an issue that she brought up so we took care of any overgrowth on the property so there could be sightlines. We didn't have any codes for it, just based on her comments from October 9th. Then she took a picture when so oftentimes on many properties on this street, there's a ton of wildlife and they will break into the trash bins if the trash bins aren't completely shut and locked. You have to shut and lock them. We had locks but we had a longer-term tenant that broke the locks and he didn't take the trash out when he should have. Unfortunately for me, on the day that I had the hearing on October 9th, Bette's pictures of the trash being everywhere were true. The trash was everywhere. There was nothing we could do about it. The tenant did it. We picked it up the next day. We've now since moved the trash to the rear of the property where even if the animals do get into it, nobody else can see it. We've resecured locks, but we've taken another step. We've hired a person to come every single week to pick up trash around the property and to make sure that the trash goes out and comes back. His name is Tyson Bonner and Chris will speak to that as well.

We also had an issue come up that is true about we had a dog run. I allow people that rent the property to bring their pets. It's a pet-friendly property. We had one person who had a dog who was off the leash and she wasn't paying attention to it. One of the residents on the street

reached out to me on Facebook. I commented to her. I responded to her immediately and I said no, that's not acceptable. We will get out there right—I'll contact the guest immediately and Chris will go there right now to make sure this dog is taken care of. We do not want—but here's the thing with tenants whether they're long-term or short-term, you're not going to get that kind of responsiveness for long-term tenants, which is the option here. We were there immediately. Chris drove directly there within 15 minutes. Made sure the dog was secured. She was a nurse sleeping at night, so she wasn't paying attention to her animal like she should have been. We talked to her and got it taken care of.

Those go over most of what Bette will be accusing me of tonight. She'll go through it all for you and she'll have her photos. What's so interesting about this is a lot of the things that she's accusing me of, she actually has happening on her own property. She has a nuisance swimming pool that does not have a fence around it that's required. She has a trailer home with a tarp over it that's in the grass against code. She also, on the day that Chris was taking care of the foliage and the blockage, she sent her husband out who's known as smokey, I guess, to the neighbors. He cut down some of the foliage that was blocking the road to the back of their property. Now that road is called Glenrose Lane. It gets trashed by people, not us and it's not the McGill's. They just dump stuff there all the time. Mr. McGill, after he was done cutting, just left all of his branches in the middle of the road. Very dangerous. She's been very adamant about Chris and business licenses and the Tuft's Tree Service thing.

Ms. McGill owns a company called Vital Signs. It has not had a valid business license in KCK for the last two years. Also, today, she has a motorcycle that's parked on grass and a truck that's parked on grass. I don't care about these things and I hate doing this, but I have to show you who is going to stand up and be my opposition.

A reminder that we're talking about a special use permit for a short-term rental. I am local. I am responsive. I have invested in making the property better and I care. I've done my best not to be illegal.

To a question, Commissioner McKiernan, that I know you're going to ask—I have been working way, way, way, way, way too much lately. I went out of town with my family over summer for like two weeks to take a break. It was during that time period that I couldn't get to the first meeting that I needed to get onto the agenda to get legal. That's way I lapsed by like five

days. Now it's been longer, but yeah. For the most part, I haven't even been hosting that many short-term renters. Most of mine have been 2 weeks to 30 days.

Again, I have a good track record except with Bette and the people she's convinced that I'm doing things that I'm not doing. I'd ask, please, that you issue my special use permit for a short-term rental at 2706 Espenlaub Lane.

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? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item?

John Duma, 9503 Chestnut, Lenexa, KS, said I've been a practicing lawyer in this town for about 45 years. Been retired about a year and a half ago. I know a bunch of you. I knew Detective Garner when I was a district attorney, and I knew Detective Garner as he went further up when I was a criminal defense attorney in this town.

This woman keeps suggesting that I'm a paramilitary liaison, I guess. My brother-in-law and I were passing jokes back and forth five years ago on a private Facebook. I don't even know how you troll. I don't even know how you get into somebody else's Facebook, but she did it. She keeps claiming that I am in charge of some sort of paramilitary outfit at this property. That is just a gross misrepresentation of the truth. That's all I wanted to say.

I tried to talk my daughter into putting money into this county, and I want her to invest in this county, honest to God. When she does in other places, the values of the properties go around because she takes really, really good care of her short-term rentals. That's all I have to say. I appreciate you listening to me.

Mayor Garner asked, is there anyone joining us virtually, Clerk, who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition to the item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in opposition to the item?

Bette McGill, 2762 Espenlaub Lane, said I walk this neighborhood all the time because I walk my dog. The first thing I want to bring up is the last Commissioner's meeting where it was four to approve and four to deny, it was said that she had a two-year permit. I have the minutes of that meeting and that is simply not the truth. Anybody can look at them if they want to. Commissioner Bynum right here said that is correct and changing from two years to one. Right here, one year instead of two years. I didn't make that up.

Commissioner Ramirez said in the minutes to the meeting, I would support the new conditions. I would ask Ms. Duma going forward to be forthright with us, continue being forthright with our Planning staff because we wouldn't have found out about the tree service not living in Lawrence anymore, him forwarding his mail to the Airbnb unless I had asked those questions. I think personally, and I'm sure Gunnar and Planning Department would agree as well, that that information was vital. That's very important information that we should have had in the beginning. So, I just ask you going forward that you are forthright with us, and the Planning Department, and your neighbors. Like I said, I support the approval with the conditions. So, thank you, Gunnar, for all that you've done. Thank you, Ms. Duma, for coming before us tonight and presenting this to us.

I am not the crazy lady of the neighborhood as I am depicted. I do not troll Facebook pages. That paramilitary training thing was actually brought to me. I didn't look it up. They were concerned. I had no idea that they were joking. I'm reading that we could make yurts there, tree houses there...**Ms. Sparks** said one minute remaining.

Ms. McGill said ...told that you could do paramilitary training there. So I didn't know that it was a joke, if it was a joke. I didn't know that. So I did have a concern about that because, of course, who would want paramilitary training in their neighborhood.

Now I've sent pictures to everybody of what the property looked like before Ms. Duma bought it, and I sent pictures after Ms. Duma bought it. Yes, she did have a garden one year and I walked by there every single day. I probably know more about her property than she does because I do walk my dog every day past that property. Last year there was probably a ton of green peppers that were never picked. I don't know what she does with this garden, but I know right now it's not a garden. It is fenced in weeds.

The overgrowth that she has now taken care of—it's a shame that I even had to bring it to the attention of her because I had to drive around it every day or it has to rub on...**Ms. Sparks** said your time has expired.

Ms. McGill said ...my truck. I guess my time has expired. All I can say is I am not the only neighbor that does not want this going on. She did have the truck and the trailer there all the way until August when she applied for this permit. The tree service was going on there for months on end and I have every letter...**Mayor Garner** said, Ms. McGill, you can leave that with the Clerk and we can put that in the record for you.

Cheryl Mendez, 2556 Espenlaub, said I thank you, Mayor; and Commissioner Ramirez made a good point tonight. Why do people come to Wyandotte County into neighborhoods that people have lived there for 45 years. They buy a beautiful piece of property that had a beautiful yard and they turned it into a nightmare with cattle fencing and big logs for fence posts. It has not been maintained as has been presented tonight. It was more beautiful—maybe the inside wasn't, but we're looking at the outside—it was more beautiful to the neighborhood at that time before she laid her hands on it. I've been there for 45 years. Bette's been there for 40. Just like Mr. Ramirez, he does not want an Airbnb behind where he lives because it doesn't add to the neighborhood at this time. This is not added to our neighborhood.

The permit did lapse 14 months ago, but because of a commissioner on the Planning Commission the other night saying it had a two-year. I retrieved the minutes from that meeting today from the Clerk and they stated on there, because of the stipulations, they would only give her a year which that expired in 2022. She's been 14 months out on a permit and those are in official minutes of that meeting. It was all voted on by the Commission that's sitting here tonight to pass that for one year. She's gotten away with 14 months of not having a permit. If I ran a business without a permit or a license that long, I would be in deep trouble. I probably would not be allowed to go ahead and operate. It seems like this whimsical picture she has brought forth that she chops up wood and carts it home to burn in her little fireplace and grows vegetables, I don't care about that. If she wants to live in that fairyland, I don't see it there because it's not.

It has absolutely brought the value of our property down. Espenlaub, like many communities in Wyandotte, went downhill for a long time but it's come back up. The neighbors

have taken care in their homes and brought them back up, but this one...**Ms. Sparks** said one minute remaining.

Ms. Mendez said ...went the other way. I ask you tonight to please deny this permit for the sake of our community. It has not added anything to this street in Wyandotte County. I don't know why people have to come from Johnson County, Missouri, and everywhere else to put their Airbnbs in Wyandotte County. There must be something to it. I don't know that it's a vacation destination on anybody's map to come to Wyandotte County and stay at an Airbnb. There has to be some other reason for all of them over here. Either it's the leniency of the city not making them comply, and they know they can get away with it, and that's why the two commissioners put in the rental to have permits is because we had too many slumlords coming into this county. Now its took another turn in its little short-term Airbnbs that are not being kept up and are not adding to the community.

I thank you for your time, and I hope you make a good decision on this.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition to this item? **Ms. Sparks** said yes. The first speaker is James Bain.

James Bain said I would actually like to speak in support. I was just not quick enough. But if I cannot speak and missed my turn, I will stop. But if I can, I would speak in support. **Mayor Garner** said that opportunity has expired. **Mr. Bain** said I appreciate that.

Chris Johnson said I had my hand raised when the chance came up to speak in support but I wasn't called on. Is there any way we can go back and address that? **Mayor Garner** said thank you for your interest. That opportunity has expired.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition on this item? **Ms. Sparks** said no other hands are raised.

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

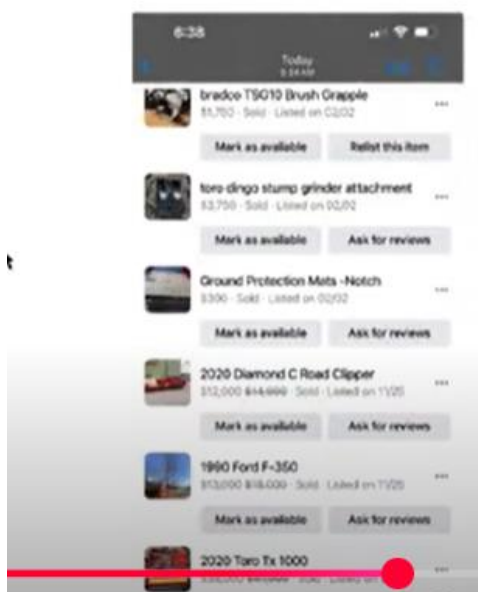
Ms. Duma asked, would it be out of order to allow Chris Johnson to explain the garden? It would be out of order, okay. Then, in that case, I'll do my best. Chris has a degree in biodiversity. He was one of the first gardeners to sell produce at the Brookside organic farmers' market like 15, 20 years ago, something like that. The garden is not just an eyesore, it is a very, very substantial investment actually into the property. They're not just big wood logs that Chris cut down. We bought these hedge posts that are very well known to keep out deer that are in the area around the property.

The first year we planted this garden, and mind you it is a very large garden. It has trenches that are dug three feet deep that we filled with mulch. So when the rainwater comes off of the road, the mulch catches it and allows us to not have to use water and the plants are able to get the water from the mulch in the garden.

The first year that we planted it was 2021, and we went and planted all these sweet potatoes. The next day, literally after like all day's work, deer had come and destroyed all the plants. So we looked into the fencing. We put up the fencing that was appropriate, appropriate fencing to keep out deer from eating these plants. So, that's to speak to the garden.

Bette just said something that I wanted to bring up. Can we just go please, again, to the exhibits, Exhibit K?

AND PROOF OF SALE BY DEPOSIT ON 1/2023



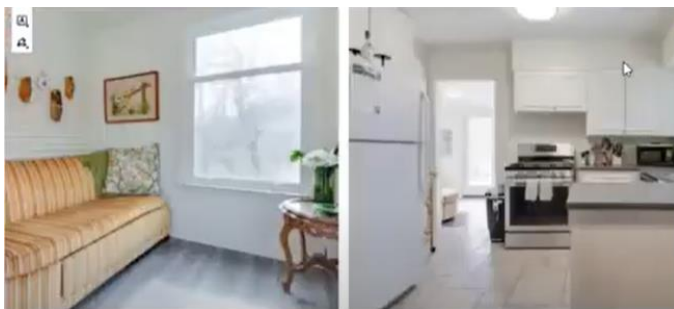
She said that the truck and trailer were there this August. That is not true. The truck is the 1990 Ford F350. It was listed on 11/25 and that was 2022.



It sold for that \$13,000 mark January 20, 2023. So it was almost a year ago. She's not telling the truth. There are so many examples in this documentation where she just did not tell the truth. You should please disregard her comments and those of Cheryl Mendez, who they're obviously very good friends and share a lot of the similarities with respect to Bette's testimony, and allow me to continue to operate, continue to invest in Wyandotte County, continue to be in Wyandotte County. Yes, I do have Airbnbs in Johnson County, too. I have them in Florida, too. It is my business and it's a good business. It brings people here that otherwise wouldn't be here that are families, that are tourists, that are going to spend money in these communities. They're not a threat. They love this property. If you guys have any questions for me, I'm happy to be prepared to answer them. With that, I'll rest.

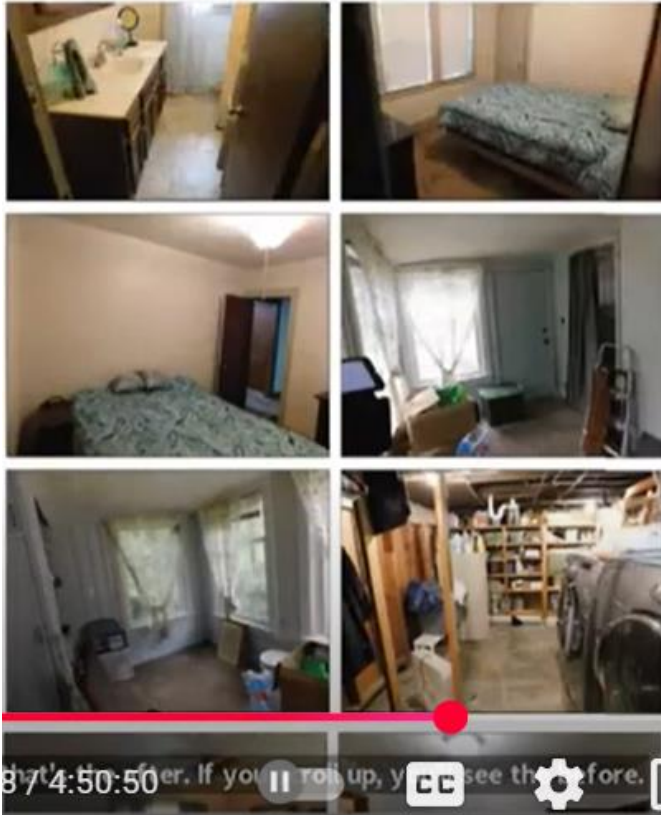
Commissioner Kane asked, Gunnar, can you pull up the inside of the property that we're talking about, before and after? How many Airbnbs do you have total? **Ms. Duma** said eight all over. **Commissioner Kane** said I'd like to have all eight in Wyandotte County. I want to look at these pictures real quick.



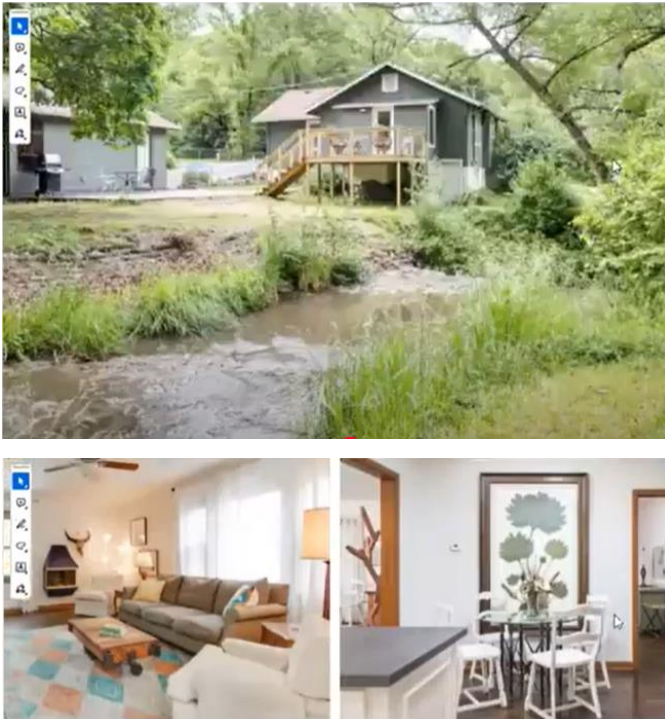


Ms. Duma said that's the after.

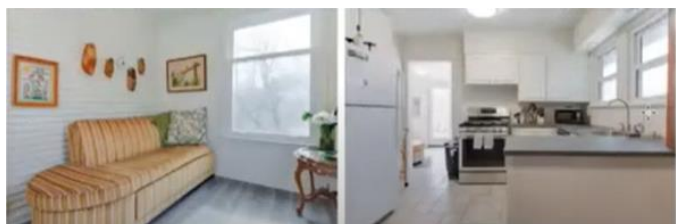
October 26, 2023



This is how I purchased the property.



October 26, 2023



October 26, 2023



These are the photos of after, when I renovated it.

Commissioner Kane said the reason I had him do that is because look at the transition. Look at the difference that's there. We want people running Airbnbs that can convert the property from nothing to something, and we appreciate you doing that. We can give you some more addresses in Wyandotte County to do the same thing. This is like a model, and I think this is what we need in Wyandotte County.

Gunnar, I don't see a timeframe on how long the special use permit may be. My glasses are fogging up.

October 26, 2023

Mr. Hand said staff is recommending approval for one year, again, to follow our existing ordinance, which was adopted last May. Because this is officially a new application for short-term rental, it's one for the first year to see how it goes. Then they can go from 2, 5, 10 after that if all goes well.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-067 for one year, subject to the stipulations.**

Commissioner McKiernan said, Ms. Duma, you know I'm going to ask. Tell me, as a lawyer, as someone who knows codes and ordinances how you missed? How did you miss the deadline?

Ms. Duma said I reached out before the deadline. It's been two years. I just forgot that it takes three months from the time that you start the pre-meeting application to how long the process took. I had it on my calendar to do it in July. To be quite honest with you, I'm in a huge federal lawsuit regarding short-term rentals in Kansas City; suing the city of Kansas City, MO. I had been completely overwhelmed with that, so things like this did fall by the wayside. By the time I reached out, which was before my permit expired, I was out of the country and I could not get a meeting like I needed to have. So that's what happened. I literally reached out, I think, July 27th. My permit expired August 5th.

With this new one, I will literally—I'm going to ask Gunnar if you guys approve me, how early I can reach out for my next one because I never will let this happen again. If I do, please deny me. This process takes a long time. It's very expensive because now you have to do an inspection, a home inspection which costs about \$500. The application itself is what, \$450, \$500, something like that. This is a very expensive and time consuming process. Having a neighborhood meeting. Staying up until 12:45 for the last City Planning meeting. I have too much on my plate and that's just God's truth about it.

Commissioner McKiernan asked, how long did this operate without a permit? **Mr. Hand** said as a point of clarification, there was some confusion when the last short-term rental went through. I think at that point, staff had recommended two years and then you all came back and recommended one year. So, it has been out of compliance for over a year.

Ms. Duma said that's not what they told me, right, Gunnar. **Mr. Hand** said it's been out of compliance over a year. We did inform Ms. Duma that she needed that time.

Commissioner McKiernan so during the time it was out of compliance, you know the questions I'm going to ask, were there any police calls for service at this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any code violations recorded at this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, other than the opponents who are here, were there any other letters or people who spoke in opposition at the Planning Commission meeting? **Mr. Hand** said no, but Ms. Miguel represented herself as speaking for others in the community at the City Planning Commission. **Commissioner McKiernan** said, but those others did not show up. **Mr. Hand** said correct.

Commissioner McKiernan asked, Ms. Duma, in your short-term rental in Strawberry Hill, did it operate without a permit for a while? **Ms. Duma** said no, it did not; never has. I will bring the calendar to show you guys. COVID put me out. I went long-term for two and a half years and now I'm 30-days plus. I have a long-term rental license there as well.

Commissioner McKiernan said if you get the permit tonight, we're going to abide by the letter of the law this time and not use, I couldn't get there, as an explanation for not getting it renewed in a year. **Ms. Duma** said absolutely. I'm going to figure out the earliest I can start the application, and I'll be back in front of you as soon as possible.

Commissioner McKiernan said perfect. I also did look up property values in the area. They've all gone up, so second Commissioner Kane's motion.

Commissioner Bynum said, Ms. Duma, just a couple of questions about the way that you advertise. I guess I'll put it that way. So you're on the sites that are like Airbnb and VRBO and whatnot. So, for example, with the pet. On those sites, do you explain what our KCK laws are about animals? **Ms. Duma** said I guess I don't currently, but I sure could. You mean making sure they're on a leash? **Commissioner Bynum** said right. Any guest needs to follow the laws of the municipality, which are not loose, that sort of thing. **Ms. Duma** said of course, yeah. I think that's completely fair. I can add that to the listings without a problem. **Commissioner Bynum** said I

think that would be really important. I do know people want to travel with their pets, so I can understand somebody bringing their animal with them for a short-term rental.

Commissioner Bynum said for me, the short-term rental, the entire situation has just been frustrating because there are pros and there are cons. I do understand coming at it from a business perspective, you are making a living doing this, and I can appreciate that. I have had conversations with people who have assured me in no uncertain terms that in many, if not most cases, if they had to choose a short-term over a long-term rental as a neighbor, they would choose a short-term because short-term rental owners know that if they want business, they have to keep their place nice. Then I have to juxtapose that against the notion, which I think has some truth to it, that short-term rentals can be destructive to the overall general fabric of a certain neighborhood. So for me, it's always a balancing act.

I was aware that Kansas City, MO, had enacted a different ordinance than the one that we had recently adopted. I just read today that the city of Shawnee voted Monday night to say no short-term rentals in any residentially zoned area. So we aren't the only ones grappling with the issue is part of the point I'm trying to make.

Commissioner Bynum said I did also ask Commissioner McKiernan to look up the values of all three of the properties because when I heard the statement that the property values were going down, I just struggled to believe it because that's not what we heard for the entire process of our budget. In fact, all of the property values have increased over the last three, four years, yours and the two that spoke in opposition.

With that, it's really just more of those couple of clarifications and a couple of comments.

(Commissioner Stites left the meeting.)

Roll call was taken on the motion and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley. (Prior to Commissioner Bynum's vote she said sorry. Clarification. It's for one year? **Mr. Hand** said correct.)

Item No. 6 – 212812...SPECIAL USE PERMIT APPLICATION SP2023-071 - JOSH ZERLAN WITH COBALT PROPERTY MANAGEMENT, LLC

Synopsis: Special Use Permit to operate a Short-Term Rental at 731 North 75th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Josh Zerlan, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 731 North 75th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of North 75th Terrace. This short-term rental has operated without proper permitting since 2018. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2023-071, for one (1) year, subject to:

1. Any repairs not addressed prior to approval of SP2023-071 shall be completed prior to renewal of this Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;
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.

Case	
SP2023-071	
Petitioner	Address
Josh Zerlan	731 North 75 th Terrace
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence. This would be the first and only short-term rental permitted on the 700 block of North 75 th Terrace. This short-term rental has been in operation since 2018 without a permit (2020 by this property owner).	

Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. This short-term rental has been in operation since 2018. It's been in operation by this owner since 2020. The applicant bought it from an owner who was also operating it without a special use permit. Mr. Zerlan has only been in non-compliance for two years. Again, this is part of the zoning enforcement blitz. This is also non-owner occupied.



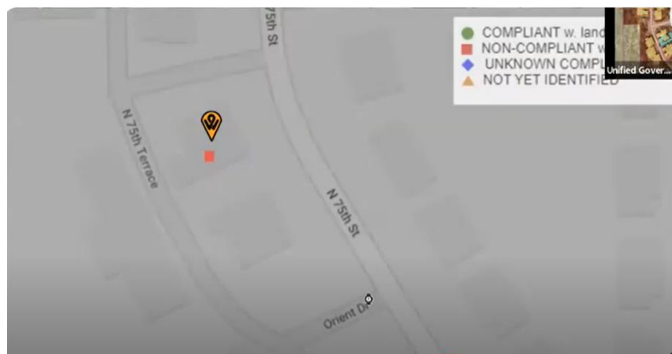
This is in the Citywide Comprehensive Plan area in the Midtown neighborhood.

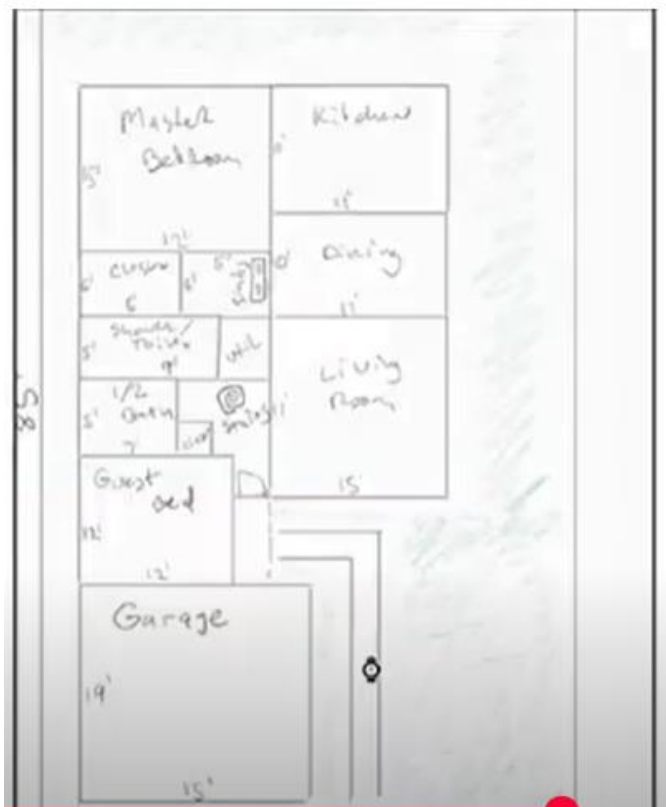


Staff received no letters of support. There was opposition at the City Planning Commission earlier this month. There are no notices of violation related to this property. Staff agrees with Planning

Commission and recommends approval for one year with conditions of six people maximum at any given time on site and one car off street.

Off street's a little difficult here, as you can see in this plat, that's why I paused. This is a duplex. These are private. North 75th Terr. is a private road built to UG standards. The one parking space, as a clarification, is basically right parallel up to the garage. The owner does not allow parking in that garage unit, so there's a space, you can kind of see here, designed for owners to park in front of their space. There's also additional visitor parking adjacent, also on private property. This is a public road. This stuff is not. So just a small clarification, but we moved it to one at the City Planning Commission.





Public Opposition	Public Support
Two (2) members of the public were in attendance at the 10/9/2023 CPC hearing to express opposition.	None to date.
Staff Recommendation Approval	

Mayor Garner said, applicant, representative, if you can present your comments for your application.

Josh Zerlan, 725 North 75th Terr., said as Gunnar said, I purchased the property as an STR from the previous owner. I wasn't aware that a license was required. As soon as I was made aware, I halted operations and I have applied, which I'm here now. The proceeds that I did earn with those when I did purchase this, this was an STR that, to be generous to say, it was a budget STR and was renting between \$40 and \$70 a night. You can imagine the state of the unit and the type of guests

it attracted. I spent tens of thousands of dollars to renovate the unit and I continue to do so with the proceeds from the STR such as landscaping, interior renovations, exterior renovations.

There were some issues in the very beginning when I took it over. It was my first STR. I had never done it before. I did have some parking issues which I've since resolved. There was some noise issues. I now have a noise monitor in the unit which alerts me if the noise goes over a certain threshold.

When I received the notice of violation, I got a professional home inspection. I've had all of those issues addressed by a professional company, Creative Renovations. I've clearly marked off the parking spaces with marking paint and stencils so it's obvious where people are supposed to park so it's not to interfere with anybody else.

I do not allow any pets on the property under any circumstances. That's a strict no pet policy. Strict no smoking policy. A very strict no party policy. If there ever are parties or noise complaints or anything, I wouldn't hesitate to kick anybody out.

All the residents, especially the neighbors, have my direct phone number. They can call me any time of the day. They have my email. I am the president of the HOA for that subdivision so everybody has access to me 24/7. My assistant as well is available if I'm for some reason not available. She's empowered to act on my behalf to resolve any issues with this unit. I'm happy to comply with whatever I need to make this a good part of the community.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no notifications have been received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? (No one appeared.) **Mayor Garner** said I think we have someone virtually. **Ms. Sparks** said I have a hand raised by Carolyn Wyatt.

Cherie Wyatt said I'm Josh's neighbor. I would just like to say that we've been here for four years. I support Josh's application. My husband and I support his application for the permit. We have not significantly been bothered by anything, and we know we can get in touch with Josh if there should be any problems. It's not objectionable to us for this permit to be approved.

Mayor Garner asked, Clerk, anyone else virtually? **Ms. Sparks** said no other hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is there anyone present who'd like to speak in opposition to this item? (No one appeared.) Clerk, is anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll now close the public hearing. Petitioner, applicant, you can make some closing comments if you'd like.

Mr. Zerlan said I appreciate that. Like I said, I am certainly willing to do whatever it takes to be in compliance. I apologize for not being in compliance. I wasn't aware at the time, and I always try to operate within the confines of the law.

Commissioner McKiernan asked, Mr. Hand, is this an owner-occupied STR? Is it an owner occupied STR? **Mr. Hand** said no. Mr. Zerlan lives in the abutting separate parcel duplex, I believe. **Commissioner McKiernan** asked, does live next door because the property owner is listed in the request for action as Olathe, KS. Am I misreading that? Mr. Zerlan, if you'd like to clarify that.

Mr. Zerlan said I do live next door. That address is my business address, the 119 North Parker St. It's basically a PO box that all my business correspondence go to. **Commissioner McKiernan** said perfect. Thank you very much for clarifying that. Much appreciated.

Commissioner McKiernan said, Mr. Hand, my usual questions. In the time that this was operating as an unpermitted STR, were there any police calls for service at this address? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any code violations? I thought I heard you say code violations, but the report seems to say there were not any. **Mr. Hand** said there was the notice of violation during the zoning blitz. I apologize if there was a typo in the staff report. **Commissioner McKiernan** said so effectively, there was a notice of violation that has been resolved. **Mr. Hand** said through the application of the special use permit as determined tonight, yes. **Commissioner McKiernan** said that was the violation. Did we have any neighbor complaints in the time it was operating unpermitted? **Mr. Hand** said other than as represented at

the City Planning Commission hearing by the two in opposition, no. **Commissioner McKiernan** said those complaints were not received until the City Planning Commission, correct? **Mr. Hand** said that is correct. **Commissioner McKiernan** said so not prior to it when it was operating unpermitted. **Mr. Hand** said that is correct. Nothing we could see by looking at our records.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-071 as submitted for one year, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

PLAN REVIEW APPLICATION

Item No. 1 – 212666...PLAN REVIEW APPLICATION PR2023-014 - CODY BUSICK WITH VINEYARD CHURCH OF PIPER (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Preliminary Development Plan to expand an existing church at 10601 Hutton Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application PR2023-014, subject to:

1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;
2. Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;
3. Wheel stops are required for parking spaces where there is no curbing;
4. The sign structures shall be removed as instructed originally;
5. 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;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property

and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

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

Case	
PR2023-014	
Petitioner	Address
Jacob Hudson	10601 Hutton Road
Synopsis	
To approve a Preliminary Development Plan for a 7,508 square foot expansion of the Vineyard Church of Piper as well as expansion of the parking lot.	

Gunnar Hand, Director of Planning and Urban Design, said this is the preliminary development plan for the expansion of a church. This case has been held over for a couple of months looking for eight members of the Board of Commissioners to amend the Planning Commission's conditions of approval, which I'll get into in just a second.



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



Staff has received no letters in support; no letters in opposition.

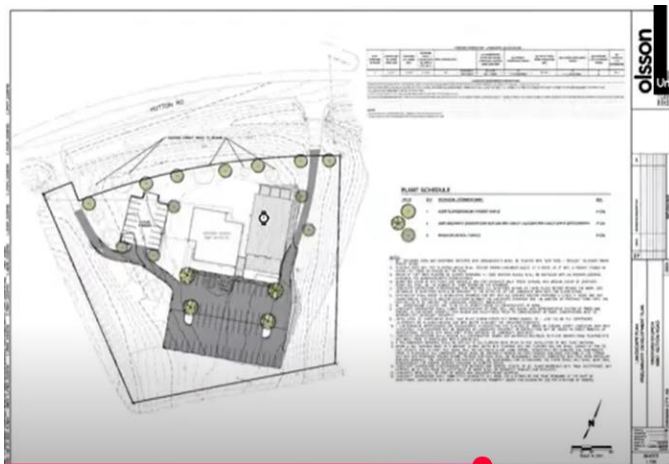


There are no violations on this property.

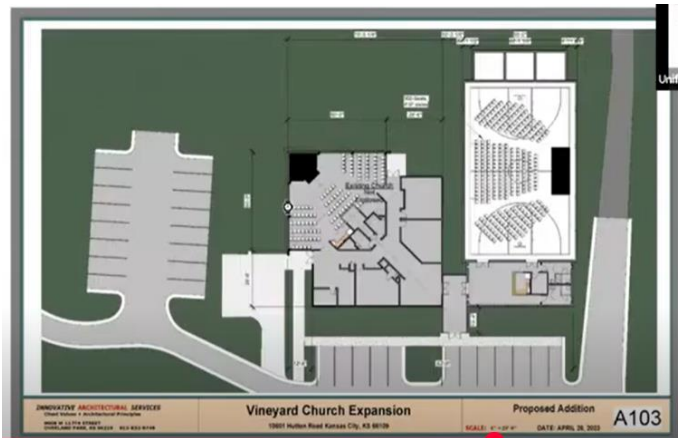


Staff does agree with the Planning Commission and recommends approval with conditions. This will have to come back for a final development plan at some point in the process.

October 26, 2023

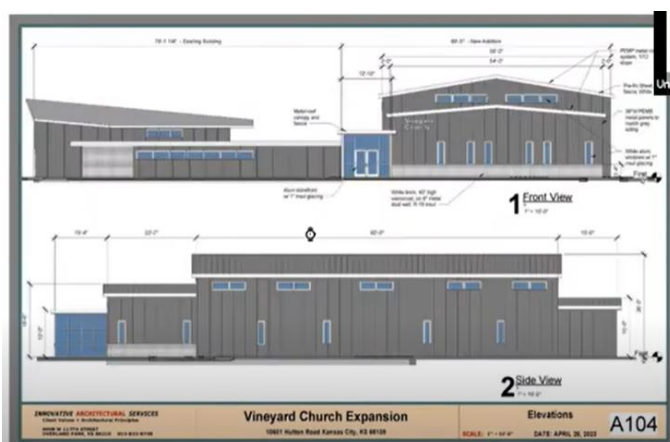


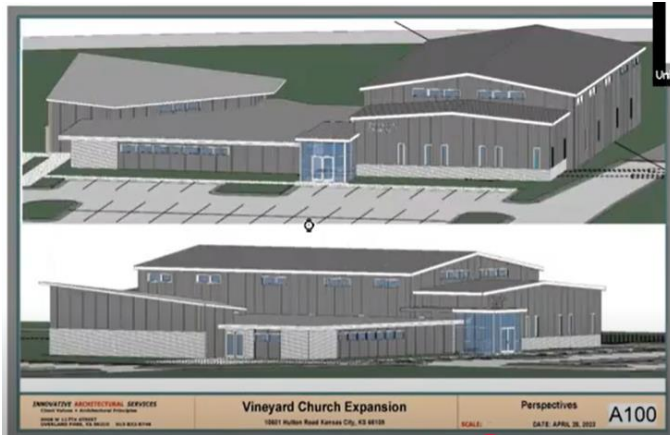
Issues with the conditions of approval are numbers 2, 7, 8, and 10, which I'll bring up on the screen here in just one second.



They're related to the driveway and the provision of a sidewalk on Hutton Road, which is in the goDotte County-Wide Mobility Plan.

After the Planning Commission, the applicant requested some flexibility on when those things had to be done. As per our ordinance, it would have to be done within six months. They're asking to not build their sidewalk until the UG potentially upgrades that segment of Hutton Road, at which point, they would either build it or pay for it. They're also asking to not update their driveway, as per UG standards, until it's time for them to upgrade their driveway, which is not a part of their proposed project at this time. So, we rewrote those four conditions, maintaining those standard conditions, but allowing that flexibility. We reviewed that with the applicant. Staff agrees with those changes, but it will require eight votes of the Board of Commissioners to approve.





Public Opposition

None to date.

Public Support

None to date.

Staff Recommendation

APPROVAL

Conditions of Approval

1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;
2. Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property. Sidewalks shall be required if and/or when the UG makes major arterial roadway improvements upon Hutton Road;
3. Wheel stops are required for parking spaces where there is no curbing;
4. The sign structures shall be removed as instructed originally;
5. 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;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

I'm going to get to them right now. Again, this is 2 here regarding the sidewalk. We added that second sentence about when those improvements happen.

Conditions of Approval

7. A Right-of-Way Permit is Required when work in the Right-of-Way is need. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wyckocok.org to confirm if they require a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards. The existing driveway aprons can be maintained as they exist, however, if and when they need to be replaced, they will be required to be brought to current UG standard;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
1. 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. Sidewalks and improved driveway aprons shall be required if and/or when the UG makes major arterial roadway improvements upon Hutton Road.

*See staff report for full summary of conditions

Then 7, 8, and 10 are all related to those two issues. So 7 related to the right-of-way permit for those improvements; 8 the driveway. It says 1, I apologize. That should read 10, and that's, just again, that we'll do those when the time is right.

Mayor Garner said applicant.

Jacob Hodson, 4448 Francis St., said I am acting as the agent for the applicant, Cody Busick, who couldn't be here with us tonight. He is the lead preacher of the Vineyard Church of Piper. He had a short written statement he would like me to read.

The heartbeat of the Vineyard Church is to serve our community. This building expansion will enable the congregation to expand the youth and afterschool programs, and provide flexibility for the church to serve the families of Kansas City, KS.

As Director Hand has told you, we've been working together closely. We've come to an agreement. Now I ask that you vote in favor of the amended recommendations of approval for this church expansion.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is anyone present who would like to speak in favor of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is anyone present who'd like to speak in opposition of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in opposition to this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll now close the public hearing. Petitioner, would you like to make some closing comments?

Mr. Hodson said I'd like to thank you for your time. Once this multi-purpose room is up, they host a party for the after football games at the Piper High School, so you all would be welcome after the home football games. Thank you for your time. I ask that you vote in favor of this application.

Commissioner Kane said you just stole my thunder. About the fifth quarter, a lot of the kids and some of the parents go to the church after every football game. My grandkids go and it's really nice to have a place for them to go and hang out. Now, with the expansion and stuff like that, when it gets cold, they would move inside and facilitate all the kids.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Plan Review Application PR2023-014.**

Commissioner Burroughs said I just wanted to compliment Gunnar. I know we have a lot of the stuff comes forward and yet Gunnar has already met with the applicant to come into an agreement prior to us even having to make recommendations. I value that work is done before it gets to us. I sincerely appreciate it. It puts on a good face for our staff. Thank you.

Angela Lawson, Acting Chief Counsel, said I wanted to clarify if the motion to approve was with the amended conditions.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Plan Review Application PR2023-014 with the amended conditions.**
Roll call was taken and there were nine "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Townsend.

MISCELLANEOUS

Item No. 1 – 212753...PRESENTATION: PLAN KCK STRATEGIES (CONTINUED FROM 9/28/23 MEETING)

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

Mayor Garner said, Mr. Hand, there was a request to, in the interest of time, for me to put you on a special session. So, I'll have to throw you on an agenda at a later date.

Gunnar Hand, Director of Planning and Urban Design, said Mr. Greeves, our Historic Preservationist, has waited a collective 10 hours to give you 10 minutes of his time. This is a very quick five slides. **Mayor Garner** said okay. You've got 10 minutes. **Mr. Hand** said not a problem.



Randy Greeves, Historic Preservationist for the UG, said thank you for hearing me tonight. We're going to give you an update on the historic preservation portion of the Citywide Comprehensive Plan, PlanKCK. During this presentation, I would like for you to think about places in the city that are important to you. This plan aims to protect those places and to preserve them for the enjoyment of future generations.





This is the first historic preservation plan that we will have ever had. Preservation is more than just about history. It touches on nearly aspect of society, and is part of the answer to many of the issues we face including housing and economic development.



There's a great deal of history in Kansas City, KS. Huron Park Cemetery is one of 26 national historic landmarks in the state of Kansas. The Quindaro Ruins are on their way to being the 27th. In total, we have approximately 500 buildings that are listed on one of the registers of historic places: our local register, the state register, and the National Register of Historic Places. These range from prehistoric Native American archaeological sites to modern buildings built in the last 50 years. Every day I walk through our beautiful city, I find more areas of historic importance that have yet to be documented.



Before we know what we need to do, we need to understand what our current situation is. We have a complex system of buildings that are listed on various different registers. Some are on one; some are on all three. We need to consolidate those to make it more cohesive, and make sure everything is getting the same level of respect and the same access to the historic tax credits that can help these buildings so much.



The most important part of this plan is community outreach. This is our engagement summary. We have been at every major planned KCK event. We have hosted our own events. We have gone out of our way to try to reach as many people as possible. One of our most successful events was during a presentation about the history of Sauer Castle in which we reached over 1,100 people. We worked very hard to put as much information out there, both virtually and physically, to make this information accessible and to get as much feedback as possible.



Throughout our entire process, we have heard several repeated themes. People want to know what preservation is. We have not had a preservationist for 10 years until I started here, and people are kind of relearning what these ideas are. They want to know when we're going to do something about the ruins. It is in the forefront of everybody's mind. One of our most historic places, one of our most important places, and what role does preservation play in the future of that site. They want to know how we're going to protect our green spaces, our parks, our historic neighborhoods and commercial areas, and how will this help address blight in the community.

From this, we intend to create a list of action items that will be my main focus for the next 10 years. This is going to include things like educational sessions to teach people about preservation, how to use the tax credits, and how to apply for grants to get money to fix up these buildings. Fixing up buildings will directly help address the issues of blight.

We're going to step up our efforts to survey the city, looking for historic properties that have not been listed to expand the number of buildings that can get those resources and can become useful parts of our community.



We are currently in the draft phase of the plan. Recently received a draft of the State of the City Report created by our historic preservation consultants, the Dakota Group. They've gone through

the community and highlighted its history and what our current known historic resources are, the laws and the ordinances that affect those resources and how we're supposed to take care of them, as well as a multitude of funding opportunities to provide money to the owners of those historic buildings.



This is a timeline that kind of shows what we've been doing so far and how long we've been working.



This is kind of what we should be expecting. We're getting to the end of this process. We're still taking feedback. We're always trying to improve the plan. There's no such thing as too much outreach.



This is kind of the final part. The Historic Preservation Plan is part of a larger city-wide comprehensive plan. All these different chapters are going to work together to create a unified, solid approach that's going to help guide us in the years to come. I encourage everybody to go to the October 28th summit if you can. It's going to be one of our last major events. There's going to be a lot of people there to speak. A lot of information shared. We're always looking for more input.



I'd be happy to answer any questions you may have. Like I said, trying to keep this short. But first, I want to know about some of the places that are important to you. When you think of Wyandotte County, what places come to your mind, or I should say Kansas City, KS?

Commissioner Ramirez said thank you, Mr. Greeves; thank you, Mr. Hand. Historic preservation is something that's important to me. I have one historic district, Hanover Heights. Used to have three historic landmarks, but now have two. St. John the Devine, unfortunately in my first year, I wasn't able to get to it in time before it burned down. I have the Rosedale Arch and I have Sauer Castle, which I was able to get to. I was able to help spearhead the early efforts to get it revitalized and renovated, and look where it's now. We did the hard work. We did the surveying of the

community to see what they would like. We worked through the challenges. It's not easy work especially in the instance of Sauer Castle where we had a property owner who wasn't willing to do what he needed to do to preserve that historic monument, but we were diligent. We kept going.

I want us to keep doing that with all of our historic landmarks across our community because those are pieces of our history. It tells the history of our community, especially in Argentine with unfortunately St. John the Divine had rich, rich history of the Mexican Americans who lived and continue to live there.

I thank you for wanting to make historic preservation a sticking point, a standing point in our planning and how we move forward. I really, really thank you for that.

Mr. Greeves said I appreciate that, Commissioner. Bringing up St. John the Divine kind of—one of the things I'm wanting to do in my time here is create a memoriam page that highlights all these lost historic resources we have so that they're at least preserved digitally if we don't have the physical remains anymore.

Commissioner Markley said I was at your Sauer Castle presentation at South Branch. I just wanted to say you did an excellent job. Your enthusiasm for the site and for historic preservation overall is apparent and was catching, I think, there in that room. He did an excellent activity where he had maps up on the wall and people could go identify places that are important to them that they think have historic value. So, I think you did an awesome job. Like you said, we haven't really had this in the past, so it's exciting to have somebody who's focusing on historic preservation, and especially somebody who's so enthusiastic about it and does a great job presenting as well.

Mr. Hand said I would just say that will be at the Neighborhood Summit this Saturday if you guys want to come and visit us there.

Commissioner Bynum said I think I've put some dots on the map already. I'll say out loud the things that I think I've placed on the map. These are just things off the top of my head since you asked, but the neighborhood where I live has a neighborhood marker now. Sidebar, it took us 10 years. Just FYI. But we have a neighborhood marker now. It says Historic Pomeroy because it's a historic area. I don't think there are any historic buildings left. But just so you are aware, that's a historic area.

White Church Elementary School, which is owned by KCK Public Schools—I'm glad to see they've put it back into use—is of particular interest to me because that's a historic area with a very historic cemetery located right beside it.

All the structures, almost all the structures at Wyandotte County Lake. When the wall failed out there, I was surprised. I'm not advocating for it necessarily, but I was surprised to learn that it's not listed on the register, which for what we need right now, is probably a good thing just in terms of money. It could be a matter of how you look at it.

Memorial Hall, which I think probably has been dotted on your map. Those are the ones I wrote down.

Mr. Hand said if I may real quick. You mentioned a school. One of the things, as we've worked with our consultant on this one and having the expertise of Mr. Greeves, when you do these surveys, you can do them like geographically like this neighborhood or south of the river, whatever it is. One of the recommendations that's coming out from our consultant is that you should maybe start thinking about—because we're such a large county and we've really, in all honesty, the city, the Landmarks Commission was an entity of the city, and so a lot of it is on the east side of our community. There's some out west, but very few.

One of the points of opportunity to collaborate is if we thematically say let's go survey all the churches. We could partner with the cities of Edwardsville and Bonner Springs and bring them into that process. So that's one of the things where we're trying to find those opportunities to both thematically look at properties across our community, but also work with our partner cities as well.

Commissioner Burroughs said one of them has been mentioned. Memorial Hall was one because, I think, it's not only historical, it's also commemorative of those that gave their lives for our community, so I'm in strong support of that.

I like the Strawberry Hill St. John's Church and Orphanage. That has a tremendous amount of history associated. I believe it's called Scroggs Home from years ago.

I do like the school—Wyandotte High School has a tremendous amount of history associated to it over the decades, as well as Washington High School when it was a rural area. I believe those two schools, and I must always throw in Grinter House. Grinter House being one that has a tremendous amount of history.

And let us not forget about the work project that we all know as Wyandotte County Lake. The facilities around Wyandotte County Lake have a tremendous historical value, but they also have a tremendous amount of need. If we're going to invest, let's ensure that we preserve that before we demolish by deterioration. I would hope that we would give strong consideration to those.

I'd be remiss if I didn't mention Ward High School, also. I think Ward High School has a tremendous amount of significance and historical value in the central core of our community. **Commissioner Kane** said glad to hear that. **Commissioner Burroughs** said I won't hold it against some of the graduates from there, but the historical value is...

Commissioner Johnson said I would double down on the attention to the high schools. Wyandotte certainly is just an attraction. I can see it from my house and how the towers are lit up. It is really a marvelous, marvelous piece of architecture there.

I agree with Ward as well. As a Pentecostal minister, I have paid my share of tuition there, so I've been able to see that school as well.

If you're going to pull all those, you might as well pull Sumner Academy into it. I thought Commissioner Bynum might beat me to the punch, but Sumner Academy is another great piece of architecture that sets the standard for that entire area. In fact, the Douglass-Sumner neighborhood uses that very architecture in its sign for the neighborhood. That is something I would highlight.

Finally, one of the great jazz musicians, Charlie Parker, according to my studies, was born at 852 Freeman Avenue right here in Kansas City, KS. I think that is something that we need to memorialize. I do know that we have a little plaque over at Big Eleven Lake, but really it needs to be highlighted, I think, in a much greater way because he was just an all-time great when you talk about jazz music and Kansas City's history as a jazz city. So, I would certainly highlight that.

Mr. Hand said I'd just point out that the Charlie "Bird" Parker homestead site is also on the Northeast KCK Heritage Trail.

Thank you for your time, everybody. Really appreciate it tonight. See you on Saturday.

Action: **For information only.**

REGULAR CONSENT AGENDA

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

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

Item No. 1 – 212769...RESOLUTION/ORDINANCE: DEBT PROJECT AUTHORIZATIONS

Synopsis: A resolution and ordinance authorizing 2024 debt projects, submitted by Debbie Jonscher, Deputy Chief Financial Officer. On October 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-62-23/ORDINANCE NO. O-130-23, “A resolution and an ordinance authorizing various public improvements; authorizing the issuance of general obligation bonds and/or temporary notes to finance a portion of the costs of such improvements; authorizing the issuance of utility system revenue bonds to finance a portion of the costs of such improvements; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its leasehold revenue bonds for the purpose of financing all or a portion of the costs of certain improvements; and authorizing one or more lease purchase agreements to finance the acquisition and installation of certain equipment.” Commissioner Ramirez made a motion, seconded by Commissioner Markley, to adopt the resolution/approve the ordinance, as submitted.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 2 – 212835...PLAT: ENDLESS OUTDOORS

Synopsis: Plat of Endless Outdoors, located at 2640 Woodend Lane, and being developed by Endless Outdoors, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 3 – MINUTES

Synopsis: Minutes from the Special Session meeting on September 6 and 14, 2023.

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

Item No. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business materials dated October 5 and 12, 2023.

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

(Angela Lawson, Acting Chief Counsel, recused herself. Jeff Conway, Assistant Counsel, sat in as counsel.)

Ben Bortnick asked, may I speak, Mayor? I’ve been here all night. I’ve had cancer and I would really like to be heard. I asked this lady, and it was on there, Frank’s Motors. Can we please pull

that back? **Mr. Hand** said it was on the Consent Agenda. **Mr. Bortnick** said this is just a colossal bunch of errors. I'm sorry. I own the property.

Mayor Garner said just give me a quick second so I can rewind and see where we're at. It was denied. So he wanted to set it aside. What we'd need to do is have a commissioner make a motion to reconsider the vote to approve the Consent Agenda. It was unanimous. I just need a commissioner to reconsider.

Commissioner Bynum said I'll have Legal help me make the motion properly that we reconsider Item SP2023-065, which previously was on the Consent Agenda for denial. My motion would be that we reconsider that one item and remove it from Consent and consider it. Is that a legal enough motion? **Jeff Conway, Assistant Counsel**, affirmed it was.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, that we reconsider that one item (Special Use Permit Application SP2023-065) and remove it from Consent and reconsider it.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Mayor Garner said this takes us to a set aside.

PLANNING AND ZONING CONSENT AGENDA ITEM NO. 5 – 212809...SPECIAL USE PERMIT APPLICATION SP2023-065 - UMED SAIDOV WITH FRANKS MOTORS INC.

Synopsis: Special Use Permit to operate an auto repair shop at 402 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Umed Saidov with Frank Motors, Inc., seeks a Special Use Permit to operate a used automotive dealership in one (1) tenant space of a multi-tenant building at 402 Osage Avenue. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-065.

1. The applicant failed to complete SP-2019-98 conditions of approval requiring site improvements, specifically:
 - a. Planting 11 trees to comply with the Commercial Design Guidelines;
 - b. Parking spaces – both for customers and vehicles that are for sale or being repaired are not in striped, designated parking spaces; and,
 - c. Vehicles are double stacked throughout the property, which does not comply with the Parking Code; and,

2. Vehicles are parked on the property, in an unorganized manner on an unimproved surface has resulted in an overcrowding of land thereby violating Factor to Be Considered #12.

Mayor Garner said as a point of order, we will set this aside so this item has been set aside.

Gunnar Hand, Director of Planning and Urban Design, said I apologize. I'm not going to be able to pull up the screen because it's rebooting right now, so we're not going to have the slides, but I think I can handle it from there.

This is a special use permit for an auto repair, paint, and sales. There is a history of special use permits for these types of uses at their site. There appears to be a couple of businesses located, of which Mr. Saidov's is one of them.

This is in the Armourdale Area Plan. We received no letters of support; no letters in opposition. There are notices of violation. Staff recommended denial because there's some previous conditions of approval that have expired but speak to the same use. We have some violations related to how these auto repair in the streets, things of that nature. Some spillover effects at the location. Mr. Saidov was at the City Planning Commission but signed off at midnight. I think this item was heard at midnight, 15:30.

My recommendation would be to remand it back down to Planning Commission so we can have that hearing with the applicant and the Planning Commission and see what comes of it. I tried and asked at the City Planning Commission to hold it over there. The City Planning Commission decided to move forward with a recommendation of denial. We were also going to recommend denial but, again, in the spirit of hearing the case, my recommendation, especially what's going on right now, is just remand it back down to the Planning Commission.

Mayor Garner asked, your request was to set it aside, correct? **Mr. Saidov** said yes.

Umed Saidov, 4311 North 112th St., said I'm the applicant for the special use permit at 402 Osage Avenue, Kansas City, KS 66105. My understanding was, because I logged out last time, me and Mr. Ben were talking about it. We thought it was voted for approval. I was logged in from the beginning of that meeting, and we thought it was voted for later approval that's why we logged out.

We used to run this business with my brother a couple of years ago. The previous special use permit was expired late 2021. He used to run the day-to-day operations and the pandemic time he left because of slow sales. He left for a different job. I was not aware of the expiration of the special use permit until I was approached by the Business License Division earlier this year. When I spoke to Ben about it, it took us some time to put paperwork together to apply for one.

The other problem was, it was mentioned maybe about a week before the meeting, the beginning of October, that double parking on the west side of the building was not allowed. As far as I remember, it was within the property line. Nobody told us that double parking was never allowed. The whole time there were two cars parked on the side of the west side of the building. I was told just about a week before that, and this picture over here is showing since the day it was mentioned about the violation of double parking, I removed all the parking from the front of the building. We don't have anything. I've been taking pictures every day before I come to work and after I leave. There was only single parking on the west side. We don't have anything in front of the building. We have some parking lot on the north side of the building, but there's no double parking on the west side of that building at all; east side of the building.

I remember asking Ben about it. As soon as I took over from my brother, then later on I signed a new lease agreement that if the double parking—and he thought it was allowed too. I remember asking the previous applicant for a special use permit, Maria was like few years prior to 2018, she used to run a dealership. I asked her, she said as long as there's no salvage parking or like outside working in front of the east side of the building then it shouldn't be a problem.

The whole time about double parking, nobody knew about that because it was within the property line. Nothing was outside the property line.

Commissioner Bynum asked, Mayor, do we need to go through those opposed and those in favor? **Mayor Garner** said no.

Commissioner Bynum asked, Mr. Hand, what was the reason for Planning and Zoning recommending denial?

Mr. Hand said the applicant mentioned that he basically inherited a special use permit from when he owned it with his brother. That special use permit, which expired, had conditions of approval that were not met. In the spirit of our protocol with City Planning Commission, if

those conditions of approval for special use permit are not met, staff's recommendation is always for denial. I believe the Planning Commission essentially took that and Mr. Saidov not being present at the Planning Commission, again, to recommend their denial, I had asked that it be held over so that we could have this conversation in a little bit more thorough. So, again, I think this is all part of the things we need to work out, at least in my opinion, at the City Planning Commission.

Commissioner Bynum said I appreciate that. You can't fault somebody for not being online at midnight. That's just, I'm sorry. We ask to do this job and if it's midnight for us, then we should be here. I just think that's outrageous to—and we have people here in the audience that have been here since 7, so I'll shut up about it. But we've been down this road before and it's just not okay to have people sit in this room for five, six, and seven hours, which we have done. Sorry. So that's not a reason, in my opinion, to say no to this. If there are some conditions for approval that can be placed on this that would be satisfactory for any commissioner here that has a concern, I'd like to hear them.

Commissioner Bynum said I would like to make a motion to approve for one year. It's a special use permit, correct? **Mr. Hand** said that's correct. **Commissioner Bynum** asked, what are the conditions that we asked for before? I want to just reiterate those.

Mr. Hand said there were property improvements that haven't happened. There was a parking plan that hasn't been followed. Things of that nature.

Commissioner Bynum said the parking issue, as far as the gentleman speaking to the double parking, is that part of it?

Mr. Hand said it is a part of it, but they also mentioned the rear yard, the rear parking area, which also we asked for improvements on. That has not happened. Again, we see what notice of violation there are for the property. I actually can't differentiate between this business and the other businesses that are there. These are all things that collectively pile up. There are improvements we asked to be done at the property to meet the commercial design guidelines that have not been met. So previously done is we've held over in time to allow, at the Planning Commission level, to allow those uses or improvements to be made before that issue is heard.

Commissioner Bynum said it's currently expired, correct? **Mr. Hand** said it's currently way expired, yes.

Commissioner Bynum said I'm going to ask the applicant, can you commit to the improvements that have been prior requested that have not been done, can you commit to doing those?

Mr. Saidov said yes. The parking lot on the back of the building, there's literally everything—my cars are in a parking lot, but during the day we have like one roof guy, another tenant, and three granite guys. They, all day long, have big trailers to load and unload. So, basically, unless their employees park on the side, everything in the middle, everything else is, during the day, is used by—let's say Tuesday mornings and Friday mornings I have a container where like waste company comes in. I have to ask some guys during the day to move some stuff so they can come in and unload and leave. Sometimes they come in, they take a picture and say...

Commissioner Bynum said we're asking you to comply with the conditions that have been set forward.

Mr. Saidov said yes. I can take pictures weekly if it's needed. **Commissioner Bynum** said I just need to know if you can commit to complying with the conditions that have previously been put forward. **Mr. Saidov** said yes, I can. **Commissioner Bynum** said and if not, special use permits can be revoked. **Mr. Saidov** said yes. Absolutely. **Commissioner Bynum** said by action of this Commission, correct? **Mr. Hand** said that's correct. We do have conditions of approval, even though the recommendation is denial, in the staff report. You could take those conditions and that would be okay with staff. Again, I would recommend it get remanded, but it's your decision.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-065 for one year, pending the conditions of approval be met.**

Commissioner McKiernan said, Mr. Hand, the improvement that hasn't happened is on the north side of the building. Is that correct? **Mr. Hand** said there's a couple around the property, but that's the main one...**Commissioner McKiernan** said that's the main one on the north side...**Mr. Hand** said previously, SUP, yes. **Commissioner McKiernan** asked, this is a large building with multiple tenants, correct? **Mr. Hand** said yes. **Commissioner McKiernan** asked, who owns the building? **Mr. Saidov** pointed to Mr. Bortnick. **Commissioner McKiernan** said so you would

ultimately be responsible, not this business owner, for making those improvements of that property, correct?

Ben Bortnick, 5000 Rob Creek Lane, Mission, KS, sole proprietor of BDB Properties, said, Commissioner McKiernan, you asked a very good question. It's a multi-tenant building. This man is totally in compliance. In each of my leases, which are gross industrial leases, each tenant must comply with the laws of Wyandotte County. While I understand the spirit of the law, to ask him to be responsible for third parties is really disingenuous to the spirit in which Wyandotte County has. We make every possible effort that there is a fire lane through there. There's no blockage. It's a multi-tenant building. I think there's four tenants on the back. Mr. Saidov occupies about a third of the building.

Brief history in construction. I've owned this building since 1996. It was built originally as a Macco auto repair shop. That is what this man is doing, though he has a dealer's license, he's a wholesaler. He is not a chop shop. Mr. Hand's predecessor thought he was. He's not. I've checked it out with the Department of Transportation. Who did you report to? **Mr. Saidov** said the dealer's license. **Mr. Bortnick** said the dealer licensing. He runs 1,600 cars, approximately, a year. This is a really good operator.

Commissioner McKiernan said I appreciate that. I remember when the last time this was before us for a special use permit. I remember voting to approve that permit and the previous. But what I'm trying to do is determine whether or not we are holding him liable for something that the property owner should take care of. Mr. Hand, help me out here.

Mr. Hand said an applicant requires the approval of the property owner to apply for a special use permit.

Commissioner McKiernan asked, so who's responsible for making the improvements on the north side of the building? **Mr. Hand** said it's the applicant's responsibility. The owner allows them to apply for that use. They sign the affidavit. What we have seen in the past is that some owners require that use which, therefore, needs those standards to do it. Other owners show...**Commissioner McKiernan** said the applicant basically asks permission from the owner to make the improvement, applies for the special use permit. The applicant agrees to make the improvements. What I need the two of you to do is work together. Get it done. **Mr. Bortnick** said yes, sir, we will.

Mr. Hand said just as a clarification, I think the conditions, because the conditions for approval, because they didn't transfer over from the Planning Commission, I believe—I'm looking at you, Mr. Conway—I believe there's a mechanism by which we could apply those conditions of approval from that Planning Commission.

Again, get the eight votes needed to change the recommendation, but you're not going to see those conditions in the report because of that, but we do have them. If there's a way to reference back to that, I can just carry those forward. But they basically are the conditions of approval from that previous SUP plus a few extras.

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

PUBLIC HEARING AGENDA

Item No. 1 – 212767...RESOLUTION: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS (4601 RAINBOW LLC)

Synopsis: Conduct a public hearing and approve the adoption of a resolution determining the intent to issue industrial revenue bonds in the amount of not to exceed \$52,927,000 to finance the costs and equipping a commercial multifamily facility for the benefit of 4601 Rainbow, LLC, submitted by Jeff Conway, Assistant Counsel. On October 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Jeff Conway, Assistant Counsel, said I believe the proponents are here. Kevin Wempe, with Gilmore & Bell, the bond council, has the presentation and, I think, then you'll do the intro.



Kevin Wempe, Gilmore & Bell, bond counsel to the UG, said thanks for bearing with my voice. I've defeated the sniffles earlier this week. My toddler was nice enough to give to me and it's unclear whether my voice will ever return at this rate.

Just to tee up the project and the action item tonight and then lay out what the actions are for tonight, including the public hearing. This is the multifamily facility at 4601 Rainbow, approximately 149 market rate units, wrapped garage. I think everybody's pretty familiar with the project through the planning process and so forth. The developer representatives are certainly here and can answer any specific questions you might have to that end.

This is arising out of an application for industrial revenue bonds submitted by the developer requesting sales tax exemption on construction materials and property tax abatement for the full 10-year term.

As with most projects you see using IRBs, this is proposed to be a buy your own bond deal, meaning the developer will be purchasing the bonds here. There's no UG liability for repayment of that bond and no credit risk to the UG. It's simply a vehicle to grant the incentives that I know we've talked about on other projects.

Tonight's action is a public hearing required by the statute. In advance of the public hearing, we've accomplished all the state law required items including publication in the newspaper, notifying the school district, and preparation of a cost benefit analysis.

After the public hearing, there'd be consideration of a resolution of intent and also approval of a performance agreement. The contents of that performance agreement are simple development agreement setting forth terms of the project, describing the project, and prescribing the required

development there, as well as setting forth the payment in lieu of tax schedule. In this case, it's approximately a 50% property tax abatement with a 2% annual inflator.

Should you choose to approve tonight, the developer would have access to that sales tax incentive and go on to construct the project. Assuming they have complied with the performance agreement, would return at substantial completion for issuance of the bonds and then triggering that payment in lieu of tax schedule to begin.

Bob Johnson, Polsinelli Law Firm, 900 West 48th Place, KCMO, said I'm representing the joint venture development team. Aaron Mesmer is here of Block Real Estate Services, and Blair Tanner, who is on the Zoom tonight. He was traveling for business and can participate as needed via the Zoom link.

We appreciate being back before you. As Kevin said, I'm sure you recall this project from the land use process. We appreciated your support in that process. As you recall, you provided us the unanimous approval for a rezoning and plan at the time. Obviously, tonight is not relitigating any of those issues or going back through any of the land use items that we went through many times in front of you, so I won't belabor any of those. I will talk about some of the features of the development that we believe are relevant to the application this evening. I'll try to do that in a streamline fashion.

I also appreciate the support of the ED&F Committee as we came out of there with support as well, and had a robust discussion at that meeting.

Site– NECofRainbow& 47th Avenue



This is a refresher of the location of the project. It is at the northeast corner of 47th & Rainbow. It is currently an underutilized site with a vacant building, been vacant prior to this ownership, and a large parking lot adjacent there too, obviously underutilized, non-revenue producing for all intent and purposes with regard to property taxes or sales taxes.

This developer, as discussed ad nauseam through the land use process, is looking to transform that site and turn it into something that we believe was kind of shown through all of those discussions as something that coming from the south, coming from the west, is a gateway to the Unified Government, a gateway to Wyandotte County and Kansas City, KS, and something that we all can be proud of, both this community and developer. Truly something that we think is the right private/public partnership to produce the best possible project that we could arrive at.

A big part of that truly was the community engagement. I think we all remember the extensive community engagement that this development team went through. The multiple iterations of revisions to the project design. Many, many community meetings and discussions beyond that that we believe there were drastic changes to the project through that. We believe that arrived at a project that was responsive to the community, obviously was evidenced by the amount of supporters that we had, both through letters and hearings.



Just something that we had in the last hearing just kind of showing adjacent homes and businesses that supported quite a bit, as you can tell there.

RainbowBefore/After



Hufft TANNER & WHITE E L O C K

Woodside Village - 4

I'd like to get into some of those aspects of the project, again, which we think are relevant because they are unique, they are enhancements, if you will, to the project above and beyond their requirement, and we believe community enhancements. In particular, you can see here, the sidewalk connectivity. The walkability is a major feature of this project both on Rainbow and on 46th.

You can see on Rainbow today there's a dangerous condition on Rainbow. The sidewalk slopes right under the street. The sidewalk will be moved over onto this property to the east; widened. There'll be lighting along the sidewalk dramatically increasing the safety along that corridor. Connecting the neighborhood for the first time ever through the sidewalk on 46th, which I'll show in a second, to the Rainbow corridor there going north/south and then down to the shops and restaurants. People can walk from Francis.

We're going to add a crosswalk. That's something that the city was supportive of with regard to traffic calming. With regard to pedestrian connectivity, we'll add a crosswalk across 46th to lead right to this sidewalk. There's a dramatic, truly dramatic enhancement to pedestrian connectivity and walkability implemented by this project.

46th Avenue Before/After



Before



After

Hufft TANNER & WHITE

BLDG

Woodside Village - 5

This is the 46th look here. In the upper left corner you can see today's there's no sidewalk. There's cars parked along the street. Creates multiple problematic conditions. One, obviously, there's no pedestrian infrastructure whatsoever. I believe there was quite a bit of discussion during the land use process about folks that live in the neighborhood that would like to walk to Rainbow but feel unsafe doing so. Here we'll, again, create a sidewalk connecting to the 46th sidewalk. There, you'll see that'll be pushed onto our property on the northern side of the property so that it is far from the street. There will be landscape buffers, multiple layers of landscape, so there won't be any safety considerations for pedestrians walking along 46th from the neighborhood.

Also, the cars that are parked on the street there today create kind of a stricture that causes problems for emergency vehicles and other traffic coming through that area. We're going to alleviate that through moving the traffic onto our site. There will be parallel spots on the actual property, and it won't be in the public right-of-way, moving those cars off the street so there's better traffic flow through the area.

SitePlanProposed



Hufft TANNER & WHITE BLOCK

Woodside Village - 6

I'm not a huge fan of the 2D renderings, but it does give a good show of kind of the landscape buffering around the project on all sides. Kind of adding that condition that will produce not only safety, but aesthetics.

The other thing that I think is notable about this slide is the wrapped parking garage. That's one of our extraordinary costs, one of the most substantial costs of the project. The site constraints. Again, we went over this very thoroughly so I won't retread the whole ground but just a reminder that the wrapped parking, which is not able to be seen from any angle from the neighborhood, is internal to the project. As we dropped from 172 to 149 units through the land use process, there were those extraordinary costs that stayed with the project. That didn't decrease the parking garage. A number one of those and this just kind of shows you where that's located.

ExteriorRender



Hufft TANNER & WHITE BLOCK

Woodside Village - 7

This is a great slide that shows some of those landscaping and walkability features, also the bike sharing that'll be at that corner of 46th & Rainbow. That's available to anyone in the public. That's not exclusive to residents of the building. That's something we heard a lot of feedback on and was something desired by the community at large. We think it will be an additive feature and a community enhancement for this project.

Exterior Render- PocketPark



Hufft TANNER & WHITE

BLACK

Woodside Village - 8

This is another feature that was added for kind of the integration of this project into the community. It actually gives kind of two things that I like to talk about on this slide. One is this pocket park in the foreground. It creates an area that as you're crossing Francis there on the crosswalk, it's a place for spontaneous interactions. A place where people can spend time. A place where people can hang out, as depicted here, and really have that community engagement.

The other piece that also lends itself to that is these walkup units, which are unique. This kind of townhome-style walkup unit on the base is meant so that it's not just you enter into a door and then you have to go through a corridor to get to your unit. You can go right onto the sidewalk, right onto the street. You're part of the community. This is not a separate, apart community. It is something, again we talked about this substantially in land use as well, but it's something that all flows together. It all is part of the design that is purposeful, intentional, and is meant to be a facility that is additive not only to the site itself, but the community as well.

Exterior Render- PocketPark



Hufft TANNER & WHITE ELOCC

Woodside Village - 9

You can just see in this one the parking that was pulled off the street and the parallel spots I was talking about before. You can also see the high quality of the facade, the materials that were chosen, all the things that we discussed in land use. Those are all very much still relevant to the project. As we dropped those units, as I discussed, those costs stayed the same. Those added expenses, the quality of the project, which is really one of its harbingers. One of its keystones is the high-quality nature of the project. I know, because I heard it many, many times, and I know the architects heard it many more times from Aaron and Blair that quality wouldn't be sacrificed. It might work with ways to reduce height, reduce units, all of which were done, but they're not going to sacrifice the quality.

Of course, corollary to that is the cost is still substantial. It's still a Class A building. It's still going to be that truly transformative project. As a result, in the times that we live in it doesn't surprise anyone to hear about the cost of capital, cost of labor, and cost of materials being very challenging for not only this project, but any project that comes before you is going to have all of those challenges. It's just a different world than it was four years ago, three years ago. As a result, we're here before you with an application that is market. It is not out of step with applications you have approved in the past. It is not asking more than what is necessary either. We had extensive conversations with your representatives to come to an application request and ultimately a negotiated performance agreement and PILOT program that was the minimum incentive that we felt and we proved up was viable for this project to succeed and that can still produce this level of quality.

As a result of that, we believe, again, just in conclusion, that we have produced what is the highest-quality project, one that will dramatically improve the site, that will turn around a defunct site into something that is revenue producing for all parties, frankly. This is an economic win-win for the taxing jurisdictions, including the city and the county, where we share in the upside of the project. This incentive will get the project to go. Once it does and once it opens, once it starts producing property taxes, once its residents start spending sales tax dollars in the Unified Government and Kansas City, KS, we're all going to dramatically benefit by having this project there as opposed to what's there today.

We ask for your support. I stand for any questions. If you don't have any now, I would reserve the opportunity to come back up if anybody speaks to answer any of that.

Mayor Garner said, I will now open the public hearing. Clerk, have you received any notifications from the public who wish to express comments in favor of the item? **Ms. Sparks** said no comments in favor. **Mayor Garner** asked, is there anyone joining us virtually, Clerk, who would like to speak in favor? **Ms. Sparks** said we have Gail with her hand raised.

Gail Bergman, 4520 Francis St., said I'm a few houses down from the development. I was in support of it and I'm still in support of it now. I view it as a benefit to the community. I think property tax abatements have a place. I don't necessarily fully support them, but I want the project to go forward and I would ask that the commissioners consider. I believe the apartments in Russian Hill got an additional \$300,000 for an intersection improvement, so I would just kind of maybe like a similar commitment in this agreement to get further traffic improvements along 46th, if possible.

Mayor Garner asked, Clerk, anyone else? **Ms. Sparks** said no other hands are raised. **Mayor Garner** asked, is there anyone in the chambers who'd like to speak in favor of the item?

Dan Thompson, 4514 Francis St., said I basically live five houses from this project. I've been involved for what, two years in this, I think. I've been here several times. I'm here to represent many members of our neighborhood that are for this project. We wanted to get it started. We're raring to go. I just want to remind you, I've got 70 to 80 support letters sitting here that I personally

went out and got. We're just ready. Please vote yes. Let's get this thing going. I think what they're asking for is extremely fair and creates a win-win.

Jerry Greer, 4503 Francis St., said I've attended several of these meetings previously in support of the project. I'm here again in support of this project. I'll keep my statement short. I agree with what the others have said. Please consider this and move this project forward.

Greg Kindle, Wyandotte Economic Development Council, said I'm a resident of KCK. We're here in support of the resolution of the issuance of IRBs for the Woodside Rosedale Apartment Project at 4601 Rainbow. This project has been a long time in the making. I was here almost one year ago tomorrow, soon tomorrow, in support of the rezoning.

We've been following this project for a very long time. It's gone through a lot of revisions. At one time it was over 200 units. It's now down to 149 units but the investment is still remaining at \$70 million because of those costs that the developer mentioned. They're still here.

I just want to say this is a good project because it drives revenue we don't already have. The reality is it drives about \$1.7 million in net new taxes over its first 10 years during the abatement period versus \$250,000 if we do nothing. If we do nothing with a blighted piece of property, isn't the highest and best use, it's a vacant building with vacant lot with basically brush growing around it, that's the entrance of our community in that location.

We think this is the kind of project that you've asked for. It does meet a lot of the needs of the community. It meets the needs of KU Med and the medical environment that we have there. We just think it's time to move these projects forward. We think this has been a good project. We think this is a good group and they've done a lot to engage the neighborhoods. It isn't a perfect project. It never will be a perfect project, but we need to move these projects forward a little more rapidly than the two years, I think, we've been working on this. We're just here to support that. We think this is the right project. We think it drives revenue. We think it does good things for the community, so we encourage you to support this as well.

Erin Stryka, Rosedale Development Association, 1403 SW Blvd., said RDA has not made a decision to support or oppose this incentive, but I do have some questions for the commissioners about it, if I may. Is that all right, Mr. Mayor?

Mayor Garner said you really don't ask them questions. They'll ask you questions. **Ms. Stryka** said I have some questions to pose out loud that the Commission can consider. **Mayor Garner** said then they can respond back.

Ms. Stryka said first of all, in the presentation to the Economic Development and Finance Standing Committee, bond counsel described benefits to the community as including women and minority-owned business hiring goals. I asked this at standing committee and got part of the answer but wanted to ask it again. What are those goals and how will we know if they're met? If they're not met, what happens next?

Second, I wanted to—so sorry to read from the Rosedale Master Plan when it's 11 PM, but the Rosedale Master Plan has a section on development incentives. One of the guidelines that is meant to be considered for development incentives in the Rosedale area is public benefit. Projects receiving public funds for eligible public expenses should provide a tangible public benefit. Examples include infrastructure, streetscaping, public spaces and parks, and other amenities.

At the standing committee, the Spring Valley Neighborhood Association requested, as a public benefit, that the developer consider extending the sidewalk to State Line Road along 46th or providing meeting space to the neighborhood association. I think those were meant as examples. The developer stated that they couldn't do that because they don't own that land and that they don't have community meeting space. I wanted to point out that the Commission could request the developer fund that sidewalk through our sidewalk incentive program or the way that the Russian Hill project worked, that there was funding for infrastructure, something like that. **Ms. Sparks** said one minute remaining.

Ms. Stryka said I wanted to ask, will any additional public benefit be considered or requested by the Commission beyond what's already required by our code and our landscape designs and all of that?

Finally, the Rosedale Master Plan states that when market demand is strong enough that more developer interests is coming to Rosedale and projects are becoming more feasible without incentives due to raising rents and values. The use of incentives should be curtailed and are used in a much more targeted manner. There's a lot more to that but the idea is to use these incentives strategically and not make them built into every project. My question for the Commission is, is the market in Rosedale and in KCK, in general, such that it's time for that more strategic approach?

Again, not in support or opposition, but just some points that I hope will be discussed tonight.

Mayor Garner said I catch that you mentioned that the Rosedale Association wasn't a proponent or opponent, correct? **Ms. Stryka** said correct. **Mayor Garner** said so this opportunity for you to speak was basically for those that were in favor of that. So are you, as a resident, I mean, is that your position that you're in favor? **Ms. Stryka** said oh, great question. **Mayor Garner** said that was the question. **Ms. Stryka** said I don't think it's ethical for me to take a personal position when I'm down here representing RDA. I hope that's sufficient.

Mayor Garner asked, is there anyone else that would like to speak in favor of this item? (No one appeared.)

I'll ask the Clerk, have you received any notification from the public who wish to express their comments in opposition? **Ms. Sparks** said yes. I'll read those comments now.

The first one is from Karen Kawa. I attended every neighborhood, Planning, and Commission regarding Woodside. I can tell you the majority of the neighborhood was opposed to this project for several reasons, but specifically, because the developer was going to ask for incentives. They held three meetings with the neighborhood and told us that at each one that was their intention. I noticed at the final meeting, their attorney told the commissioners they did not yet know if they were going to ask for incentives, which was not true. Why would the UG consider giving them just shy of \$53 million while continuing to raise taxes significantly for single home owners?

Our next comment is from Patricia King Stone. Good evening, Commissioners. As a 34-year resident and homeowner in Wyandotte County, I faithfully pay my property taxes each year to help better our community. During this time of economic uncertainty, I respectfully submit my opposition to the proposed tax incentives or gift of nearly \$53 million to the developer of the luxury apartment complex at 4601 Rainbow Boulevard, located directly across the street from my home. Instead, I would suggest a report outlining the benefits to the county be submitted from the Economic Development Department and be submitted to the Commission first before a vote on the proposal. Thank you.

The next comment is from Robert Stone. I am opposed to giving this tax incentive. I would like the committee to pass on this until it can be shown to we, citizens, exactly how our county, which is supposedly going bankrupt, will benefit by giving this developer a gift of \$53 million. This developer will build this project without this gift. He already owns this land. He owns the luxury apartments right next door. He owns the luxury club, pool, and spa complex also next door. Why would our county give him \$53 million to build this project when it is obvious he will build it without it.

Next comment is from Erin Doleshal. Opposed. The developer is asking our county to give them tax exemptions to help them build luxury apartments adjacent to their luxury apartments, which is adjacent to their business in one of the best locations in the city. Unless someone can provide details to the taxpayers as to why this is the UG's best interest, we should not be entertaining the incentive requested.

Final comments are from Patricia and Lester Lawson. We are writing to oppose granting nearly \$53 million in tax abatement for the apartment complex to be located at 4601 Rainbow. While some struggle to pay taxes, the Unified Government is poised to grant millions in abated taxes to the 4601 Rainbow Boulevard, LLC, development project, which is a great thing for the developers, but what does it say to the everyday taxpayers of Wyandotte County? At the very least, the developers should not get a break on sales tax when poor and middle-class people pay taxes day in and day out. We realize there are reasons to assist businesses, but when a city as needy as KCK, we would like to see some sharing of the wealth that will be accumulated. We doubt those who own the property will build it elsewhere since they own adjoining properties.

Ms. Sparks said those are all the comments we received.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised. **Mayor Garner** asked, is there anyone here that would like to speak in opposition?

Jacob Hodson, 4448 Francis St., said I am the President of the Spring Valley Neighborhood Association, the neighborhood which this building resides in. For the record, I am for the building of the apartments. I am against giving the developer tax incentives to do so. I would request that if you do consider tax incentives, that you would ask for a community benefit and for the developer to pay for a pedestrian infrastructure along 46th Street to keep our residents safe moving through the neighborhood from State Line to Rainbow Boulevard.

I'd also ask if there is a community space inside that building at all that we'd be able to use it for our neighborhood association meetings as we do not have any public spaces in Spring Valley in order to hold those. We typically hold them either at Westwood City Hall or in the church across the way in Hanover Heights.

Kelly White, 4410 Francis St., said I'm glad it was brought up again, the support, what the developer and the other gentleman is saying with regard to the support because that's been brought up several times. I went to the packet of the January 26th meeting where all of the letters of support and opposition were there for your review. I printed all of them. It's interesting to know that there were 57 signatures in support of this. When I say signature, some of them were letters, some of them were the forms that they sent in. Five of them were from the same people. One of them was from a Woodside employee, so that brought it down to 51.

I would like to also point out that the developer found someone in our neighborhood to go around and pass out packets to some houses and some area businesses with a description of the project. Obviously, it was biased in their favor, explaining the project in their favor, not necessarily showing the pros and cons of the project with the document for people to sign.

I have 99 signatures. Some of them in letters, some of them in just the form that I went around with explaining to everyone what the project was about, the pros and the cons. I made sure to speak to everyone with regard to this. I wanted to make sure they understood the project because I wanted them to sign if they were against it with all of the information. I can tell you I'm bringing this up because it's important to note that as soon as I said there were two things that made them sign this without question, respectively, incentives and the cost of the rent of these apartments.

This request for tax exemption to build high-rent apartments, as the other comment said, next to their high-rent apartments, next to their business feels gross. It is a system that they know how to play. **Ms. Sparks** said one minute remaining.

Ms. White said when they tell you they will not build anything without the incentives, it is a bluff. They will build apartments there because they will not sell this land to someone else and risk having no control over what is built next to them. They do not want a dilapidated building, their words, next to their current apartments.

A yes vote for this incentive request is a vote to allow them to take advantage of Wyandotte County taxpayers.

Mayor Garner asked, is there anyone else who'd like to speak in opposition? Seeing none, I will close the public hearing.

Commissioner Kane asked, how many times have you guys been in front of us? **Mr. Johnson** said too many to count. Probably over five. **Commissioner Kane** said I'm not sure, but I think you guys met with more people than any other project that I can remember. I wish all of them would take the time and make the adjustments that you guys did from x amount of apartments to x amount of apartments. The improvements that's to be done over in that area are unbelievable.

Action: **RESOLUTION NO. R-63-23**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$52,927,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of 4601 Rainbow, LLC and its successors and assigns."
Commissioner Kane made a motion to adopt the resolution.

Commissioner Ramirez said this is my district, of course. Everyone knows this project very well. I've supported the project. When the development agreement came through, I voted to support it. It was brought to my attention by community members that I did make the statement that I would support the project but wouldn't support incentives for the project. If I said it to my community, I'm going to stand by that statement. It is not saying that I don't support the project, I do. It's something that is needed as the Rosedale Master Plan housing across all price points, but, and this is where I'm going to ask Legal for help.

I want to make an adjustment because I know when we get PILOT payments, they go straight to the General Fund. Counsel, am I able to make an adjustment that the PILOT gets set aside for community benefit for the Spring Valley be it a sidewalk? **Mr. Conway** said I think Kevin had probably wanted to address it.

Mr. Wempe said good question. To be clear, the payments in lieu of tax will be the 10-year period after bonds are issued once construction is completed. The first PILOT payment is three-ish years away. I think what you're suggesting—those payments in lieu of tax are basically property taxes that will come into your coffers and be subject to the budgetary process of a future governing body and so forth. I think the short answer is no. We can't earmark those today for future use.

Commissioner Ramirez said that is why I had asked before I made any adjustment or what have you. I guess I will keep my comments at that.

Commissioner Ramirez said going back to one of, quickly, one of Ms. Erin Stryka's comments about the MWBE goals. We, here at the UG, how do we track that? How do we ensure that we're following those goals? What enforcement mechanism do we have to make sure projects are making those goals? All these development agreements, all of these projects that are out in our community have these goals, but us, as commissioners, we don't know if any of these projects are meeting those goals and why they are not meeting those goals.

Debbie Jonscher, Interim CFO, said I did just want to say in the performance agreement, there is a section that talks about developer compliance. We do check that. They are required to submit documentation for their contracts to our Procurement. I think it used to go to Economic Development, but then it would be checked with our Procurement Department to ensure that they have met those guidelines that are within the performance agreement.

Commissioner Ramirez said and it takes the time that it needs.

Commissioner Ramirez said a request to our Administrator. If we can have a report of projects if they've met their goals, why they haven't met their goals. I think that's something that would be very beneficial not only for the Commission, but for the community as well to know. That's a request I make.

Action: Commissioner Stites seconded Commissioner's Kane motion for approval.

Commissioner Bynum said I appreciate the project. I think in general, you know, the Commission supports the project. Bond counsel, I was going to ask you to come back. I was going to ask you to come forward. I heard multiple folks either being read into the record or speaking in opposition to the incentives. I think what I would appreciate very much is just a brief overview of what IRBs are, number one, because I heard multiple references of people saying \$52 million giveaway. I just think that's inaccurate, so if you wouldn't mind clarifying for us and the public exactly what the IRB component is.

Furthermore, I heard Mr. Kindle say that it's \$1.7 million net new over the 10-year life, which means I don't think over the 10-year life it was going to pay \$52 million. So, I just want you to give us that detail again, please, so that we and the public can understand this better.

Mr. Wempe said one quick detour because it was brought up, also, several times before. Going back to the local, minority, and women-owned business, the penalty for that is built into the contract. It's been the case on the majority of your IRB projects and property tax abatement where the annual inflators doubled if they should fail to meet those goals. It slides more property tax revenue to jurisdictions and decreases the incentive. So, that's the response to that. Thanks for letting me handle that first.

Mr. Wempe said also, some of the statements about gifting \$52, \$53 million to the developers is incorrect. The size of the bonds is dictated by the estimated construction cost of the project. The reason for that is that the statute requires anything to which the two incentives run under IRBs should be bond financed.

On these buy your own bond deals where the developer is purchasing its own bonds, the IRBs are simply used as a tool for providing property tax abatement for a maximum term of up to 10 years and sales tax exemption on their construction materials and (inaudible). It's a common misconception when we talk about IRBs or any type of bond. Most people's general idea of a bond is we're borrowing money or someone's writing a check, or something loan-like on these deals where it's simply for the purpose of branding the incentive. That's not the case. There's not money going out the door on the front end to fund construction costs by the UG. Instead, the

developer will privately finance these construction costs. They'll realize the savings by not paying sales tax on those construction materials. Then, of course, the property tax incentive is that 10-year term following completion.

Commissioner Bynum asked, is it also a common misconception that—it's gone from my brain. Sorry.

Commissioner Burroughs said during the discussion within the Economic Development Committee, it was strongly suggested that the staff and/or the local unit of government form a listing of MLB, MBE, and WBE so that we have that listing available for developers when they come in so they don't have to take that burden upon themselves to reach out and do that. That listing is already here. Many of them are Wyandotte County residents, Wyandotte County small businesses, and can be utilized by the developers. That was a suggestion that came forward from the discussion within the Economic Development Committee. It was met wholeheartedly.

Commissioner Burroughs said if I remember correctly, it was stated that the ownership of the prior development to the south is still owned by those that invested in it. If that's the case, I would anticipate that being the same situation moving forward with this development. I don't know how many developers in this community develop and stay and continue to be a good partner in our community through development. Many times they come forward, take the incentives, within three years they sell the project, take the incentives and sell them off and we are left with new owners or new vendors we do not know about.

I just want to say thank you. I just wanted my colleagues to hear how much of a discussion we had in reference to your development in Economic Development Committee.

Mayor Garner said I will close the public hearing. Are there any further comments or questions? (There were none.)

Roll call was taken on the motion and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Kane, Markley, Stites, Johnson; and one "No," Ramirez.

(Angela Lawson, Acting Chief Counsel, returned to the meeting.)

Item No. 2 – 212833...ORDINANCE: DOWNTOWN CAMPUS PROJECT (LANIER UNITED LLC)

Synopsis: Conduct a public hearing and approve the adoption of a resolution determining the intent to issue industrial revenue bonds in the amount of not to exceed \$52,927,000 to finance the costs and equipping a commercial multifamily facility for the benefit of 4601 Rainbow, LLC, submitted by Jeff Conway, Assistant Counsel. On October 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission. Resolution R-56-23 was adopted by the governing body on September 14, 2023, setting the public hearing.

Ordinance to Amend TIF District for Lanier Project (Downtown Campus) and Adopt New TIF Project Plan

Unified Government of Wyandotte County/Kansas City,
Kansas

October 26, 2023

STINSON LLP STINSON.COM

Todd LaSala, Stinson LLP, said I'll be very brief. I do have a presentation. It's very short. I think the visuals will be helpful.

Your public hearing tonight on the Lanier Downtown Project requires public hearing and there's essentially three things this ordinance does.

STINSON

What are We Considering Tonight?

An Ordinance re: the Lanier Downtown TIF that would:

- Remove the Athletic Field Property (and connecting ROW) from the TIF District
- Termination of the Original TIF Project Plan adopted by the UG on July 30, 2020
- Adopt a New TIF Project Plan with a Number of Differences

These are the three things that we would accomplish if you were to vote for this. One, it would remove the athletic field property from the existing TIF district. I'll show you exactly what that looks like in a minute. Two, it would terminate the TIF plan that was approved in July 2020, the original TIF plan. Third, it would adopt a brand new TIF plan with a number of important differences.

STINSON

1. Removal – This is the Original TIF District (2020)"



3

This area you see in blue is the original TIF district for this project from 2020. If you keep that in your mind, you'll see the Reardon Center kind of on the right-hand side of this slide, and then it's connected through the right-of-way. That other site on the left-hand side of the slide was originally to be the athletic fields portion of the project. That's the part, along with the right-of-way, that's going to be removed.

STINSON

1. Removal -- The Proposed Amended TIF District (2023)



4

If you were to approve this, the portion you see in blue that remains, that would be the new TIF district for this project.

STINSON

1. Removal – The Removed Property



5

This is the area that is removed. Hopefully, all of that is clear. Those are the adjustments that you would make to the TIF district tonight if you were to approve the ordinance.

STINSON

2. Termination of Original TIF Project Plan

- Original TIF Project Plan was adopted on July 30, 2020
- Has never been implemented and no TIF Proceeds Disbursed under existing TIF Project Plan
- The Original Project Plan is no longer desired or feasible

6

Termination of the original plan. This original plan was adopted in July 2020, but it's never really been implemented. There are no TIF proceeds that have been dispersed under this plan, and the developer wants to abandon this plan and move to a new, adjusted plan.

STINSON

3. Approval of new TIF Project Plan

Key Differences in New TIF Project Plan (vs. 2020 TIF Plan)

All previously reviewed and approved in Amended Development Agreement (approved on April 13, 2023)

- Removal of 38,000 s.f. recreational fields concept
- Removal of 6,000 s.f. fitness center
- Increase in Apartments from 75-85 units up to 85-100 units

7

The new TIF plan that you have in front of you, which, by the way, is really sort of laid out in the development agreement that you approved in April. This entire process is frankly laid out and road mapped in that development agreement.

Here are the major differences. The athletic fields concept and that portion of the project that is being removed, it goes away. You may remember that portion of the land that is leaving is really going to be used by the community college in their project. Secondly, it removes a 6,000 s.f. fitness center, and it increases the number of units, the apartment units, in the project from a range that was originally 75 to 85 units up to 85 to 100 units.

STINSON

3. Approval of new TIF Project Plan (continued)

Other Key Differences in New TIF Project Plan (vs. 2020 TIF Plan)

- Original TIF Project Plan for sharing TIF increment: Developer gets 100% of incremental had a scaled structure eal property taxes for first 12 years, then decreasing by 10% each year thereafter:
 - 100% for years 1 through 12
 - 90% in year 13
 - 80% in year 14
 - 70% in year 15
 - Etc., down to 20% in year 20
- New Project Plan provides for 85% share of TIF increment every year for 20 years

8

This is really the last key difference. It really changes the structure of the TIF. The original TIF was a fairly complicated sharing structure where the developer really got 100% of the increment and the proceeds from the TIF for the first 12 years of the project. Then starting in year '13, started sharing that increment and rationing down so that the UG would keep 10% a year starting in year '13, growing to 80% in year '14, 70% in year '15, and so on until you get to 20% of the TIF that the developer would see in year '20.

The new plan is a straight 85% across the board. The developer gets 85% of the increment. The UG starts sharing in 15% of the increment in year one and gets that every year of the 20 years.

STINSON

DISCLAIMER: This presentation is designed to give general information only. It is not intended to be a comprehensive summary of the law or to that, exhaustively the subjects covered. This information does not constitute legal advice or opinion. Legal advice or opinions are provided by Stinson LLP only upon engagement with respect to specific factual situations.

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Those are the differences. Those are really the things that are embedded in this ordinance. I'll also say Mr. Lanier could not be available tonight. He is available online.

Commissioner Bynum asked, in these agreements where we have tax increment financing and we are giving the...**Mayor Garner** said, Commissioner Bynum, I'm sorry. I've gotten ahead of myself. I have to open the public hearing.

Mayor Garner asked, Clerk, have you received any notification from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised. **Mayor Garner** asked, is there anyone joining us in the chambers who would like to speak in favor of the item? Seeing none.

Clerk, are there any notifications received who wish to express their comments in opposition? **Ms. Sparks** said no comments received. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition of the item? **Ms. Sparks** said no hands are raised. **Mayor Garner** asked, is there anyone in the chambers who'd like to speak in opposition to this item? (No one appeared.)

Mayor Garner said I'll now close the public hearing.

Commissioner Bynum said when we have a TIF, the original tax amount on whatever we're providing a TIF for is collected.

Mr. LaSala said that's right. It remains collected by the taxing jurisdiction. You retain it. You keep it.

Commissioner Bynum said the question is, when it's a publicly-owned place like this is, the tax collected is actually zero but it doesn't mean there isn't a value. My question for you is, do we create a base value and collect the tax on that base value before the developer receives the abatement on the increment?

Mr. LaSala said the answer is yes. There is a retained base value that is scheduled in the TIF project plan. It starts at about \$341,000 a year is retained.

Commissioner McKiernan said I would just like to thank Mr. Lanier for not only sticking with us online in our meeting tonight, but for sticking with us over the long haul for the development and execution of this project.

Action: **ORDINANCE NO. O-131-23**, “An ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas removing area from a redevelopment district, terminating a redevelopment project plan, and adopting a redevelopment project plan pursuant to K.S.A. 12-1770 et seq., and amendments thereto, for the project area within the Downtown Campus Redevelopment District.”
Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

Item No. 1 – 212832...RESOLUTION: AMENDING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR LANIER UNITED

Synopsis: Approval of an amendment to the resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable industrial revenue bonds for the benefit of Lanier United LLC, in a principal amount not to exceed \$23,260,000, submitted by Jeff Conway, Assistant Counsel. This commission previously adopted Resolution No. R-86-20 on December 17, 2020, authorizing issuance of bonds.

Kevin Wempe, Gilmore & Bell, bond counsel for the UG, said I'll be very brief. Just tacking on to what Todd had just said. As contemplated in the development agreement from earlier this year, another piece of the financing was IRBs for the purpose of granting sales tax exemption on construction materials. Three years ago, this Commission approved a resolution that was set to expire at the end of this year. Due to the nature of the project and that it's now getting underway,

the only amendment here is to actually extend that end date out several years to provide them time to utilize that part of the incentive.

Action: **RESOLUTION NO. R-64-23**, “A resolution amending Resolution No. R-86-20 previously adopted by the Unified Government of Wyandotte County/Kansas City, Kansas relating to the issuance of industrial revenue bonds in the amount not to exceed \$23,260,000 to finance the costs of acquiring, constructing, and equipping multi-use commercial facilities for the benefit of Lanier United, LLC and its successors and assigns (sales tax exemption only).” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Commissioner Stites said if you can answer this. I know this was the previous item that we just handled, but the recreation of that new TIF district and the new plan resets the 20-year clock, correct? **Mr. Wempe** said that’s correct. **Commissioner Stites** asked, when does that 20-year clock start, today? (**Mr. Wempe** shook his head in an affirmative manner.)

Commissioner Burroughs said I think somewhere along the discussion we had a drop-dead date that construction was supposed to begin, the project was supposed to start. Is that date today? **Todd LaSala, Stinson LLP**, said no. **Commissioner Burroughs** asked, when is that date? **Mr. LaSala** said January 22, 2024. **Commissioner Burroughs** said quickly approaching. **Mr. LaSala** said correct. **Commissioner Burroughs** said the middle of winter. **Mr. LaSala** said correct.

Mr. LaSala said, Commissioner, you’re remembering this exactly right. That’s our date for satisfying all our conditions and closing. He would have a little time after that to commence construction after we close on the financing and transfer the property.

Commissioner Burroughs said I just want to remind you to remind your client that we are aware there is...**Mr. LaSala** said I’m your client. I don’t represent Mr. Lanier. I don’t. We are in communication with the developer. We have and will continue to remind them about that date.

Administrator Johnston asked, could you reiterate the closing date from the transfer from our ownership to the developer ownership would happen? **Mr. LaSala** said the deadline for that is January 22, 2024.

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

Item No. 2 – 212834...ORDINANCE: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR MILHAUS PROPERTIES LLC

Synopsis: Approval of an ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable Industrial Revenue Bonds (94th and State, LLC Project) Series 2023, in a principal amount not to exceed \$45,000,000, submitted by Jeff Conway, Assistant Counsel. Resolution R-20-21 was adopted by the governing body on March 11, 2021, authorizing intent to issue bonds.

Kevin Wempe, Gilmore & Bell, bond counsel for the Unified Government, said I fully acknowledge this is the last item on the agenda. It’s the third IRB item so I will give the abbreviated version here. We’ve covered a lot of this ground.

This is the Milhaus Apartments at the old Schlitterbahn site. Whereas earlier tonight you did a public hearing and considered step one of an IRB project, this is step two, post-construction. They’re nearing completion. Pursuant to the PILOT agreement that was entered into two years ago, they’re now approaching this Commission to actually issue the industrial revenue bonds. The effect of that will be that they’ll pay all closing costs, including the origination fee owed to the Unified Government. The bonds would be issued meaning starting in 2024, their payment in lieu of tax schedule would begin under that 2021 agreement.

Like we talked about with other projects tonight, it’s a buy your own bond deal. Again, no UG liability, no UG credit risk, developer purchase bond.

Action: **ORDINANCE NO. O-132-23**, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable Industrial Revenue Bonds (94th and State, LLC project), Series 2023, in a principal amount

not to exceed \$45,000,000, for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping a commercial multifamily development, including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the issuer to enter into certain documents and actions in connection with the issuance of said bonds.”

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

COMMISSIONERS’ AGENDA

No items

LAND BANK BOARD OF TRUSTEE’S CONSENT AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

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

MAYOR GARNER

ADJOURNED THE MEETING AT 11:50 P.M.

October 26, 2023

Monica L. Sparks
Interim Unified Government Clerk

cg

October 26, 2023

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

SPECIAL MEETING, THURSDAY, FEBRUARY 6, 2025

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, February 6, 2025, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District (arriving at 5:05 p.m.); and Mayor Garner, Mayor/CEO, presiding. Ramirez, Commissioner Third District; was absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Acting Chief Counsel; and Monica L. Sparks, Unified Government Clerk.

Mayor Garner said before I call the meeting to order I want to remind everyone to please make sure you that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is current guidance from the Kansas Attorney General's Office. Please make sure if you're allowed to speak, that you speak clearly so your comments can be captured for the record.

Mayor Garner called the meeting to order.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in person on Thursday, February 6, 2025, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for the following: 1. Executive Session for consultation with attorneys on matters that would be deemed privileged in an attorney-client relationship such as litigation or claims against the city. 2. Immediately followed by an executive session relating to the security of a public body or agency, public building or facility; or the information system of a public body or agency. 3. Immediately followed by an executive session relating to personnel matters of non-elected personnel. The Executive Session portion of the meeting is closed to the public under the Kansas Open Meetings Act.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

ROLL CALL: Hill, Kane, Lopez, Stites, Bynum, Burroughs, Townsend, Burns, Garner.

Mayor Garner said at this time the Commission will go into Executive Session for consultation with attorneys on matters that would be deemed privileged in attorney-client relationship such as litigation or claims against the city. Do we have a motion for Executive Session?

Commissioner Burroughs made a motion, seconded by Commissioner Bynum, that the Commission go into Executive Session until 5:35 p.m. in the 5th floor conference room to consult with our attorneys and to discuss confidential matters related to potential claims and litigation as permitted under the Kansas Open Meetings Act; and that David Johnston, County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Senior Attorney; Dan Kuhn, Senior Attorney; and Spencer Lowe, Outside Counsel; be present to participate in discussion and that we reconvene to open session at 5:35 p.m. in the fifth floor conference room. Roll call was taken and there were nine “Ayes,” Hill, Kane, Lopez, Stites, Davis, Bynum, Burroughs, Townsend, Burns.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO; presiding. **Staff present:** David Johnston, County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Senior Attorney; and Dan Kuhn, Senior Attorney. **Others present:** Spencer Lowe, Outside Counsel.

Mayor Garner reconvened back into Special Meeting at 5:35 p.m.

Mayor Garner said I'll entertain a motion to reconvene back into Executive Session.

Commissioner Burroughs made a motion, seconded by Commissioner Bynum, for the Commission to go into Executive Session until 6:10 p.m. to discuss confidentially, so as not to jeopardize the integrity of security practices and procedures intended to protect public building or facility or the information system of a public body all as justified under the security measures exception in the Kansas Open Meetings Act; and that David Johnson, County Administrator; Angela Lawson, Acting Chief Counsel; Keath Rankin, Unified Government Attorney; Kevin Bibbs, Information Technology Director; and A.J. Montes, Cyber Security Coordinator; be present to participate in the discussion and that we reconvene in open session at 6:10 p.m. Roll call was taken and there were nine "Ayes," Hill, Kane, Lopez, Stites, Davis, Bynum, Burroughs, Townsend, Burns.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO; presiding. **Staff present:** David Johnston, County Administrator; Angela Lawson, Acting Chief Counsel; Keath Rankin, Unified Government Attorney; Kevin Bibbs, Information Technology Director; and A.J. Montes, Cyber Security Coordinator.

Mayor Garner reconvened back into Special Session at 6:10 p.m.

Mayor Garner said before I entertain a motion, are there any questions that are appropriate for open session? I'll entertain a motion for approval of a resolution authorizing the Unified Government to enter into an Installment-Purchase Agreement with Sophos Payment Resources.

Action: **RESOLUTION NO. R-6-25,** "A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to enter into an Installment-Purchase Agreement with Sophos, and to approve the execution of certain documents in

connection therewith.” **Commissioner Bynum made a motion, seconded by Commissioner Townsend, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Hill, Kane, Lopez, Stites, Davis, Bynum, Burroughs, Townsend, Burns.

Mayor Garner said at this time the Commission will go back into Executive Session relating to Personnel Matters of non-elected personnel.

Commissioner Burroughs made a motion, seconded by Commissioner Bynum, to reconvene into Executive Session in the fifth floor conference room for 15 minutes to allow the Commission to further discuss an employee matter which is a private personnel matter related to a specific non-elected employee as permitted by the Kansas Open Meetings Act and that David Johnson, County Administrator; be present for part of the session and Acting Chief Counsel Angela Lawson be available for questions and that we return to open session at 6:30 p.m. in the fifth floor conference room. Roll call was taken and there were nine “Ayes,” Hill, Kane, Lopez, Stites, Davis, Bynum, Burroughs, Townsend, Burns.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO; presiding. **Staff present:** David Johnston, County Administrator, for part of the session and Angela Lawson, Acting Chief Counsel, available for questions.

Mayor Garner reconvened back into Special Session at 6:30 p.m.

Mayor Garner said there is no further business during this session. I’ll entertain a motion to adjourn.

Commissioner Kane made a motion, seconded by Commissioner Bynum, to adjourn. Roll call was taken and there were nine “Ayes,” Hill, Kane, Lopez, Stites, Davis, Bynum, Burroughs, Townsend, Burns.

**MAYOR GARNER AJOURNED
THE MEETING AT 6:30 p.m.**

Monica L. Sparks
Unified Government Clerk

dt

February 6, 2025



Report to

MEETING DATE	PRESENTER	DEPARTMENT
FEB 27 2025	Deasiray Bush, Program Coordinator dbush@wycokck.org x5110	Transportation
AGENDA ITEM #		
RESOLUTION: GENERAL MOTORS ON MAIN STREET GRANT PROGRAM: CONNECTING COMMUNITY & CREATIVITY		
BACKGROUND		
The Transportation Department seeks approval to apply to General Motors (GM) on Main Street 2025 Grant Program. Approved recipients will receive \$60k for transit-focused projects, and the grant is a zero-match requirement. The proposed project, 7th & Minnesota Transit Hub Revitalization, seeks to enhance a central transit point connecting nine bus routes. With a focus on improving aesthetics, functionality, and user experience, key upgrades include replacing outdated bus shelter panels, installing innovative seating art, adding a vibrant mural to the retaining wall, and incorporating bike racks. The goal is to create a welcoming, safe, and vibrant space that fosters pedestrian safety, enhances accessibility, and meets the community's needs, ultimately improving the quality of life in the area. This project aligns with the General Motors 2025 Program's mission to revitalize Main Street districts and enhance public spaces.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Transit resolution DRAFT, SC Presentation for GM		

AP/MS: [Signature] *2/20/2025*

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE UNIFIED GOVERNMENT TRANSPORTATION
DEPARTMENT TO APPLY FOR THE GENERAL MOTORS ON MAIN STREET 2025
GRANT PROGRAM**

WHEREAS, the 7th & Minnesota Transit Hub Revitalization project in Wyandotte County seeks to enhance a central transit point connecting nine bus routes; and

WHEREAS, the goal of the project is to create a welcoming, safe, and vibrant space that fosters pedestrian safety, enhances accessibility, and meets the community's needs, ultimately improving the quality of life in the area; and

WHEREAS, key upgrades include replacing outdated bus shelter panels, installing innovative seating art, adding a vibrant mural to the retaining wall, and incorporating bike racks, with a focus on improving aesthetics, functionality, and user experience; and

WHEREAS, the project aligns with the General Motors on Main Street 2025 Grant Program's mission to revitalize Main Street districts and enhance public spaces; and

WHEREAS, eligible grant uses include construction and installation supplies and materials, equipment, labor costs, artist's supplies and fees associated with a community engagement design process (i.e. a mural informed by facilitated community discussions), one-time event costs and programming for initial activation of the space, and engineering and architectural plans or fees (up to 20% of \$60,000 grant budget); and

WHEREAS, the grant amount is \$60,000.00 with no match requirement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby approves the Transportation Department's pursuit of the General Motors on Main Street 2025 Grant for its 7th & Minnesota Transit Hub Revitalization project.

Section 2. Further Action. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____, 2025.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:



Unified Government Transportation Department

TRANSIT HUB REVITALIZATION: CONNECTING COMMUNITY & CREATIVITY

Meeting the Needs of Our Community

Presented by: Deasiray Bush



ABOUT THE 2025 GM ON MAIN STREET GRANT PROGRAM

The program provides funding for innovative transportation projects that will improve the safety, accessibility, and vibrancy of Main Street districts. GM is looking for ideas that will make downtowns more walkable, safe, accessible, and attractive for both visitors and residents. Proposals should focus on projects that promote pedestrian safety and traffic calming initiatives to improve quality of life in our Main Streets.

What types of grant expenses are eligible?

Requested funding must be for a physical transportation-focused project.

Eligible Grant Uses:

- Construction/installation supplies and materials
- Equipment
- Labor costs for construction/rehabilitation/installation/artist fees
- Artist's supplies and fees associated with a community engagement design process (i.e. a mural informed by facilitated community discussions)
- Other physical items
- One-off event costs/programming for initial activation of the space
- Engineering and architectural plans or fees (up to 20% of \$60,000 grant budget)

Ineligible Grant Uses:

- Staff salaries (beyond initial construction/rehabilitation/installation labor)
- Operational expenses
- Reimbursement for projects that are already completed





Transit Hub Revitalization: Connecting Community & Creativity

Project Overview:

- Revitalizing the 7th & Minnesota Transit Hub in Wyandotte County, a central point connecting 9 fixed routes.
- Ridership of 1.2 million (July 2023 – June 2024).
- Focus on improving the hub's aesthetics, functionality, and user experience.
- Grant Amount: \$60k
- Match Requirement: Zero

Key upgrades:

- Replace outdated bus shelter panels
- Install innovative seating art pieces
- Add vibrant mural to the retaining wall
- Incorporate bike racks

Goal:

- Create a welcoming, safe, and creative space while ensuring efficiency and meeting community needs.



Innovative Approach:



- Combining art and functionality for a visually dynamic and engaging transit space.
- Creative seating art pieces reflecting local urban culture.
- Anti-loitering elements to maintain safety and prevent long-term congregation.
- Mural showcasing local history and culture, turning a mundane structure into a public art display.
- Integration of bike racks to promote eco-friendly commuting.

Artwork Connect

JT DANIELS

"Whenever I see a blank wall...I see an opportunity to communicate."



 Jersey Creek Basketball Court

 Plaza Mural

 The MERC CO+OP



Proposed Budget



Project Title:	Transit Hub Revitalization: Connecting Community & Creativity		
Grant	\$60,000		
Quantity	Item	Price	Total
2	Bike Rack-"Wave" 68-1/2Wx36H	\$ 207.00	\$ 414.00
2	Bike Rack Install Labor - Partner with Street Department	\$ -	\$ -
4	Seating Art Pieces	\$ 1,200.00	\$ 4,800.00
4	Seating Art Pieces Install Labor -Partner with Street Department	\$ -	\$ -
	WycoKCK- 7TH & Minnesota Bus Shelter Plexiglass Wall PanelsReplace 8 curved roof panels with similar plexiglass.Replace 5 wall panels with ½ plexiglass.Replace roof panel rubber gasket and fasteners.Replace wall panel rubber		
1	gasket.	\$23,351.82	\$ 23,351.82
1	WycoKCK- Bus Shelter Plexi-glass Replacement 7th Street	\$20,697.97	\$ 20,697.97
1	Mural Budget	\$10,736.21	\$ 10,736.21
	Total		\$ 60,000.00



Project Timeline

- January 28, 2025: Received Grant Information
- March 2, 2025: Grant Due
- May 1, 2025: Grant funds will be disbursed to approved applicants
- May-June: Project Preparation & Planning
- July: Select artist, contractors, and procurement materials
- July-September: Installation & Materials
- November: Finalized project and Grant Reporting

THANK YOU

5033 State Avenue
Kansas City, Kansas 66102
Email: ugtransit@wycokck.org
Phone: 913-573-8351



www.wycokck.org/transportation





Report to

MEETING DATE	PRESENTER	DEPARTMENT
FEB 27 2025	Shelley Kneuvean, Chief Financial Officer	Finance
	Debbie Jonscher, Deputy Finance Officer	
	Alyse Villarreal, Fiscal Officer	
	skneuvean@wycokck.org, djonscher@wycokck.org, avillarreal@wycokck.org x5849, x5847, x5273	
AGENDA ITEM #		
ORDINANCE/RESOLUTION: SALE AND ISSUANCE OF GENERAL OBLIGATION 2025-A BONDS		
BACKGROUND		
An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2025-A and a resolution authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2025-A, submitted by Dr. Shelley Kneuvean, Chief Financial Officer. Sale of bonds was approved at the Full Commission Meeting held 1/9/2025 Full Commission.		
RECOMMENDATION		
Approve Approve This is for the 2/27/25 Full Commission. Recommended for approval.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
Issuances of debt will obligate the UG into making principal and interest payment for 20 years. Preliminary schedules estimate \$2.1M of annual debt service to be paid by City Bond & Interest Fund and \$4.7M of annual debt service to be paid by Sanitary Sewer Revenues. Actual results will be presented at the Full Commission meeting on the night of the bond sale, 2/27/25.		
IT/POLICY CONSIDERATIONS		
N/a		
PROCUREMENT CONSIDERATIONS		
N/a		
LEGAL CONSIDERATIONS		

[G.O. BASIC DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Summary Ordinance
- D. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS HELD
ON FEBRUARY 27, 2025**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Chief Financial Officer reported that pursuant to the Notice of Bond Sale, bids for the purchase of General Obligation Improvement Bonds, Series 2025-A, dated March 27, 2025, of the Unified Government had been received. A tabulation of said bids is set forth as ***EXHIBIT A*** hereto.

The governing body reviewed and considered the bids and it was found and determined that the bid of [Name of Purchaser], [Purchaser City], [State] was the best bid for the Bonds, a copy of which is attached hereto as ***EXHIBIT B***.

There was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2025-A, OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL
TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON
SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER
DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING
CERTAIN COVENANTS WITH RESPECT THERETO.**

Commissioner _____ moved that said Ordinance be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the following vote of the governing body:

Yea: _____

Nay: _____

The Mayor/CEO declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. O-____-25 was signed and approved by the Mayor/CEO and attested by the Clerk, and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the Unified Government.

There was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2025-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-____-25 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Commissioner _____ moved that the Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the following vote of the governing body:

Yea: _____

Nay: _____

The Mayor/CEO declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-____-25 and was signed by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Monica Sparks, Unified Government Clerk

EXHIBIT A

BID TABULATION

**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2025-A**

EXHIBIT B

BID OF PURCHASER

ORDINANCE NO. O-[]-25

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

PASSED

FEBRUARY 27, 2025

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2025-A**

ORDINANCE NO. O-____-25

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2025-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Unified Government has authorized certain public improvement projects of the Unified Government (such improvements and any Substitute Improvements are further described in a resolution adopted by the governing body of the Unified Government on this date, and are hereinafter referred to as the “Improvements”); and

WHEREAS, the governing body of the Unified Government is authorized by law to issue general obligation bonds of the Unified Government to pay a portion of the costs of the Improvements; and

WHEREAS, the governing body of the Unified Government has advertised the sale of the Bonds in accordance with the law and hereby awards the sale of such Bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Bond and Interest Fund” means the Bond and Interest Fund of the Unified Government for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the Unified Government prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the Unified Government’s General Obligation Improvement Bonds, Series 2025-A, dated March 27, 2025, authorized by this Ordinance.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

“Mayor/CEO” means the duly elected and acting Mayor/CEO of the Unified Government or, in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Unified Government.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Notes” means a portion of the Series 2024-I Notes in the aggregate principal amount of \$54,885,000.

“Series 2024-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2024-I, dated March 27, 2024.

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the Unified Government authorized in the manner set forth in the Bond Resolution.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Improvement Bonds, Series 2025-A, of the Unified Government in the principal amount of \$[Principal Amount] for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) retire the Refunded Notes.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the Unified Government payable as to both principal and interest from ad valorem taxes, which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. The full faith, credit and resources of the Unified Government are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the Unified Government.

Section 5. Levy and Collection of Annual Tax. The governing body of the Unified Government shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira and excluding the unincorporated area of the Unified Government, in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the Unified Government are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Unified Government and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor/CEO, Clerk and other Unified Government officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Unified Government newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the Unified Government on February 27, 2025 and **APPROVED AND SIGNED** by the Mayor/CEO.

(SEAL)

Tyrone Garner, Mayor/CEO

ATTEST:

Monica Sparks, Unified Government Clerk

Approved as to form:

Unified Government Legal Department

(PUBLISHED IN THE *WYANDOTTE ECHO* ON MARCH __, 2025)

SUMMARY OF ORDINANCE NO. O-__-25

On February 27, 2025, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2025-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2025-A Bonds approved by the Ordinance are being issued in the principal amount set forth therein to finance certain internal improvements in the Unified Government, and constitute general obligations of the Unified Government payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the Unified Government, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Unified Government. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Clerk of the Unified Government, 701 N. 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://public.wycokck.org/sites/ugordinancesresolutions/Pages/default.aspx>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: February 27, 2025.

Acting Chief Counsel

RESOLUTION NO. R-[]-25

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

FEBRUARY 27, 2025

**GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2025-A**

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EXHIBIT A - Form of Bonds

RESOLUTION NO. R-____-25

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2025-A, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-____-25 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has previously passed the Ordinance authorizing the issuance of the Bonds;
and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or **“Bond”** means the General Obligation Improvement Bonds, Series 2025-A, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk, Acting Clerk or Interim Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means March 27, 2025.

“Debt Service Account” means the Debt Service Account for General Obligation Improvement Bonds, Series 2025-A created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

"Derivative" means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Disclosure Undertaking" means the Continuing Disclosure Undertaking dated as of the Issue Date relating to certain obligations contained in the SEC Rule.

"DTC" means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

"DTC Representation Letter" means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

"Event of Default" means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the

covenants relating to continuing disclosure requirements contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Improvement Bonds, Series 2025-A created pursuant to *Section 501* hereof.

“Improvements” means the following improvements and any Substitute Improvements:

CMIP	Project Name	Improvement Fund Deposit*
9410323	Annual Concrete Repair Program, 2023	\$
9410823	Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2023	
9410923	Fairfax Industrial Area Improvements, 2023	
9410924	Fairfax Infrastructure Improvements, 2024	
9411123	Annual Pavement Preservation Program, 2023	
9411223	Annual Alley Improvement Program, 2023	
9420123	Annual Bridge Repair, 2023	
9420124	Annual Bridge Repair, 2024	
9430123	Annual Priority Traffic Signal Replacements, 2023	
9430124	Annual Priority Traffic Signal Replacements, 2024	
9430223	Fiber Connectivity Projects, 2023	
9430224	Fiber Connectivity Projects, 2024	
9480124	Annual Elevator Upgrades, 2024	
9480223	Annual Facilities/Parking Annual Maintenance & Repair, 2023	
9480224	Annual Facilities/Parking Annual Maintenance & Repair, 2024	
9622141	Holiday Drive Bridge Replacements	
9622170	Bridge #210 (18th St.) over Turkey Creek	
9698085	Fire Station #20	

9698212	Police CSI Lab & Tow Lot	
9698228	PDHQ Chiller	
9701059	Fairfax Trafficway	
9701609	Hutton & Leavenworth Road Intersection	
9701612	Leavenworth Road, 78th - 63rd Street	
9714425	WyCo Lake Waterline Study & Repair	
PRJ-010042	UG Levee Trail James Street Trailhead	
	TAX LEVY SUBTOTAL	
9460523	Annual Sanitary Sewer System Capacity Upgrades, 2023	
9460624	Annual Monitoring and Control Improvements, 2024	
9636309	Annual Wastewater System Renewal, 2022	
9460723	Annual Wastewater System Renewal, 2023	
9460724	Annual Wastewater System Renewal, 2024	
9636311	Annual Overflow CSO Reduction Program, 2021-2022	
9460823	Annual Overflow CSO Reduction Program, 2023	
9460824	Annual Overflow CSO Reduction Program, 2024	
9636039	Relocation of Sewer Maintenance Facilities	
9636047	Plant 20 Biosolids Dewatering	
9636132	Plant 20 & 3 Equipment and Structural Rehab	
	STORM/SEWER SUBTOTAL	
	Total	\$

* *Excludes Costs of Issuance.*

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be February 1 and August 1 of each year, commencing February 1, 2026.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
Attn: Clerk
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Email: clerkwest@wycokck.org

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Email: fiscal@treasurer.ks.gov

(c) To the Purchaser:

[Name of Purchaser]
[Purchaser Address]
[Purchaser City]
[State]
Email:

(d) To the Rating Agency(ies):

Moody’s
7 World Trade Center
250 Greenwich Street, 23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. O-[]-25 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts

evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery, plus a [net] premium of \$[____], less an underwriting discount of \$[____].

“Purchaser” means [Name of Purchaser], [Purchaser City], [State], the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Improvement Bonds, Series 2025-A created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Notes” means a portion of the Series 2024-I Notes in the aggregate principal amount of \$54,885,000.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent for any of the Refunded Notes.

“Refunded Notes Redemption Date” means April 1, 2025.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2024-I Notes” means the Unified Government’s Municipal Temporary Notes, Series 2024-I, dated March 27, 2024.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global, Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[Principal Amount], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay Costs of Issuance; and (c) retire the Refunded Notes.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>	Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>
2026	\$	%	2036	\$	%
2027			2037		
2028			2038		
2029			2039		
2030			2040		
2031			2041		
2032			2042		
2033			2043		
2034			2044		
2035			2045		

**[TERM BONDS

Stated Maturity <u>August 1</u>	Principal <u>Amount</u>	Annual Rate <u>of Interest</u>
_____	\$ _____	_____ %]**

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in *Section 204* hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *EXHIBIT A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the

Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to *Article III* hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this *Article II*.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic, or facsimile signature of the Mayor/CEO, attested by the manual, electronic, or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Clerk are hereby authorized and directed

to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic, or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor/CEO and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and

Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor/CEO and acting chief financial officer of the Issuer are hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved. The Mayor/CEO and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on August 1 in the years 2035, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on August 1, 2034, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[**Mandatory Redemption.** (a) 20__ Term Bonds. The 20__ Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in *Article IV* hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such 20__ Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
\$	20__
	20__*

*Final Maturity

(b) 20__ Term Bonds. The 20__ Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in *Article IV* hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on August 1 in each year, the following principal amounts of such 20__ Term Bonds:

<u>Principal Amount</u>	<u>Year</u>
\$	20__
	20__*

*Final Maturity

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the Issuer may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the Issuer under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection) and cancelled by the Paying Agent and not theretofore applied as a credit against any

redemption obligation under this subsection. Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the Issuer to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity as designated by the Issuer, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the Issuer intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the Issuer will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

Section 302. Selection of Bonds to be Redeemed. Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. [The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.]

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the State Treasurer. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

- (a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being

redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer, in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Improvement Bonds, Series 2025-A; and
- (b) Debt Service Account for General Obligation Improvement Bonds, Series 2025-A (within the Bond and Interest Fund); and
- (c) Rebate Fund for General Obligation Improvement Bonds, Series 2025-A.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) All accrued interest (if any) received from the sale of the Bonds shall be deposited in the Debt Service Account.
- (b) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying a portion of the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) paying interest on the Bonds during construction of the Improvements; (c) paying Costs of Issuance; (d) retiring the Refunded Notes on the Refunded Notes Redemption Date; and (e) transferring any amounts to the Rebate Fund required by this *Article V*.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

- (a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section; (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Bonds to include the Substitute Improvements; and (4)

the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-[]-25/Ordinance No. O-[]-25 of the Issuer; and (2) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law. If the Issuer desires to reallocate Bond proceeds to Improvements in an amount in excess of the lesser of the Financeable Costs of the Improvement or the amount of the Improvement authorized to be financed with general obligation notes and/or bonds as set forth in Resolution R-[]-25/Ordinance No. O-[]-25 of the Issuer, then the Issuer shall follow the procedures set forth in subparagraph (a) of this Section prior to such reallocation of Bond proceeds.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply

with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States which has a main or branch office located in the Issuer. All such depositaries shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, at the discretion of the Issuer, be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all

proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with *Article III* hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor/CEO, acting chief financial officer of the Issuer and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Mayor/CEO and Clerk are hereby authorized and directed to execute the Disclosure Undertaking in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be

filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by ordinance or resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners. Copies of any amendments shall be provided to each Rating Agency at least 10 days prior to the effective date thereof.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the ordinance or resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution,

Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly delivered by prepaid overnight delivery service or mailed by registered or certified mail, postage prepaid; or (b) communicated via electronic mail, with confirmation of delivery receipt, read receipt or otherwise. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) delivery service or certified or registered mail as aforesaid shall be deemed duly given as of the date they are so provided to the delivery service or mailed, respectively; (b) electronic mail as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described in this Bond Resolution may be conducted, and documents related to the Bonds may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1008. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on February 27, 2025.

(SEAL)

Tyrone Garner, Mayor/CEO

ATTEST:

Monica Sparks, Unified Government Clerk

Approved as to form:

Unified Government Legal Department

EXHIBIT A
(FORM OF BONDS)

REGISTERED
NUMBER R-__

REGISTERED
\$

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
GENERAL OBLIGATION IMPROVEMENT BOND
SERIES 2025-A

Interest
Rate:

Maturity
Date:

Dated
Date: March 27, 2025

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 of each year, commencing February 1, 2026 (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Bond Registrar”). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “General Obligation Improvement Bonds, Series 2025-A,” aggregating the principal amount of \$[Principal Amount] (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, Charter Ordinance No. CO-03-09 of the Issuer, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the Issuer, excluding the incorporated areas of Bonner Springs, Edwardsville and Lake Quivira, and excluding the unincorporated area of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest, and any

redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual, electronic, or facsimile signature of its Mayor/CEO and attested by the manual, electronic, or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

[(Facsimile Seal)]

By: _____ (facsimile)
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____ (facsimile)
Monica Sparks, Unified Government Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 2025-A, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Bond Resolution.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas,
as Bond Registrar and Paying Agent

Registration Number _____

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

The undersigned, Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of March 27, 2025.

WITNESS my hand and official seal.

(Facsimile Seal)

(facsimile)
Monica Sparks, Unified Government Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

STEVEN JOHNSON, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____, 2025.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



Report to

MEETING DATE	PRESENTER	DEPARTMENT
FEB 27 2025	Chelsee Chism, Director cchism@wycokck.org X8046	Economic Development
AGENDA ITEM #		
ORDINANCE: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR HUDSON APARTMENTS LLC		
BACKGROUND		
Approval of an Ordinance authorizing the Unified government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds (Hudson Apartments, LLC Project) series 2025, in a principal amount not to exceed \$64,000,000, submitted by Jeff Conway, Senior Counsel. Resolution R-91-21 was adopted by the governing body on December 2, 2021, determining the body's intent to issue bonds not to exceed \$48,000,000. Resolution R-18-23 was subsequently adopted by the governing body on March 30, 2023, determining the body's intent to issue bonds not to exceed \$64,000,000.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Ordinance - Hudson Apartments (UG)		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Def 2/20/2025

Approved: J. Conway

ORDINANCE NO. O-__-25

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (HUDSON APARTMENTS, LLC PROJECT), SERIES 2025, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$64,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF HUDSON APARTMENTS, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Hudson Apartments, LLC Project), Series 2025 (the “Bonds”), in a principal amount not to exceed \$64,000,000, for the purpose of acquiring, constructing, improving and equipping a commercial multifamily facility consisting of approximately 228 units, and all related improvements for the benefit of Hudson Apartments, LLC, a Kansas limited liability company or permitted assigns (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$64,000,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Indenture;
- (b) Base Lease Agreement;
- (c) Lease Agreement;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO’s absence, the acting Mayor/CEO) and the County Administrator of the Issuer, as applicable, are hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer’s Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such

action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

[Balance of page intentionally left blank]

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on February 27, 2025 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on March 6, 2025)

SUMMARY OF ORDINANCE NO. O-__-25

On February 27, 2025, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (HUDSON APARTMENTS, LLC PROJECT), SERIES 2025, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$64,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT FOR THE BENEFIT OF HUDSON APARTMENTS, LLC, ITS SUCCESSORS AND ASSIGNS; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$64,000,000, for the purpose of acquiring, constructing, furnishing, and equipping a commercial multifamily facility consisting of approximately 228 units for Hudson Apartments, LLC, a Kansas limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2025 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: February 27, 2025.

Office of Chief Counsel



Report to Planning & Zoning / Board of Commissioners

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #11.4.		
ORDINANCE: ISSUANCE OF BONDS BY KANSAS DEVELOPMENT FINANCE AUTHORITY FOR THE CHELSEA PLAZA PROJECT		
BACKGROUND		
An ordinance expressing approval/disapproval of the issuance of multifamily housing revenue bonds by the Kansas Development Finance Authority for the Chelsea Plaza project located at 566 Freeman Court in Kansas City, Kansas.		
RECOMMENDATION		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Ordinance of Disapproval of KDFA bonds--Chelsea Plaza, Ordinance of Approval of KDFA bonds--Chelsea Plaza, Chelsea Plaza MUNI Notice, CP Property Summary, CP UG Support Letter (executed) 2-13-25		

Approved by Mayor and/or Chair and Administrator to add to agenda.

ORDINANCE NO. _____

AN ORDINANCE EXPRESSING DISAPPROVAL OF THE ISSUANCE OF PRIVATE ACTIVITY BONDS BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY FOR THE CHELSEA PLAZA MULTIFAMILY HOUSING PROJECT IN KANSAS CITY, KANSAS

WHEREAS, American Community Developers, Inc., (“ACD”) and Chelsea Plaza 2023, LLC, are the developers of Chelsea Plaza, an existing affordable multifamily housing project with 121 1-, 2-, 3-, and 4-bedroom garden and townhouse units located at 566 Freeman Court on a 12.17-acre site in the North East neighborhood of Kansas City, Kansas;

WHEREAS, the developers have requested the Kansas Development Finance Authority (KDFA) to issue approximately \$17.5 million in private activity revenue bonds, plus related costs of issuance, to acquire, own, rehabilitate, and operate the project;

WHEREAS, the KDFA private activity revenue bonds are not an obligation of the State of Kansas or of the Unified Government of Wyandotte County/Kansas City, Kansas;

WHEREAS, the statutes pertaining to the powers and authority of the KDFA, specifically K.S.A. 74-8905(c), prohibit the issuance of KDFA bonds for one year if, within fifteen days after receiving notice, the governing body of the political subdivision in which the project is to be located adopts an ordinance or resolution stating express disapproval of the project and notifies the president of the KDFA of the disapproval; and

WHEREAS, the KDFA provided notice to the Unified Government of the developer’s request to issue the private activity bonds on February 14, 2025 (attached hereto).

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the governing body states its express disapproval of the issuance of KDFA private activity revenue bonds for the Chelsea Plaza multifamily housing project, as set out in K.S.A. 74-8905(c).

Section 2. This Ordinance shall take effect and be in full force immediately upon its adoption by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas.

[The remainder of this page left intentionally blank. Signature page to follow.]

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 27th
DAY OF FEBRUARY 2025.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel

ORDINANCE NO. _____

AN ORDINANCE EXPRESSING APPROVAL OF THE ISSUANCE OF PRIVATE ACTIVITY BONDS BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY FOR THE CHELSEA PLAZA MULTIFAMILY HOUSING PROJECT IN KANSAS CITY, KANSAS

WHEREAS, American Community Developers, Inc., (“ACD”) and Chelsea Plaza 2023, LLC, are the developers of Chelsea Plaza, an existing affordable multifamily housing project with 121 1-, 2-, 3-, and 4-bedroom garden and townhouse units located at 566 Freeman Court on a 12.17-acre site in the North East neighborhood of Kansas City, Kansas;

WHEREAS, the developers have requested the Kansas Development Finance Authority (KDFA) to issue approximately \$17.5 million in private activity revenue bonds, plus related costs of issuance, to acquire, own, rehabilitate, and operate the project;

WHEREAS, the KDFA private activity revenue bonds are not an obligation of the State of Kansas or of the Unified Government of Wyandotte County/Kansas City, Kansas;

WHEREAS, the statutes pertaining to the powers and authority of the KDFA, specifically K.S.A. 74-8905(c), prohibit the issuance of KDFA bonds for one year if, within fifteen days after receiving notice, the governing body of the political subdivision in which the project is to be located adopts an ordinance or resolution stating express disapproval of the project and notifies the president of the KDFA of the disapproval; and

WHEREAS, the KDFA provided notice to the Unified Government of the developer’s request to issue the private activity bonds on February 14, 2025 (attached hereto).

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the governing body states its express approval of the issuance of KDFA private activity revenue bonds for the Chelsea Plaza multifamily housing project, as set out in K.S.A. 74-8905(c).

Section 2. This Ordinance shall take effect and be in full force immediately upon its adoption by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas.

[The remainder of this page left intentionally blank. Signature page to follow.]

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 27th
DAY OF FEBRUARY 2025.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel

Kansas Development Finance Authority

February 14, 2025

By certified mail & email

Angela Lawson
Chief Counsel
The Unified Government of Wyandotte County/Kansas City, KS
701 North 7th St – Suite 961
Kansas City KS 66101

RE: Kansas Development Finance Authority Affordable Housing Revenue Bonds – Chelsea Plaza Project

Ladies and Gentlemen:

Pursuant to K.S.A. 74-8901 *et seq.*, please be advised that Kansas Development Finance Authority (the "Authority") has received a request from Chelsea Plaza 2023, LLC (the "Borrower") to issue affordable multifamily housing revenue bonds in the approximate amount of \$17.5 million, plus related costs of issuance (the "Bonds") to provide funds for the acquisition and rehabilitation of 121 one, two, three, and four bedroom units of affordable housing located at 566 Freeman Court, Kansas City, Kansas.

In the event the Bonds are issued, they will be a special limited obligation of the Authority payable solely from the revenues available to and pledged by the Borrower. In no event will the Bonds ever constitute an obligation of the State of Kansas or the Unified Government of Wyandotte County/Kansas City, KS.

Pursuant to K.S.A. 74-8905(c), as applicable to Private Activity Bonds, the Authority may proceed to issue the Bonds to finance the Project, unless the Unified Government of Wyandotte County/Kansas City, KS passes a resolution or ordinance expressing its disapproval to the issuance of the Bonds and the financing of the Project and notifies the President of the Authority of such disapproval within fifteen days after the giving of this notice. No action is necessary if you have no objection to the issuance of the Bonds.

Should you have any questions about this Project, please do not hesitate to contact me.

Sincerely,



Rebecca Floyd
President

Project Summary

Chelsea Plaza Apartments

Kansas City, Kansas

Chelsea Plaza (the “Property”) is an affordable multifamily housing project built in 1976, containing 121 1-, 2-, 3- and 4-bedroom garden and townhouse apartment units spread among 11 residential buildings, and one community building, located on a 12.17-acre site in Kansas City, Kansas. American Community Developers, Inc. (“ACD”) is the proposed developer, sponsor, and Managing Member of the proposed ownership entity, Chelsea Plaza 2023 L.L.C. Chelsea Plaza 2023 L.L.C. will acquire the Property by July 1, 2025 and is proposing a substantial rehabilitation using the following combination of financing sources, which leverage substantial federal sources of funds while requesting no City or County resources:

- State and Federal 4% Low- Income Housing Tax Credits (“LIHTCs”),
- An allocation of Private Activity Bond volume cap (“Bonds”),
- A new HUD 223(f) loan upon construction completion and stabilization.
- Section 48 Solar Investment Tax Credits (“Solar ITC”).

Securing the above-referenced financing package will allow ACD to complete a much-needed substantial rehabilitation of the Property. The rehabilitation will target improvements that increase curb appeal, improve security on the Property and attract high quality residents. In conjunction with improved management processes that aim to remove tenants who cause problems and commit crimes in the community, including thorough background checks and working hand-in-hand with the Kansas City Police Department and other neighborhood stakeholders, the substantial rehabilitation will dramatically improve the safety of the Property and substantially lower crime in the North East neighborhood through significant neighborhood investment.

Upgrades will focus on improved energy efficiency, including a new rooftop and carport mounted solar array, new all-electric high efficiency HVAC and appliances, Energy Star rated Windows, roof insulation, and more. Property interior and unit updates in addition to the energy-efficiency improvements include new flooring, kitchen cabinets and countertops, new bathroom vanities, electrical and plumbing fixtures, and interior doors. Exterior upgrades include new siding, enlarged windows, new roofs, downspouts, siding, and paint. Site improvements include a new security system including upgraded CCTV, mobility impaired sidewalk ramps, new sidewalk, asphalt pavement repairs, new dumpster enclosures, and site signage. Finally, new accessibility improvements will be implemented at the Property. The proposed rehabilitation will stabilize the asset, and ensure that the residents have decent, safe, and sanitary housing for the foreseeable future. Upon completion, Chelsea Plaza will be an exemplary affordable housing project that will transform a current liability into an asset for Kansas City and the North East neighborhood and significantly improves the curb appeal of the Property.

ACD’s in-house contractor St. Clair Construction Company (“SCC”) will be the General Contractor for the project. SCC will utilize local contractors with expertise in the Kansas City, Kansas market for as much work as possible, and will be paying prevailing wage as set by the Department of Labor’s Davis-Bacon wage program. As part of the Solar ITC and HUD funding requirements SCC will use best efforts to utilize subcontractors with local apprenticeship programs.

Alongside the substantial rehabilitation of the Property, ACD’s long-time management agent Independent Management Services (“IMS”) will take over the day-to-day property management responsibilities at Gateway Plaza. IMS has over 30 years of experience managing over 13,000 apartment units at over 100 affordable housing properties across 13 states. IMS specializes in turning around and stabilizing at-risk affordable housing properties with significant social issues.

In August, 2024 ACD and IMS hosted a tenant engagement meeting with Chelsea's sister property Gateway Plaza in order to solicit feedback from the community that has informed the scope of work and management transition at the Property. ACD and IMS were able to answer questions from tenants and local area stakeholders while soliciting feedback in order to improve on the rehabilitation plan and management of the Property in order to create a more positive, safe, and supportive community.

Separately, Dr. Heather Grant, Principal of Grant Elementary School, also hosted a stakeholder meeting with ACD and IMS alongside Pastor Luther Eatman from Bridge of Hope Community Church, and representatives from the local HUD Kansas City field office in order to gather information on the proposed rehabilitation, provide comments for how to better serve the community and their respective institutions.

As a result of feedback obtained during the stakeholder engagement meeting, IMS will work hand-in-hand with the local police department in order to reduce crime at the Property and has been in contact with Major William Wallace from the Kansas City Police Department's East Patrol regarding IMS' takeover and plans for improving security. IMS and ACD have also been in touch with officials from neighboring Grant Elementary School to seek input on how best to serve the significant student population at Gateway Plaza. Over the past year we have worked with Alicia Guggenmos, Daisy Parker, and other officials from the local HUD-Kansas City office to incorporate their suggestions and best practices into our plan, and HUD was instrumental in our receipt of an allocation of 4% LIHTCs and tax-exempt bonds from the Kansas Housing Resources Corporation.

IMS and ACD have worked in partnership at 100% of ACD's properties for over 30 years, and over that period IMS has created a systematic approach to stabilizing property operations. IMS will hire private security in addition to working with local police, implement new tenant screening measures, and promptly remove tenants engaged in illegal actions to further improve safety and reduce crime. In addition, IMS has extensive experience in maintenance and operations and works to implement robust measures to reduce the number and timeline of outstanding work orders, engage in preventative maintenance, and address tenant concerns within a timely manor in partnership with HUD and KHRC.

The substantial rehabilitation and stabilization of operations at Chelsea Plaza is crucially important to the tenants living at the Property and to improving the neighborhood surrounding the Property through the investment of tens of millions of dollars and introduction of clean, renewable energy. This transformative rehabilitation will create a safe, decent place to live for our tenants, reduce neighborhood crime, provide a stable social environment for Grant Elementary School and provide much needed investment into the Northeast Kansas City neighborhood to improve curb appeal and lift property values for existing neighborhood residents.

Before:



After:



American Community Developers, Inc.

20250 Harper
Detroit, MI 48225

(313) 881-8150
Fax (313) 884-0722

February 13, 2025

Via Email:

Unified Government of Wyandotte County and Kansas City, Kansas
Board of Commissioners
701 N. 7th Street
Kansas City, KS 66101

RE: Chelsea Plaza
Kansas City, KS
Kansas Development Finance Authority
Private Activity Bond Financing

To Whom it May Concern:

We are writing you to solicit your support for Chelsea Plaza's (the "Property") pending Private Activity Bond ("Bonds") issuance. On October 18th, 2024 Chelsea Plaza received an allocation of 4% Low-Income Housing Tax Credits and Bonds from the Kansas Housing Resources Corporation ("KHRC"), and on February 4th, 2025 further received a Resolution of Intent from the Kansas Development Finance Authority ("KDFA"). Pursuant to K.S.A. 74-8901 *et seq.*, KDFA provided notice to the Unified Government of Wyandotte County/Kansas City KS (the "Unified Government") of its intent to issue the Bonds. Pursuant to K.S.A. 74-8905(c), KDFA may proceed to issue the Bonds to finance the Property unless the Unified Government passes a resolution or ordinance expressing its disapproval to the issuance of the Bonds within fifteen days of receipt of notice from KDFA. The purpose of this letter is to request your support for issuance of the Bonds for the Property by voting "No" on any resolution or ordinance presented to the Board of Commissioners for the Unified Government.

Chelsea Plaza is an existing affordable multifamily housing project built in 1976, containing 121 1-, 2-, 3- and 4-bedroom garden and townhouse units spread among 11 residential buildings, and one community building, located on a 12.17-acre site in the North East neighborhood of Kansas City, Kansas. American Community Developers, Inc. ("ACD") is the proposed developer, sponsor, and Managing Member of the proposed ownership entity, Chelsea Plaza 2023 L.L.C. ACD is proposing a substantial rehabilitation of Chelsea Plaza that will address its long-term deferred maintenance needs, address energy efficiency through introduction of a new rooftop and carport mounted solar panel system, replacement of all appliances and HVAC with new high-efficiency equipment, and new building exteriors to include new windows, roofs, and siding that will transform not only the functionality and appearance of the Property but, along with its sister property Gateway Plaza, signify a transformative investment in Kansas City's Near East neighborhood. Enclosed with this letter is a Property Summary that gives additional detail on the financing, development team, and scope of work for the substantial rehabilitation of the Property. Our rehabilitation efforts will also involve enhancing site security and implementing procedures and practices to strengthen the tenant profile and reduce crime at the Property and in the surrounding neighborhood.

Overall, ACD is investing over \$34 million into the Property, including over \$13 million in construction hard costs, approximately \$10 million of which will go directly to local contractors and suppliers. The project will create a significant number of temporary construction jobs and ensure continued permanent employment of office and maintenance staff on site, all while significantly improving the curb appeal of the Property. The substantial rehabilitation will physically transform the Property and the Near East neighborhood, all without any City or County funding being requested. Without this much-needed investment in Chelsea Plaza, the Property will continue to physically deteriorate and have an adverse effect on the residents and the surrounding community.

As part of the planning process for the rehabilitation of the Property, ACD worked closely with local stakeholders to gather input on the scope of work and social issues at the Property and in the neighborhood. Chelsea Plaza and its sister property Gateway Plaza have historically housed approximately 80% of the impoverished families in the North East neighborhood. This high concentration of poverty, in combination with the deteriorating physical condition of the Property, has made Chelsea Plaza and its sister property Gateway Plaza magnets for social issues and responsible for the vast majority of the truancy and crime in the neighborhood. Neighborhood residents, as well as good tenants who live at the Properties, are the ones who suffer the most from the neighborhood crime and physical deterioration. Our rehabilitation, coupled with new ownership and management practices, will make a difference in this neighborhood. Chelsea Plaza is the second phase of rehabilitation in this neighborhood. Gateway Plaza, its sister property, is the first phase of rehabilitation. Combined, our efforts will help to improve an entire neighborhood.

In an effort to address the persistent social problems at the Property, ACD has been working with area stakeholders to gather input on how to address the issues and improve the environment at the Property and the neighborhood overall. First, ACD and its management agent, Independent Management Services, have been working with Major Wallace and Detective Morgan of the Kansas City Police Department to learn the history of crime at the Property and to implement best practices in incorporating additional security features at the Property, including extending surveillance camera coverage, installing license plate readers on site, giving local police increased access to the site and direct access to the camera system feeds. IMS and ACD have committed to working directly with Major Wallace and Detective Morgan to coordinate efforts to improve safety on site and in the neighborhood.

ACD and IMS have also been in discussions with Principal Heather Calvert from Grant Elementary and Pastor Luther Eatman from Bridge of Hope Community Church. Grant Elementary is the neighborhood school attended by the children of Chelsea Plaza, and who (along with residents of Gateway Plaza) make up the majority of students at Grant Elementary. Principal Calvert, Pastor Luther and IMS have been working together regarding staffing on site based on their experience with previous staff at the Property, as well as addressing issues related to improving school attendance and incorporating feedback from parents and the congregation at Bridge of Hope on improving the physical appearance and more stable housing for the students at Grant Elementary. Principal Calvert and Pastor Luther are very excited for the substantial rehabilitation of the Property and believe that new management and a better physical condition will go a long way to improving educational outcomes for students and the local congregation and will improve the neighborhood for the families that live in it.

The proposed substantial rehabilitation will address longstanding social and physical issues at the Property and in the neighborhood. If the Property and KDFA are not allowed to proceed with the bonds, those physical and social issues will remain and the North East neighborhood of Kansas City will continue to suffer from elevated levels of crime and physical deterioration. The Property and its sister property Gateway Plaza have been part of the community for over 50 years and will not go away any time soon. **It is in the best interests of the residents of the Property as well as the North East neighborhood, Kansas City and Wyandotte County at large that the Board of Commissioners takes no action or votes "No" on any resolution or ordinance disapproving the issuance of the Bonds.** By doing so, the Board of Commissioners will be voting to transform the North East neighborhood with over \$34 million in investment, increasing property values, decreasing crime, and improving the schools all at no cost to the Unified Government.

ACD thanks you for your time and consideration in this matter. Enclosed is additional information to familiarize you with the Property, the development team and the proposed substantial rehabilitation so you can see for yourself the benefits this project and the Bond financing will bring. Should you have any questions or wish to discuss in more detail, please feel free to reach out to me at TomL@acdmail.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Lacey', with a stylized flourish at the end.

Thomas R. Lacey
Senior Vice President