

**JANUARY 5, 2017 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND CYNTHIA SMART, MASON MEMORIAL
UNITED METHODIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JANUARY 5, 2017 AGENDA**
- VI. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**
- VII. 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.)
- VIII. PLANNING AND ZONING CONSENT AGENDA**
- IX. PLANNING AND ZONING NON-CONSENT AGENDA**
- X. MAYOR'S AGENDA**
- XI. NON-PLANNING CONSENT AGENDA**
- XII. ADMINISTRATOR'S AGENDA**
- XIII. PUBLIC HEARING AGENDA**
- XIV. STANDING COMMITTEES' AGENDA**
- XV. COMMISSIONERS' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: MAJOR HENRY HORN

VI. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. LAND BANK BUSINESS

SYNOPSIS: A communication requesting consideration of the following Land Bank business, submitted by Charles Brockman, Economic Development.

Applications

2110 N. 5th St. - Steven McCord, yard extension
369 S. Baltimore St. - Amy Three S LLC, yard extension
1609 R Rosedale Dr. - Jeffrey Lysinger, yard extension
1228 Springhorn Rd. - Jeffrey Lysinger, yard extension

Transfers to Land Bank

1420 Tauromee - from the Unified Government of WYCO/KCK
3081 Cissna St. - from the Unified Government of WYCO/KCK
3006 N. 9th St. - from the Unified Government of WYCO/KCK
2514 N. 91st St. - from the Unified Government of WYCO/KCK
2745 N. 91st St. - from the Unified Government of WYCO/KCK

Transfer from Land Bank

3006 N. 9th St. to USD 500 for preservation of a retaining wall next to Fairfax School

Donation To Land Bank

1920 S. 38th St. - from Jay Clay

*On December 12, 2016, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 16915

VII. 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 AND ZONING AGENDA

VIII. PLANNING AND ZONING CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2016-57 - CARLOS YUMAN

SYNOPSIS: Special Use Permit for auto sales and repair at 3545 Fairbanks Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 16939

2. #SP-2016-83 - JOSE SOLIS-BERNAL

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-38) for two horses, two goats and ten chickens at 3614 Sortor Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 16935

3. #SP-2016-92 - KHALID BANDAY WITH KAM DESIGN

SYNOPSIS: Special Use Permit for a vehicle repair and body shop at 744 Kansas Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 16940

4. #SP-2016-95 - BRANDON HOLLADAY

SYNOPSIS: Special Use Permit for ten chickens and two goats at 12126 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 16941

5. **#SP-2016-96 - LOTTIE JEAN MARTIN FOR MRS. LOTTIE P.L.C. DAYCARE LLC**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-26) for a day care at 2706 North 18th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL FOR 2 YEARS)
Tracking #: 16936

6. **#SP-2016-97 - LINDA SIEMENS FOR CULTIVATE KC**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-41) for the Temporary Use of Land for storage trailers and a cooler for the market farm training program and community garden at 1900 North 1st Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 16937

7. **#SP-2016-98 - LINDA SIEMENS FOR CULTIVATE KC**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-73) for a green house, storage container and office and (#SP-2015-49) for three storage containers (This application combines these two special use permits) at 4223 and 4225 Gibbs Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 16938

B. MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

1. AN ORDINANCE affirming the approval of the Rosedale Master Plan Amendment on December 1, 2016, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
2. AN ORDINANCE VACATING UTILITY EASEMENTS (#U/E-2016-10) at 3742 North 112th Court, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

IX. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JANUARY 5, 2017

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2013.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

REGULAR AGENDA

X. MAYOR'S AGENDA

XI. NON-PLANNING CONSENT AGENDA

1. MINUTES

SYNOPSIS: Minutes from regular sessions of October 27 and November 17, 2016, and special session of December 15, 2016.

Tracking #: MINUTES

2. WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated December 22 and 29, 2016.

Tracking #: WEEKLY BUSINESS MATERIAL

XII. ADMINISTRATOR'S AGENDA

1. RESOLUTION: SET PUBLIC HEARING ON THE PETITION FOR THE EXCLUSION OF LAND FROM THE BOUNDARIES OF THE CITY OF KANSAS CITY, KANSAS

SYNOPSIS: A resolution setting the date of February 2, 2017, to conduct a public hearing regarding a petition requesting the deannexation of land on Holliday Drive, submitted by Susan Alig, Legal.

Tracking #: 17001

XIII. PUBLIC HEARING AGENDA

1. PUBLIC HEARING: IMPASSE PROCESS - IAFF LOCAL #64

SYNOPSIS: Conduct a public hearing regarding Fire Department International Association of Fire Fighters Local #64 labor contract and fact finders' report, submitted by Doug Bach, County Administrator.

Tracking #: 16947

XIV. STANDING COMMITTEES' AGENDA

XV. COMMISSIONERS' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Staff Request for Commission Action

Tracking No. 16915

Full Commission Meeting Date: 1/5/17

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 12/12/16

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
12/28/2016	Charles Brockman	x5733	cbrockman@wycokck.org	Land Bank

Item Description:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee review the proposed packets and forward them to the Land Bank Board of Trustees for final consideration.

Item (1) - Applications (4)

Item (2) - Transfers to Land Bank (5)

Item (3) - Transfers from Land Bank (1)

Item (4) - Donations To Land Bank (1)

Action Requested:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

LAND BANK APPLICATIONS, TRANSFER TO LAND BANK, TRANSFER FROM LAND BANK, DONATIONS TO LAND BANK

WYANDOTTE COUNTY LAND BANK - APPLICATIONS

APPLICANT	APPLICANT ADDRESS	LAND BANK ADDRESS	PROPOSED USE	NOTES	STANDING COMMITTEE RECOMMENDATION
Steven McCord	2100 N 5th St	2110 N 5th St	Yard Extension		APPROVED
Amy Three S LLC	371 S Baltimore St	369 S Baltimore St	Yard Extension		APPROVED
Jeffrey Lysinger	1609 Rosedale Dr	1609 R Rosedale Dr	Yard Extension		APPROVED
Jeffrey Lysinger	1216 Springhorn Rd	1228 Springhorn Rd	Yard Extension		APPROVED
LAND BANK ADVISORY BOARD RECOMMENDATION	The Advisory Board voted to forward the applications for final approval.				

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Side Lot Program Application

The Side Lot Program allows applicants to acquire vacant lots owned by the Wyandotte County Land Bank (WCLB). Applicants must meet the eligibility requirements listed below to be considered. *(Please note that certain restrictions may apply)*

Basic Eligibility Requirements

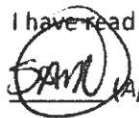
- The Applicant must own a property adjacent to WCLB's lot.
- The Applicant must be current on all property taxes and have no current housing or zoning code violations.
- The lot must be vacant and unimproved real property with no structures.
- The Applicant must be able to maintain the lot in accordance with all local building, housing and zoning codes.

Key Considerations

1. Incomplete applications will not be processed.
2. Once the application has been approved by the WCLB Board of Trustees, the WCLB will send an "Award Letter" to applicant detailing how to close the transaction.
3. In the event that multiple adjacent property owners desire to acquire the same lot; a Best and Final letter will be sent to assist the WCLB in their recommendation. This may result in the lot being split, or transferred to the respective property owner(s).
4. The WCLB maintains the right to condition the transfer of title on the buyer's acceptance of certain deed restrictions. Restrictions may be included in the deed to ensure properties are maintained in an agreed upon way. If the buyer fails to maintain the property in an agreed upon way, the WCLB may exercise its discretion and take title to the property back from the buyer.
5. The WCLB reserves the right to require that adjacent lots be combined into one lot.
6. The WCLB reserves the absolute right to accept or reject any and all land use/development proposals and offers for purchase.

Initials Required

I have read and understand the information provided in this section.



(Applicants Initials)

Necessary Attachments

Please include the following with your application:

- Proof of ownership of neighboring parcel (copy of recorded deed, or copy of mortgage papers)
- Proof of paid real estate taxes (copy of current paid county tax bill)
- Proof of identity (copy of Driver's License or State ID)

Property Information

Address of Property: 2110 North 5th St

Parcel Number: _____

Property Owner Information

Applicant Name: Steven McCord

Business Name: _____

Mailing Address/P.O. Box: 7117 Georgia

City: Kansas City State: KS Zip: 66109

Phone: _____ Phone (other): _____

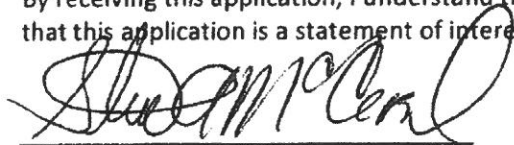
Email address: _____

Please note that all personal information submitted to the Wyandotte County Land Bank is confidential, to the extent permitted by law.

Signature (Required)

By signing below, the applicant hereby certifies that the information provided herein is correct and true to the best of their knowledge and that applicant agrees to maintain the lot requested in accordance with all local ordinances and relevant laws. Falsifying or deliberately omitting any information regarding this application may result in immediate termination from the program and/or the WCLB seeking remedies available under law.

By receiving this application, I understand that the WCLB does not commit to transferring said lot and that this application is a statement of interest only.



Applicant Signature

Steven McCord

Printed Name

August 22, 2016

Date

Please allow at least 30 to 45 days for your application to be processed, however, incomplete forms will not be processed.

This form is a statement of interest only. By receiving it, the WCLB does not commit to transfer property

Please fill out all sections completely and return to:

**Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101**

Received 11/2/14
RW

#98

Side Lot Program Application

The Side Lot Program allows applicants to acquire vacant lots owned by the Wyandotte County Land Bank (WCLB). Applicants must meet the eligibility requirements listed below to be considered. *(Please note that certain restrictions may apply)*

Basic Eligibility Requirements

- The Applicant must own a property adjacent to WCLB's lot.
- The Applicant must be current on all property taxes and have no current housing or zoning code violations.
- The lot must be vacant and unimproved real property with no structures.
- The Applicant must be able to maintain the lot in accordance with all local building, housing and zoning codes.

Key Considerations

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6. The WCLB reserves the absolute right to accept or reject any and all land use/development proposals and offers for purchase.

Initials Required

I have read and understand the information provided in this section.

Am (Applicants Initials)

Necessary Attachments

Please include the following with your application:

- Proof of ownership of neighboring parcel (copy of recorded deed, or copy of mortgage papers)
- Proof of paid real estate taxes (copy of current paid county tax bill)
- Proof of identity (copy of Driver's License or State ID)

Address of Property: 371 S BALTIMORE ST 66102

Parcel Number: 369 ~~S BALTMORE~~

Applicant Name: AMENEH MOHAMMAD RABIE

Business Name: Amy three SLLC

Mailing Address/P.O. Box: 11637 W 10959

City: O.P. State: KS Zip: 66210

Phone: _____ Phone (other): _____

Email address: _____

Signature (Required)

By receiving this application, I understand that the WCLB does not commit to transferring said lot and that this application is a statement of interest only.


Applicant Signature

AMENEH MOHAMMAD 10-20-16
Printed Name RABIE Date

This form is a statement of interest only. By receiving it, the WCLB does not commit to transfer property

Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101

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- Proof of paid real estate taxes (copy of current paid county tax bill)
- Proof of identity (copy of Driver's License or State ID)

Property Information

Address of Property: 1609 R Rosedale Dr.
Parcel Number: 126507

Property Owner Information

Applicant Name: Jeffrey H. Lysinger
Business Name: _____
Mailing Address/P.O. Box: 1700 W. 37th AVE
City: Kansas City State: KS Zip: 66109
Phone: _____ Phone (other): _____
Email address: _____

Please note that all personal information submitted to the Wyandotte County Land Bank is confidential, to the extent permitted by law.

Signature (Required)

By signing below, the applicant hereby certifies that the information provided herein is correct and true to the best of their knowledge and that applicant agrees to maintain the lot requested in accordance with all local ordinances and relevant laws. Falsifying or deliberately omitting any information regarding this application may result in immediate termination from the program and/or the WCLB seeking remedies available under law.

By receiving this application, I understand that the WCLB does not commit to transferring said lot and that this application is a statement of interest only.

	<u>Jeffrey H. Lysinger</u>	<u>11-10-16</u>
Applicant Signature	Printed Name	Date

Please allow at least 30 to 45 days for your application to be processed, however, incomplete forms will not be processed.

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Please fill out all sections completely and return to:

**Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101**

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Initials Required

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 (Applicants Initials)

Necessary Attachments

Please include the following with your application:

- Proof of ownership of neighboring parcel (copy of recorded deed, or copy of mortgage papers)
- Proof of paid real estate taxes (copy of current paid county tax bill)
- Proof of identity (copy of Driver's License or State ID)

Property Information

Address of Property: 1228 Springhorn Rd.
Parcel Number: 128631

Property Owner Information

Applicant Name: Jeffrey A. Lysinger
Business Name: _____
Mailing Address/P.O. Box: 1700 W 37th Ave
City: Kansas City State: KS Zip: 66103
Phone: _____ Phone (other): _____
Email address: _____

Please note that all personal information submitted to the Wyandotte County Land Bank is confidential, to the extent permitted by law.

Signature (Required)

By signing below, the applicant hereby certifies that the information provided herein is correct and true to the best of their knowledge and that applicant agrees to maintain the lot requested in accordance with all local ordinances and relevant laws. Falsifying or deliberately omitting any information regarding this application may result in immediate termination from the program and/or the WCLB seeking remedies available under law.

By receiving this application, I understand that the WCLB does not commit to transferring said lot and that this application is a statement of interest only.

 _____ Applicant Signature	<u>Jeffrey A. Lysinger</u> _____ Printed Name	<u>11-10-16</u> _____ Date
---	---	----------------------------------

Please allow at least 30 to 45 days for your application to be processed, however, incomplete forms will not be processed.

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Please fill out all sections completely and return to:

**Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101**

TRANSFERS TO LAND BANK

Transferor	Property Address	Comments	Standing Committee Recommendation
Unified Government	1420 Tauomee Ave	Property was purchased by UG because of unfit status; Land Bank will oversee the demolition. Land Bank will market property for new Single-Family construction	Approved
Unified Government	3081 Cissna St	Property was in Tax Sale 269 (1988) and was a no-sale; upon approval property will be transferred to Land Bank	Approved
Unified Government	3006 N 9th St	Property was in Tax Sale 264 (1983) and was a no-sale; upon approval property will be transferred to Land Bank	Approved
Unified Government	2514 N 91st St	Properties that were seized by KCKPD and controlled by DA's Office; properties had demos started in November 2016	Approved
Unified Government	2745 N 91st St		

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TRANSFERS FROM LAND BANK

Recipient	Land Bank Address	Comments	Standing Committee Recommendation
USD 500	3006 N 9th St	USD 500 is asking to have property transferred for the preservation of a retaining wall next to Fairfax school	Approved

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DONATIONS TO LAND BANK

Donor	Parcel #	Requested Donation Address	Standing Committee Recommendation
Jay Clay	168309	1920 S 38th Street	Approved



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 5, 2017
Re: Petition #SP-2016-57

GENERAL INFORMATION

Applicant:
Carlos Yuman

Status of Applicant:
Representative
3545 Fairbanks Avenue
Kansas City, KS 66106

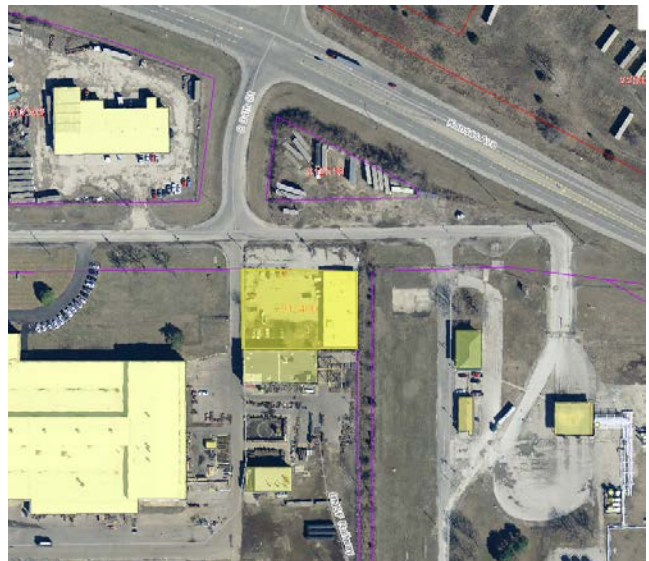
Requested Action:
Special use permit for an auto sales,
repair, and body shop business

Date of Application:
June 24, 2016

Purpose:
Applicant is seeking a special use permit for an auto sales, repair, and body shop
business

Property Location:
3545 Fairbanks Avenue

Existing Zoning:
M-3 Heavy Industrial District



Existing Surrounding Zoning: North: M-3 Heavy Industrial District
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District

Existing Uses: North: Industrial
South: Industrial
East: Industrial
West: Industrial

Total Tract Size: 0.68 acre

Master Plan Designation: Industrial

Major Street Plan: Fairbanks Avenue is a local street.

Advertisement: The Wyandotte Echo – July 14, 2016
Letters to Property Owner – July 14, 2016, July 28, 2016, August 31, 2016, September 29, 2016, November 7, 2016 and December 28, 2016

Public Hearings: December 12, 2016 and January 5, 2017

Public Opposition: No one appeared in opposition at the December 12, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a special use permit in order to operate an auto sales, repair, and body shop at 3545 Fairbanks Avenue.

City Ordinance Requirements: Sec. 27-592 through 27-606, Sec. 7-212

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This is an industrial area.

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

An auto sales, repair, and body shop use is compatible with the industrial uses surrounding the property.

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

N/A

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

N/A

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

This use conforms to the Master 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.*

This use will not increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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.*

This use will not substantially or 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.*

The noise, vibration, dust, or illumination would not create problems for near-by property.

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

The proposed use will not pollute the air, land, or water.

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

The proposed use will not damage or destroy an irreplaceable natural resource

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

Denial of the special use permit would not allow the applicant to operate an auto related business on this site.

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

The proposed use would not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

It is unclear whether the applicant had a neighborhood meeting. The date is blank on the affidavit, the applicant did not submit meeting minutes or a sign in sheet, and the applicant has given conflicting verbal responses about whether a neighborhood meeting was held. At the Planning Commission meeting, the applicant confirmed that a neighborhood meeting was held and no one appeared at the meeting; thus the reason no meeting minutes or sign-in sheet were submitted.

KEY ISSUES

1. Parking requirements and Landscaping/screening of parking
2. Façade Material
3. Screening of Trash Receptacles
4. Landscaping Requirements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-57 for two (2) years, subject to:

Urban Planning and Land Use Comments:

1. This business requires 34 parking spaces. Two spaces must be accessible spaces in conformance with the Americans with Disabilities Act (ADA). Parking must occur in individual striped spaces and meet the standards for dimensions of parking areas. A ninety degree pattern, single loaded aisle as shown in the plan requires 60 feet. Parking areas must be paved with concrete or asphalt. Parking must be screened from adjacent streets and alleys by walls, shrubs, trees, or other design elements. Please indicate on the site plan how the site will accommodate the required parking and landscaping.

Sec. 27-593(b)(19)(a) Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.

1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.

Sec. 27-467(e) Parking Standards. Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.

Sec. 27-669. - Dimensions of parking areas.

(a) Standard parking stall dimensions shall be not less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. For standard parking lots the minimum cross dimensions shall be as follows:

- (1) Ninety-degree pattern, single loaded aisle: 44 feet.**
- (2) Ninety-degree pattern, double loaded aisle: 60 feet.**
- (3) Sixty-degree pattern, single loaded aisle: 37 feet with one-way drive.**
- (4) Sixty-degree pattern, double loaded aisle: 57 feet with one-way drive and 60 feet with two-way drive.**
- (5) Forty-five degree pattern, single loaded aisle: 33 feet, with one-way drive.**
- (6) Forty-five degree pattern, double loaded aisle: 49 feet with one-way drive; 52 feet with two-way drive.**
- (7) Parallel space: Nine by 23 feet, each space.**

(b) If vehicles can overhang wheel stops or curbs on one or both sides of the single or double loaded module, the dimensions set out in subsection (c) of this section can be reduced two feet for each side where vehicles can overhang. Obviously, this is not possible where there are walls, tall curbs, or adjoining parking spaces.

(c) In office parking areas with low parking turnover and high user familiarity, 30 percent of the required off-street parking may be designated for small cars and spaces not less than eight feet by 16 feet utilized. Acceptable aisle width, layout of spaces and overall design of the parking area shall be shown on the final development plan.

2. Metal is prohibited as a façade material.

Sec. 27-593(b)(19)(a) Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.

2. Landscaping, screening, and façade improvements to meet commercial design guidelines.

Sec. 27-593(b)(19)(c) Facade, Landscaping and Screening

2. For existing structures:

i. Such modifications as:

- A. Restoring original brick.***
- B. Any necessary repair of the facade.***
- C. New doors or windows if existing fixtures are in disrepair.***
- D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.***

E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.

Sec. 27-576(e) Building Materials

(2) Exterior building materials shall not include the following:

- a. Split shakes, rough sawn, or board and batten wood;*
- b. Vinyl siding;*
- c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;*
- d. Field painted or prefinished corrugated metal siding;*
- e. Standard single-tee or double-tee concrete systems; or*
- f. EIFS at the ground level or comprising more than 15 percent of any facade.*

(3) Exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade.

(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

- 3. All trash receptacles must be enclosed with a screening wall or fence constructed of the same materials as the primary structure.**

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.

- 4. Eight (8) trees are required to meet landscaping standards. All land that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Please show landscaping on the site plan or prepare a separate landscape plan.**

Sec. 27-466(g) Landscaping and screening. A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a property prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.

Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) None.**

B) Items that are conditions of approval (stipulations):

- 1) Provide a site plan that includes engineering and landscaping improvement details and parking plans. Construction plans shall be reviewed And approved by UG prior to construction permit acquisition.
- 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 COMMENTS AND SUGGESTIONS

The 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 #SP-2016-57 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 12, 2016 City Planning Commission Minutes
Site plan
Building elevations
Neighborhood meeting affidavit
Applicant responses

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 12, 2016	January 5, 2017
Special Use	Approval	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2016-57 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 #**SP-2016-57**, 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.

DECEMBER 12, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-57 – CARLOS YUMAN -

SYNOPSIS: Special Use Permit for an auto sales and repair at 3545 Fairbanks 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 December 12, 2016;
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 dated July 14, 2016; and
7. The Notices to property owners dated July 14, July 28, August 31, September 29, and November 7, 2016

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

Mr. Carlos Yuman, 3545 Fairbanks, Kansas City, Kansas, applicant, appeared in support of this application. He stated that he wants to continue what he has been doing since 1998. He used to operate at 901 Cheyenne Avenue. He has been doing business in Kansas and Missouri for a long time and he does not cut any corners. When they moved to this location in November of 2015 it was because the owner decided to sell the property where they were located. The property was contaminated (they did not contaminate it; it was already that way) and they cleaned it up. The owner is willing to do whatever it takes to move forward with the business. The meeting has been delayed for several months and they are willing to do whatever it takes to get in operation.

Chairman Huey asked if he had a neighborhood meeting. Mr. Yuman stated yes, he held it in July of 2016 and sent the notice to staff. No one showed up at the meeting. Chairman Huey asked if he owns the property. Chairman Huey asked if he has seen the comments in the staff report that were sent to him. Mr. Yuman stated yes (he was also given a copy of the final staff report.) Mr. Yuman stated that he is leasing the property. Chairman Huey asked if he is going to be held accountable for doing the improvements to the property. Mr. Yuman stated that he has someone present

representing the owner and the owner spoke to Planner Flanders. He has to plant some trees and add some pavement for the parking lot. He has already talked to a contractor. He has checked the parking spaces that are required. He is willing to do whatever is needed.

Ms. Bryanna Hanschu, Payne and Jones, attorney representing the property owner, appeared in support of this application. She stated that the applicant has been in this business for 20 years and he is willing to do whatever is necessary to make sure it complies with the ordinances. She stated that she has some questions regarding the metal facade on the building. It seems that there was some communication between Planner Flanders and Mr. Yuman that some painting could be done to the metal buildings. She is not sure that the owner would be able to completely tear down the building and rebuild. With regard to the parking there is a paved section, and if more needs to be paved, the property owner is willing to work with the applicant on this. With regard to the landscaping, the property owner is also willing to work with the applicant. He understands that Mr. Yuman will front it but if it becomes too much financial responsibility, then they can work something out. They have a very good relationship so there should not be any problems. She stated that the property owner is sorry that he could not be present but he is in full support of this application and is willing to do whatever is necessary for Mr. Yuman to operate at this location.

Planning Commissioner Gonzalez asked what the time line is for the requirements. Ms. Hanschu stated that it depends on the answer to the question that she asked concerning the metal façade. She stated that she does not think with the holiday season that all of the requirements can be done before the January 5, 2017 Board of Commissioners meeting. Mr. Gonzalez asked why there was a lack of communication and the staff is recommending denial; why was this not resolved before this meeting. Ms. Hanschu stated that she just got the denial on Friday when she talked to Planner Flanders and gave her the reasons for the denial. Mr. Yuman stated that he has been working with Zach Flanders and discussed some of the things that could be done to the building. He has talked to the Fire Department and they have to comply with their codes for the metal building. They cannot use stucco but they can paint the building and make it presentable. Mr. Gonzalez asked the time line for doing these improvements. Mr. Yuman stated that the application kept getting held over. Mr. Gonzalez asked if counsel understands that there is an option available. Ms. Hanschu stated that with regard to the time line issue, what Mr. Yuman is saying is that because the application kept getting held over to the next meeting he did not understand that he needed to do improvements because he had approval. She stated that this is not her area of expertise. He has not made the improvements because what is the point if he is going to get denied anyway. With regard to the façade, that is something that her client told her that he had heard from Mr. Yuman. Also, Mr. Yuman did send a letter to Mr. Flanders on November 7th addressing all of the issues in the staff report and what he will do if he gets approval. Mr. Gonzalez asked if moving forward she will be Mr. Yuman's counsel. Ms. Hanschu stated that she is not Mr. Yuman's counsel, but she is the property owner's counsel but if Mr. Yuman vacates the property, the property owner would like to use the property.

Planning Director Richardson asked the date of the neighborhood meeting. The neighborhood meeting affidavit that was submitted did not have the date filled in. That

is why this application was held over because the applicant did not respond to staff with regard to the neighborhood meeting. Anyone that does not respond about the neighborhood meeting is automatically held off the agenda so the neighbors have an opportunity to discuss the case with the applicant. With regard to the metal building, part of the building will have to be painted and other people have used wainscot and he can do the same and use architectural details to enhance the building. If he has had his neighborhood meeting and will agree to comply with the Overlay Zone, then the staff could change their recommendation. Mr. Yuman stated that he did not send the neighborhood meeting letters certified mail and did not keep a copy of the letter. He thinks that he put the letters in the mail the first week of July and he sent a letter to the staff. The meeting was on a Saturday and no one showed up. He does not have the exact date.

Planning Commissioner Serda asked if it is the applicant or staff's responsibility to send out the notices for the neighborhood meeting. Planning Director Richardson stated that it is the responsibility of the applicant. Mr. Yuman stated that if the issue is the neighborhood meeting then he is willing to do it again and send the letters registered mail. He has put a lot of time and money into this project and has a lot of equipment there.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the comments in the staff report being resolved through the application at the Development Review Committee. He stated that the applicant cannot receive a business license until the application is approved by the Board of Commissioners and the special use permit is only for two (2) years. He would expect that it would not take more than six (6) months to get the improvements made.

Planning Commissioner Gonzalez stated that in this area, the neighbors are concerned about what goes on and they turn out but if staff believes that a neighborhood meeting was held he will go with the staff.

On motion by Mr. Ernst, seconded by Mr. Schwartzman, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2016-57 for two (2) years:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. This business requires 34 parking spaces. Two spaces must be accessible spaces in conformance with the Americans with Disabilities Act (ADA). Parking must occur in individual striped spaces and meet the standards for dimensions of parking areas. A ninety degree pattern, single loaded aisle as shown in the plan requires 60 feet. Parking areas must be paved with concrete or asphalt. Parking must be screened from adjacent streets and alleys by walls, shrubs, trees, or other design elements. Please indicate on the site plan how the site will accommodate the required parking and landscaping.

Sec. 27-593(b)(19)(a) Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.

1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.

Sec. 27-467(e) Parking Standards. Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.

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k. Standard single-tee or double-tee concrete systems; or

l. EIFS at the ground level or comprising more than 15 percent of any facade.

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Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.****
- B) Items that are conditions of approval (stipulations):
 - 1) Provide a site plan that includes engineering and landscaping improvement details and parking plans. Construction plans shall be reviewed And approved by UG prior to construction permit acquisition.****
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None.****

**CARLOS AUTO
3545 FAIRBANKS AVE.
KANSAS CITY KS 66106
(913) 281-1222 OFFICE
(913) 940-0897 DIRECT
carlosauto@sbcglobal.net**

NOVEMBER 7, 2016

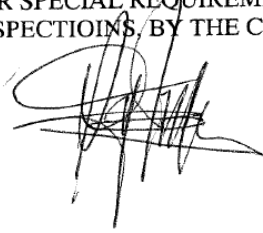
To Mr. Zsck Flanders

**AS I CARLOS YUMAN AGREE WITH YOU OVER OUR PHONE
CONVERSATION HERE I'M MAKING A LIST OF THE LAST DETAILS TO
COMNplete MY APLICATION TO OBTAIN MY CITY LICENSE.**

- 1.- IM SENDIG A NOTARTIZED AFFIDAVIT-OF THE NEIGHBORHOOD
MEETING AS REQUIRED.
- 2.- WE WILL PLANT A TOTAL OF 8 TREES WITH AS MINIMOUN BASE OF 2
INCHES OF DIAMETER ON THE BASE.
- 3.- WE HAD CONTACT K&G STRIPPING TO GIVE US AN ESTIMATE TO
REPAINT ALL TH COSTUMERS PARKING SPACES, INCLUDING.
4. WE WILL PUT 2 SIGNS FOR HANDICAP NEAR THE ENTRANCE TO THE
MAIN OFFICE.
- 5.- WE WILL SPRAY THE BUILDING TO MAKE IT LOOK PRESENTABLE WITH
AN SPECIAL PAINT COATING FOR METAL, THAT WILL GIVE THE METAL
BUILDING A DIFERENT LOOK AS THE ONE REQUIRED BY CITY CODES.

PLEASE LET US KNOW IF ANY OTHER SPECIAL REQUIREMENT NEEDED, TO
PROSIDE WITH THE REST OF THE INSPECTIONS, BY THE CITY AND STATE.

SINCERELLY,
CARLOS YUMAN
CARLOS AUTOI BROTHERS LLC.





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 5, 2017
Re: Petition #SP-2016-83

GENERAL INFORMATION

Applicant:
Jose Solis-Bernal

Status of Applicant:
Representative
Reginald K. Davis
750 Ann Avenue, Suite R
Kansas City, KS 66101

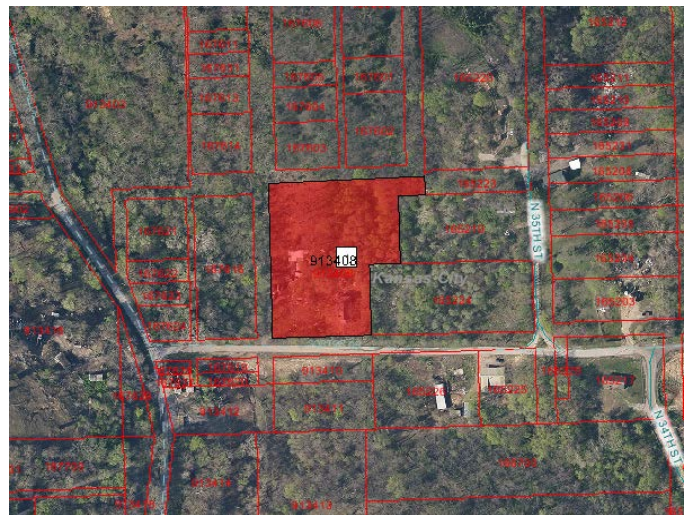
Requested Action:
Renewal of Special Use Permit

Date of Application:
August 27, 2014

Purpose:
To continue to keep 2 horses, 2 goats
and 10 chickens on the property

Property Location:
3614 Sortor Drive

Existing Zoning: R-1(B) Single Family District



Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: **North:** Vacant land
South: Single Family Houses
East: Single Family Houses
West: Single Family Houses

Total Tract Size: 1.91 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Low-Density Residential.

Major Street Plan: The City-Wide Master Plan classifies Sortor Drive as a local street.

Advertisement: The Wyandotte Echo – September 14, 2016
Letters to Property Owner – September 15, 2016, October 13, 2016, November 21, 2016 and December 27, 2016

Public Hearings: October 10, 2016, November 14, 2016, December 12, 2016 and January 5, 2017

Public Opposition: None to date; however one person was in favor at the November 14, 2016 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jose Solis-Bernal wants to continue to keep two (2) horses, ten (10) chickens and two (2) goats on 1.91 acres located at 3614 Sortor Drive.

City Ordinance Requirements: 27-592 through 27-606

Code Violations: Code Enforcement has indicated violations for: Excess stored items, junk, vehicles on grass, people living in RV, and house siding.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely residential in nature. However, much of the land is vacant or a part of large lot residential property. This is a very low density, rural type area.

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

The zoning and their uses of properties nearby are set out above. Based on the vacant land that surrounds the applicant's property, the keeping of livestock is relatively compatible.

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

Since development in this area of the city is sparse, it is unlikely that the removal of the restrictions has detrimentally affected nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master 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.*

This is not an issue.

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 and should nor would it substantially 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.*

This is not an issue.

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

This is not an issue.

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

This is not an issue.

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. If the applicant is denied, he must find an alternate location for storing his livestock.

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

The keeping of two (2) horses, two (2) goats and ten (10) chickens is quite a bit to maintain on the property considering not all of the 1.91 acres is usable for grazing and roaming. Furthermore, the pictures provided indicate there are more animals than what has been indicated.

PREVIOUS ACTIONS

Approval of SP-2014-38 by the Board of Commissioners in June of 2014.

This application was held over by the City Planning Commission on October 10, 2016 as the applicant or his representative was not present. The applicant appeared at the November 14, 2016 meeting and the Commission held over the application so the applicant's attorney could be present and for the applicant to submit updated pictures and a clean-up plan for the property. Pictures were submitted on December 8, 2016.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on September 26, 2016. There were no objections to this application, however there were other issues raised pertaining to this and other nearby property. Documentation of the meeting is attached.

KEY ISSUES

General Planning comments
Amount of animals
Condition of the property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-83, subject to:

Urban Planning and Land Use Comments:

1. How did you acquire the horses and chickens?

Applicant Response: Mr. Solis informs me that he purchased both the horses and chickens from their previous owners. However many of the chickens are the offspring of the two hens and the rooster which were previously purchased.

2. How will you dispose of waste from the animals?

Applicant Response: The waste, mainly from the horses, is gathered up and placed in a container with a lip. Once a week a local farmer comes and picks up the waste, which he uses as fertilizer on his property.

a. How often?

Applicant Response: It is gathered up daily and pick up weekly.

b. Where will it be disposed?

Applicant Response: The farm is located in Tonganoxie, Kansas in Leavenworth County, Kansas.

c. How will you ensure that manure will not runoff onto your neighbor's property?

Applicant Response: Mr. Solis owns the adjacent property, but since the waste is picked up daily, run off will not be an issue.

3. How will you bring feed onto the property?

Applicant Response: Feed is brought onto the property in a truck and delivered to the animals in buckets.

a. What types of feed will you be providing to each animal?

Applicant Response: Mr. Solis informs me that he buys the feed from a pet store. He buys feed that is made for horses and chickens.

b. How often?

Applicant Response: The feed is brought as needed.

c. Will it be picked up or delivered?

Applicant Response: Mr. Solis picks up the feed from the pet store.

4. How and where will you be providing water?

Applicant Response: Water is provided to the animals by a system of water hoses which are ran to the housing structures from Mr. Solis's house.

5. Is the entire property fenced, or is there a small area where the horses are kept on the property?

Applicant Response: The entire property is not fenced but most of the property is fenced off. However the horses are kept in a small structure on the property.

6. Your previous application indicated you were applying for 2 horses, 10 chickens and 2 goats. Based on the pictures you have submitted, it is clear there are at least 14 chickens and 4 goats on the property. Staff is unaware of any expansion to the previous SUP.

Applicant Response: As so often in life and nature chickens and goats have a way of producing more chickens and goats. However, the goats have been sold and one of them eaten by the family. The same holds true for the chickens, there may be 14 chickens today but only 8 or 9 chickens next week. It all depends on how many of the chickens are eaten, die or are born.

7. How many and what type of animals do you have on your property?

Applicant Response: Two horses and ten chickens.

8. Do you plan on expanding the amount of animals even further?

Applicant Response: No.

9. Based on the images it appears as though there are roosters present on the property, is this true?

Applicant Response: Yes, the fresh eggs are consumed by the family.

Staff Response: Roosters are not allowed and all existing roosters must be removed from the property.

10. Applicant must make contact with the Animal Control and Code Inspection Departments and schedule an inspection of the property. These Departments must sign off on the property before Planning Staff can approve this application.

Applicant Response: On Tuesday September 27, 2016 both departments came to the property and performed an inspection. My understanding is Animal Control approved the property. However, the position of Code Inspection is that they take no position in the approval or disapproval of the special use permit being renewed.

Public Works Comments:

1. No comments

Staff Conclusion:

The applicant appeared at the November 14, 2016 meeting and the Commission held over the application so the applicant's attorney could be present and for the applicant to submit updated pictures and a clean-up plan for the property. Pictures were submitted on December 8, 2016 and are included in the staff report so the Commission can see the "before and updated" pictures.

Staff recommends approval subject to:

1. The applicant continues the clean-up/maintenance of his property. A written document should be submitted one (1) week prior to the Board of Commissioners meeting outlining the clean-up that still needs to occur. Semi-annual inspections should be made by Code Enforcement/Animal Control during this renewal period. Progress will be reviewed at the time this application comes in for renewal
2. The number of animals on the property shall never exceed two (2) horses, ten (10) chickens and two (2) goats.
3. One of the code violations was that there were people living in the RV on the property. This is a violation of the R-1(B) zoning district regulations that require there only be one dwelling unit on the property. There are additional concerns with sanitation and other related matters. Verification from Code Enforcement within thirty (30) days that no one is living in the RV and the applicant understands that no one can live in the RV according to ordinance.
4. The applicant understands that roosters are not allowed on the property and all existing roosters have been removed.
5. Approval is for two (2) years.
6. Any violation of these conditions will result in the special use permit coming before the Board of Commissioners for a revocation hearing.

STAFF COMMENTS AND SUGGESTIONS

The 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 #SP-2016-83 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 12, 2016 City Planning Commission Minutes
Aerial photograph
Site Photos (provided by applicant)
Neighborhood Meeting Minutes
Applicant Response Letter
October 10, 2016 City Planning Commission Minutes
November 14, 2016 City Planning Commission Minutes
Site Photos provided by the applicant's attorney 12/8/2016

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 10, 2016	January 5, 2017
Special Use	Held Over November 14, 2016 Held Over December 12, 2016	

STAFF CONTACT: **Kyle Kobe**
 kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-83** 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 #**SP-2016-83**, 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.

DECEMBER 12, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-83 – JOSE SOLIS-BERNAI –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-38) for two (2) horses, two (2) goats and ten (10) chickens at 3614 Sortor Drive

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

“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 December 12, 2016;
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 publications in the 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 comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **APPROVE the items on the Consent Agenda:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Schwartzman	Aye
Serda	Aye
Wing	Not Present
Motion to APPROVE Passed: 8 to 0	
Subject to:	

#SP-2016-83:

Urban Planning and Land Use Comments:

1. How did you acquire the horses and chickens?

Applicant Response: Mr. Solis informs me that he purchased both the horses and chickens from their previous owners. However many of the chickens are the offspring of the two hens and the rooster which were previously purchased.

2. How will you dispose of waste from the animals?

Applicant Response: The waste, mainly from the horses, is gathered up and placed in a container with a lip. Once a week a local farmer comes and picks up the waste, which he uses as fertilizer on his property.

a. How often?

Applicant Response: It is gathered up daily and pick up weekly.

b. Where will it be disposed?

Applicant Response: The farm is located in Tonganoxie, Kansas in Leavenworth County, Kansas.

c. How will you ensure that manure will not runoff onto your neighbor's property?

Applicant Response: Mr. Solis owns the adjacent property, but since the waste is picked up daily, run off will not be an issue.

3. How will you bring feed onto the property?

Applicant Response: Feed is brought onto the property in a truck and delivered to the animals in buckets.

a. What types of feed will you be providing to each animal?

Applicant Response: Mr. Solis informs me that he buys the feed from a pet store. He buys feed that is made for horses and chickens.

b. How often?

Applicant Response: The feed is brought as needed.

c. Will it be picked up or delivered?

Applicant Response: Mr. Solis picks up the feed from the pet store.

4. How and where will you be providing water?

Applicant Response: Water is provided to the animals by a system of water hoses which are ran to the housing structures from Mr. Solis's house.

5. Is the entire property fenced, or is there a small area where the horses are kept on the property?

Applicant Response: The entire property is not fenced but most of the property is fenced off. However the horses are kept in a small structure on the property.

6. Your previous application indicated you were applying for 2 horses, 10 chickens and 2 goats. Based on the pictures you have submitted, it is clear there are at least 14 chickens and 4 goats on the property. Staff is unaware of any expansion to the previous SUP.

Applicant Response: As so often in life and nature chickens and goats have a way of producing more chickens and goats. However, the goats have been sold and one of them eaten by the family. The same holds true for the chickens, there may be 14 chickens today but only 8 or 9 chickens next week. It all depends on how many of the chickens are eaten, die or are born.

7. How many and what type of animals do you have on your property?

Applicant Response: Two horses and ten chickens.

8. Do you plan on expanding the amount of animals even further?

Applicant Response: No.

9. Based on the images it appears as though there are roosters present on the property, is this true?

Applicant Response: Yes, the fresh eggs are consumed by the family.

Staff Response: Roosters are not allowed and all existing roosters must be removed from the property.

10. Applicant must make contact with the Animal Control and Code Inspection Departments and schedule an inspection of the property. These Departments must sign off on the property before Planning Staff can approve this application.

Applicant Response: On Tuesday September 27, 2016 both departments came to the property and performed an inspection. My understanding is Animal Control approved the property. However, the position of Code Inspection is that they take no position in the approval or disapproval of the special use permit being renewed.

Public Works Comments:

No comments

Staff Conclusion:

The applicant appeared at the November 14, 2016 meeting and the Commission held over the application so the applicant's attorney could be present and for the applicant to submit updated pictures and a clean-up plan for the property. Pictures were submitted on December 8, 2016 and are included in the staff report so the Commission can see the "before and updated" pictures.

Staff recommends approval subject to:

1. The applicant continues the clean-up/maintenance of his property. A written document should be submitted one (1) week prior to the Board of Commissioners meeting outlining the clean-up that still needs to occur. Semi-annual inspections should be made by Code Enforcement/Animal Control during this renewal period. Progress will be reviewed at the time this application comes in for renewal
2. The number of animals on the property shall never exceed two (2) horses, ten (10) chickens and two (2) goats.
3. One of the code violations was that there were people living in the RV on the property. This is a violation of the R-1(B) zoning district regulations that require there only be one dwelling unit on the property. There are additional concerns with sanitation and other related matters. Verification from Code Enforcement within thirty (30) days that no one is living in the RV and the applicant understands that no one can live in the RV according to ordinance.
4. The applicant understands that roosters are not allowed on the property and all existing roosters have been removed.
5. Approval is for two (2) years.
6. Any violation of these conditions will result in the special use permit coming before the Board of Commissioners for a revocation hearing.



Figure 1. Aerial photograph of 3614 Sortor Drive (provided by UG Maps).





































Licensed to practice in Kansas and Missouri

Law Offices of Reginald Keith Davis, Esq.
750 Ann Ave Ste B
Kansas City KS 66101
Office: (913) 299-8789
Fax: (913) 371-8790

Neighborhood Meeting

Application Number #SP-2016-83
 September 26, 2016 Monday
 Kansas City Kansas Public Library
 625 Minnesota Ave Auditorium

Names of People in Attendance:

Reginald Keith Davis
 Attorney At Law
 Attorney for the Petitioner
 Jose M. Solis Ricardo Ruiz Esparza
 Jose Mario Solis Friolan Garcia
 Ascencion Perez Lidia Mejia

Meeting Called to order at: 6:08 P.M.
 Introductions: By Reginald Keith Davis
 Presentation: By Reginald Keith Davis

Questions and Answers: None of the people whom were presented objected to the renewal of the Special Use permit. The big issue which carried most of the conversation that occurred mainly in Spanish was in reference to a city street and or right of way being block by the petitioner. Mr. Solis denied roping or blocking off the quote unquote city street and or right of way.

Meeting adjourned at: 6:41 P.M.
 Minutes taken by: Reginald Keith Davis

Yours Respectfully,

Reginald Keith Davis
 Attorney At Law
 750 Ann Ave Ste B
 Kansas City Kansas 66101
 Phone: (913) 299-8789
 Attorney For Jose M. Solis



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August 7, 2016 Sunday

Wyandotte County Land Bank
701 N 7th Street
Kansas City Kansas 66101

Re: Jose Solis #SP-14402-00028

Dear Sir or Madam:

We have filed an application for renewal of a special permit with the Department of Urban Planning and Land Use #SP -14402-00028, the purpose of this special use permit is to allow the keeping of Livestock (horses, goats, rabbits and chickens) at the following address 3614 Sortor Dr Kansas City Kansas 66104.

I am Mr. Solis's Attorney, and I am assisting him in his efforts to renew his Special Use Permit for another three years. Mr. Solis's property is located in what many refer to as Bell Crossing, an area which is in the heart of the old Quindaro settlement. This area of land I would term as being rural and available for agricultural usage. Mr. Solis's nearest neighbors are to the east of him about a quarter of a mile away and to his west I would estimate to be in the range of about a half of a mile.

The areas where the animals are kept has no through streets, the animals are either enclosed in various housing units or fenced in. To the distance back of the property is a heavy wooded area. For the most part there is little or no public traffic through this isolated area. Mr. Solis have a system set up where water hoses are extend out to the various animal housing units, so that the livestock receive adequate water to drink but the water supply also allow him to keep the areas cleaned. Mr. Solis uses bucket and other methods in which to carry feed to the animals to ensure that they are properly feed, care for and looked after. The waste generated by the animals is picked up and collected. A local farmer uses the waste for fertilizer and hauls the waste away weekly.

I want to thank you in advance for your attention to this matter and your assistance in helping Mr. Solis to renew his special use permit.



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Fax: (913) 371-8790

September 30, 2016 Friday

Urban Planning and Land Use
Attn: Kyle Kobe
701 N 7th Street 4th Floor Room 423
Kansas City Kansas 66101

Re: Jose Solis #SP-2016-83

Dear Mr. Kobe:

Although, I had previously addressed most of the concerns you have regarding Mr. Solis application for renewal. I have been informed to answer the additional questions and or suggestions which you have prose to Mr. Solis.

Urban Planning and Land Use Comments:

1. How did you acquire the horses and chickens? Mr. Solis informs me that he purchased both the horses and chickens from their previous owners. However many of the chickens are the off springs of the two hens and the rooster which were previous purchased.

2. How will you dispose of waste from the animals?
The waste mainly from the horses is gather up and place in a container with a lip. One a week a local farmer come and pick up the waste which he uses as fertilizer on his property.

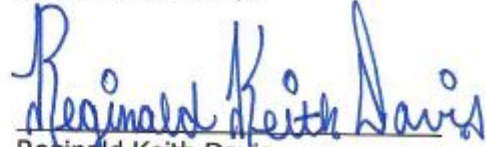
- A) How often? Is gather daily and pick up weekly
- B) Where will it be disposed? The farm is located in Tonganoxie Kansas Leavenworth County Kansas.
- C) How will you ensure that manure will not runoff onto your neighbor's property? Mr. Solis owns the adjacent property, but since the waste is pick up daily run off will not be an issue.

3. How will you bring feed onto the property? Feed is brought onto the property in a truck and delivered to the animals in buckets.

- A) What types of feed will you be providing to each animal? Mr. Solis informs me that he buys the feed from a pet store. He buys feed that is made for horses and chickens.
 - B) How often? The feed is brought as needed.
 - C) Will it be picked up or delivered? Mr. Solis picks up the feed from the pet store.
4. How and where will you be providing water? Water is provided to the animals by a system of water hoses which are ran to the housing structures from Mr. Solis's house.
 5. Is the entire property fenced, or is there a small area where they are kept on the property? The entire property is not fenced but most of the property is fenced off. However the horses are kept in a small structure on the property.
 6. Your previous application indicated you were applying for 2 horses 10 chickens and 2 goats. Based on the pictures you have submitted, it is clear there are at least 14 chickens and 4 goats on the property. Staff is unaware of any expansion to the previous SUP. As so often in life and nature chickens and goats have a way of producing more chickens and goats. However the goats have been sold and one of them eaten by the family. The same hold true for the chickens, there may be 14 chickens today but only 8 or 9 chickens next week. It all depends on how many of the chickens are eaten, die or is born.
 7. How many animals do you have on your property? Two horses and ten chickens.
 8. Do you plan on expanding the amount of animals even further? No
 9. Based on the images it appears as though there are roosters present on the property, is this true? Yes the fresh eggs are consumed by the family.
 10. Applicant must make contact with the Animal Control and Code Inspection Departments and schedule an inspection of the property. These Departments must sign off on the property before Planning Staff can approve the application. On Tuesday September 27, 2016 both department came to the property and perform an inspection. My understanding is Animal Control approved the property. However, the position of Code Inspection is that they take no position in the approval or disapproval of the special use permit being renewed.

I want to thank you in advance for your attention to this matter and your assistance in helping Mr. Solis to renew his special use permit.

Yours Respectfully,



Reginald Keith Davis

Attorney At Law

750 Ann Ave Ste B

Kansas City Kansas 66101

Fax: (913) 371-8790

Phone: (913) 299-8789

E-mail Address: davisrk1@shrcglobal.net

Attorney for Jose M. Solis

October 10, 2016 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2016-83 – JOSE SOLIS-BERNAI -

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-38) for two (2) horses, one (1) female goat and ten (10) chickens at 3614 Sortor Drive

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 October 10, 2016;
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 dated September 15, 2016; and
7. The Notices to property owners dated September 14, 2016.

Recording Secretary Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

This application was moved to the end of the agenda as the applicant was not present when it was called. When it was recalled the applicant still was not in attendance.

No one appeared in support of this application.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends holding over this application to allow the applicant to be present.

On motion by Ms. Pauley, seconded by Ms. Jones, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2016-83 for the applicant to be present:**

Carson	Not Present
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Aye
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend HOLD OVER Passed: 7 to 0

November 14, 2016 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2016-83 – JOSE SOLIS-BERNAI -

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-38) for two (2) horses, one (1) female goat and ten (10) chickens at 3614 Sortor Drive

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 November 14, 2016;
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 dated September 15, 2016; and
7. The Notices to property owners dated September 14, 2016 and October 13, 2016.

Recording Secretary Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Rick Ruiz, 1511 Waverly Avenue, representing his father-in-law, and Mr. Jose Solis-Bernal, applicant, appeared in support of this application. Mr. Ruiz stated that he will translate for his father-in-law.

Chairman Huey asked if they want to have 2 horses, 1 goat and 10 chickens. Mr. Ruiz stated that is correct. Chairman Huey asked if there are roosters on the property. Mr. Ruiz stated yes in order to have chickens. Chairman Huey asked how many roosters are on the property because they are not allowed. Mr. Ruiz stated that it fluctuates depending on how many they eat. Chairman Huey asked how many goats and horses are on the property. Mr. Ruiz stated 1 goat and the applicant sold his last horse but he may get another one.

Planning Director Richardson asked if the number of goats fluctuates because the staff has a picture which shows more than one goat. He asked how many goats and horses he wants to have. Mr. Ruiz stated that he just wants to have the one female goat for milking.

Planning Commissioner Gonzalez asked why he is not represented with counsel. Mr. Ruiz stated that Mr. Solis-Bernal's counsel Reginald Davis is on vacation so he has to do the talking. Mr. Gonzalez asked if that what happened last month because he was not present. Mr. Ruiz stated that he cannot speak to that but Mr. Davis sent him a text today saying that he was on vacation and could not be present, and they talked a week ago and at that time Mr. Davis told him that this was a formality and it was going to be continued until December 1st. Mr. Gonzalez asked if the applicant was told not to appear last month when this was on the agenda. Mr. Ruiz stated that Mr. Davis has represented the applicant throughout this whole process. He thought that this was a formality. Mr. Solis-Bernal was not aware of the last meeting. Mr. Gonzalez asked how the Commission can justify recommending approval of this application with the neglect,

etc. on the property when the staff has recommended denial. Mr. Ruiz stated that he spoke with Mr. Davis who told him that the application was recommended for denial based on debris. He stated that this property was a junk area because people brought their stuff there to dump. As he has been digging up the ground to build it up he and his sons have found refrigerators, stoves, etc. He stated that it is a work in progress. He was not privy to the pictures submitted and is not his legal counsel. Mr. Gonzalez asked if he has a list of improvements that have been made on the property. Mr. Ruiz stated that he has pictures on his cell phone. They do not have a list of the improvements that have been made. He stated that everyone in this area has chickens and someone has pigs and he does not know who does or does not have permits. He advised his father-in-law to do this the right away and it has been difficult. Animal Control came out and fined him and took some of the animals. Mr. Solis-Bernal paid the fine. He is trying to do the right thing and it is unfortunate that he has to keep jumping over hurdles.

Planning Commissioner Wing asked when they acquired the land. Mr. Ruiz stated about three (3) years ago. Mr. Wing asked if there are people living in an RV on the property. Mr. Ruiz stated yes. Mr. Wing asked when Animal Control went out there and Code Enforcement said that they did not have any comments. Planning Director Richardson stated that as far as the comments of Code Enforcement it would have been since August 27th and the same with Animal Control.

Planning Commissioner Serda stated that one of things that he would highlight in the staff report is on page 6, item 3 that relates to Mr. Wing's question about the RV. This property is zoning R-1(B) Single Family District. The applicant needs to understand that since there is already a home there the zoning requires that that home be the only property occupied for residential. Mr. Ruiz stated that the home is on one property and the RV is on another property. There are two separate parcels. There are four parcels that the applicant owns. Planning Director Richardson stated that the county records show that the home and RV are on the same parcel; there are no property lines dividing it. Mr. Ruiz stated that Mr. Solis-Bernal stated that there were four parcels that were combined in order to fulfill the acreage requirement for horses. Director Richardson stated that you cannot live in a RV on a piece of property; that is not a legal use and it is still not legal even though the lots are combined. Dr. Serda stated that is his point in that there are violations on the property. In terms of the number of animals, testimony has shown that they fluctuate. If this special use permit is renewed, whatever is approved is the maximum amount of animals that can be on the property at a given time. At any point if the applicant is found to be in violation of the number of animals, the special use permit can be revoked. Dr. Serda stated that he wants to make sure that the applicant understands that. Mr. Ruiz asked if that number can be altered right now. Planning Director Richardson stated only to the amount that has been advertised (which is what is on the agenda.) Dr. Serda stated that the point that he was making is that it cannot exceed these numbers and if the applicant wants more than what was advertised he would have to start over (as a new publication would be necessary.) Director Richardson stated that to clarify what has been advertised is 2 horses, 1 goat and 10 chickens. Chairman Huey stated no roosters are allowed. Director Richardson stated that is correct and he would note that the 10 chickens are only 4 more than allowed by the newly adopted ordinance.

Planning Commissioner Gonzalez stated that he does not think that it is fair to deny this case without his attorney being present. He asked the applicant if this application is denied tonight would he have wished that he had counsel. Planning Director Richardson stated that Mr. Davis emailed him and said that the applicant would represent himself and did not express a desire to hold it over.

Planning Commissioner Connelly asked who received the questions in the staff report; was it the attorney or the applicant. Recording Secretary Parker stated that it was his counsel. Mr. Ruiz stated that this is the first time that he has seen the information and he could have helped him with the answers.

Planning Commissioner Carson asked if there is a plan to improve this property; his concern is the overall condition of the property. He is seeing debris and he is not seeing debris that has been dug up. What he is seeing are new things, like bicycles and all kinds of other things. Having animals on the property is secondary to him; he does not think that animals should be maintained on property that is not being maintained. If this is the way that the property is being taken care of, what degree of certainty does he have that the animals are being taking care of. He stated that he is looking at the long-term plan for cleaning up this property. Mr. Ruiz stated that he knows that Animal Control has been out there and found no issues. He stated that compared to how other people in the area take care of their animals the applicant takes exceptional care of the animals. He stated that he could get people there and get the property cleaned up in a weekend. Mr. Carson asked if he has been to the property and did not see that there were problems. Mr. Ruiz stated that some of the pictures submitted are not how the property looks now. He stated that for instance the gas tanks are gone.

Planning Commissioner Connelly asked if staff knows when the pictures were taken. Director Richardson stated that they were provided by the applicant's counsel since August 27, 2016.

Planning Commissioner Serda asked if the applicant is willing to accept the maximum amount of animals advertised (2 horses, 1 goat and 10 chickens.) Mr. Ruiz stated yes.

Ms. Lidia Mejia, 844 Cleveland, Kansas City, Kansas, appeared in support of this application. She stated that it is true that the applicant has been cleaning up the property and he tries to keep his animals in his place. This is the second time that Animal Control has been to the property. He is trying to keep it clean and the lot looks better. They fenced in the property so animals will not get out. He has his kids living there and they are nice neighbors. It is a lot of land and he is trying to keep what he can around his house clean.

No one appeared in opposition to this application.

Planning Director Richardson stated that the RV and the people living in there need to be moved out because it is a code violation and roosters are not allowed and cannot be approved by the City Planning Commission or Board of Commissioners. Given the neighbor's comments that he has been cleaning it up, the staff would recommend

holding over this application for one month (December 12, 2016) and ask the applicant to provide new pictures and a clean-up plan.

Planning Commissioner Ernst stated that he wants to make sure that the applicant understands what is being requested. Director Richardson gave Mr. Ruiz his business card to contact him.

On motion by Mr. Gonzalez, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2016-83 for one month (December 12, 2016) for the applicant to provide new pictures and a clean-up plan:**

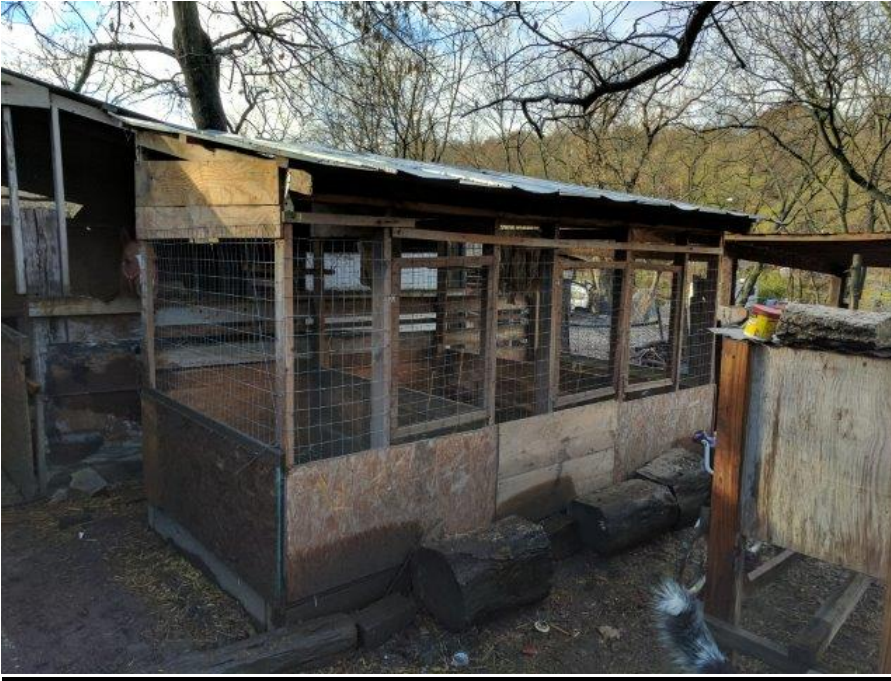
Carson	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Not Present
Rank	Aye
Schwartzman	Aye
Serda	Aye
Wing	Aye

Motion to HOLD OVER Passed: 9 to 0

















Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 5, 2017
Re: Petition #SP-2016-92

GENERAL INFORMATION

Applicant:
Khalid Banday

Status of Applicant:
Representative
KAM Design
900 E. Bannister Road
Kansas City, MO 64134

Requested Action:
Approve Special Use Permit for
automotive repair shop

Date of Application:
September 29, 2016

Purpose:
To approve Special Use Permit for
automotive repair shop

Property Location:
744 Kansas Avenue

Existing Zoning:
M-2 General Industrial District



Existing Surrounding Zoning: **North:** M-3 Heavy Industrial District
South: M-2 General Industrial District
East: M-2 General Industrial District
West: M-2 General Industrial District

Existing Uses: **North:** Industrial
South: Industrial with residential further to the south
East: Industrial
West: Industrial

Total Tract Size: .36 acre

Master Plan Designation: The City-Wide Master Plan designates this property for public/semi-public use.

Major Street Plan: Kansas Avenue is a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – October 20, 2016
Letters to Property Owner – October 10, 2016, November 15, 2016
and December 28, 2016

Public Hearings: November 14, 2016, December 12, 2016 and January 5, 2017

Public Opposition: No one appeared in opposition at the City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: Mr. Banday's client is requesting a Special Use Permit in order to operate an automotive repair shop on Kansas Avenue, in a primarily industrial area.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is primarily industrial in nature; there are residential areas less than a block south of the property.

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

The zoning of nearby properties is primarily industrial; this use would be a compatible use and not likely any more disruptive to the nearby residences than current operations in the area.

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

This is not expected to have a negative effect on nearby properties.

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

This property has been developed but has not been occupied.

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

Special Use Permits are not addressed in the Master 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.***

This use would increase traffic to the site, though not likely beyond the capacity of the street network to accommodate it.

- 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.***

This use is not reasonably necessary, though an occupied building is better for the area and improvements to the site will improve the visual quality of the adjoining properties.

- 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.***

There would be some increase in noise on days when the auto repair shop is operating.

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

This is not expected to be an issue so long as all waste fluids are properly disposed of.

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

This is not expected to be an issue.

- 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 little relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner.

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

This is not expected to be a significant issue.

PREVIOUS ACTIONS

There were code violations on this site in July 2016 due to inoperable vehicles parked on the site.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 29, 2016. Three people were in attendance. No opposition was recorded.

KEY ISSUES

Landscaping – Commercial Design Guidelines
Fire Department comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-92, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. The Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore four (4) trees are required to be planted.

The trees that exist may go towards that total, so please provide the total number of trees currently on the property, and the remaining deficit will be the number that needs to be planted to comply with the Commercial Design Guidelines.

Asphalt in areas to be landscaped must be removed prior to planting to allow tree roots to properly take hold.

3. Please provide photos and elevations of all four sides of the building.

4. Trash enclosure must be made of same material as the primary structure per the Commercial Design Guidelines.
5. Please provide photos of existing lot conditions.
6. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.
7. No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.
8. From John Droppelmann, Acting Fire Marshal: We have never been able to perform a fire inspection at this business—personnel in the business will never allow access to the building for the Fire Inspectors to complete an inspection. Therefore we are recommending that their 'Special Use Permit' be denied.

No permits or business license shall be obtained without Fire approval.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

The 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 #SP-2016-92 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 12, 2016 City Planning Commission Minutes
Aerial image
Zoning map
Applicant response to comments
Site plan
Building Elevations
Photos submitted by applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 14, 2016	January 5, 2017
Special Use	Held Over December 12, 2016 Approval	

STAFF CONTACT: **Jamie Hickey**
 jhickey@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-92** 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 #**SP-2016-92**, 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.

DECEMBER 12, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-92 – KHALID BANDAY WITH KAM DESIGN - SYNOPSIS: Special Use Permit for a vehicle repair and body shop at 744 Kansas 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 December 12, 2016;
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 dated October 20, 2016; and
7. The Notices to property owners dated October 10 and November 15, 2016.

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

Mr. Khalid Banday, KAM Design, 9000 East Bannister Road, Kansas City, MO 64134, applicant, appeared in support of this application. He stated that this property was previously a convenience store and in pretty bad shape. The property was purchased four years ago and a part of the building was renovated. The parking lot has been paved and is ready for business. There is a business adjacent to this property that sells cars and this is a place that they want to repair cars and do body work.

Planning Commissioner Gonzalez stated that the building looks great and asked if the employees park behind the property. It seems that the property line is close to the building. Will employees go in and out a door back there? Mr. Banday stated that there is only one door and there is parking back there. The property goes further back. Mr. Gonzalez asked if there will be a dumpster back there. Mr. Banday stated no, the dumpster is on the side.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2016-92:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

- 1. Subject to approval, this special use permit shall be valid for two (2) years.**
- 2. The Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore four (4) trees are required to be planted.**

The trees that exist may go towards that total, so please provide the total number of trees currently on the property, and the remaining deficit will be the number that needs to be planted to comply with the Commercial Design Guidelines.

Asphalt in areas to be landscaped must be removed prior to planting to allow tree roots to properly take hold.

1. Please provide photos and elevations of all four sides of the building.
2. Trash enclosure must be made of same material as the primary structure per the Commercial Design Guidelines.
3. Please provide photos of existing lot conditions.
4. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.
5. No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.
6. From John Droppelmann, Acting Fire Marshal: We have never been able to perform a fire inspection at this business—personnel in the business will never allow access to the building for the Fire Inspectors to complete an inspection. Therefore we are recommending that their 'Special Use Permit' be denied.

No permits or business license shall be obtained without Fire approval.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None





December 31, 2016

Trey Maevers
Development Support Specialist
Unified Government of Wyandotte County
Kansas City, Kansas, 66102

Reference: Special Use permit application SP – 2016-92
744 Kansas Ave, Kansas City

Dear Sir

Please find attached one set of revised drawing and a CD that address the following comments of Engineering and Planning Department.

PLANNING DEPARTMENT COMMENTS:

1. The Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore four (4) trees are required to be planted.

The trees that exist may go towards that total, so please provide the total number of trees currently on the property, and the remaining deficit will be the number that needs to be planted to comply with the Commercial Design Guidelines.

Please see revised sheet 1 that shows 4 trees along the Kansas Avenue.

2. Please provide photos and elevations of all four sides of the building.

Please see attached the Photos.

3. Please provide photos of existing lot conditions.

Please see attached the Photos.

5. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.

The owner has agreed to follow the signage guidelines.

6. No displays on the sidewalk, this includes signs, pennants, attention attracting devices, etc.

The owner will not install any sidewalk or other signs that are not approved by the city.

7. From John Droppelmann, Acting Fire Marshal: We have never been able to perform a fire inspection at this business—personnel in the business will never allow access to the building for the Fire Inspectors to complete an inspection. Therefore we are recommending that their 'Special Use Permit' be denied.

The owner has contacted the Fire Marshal for the inspection.

ENGINEERING COMMENTS:

1) Provide construction plans prepared, signed, and sealed by a State of Kansas Professional Engineer.
Please see revised sheet C1 signed and sealed by the Kansas Professional Engineer.

2) Will crashed/wrecked vehicles that potentially are leaking hazardous fluids be towed and stored on this site prior to being worked on? If so, the proposed storage area for these vehicles may be considered a "Hotspot" and could require storm water quality BMP's. Please explain what is expected to occur at this site.

The owner states that there will be no crashed/wrecked vehicles stored at the premises.

3) Show existing storm sewer along Kansas Ave. and S. Coy Street, and existing sanitary sewer near the north side of existing building. Indicate UG node numbers, pipe sizes, etc. Sanitary and storm sewer maps and asbuilt drawings may be obtained from the Sewer Maintenance Department at (913) 573-5535.

Please see revised sheet 1 that shows the existing storm inlets at the intersection of Kansas Ave and S Coy Street and required inlet node information is provided on the drawing..

4) Indicate concrete sidewalk that is between the curb and property line.

Please see revised sheet C1 that provides the details

5) The existing driveways and curb returns are not shown correct. Please revise per existing conditions, i.e., sidewalk ramp and aprons instead of curb.

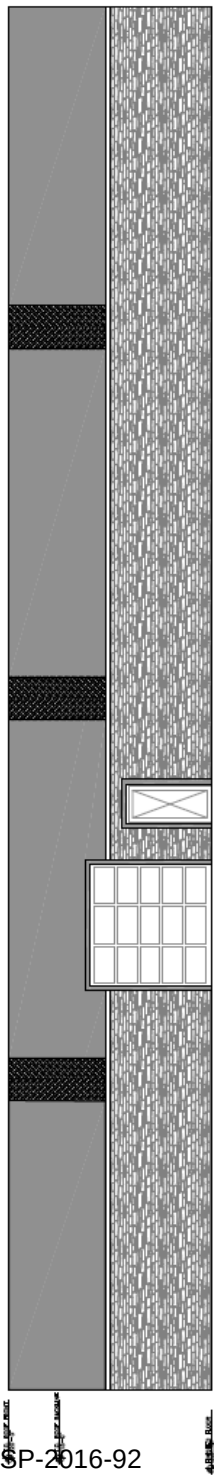
Please see revised sheet 1 that provides necessary information.

6) On the driveway that will be closed, will the wall be filled in and constructed at the property line? Indicate on the plan, as applicable. Please discuss with staff prior to a resubmittal.

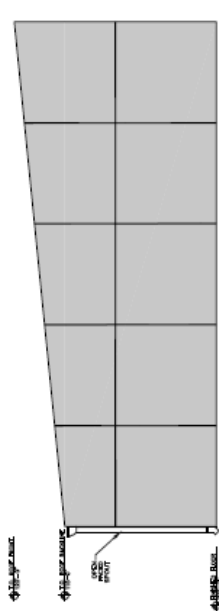
Please see revised sheet 1 that shows the opening shall be filled with block wall with stone veneer on outside and the driveway will be converted to sidewalk.

Respectfully Submitted

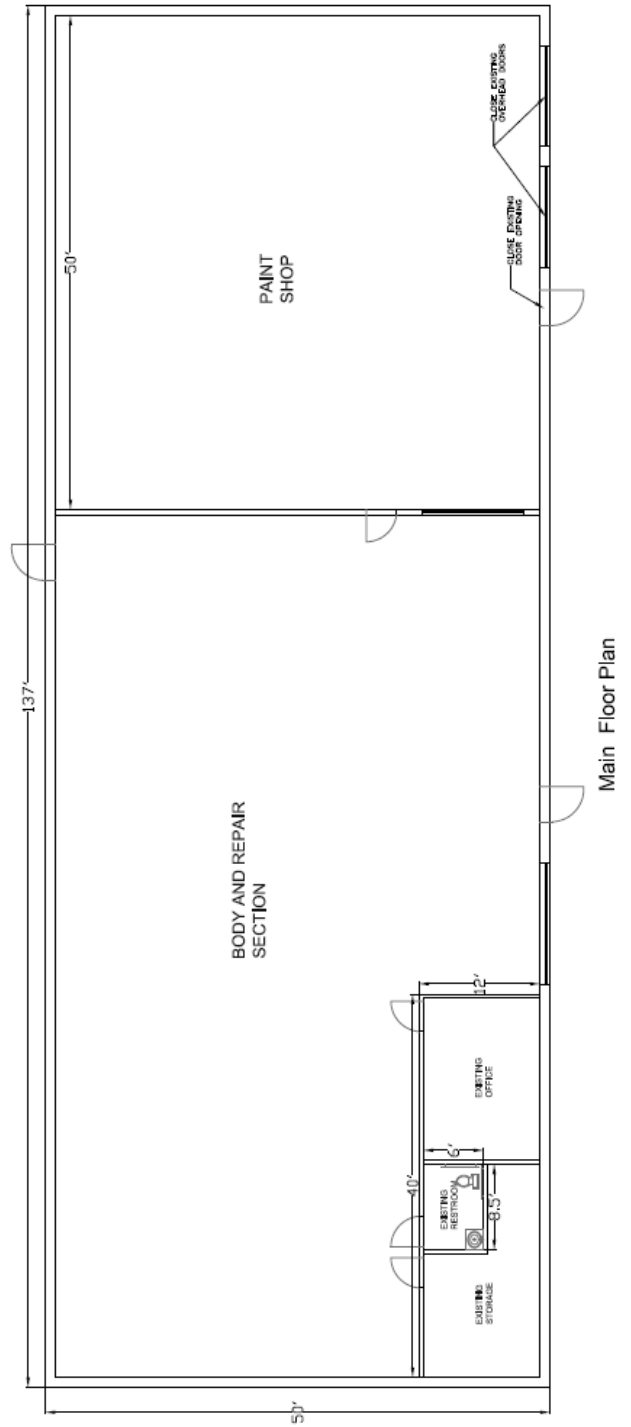
Jerry Menefee
Project Manager



Front Elevation
Scale 1/8" = 1'



West Elevation
Scale 1/8" = 1'



Main Floor Plan







Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 5, 2017
Re: Petition #SP-2016-95

GENERAL INFORMATION

Applicant:
Brandon and
Kathleen Holladay

Status of Applicant:
Owners
12126 Leavenworth
Road
Kansas City, KS
66109

Requested Action:
Approve Special Use
Permit for livestock

Date of Application:
October 31, 2016

Purpose:
To keep ten (10)
chickens and four (4) goats for 4-H projects

Property Location:
12126 Leavenworth Road



Existing Zoning: R-1B Single Family District (WYCO)

Existing Surrounding Zoning: North: R-1B Standard Single Family Residential District (WYCO)

South: R-1B Standard Single Family Residential District (WYCO)

East: R-1B Standard Single Family Residential District (WYCO), R-2 Two Family Dwelling District (WYCO)

West: R-1B Standard Single Family Residential District (WYCO)

Existing Uses: North: Piper School District Main Office

South: Single family residences

East: Single family residences

West: Single family residences

Total Tract Size: 2.98 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Suburban Residential District.

Major Street Plan: The Prairie Delaware Piper Master Plan classifies this section of Leavenworth Road as a Minor Arterial.

Advertisement: The Wyandotte Echo – November 17, 2016
Letters to Property Owner – November 16, 2016 and December 28, 2016

Public Hearings: December 12, 2016 and January 5, 2017

Public Opposition: No one appeared in opposition at the December 12, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Brandon and Kathleen Holladay, want to keep ten (10) chickens and two (2) goats on 2.98 acres at 12126 Leavenworth Road.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is mostly residential in nature. To the north of the property is the Piper School District Main Office as well as Piper Elementary West. There are single family homes in all other directions.

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 keeping of ten (10) chickens and two (2) goats on 2.98 acres could become a problem for adjacent properties based upon noise, odor and amount of animal waste. However, these issues are easily mitigated and there have been much larger animals (horses) on the property previously.

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 removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master 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.*

This is not an issue.

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 keeping of chickens and goats is not reasonably necessary for the convenience and welfare of the public. It is unlikely there would be any notable impact on 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.*

Chickens and goats do make noise that may become a nuisance for nearby property owners. In the past, other special use permit petitions with livestock have had issues with noise. However, the size of the lot and its location would be strong mitigating factors for these concerns.

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

This is unlikely to be an issue.

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

This is not an issue.

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 is minimal. If this application is denied, the applicant will not be able to have livestock on the property and will need to find another alternative.

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

This has not been and should not become an issue.

PREVIOUS ACTIONS

All previous actions on this property were undertaken by previous owners.

SP-2011-51 – Allowed owner to operate a photography studio on the property.

SP-2011-52 – Allowed owner to keep 2 horses on the property.

SP-2014-19 – Renewal of SP-2011-52, to keep 2 horses on property.

S-2013-5 – Vacation of Right of Way of North 121st Terrace north of Leavenworth Road.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 23, 2016 with one (1) person present who was not in opposition.

KEY ISSUES

Waste management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-95, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this application is valid for two years.
2. You have indicated that you will be putting up a fence around the shed where the animals will be housed; what will be the total enclosed space of the fence?

Applicant Response: The shed will have a door on in to enclose the animals during overnight hours that will keep the predators away. The enclosed area will be roughly 7,500 square feet.

3. What is your waste disposal plan/schedule?

Applicant Response: As far as waste goes, when we clean the coop, we usually just throw it away in a trash bag because it's cotton bedding that we use. We intend on spreading the manure of the goats around the yard to use as fertilizer. We seed in the spring, so that should help the grass grow in the bare spots.

4. In the event one or more of your animals got loose, what would your recovery plan be?

Applicant Response: If one of the animals gets loose, we will notify the surrounding neighbors and call animal control immediately. These animals will be pets, so we do not intend on losing any of them. My kids would be heartbroken.

5. What kind of food will be provided for the animals and how often will they be fed?

Applicant Response: We feed the chickens feed from the local Animal Crackers store or Feldman's. We plan to do the same with the goats. Occasionally we'll feed them scraps of fruits or veggies from the house.

6. Would you be able to provide immunization records and other related animal health documentation?

Applicant Response: The goats will be under a veterinarian's care. I'll have to talk to the vet about what we need to do to keep the chickens healthy. Whatever documentation we get, we will be more than happy to share.

7. Please provide a general written outline of your plan to prepare your property for the animals as well as the day to day caretaking of said animals.

Applicant Response: We will plan on working on the shed around February of 2017. The goats will not be ready until March or April of 2017. The chickens are already on the property.

Conservation District Comments:

- There is one major soil type that was identified: Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The site is mostly seeded but there are a few bare spots that need to have seeding applied.
- Waste disposal can be a problem. Proper disposal of waste needs to be addressed. A disposal plan is needed. Chicken waste can be quite concentrated and can cause a buildup of nutrients in the soil. Care needs to be taken not to over fertilize the area.
- No waste should be spread on frozen ground. Proper disposal in the winter needs to be done.
- The drainage way needs to be fenced out so goats are not in the drainage way. A thirty feet strip needs to be left for the water to flow through. Vegetation can act as a filter. The drainage way can be grazed during dry periods for short periods or it can be mowed.
- Animals should not be allowed to roam freely in the spring or other times when soil is very wet. Animals compact the soil and destroy the vegetation when the soil is wet. A sacrifice lot is needed to protect the other areas.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None
- B) Items that are conditions of approval (stipulations):
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 Conclusion:

Applicant appears to have an appropriately low impact amount of animals for the size of the property. Furthermore, there is an existing structure that can be used to house the animals. Application is recommended for approval provided that:

1. Proper waste disposal takes place.
2. No more animals are present than what is approved.

3. Proper animal management takes place so as not to erode the surface or destroy vegetation.
4. Special Use Permit is valid for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

The 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 #**SP-2016-95** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 12, 2016 City Planning Commission Minutes
Aerial Photograph
Site Photographs (provided by applicant)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 12, 2016	January 5, 2017
SUP	Approval	

STAFF CONTACT: Kyle Kobe
kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-95** 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 #**SP-2016-95**, 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.

DECEMBER 12, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-95 – BRANDON HOLLADAY - SYNOPSIS: Special Use Permit for ten (10) chicken and two (2) goats at 12126 Leavenworth Road

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 December 12, 2016;
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 dated November 17, 2016; and
7. The Notices to property owners dated November 16, 2016.

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

Brandon and Katie Holladay, 12126 Leavenworth Road, Kansas City, Kansas, 66109, applicants, appeared in support of this application. Mr. Holladay stated that they are requesting ten (10) chickens and two (2) goats. He further stated that the chickens are for eggs and the goats are for pets.

Planning Commissioner Schwartzman asked what they do for water. Mr. Holladay stated that they water the goats themselves. He stated that these are pigmy goats.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Planning Commissioner Connelly asked if Animal Control has to go to the property. Planning Director Richardson stated that the applicant will have to work with Animal Control; this approval is the first step in the process.

On motion by Mr. Carson, seconded by Mr. Schwartzman, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2016-95:**

Carson Aye

Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this application is valid for two years.
2. You have indicated that you will be putting up a fence around the shed where the animals will be housed; what will be the total enclosed space of the fence?

Applicant Response: The shed will have a door on in to enclose the animals during overnight hours that will keep the predators away. The enclosed area will be roughly 7,500 square feet.

3. What is your waste disposal plan/schedule?

Applicant Response: As far as waste goes, when we clean the coop, we usually just throw it away in a trash bag because it's cotton bedding that we use. We intend on spreading the manure of the oats around the yard to use as fertilizer. We seed in the spring, so that should help the grass grow in the bare spots.

4. In the event one or more of your animals got loose, what would your recovery plan be?

Applicant Response: If one of the animals gets loose, we will notify the surrounding neighbors and call animal control immediately. These animals will be pets, so we do not intend n losing any of them. My kids would be heartbroken.

5. What kind of food will be provided for the animals and how often will they be fed?

Applicant Response: We feed the chickens feed from the local Animal Crackers store or Feldman's. We plan to do the same with the goats. Occasionally we'll feed them scraps of fruits or veggies from the house.

6. Would you be able to provide immunization records and other related animal health documentation?

Applicant Response: The goats will be under a veterinarian's care. I'll have to talk to the vet about what we need to do to keep the chickens healthy. Whatever documentation we get, we will be more than happy to share.

7. Please provide a general written outline of your plan to prepare your property for the animals as well as the day to day caretaking of said animals.

Applicant Response: We will plan on working on the shed around February of 2017. The goats will not be ready until March or April of 2017. The chickens are already on the property.

Conservation District Comments:

- There is one major soil type that was identified: Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The site is mostly seeded but there are a few bare spots that need to have seeding applied.
- Waste disposal can be a problem. Proper disposal of waste needs to be addressed. A disposal plan is needed. Chicken waste can be quite concentrated and can cause a buildup of nutrients in the soil. Care needs to be taken not to over fertilize the area.
- No waste should be spread on frozen ground. Proper disposal in the winter needs to be done.
- The drainage way needs to be fenced out so goats are not in the drainage way. A thirty feet strip needs to be left for the water to flow through. Vegetation can act as a filter. The drainage way can be grazed during dry periods for short periods or it can be mowed.
- Animals should not be allowed to roam freely in the spring or other times when soil is very wet. Animals compact the soil and destroy the vegetation when the soil is wet. A sacrifice lot is needed to protect the other areas.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None
- B) Items that are conditions of approval (stipulations):
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 Conclusion:

Applicant appears to have an appropriately low impact amount of animals for the size of the property. Furthermore, there is an existing structure that can be used to house the animals. Application is recommended for approval provided that:

1. Proper waste disposal takes place.
2. No more animals are present than what is approved.
3. Proper animal management takes place so as not to erode the surface or destroy vegetation.
4. Special Use Permit is valid for two (2) years.



Aerial Photo (Google)



Outlined of fenced area (provided by applicant)



"Fence Material" (provided by applicant)



"Shed that fence will be around. Also where chicken coop is located. Will close in and add door." (Provided by applicant)



"Chicken coop inside of shed." (Provided by applicant)



"Our chickens." (Provided by applicant)

Application Number: SP-2016-95
Date: 11/23/2016
Location: 12126 Leavenworth Rd. KCKS 66109

Meeting called to order at 6pm.

People in attendance:
Katie Holladay
Brandon Holladay
Daniel Hays

Introductions:

Katie explained that the permit is for having 10 chickens and 2 goats on their lot. She explained that the sheep shed will be used to house the animals and there will be a fence surrounding the enclosure.

Daniel Hays asked if there would be any rooster.

Katie Holladay says no, only hens.

Daniel Hays says he's fine with the chickens and goats.

Meeting adjourned at 6:15pm

Minutes taken by Katie Holladay.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP-16-402-00074 (SP-2016-95)
2. That I conducted a neighborhood meeting on 11/23/16 @ 6pm
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.

Rafie Adiladay
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of November, 2016.

My commission expires 8th of April, 2018.



Debra Fishman
Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 5, 2017
Re: Petition #SP-2016-96

GENERAL INFORMATION

Applicant:

Lottie Moses-Martin

Status of Applicant:

Applicant
1427 North 24th Street
Kansas City, KS 66102

Requested Action:

Renewal for Special Use
Permit

Date of Application:

October 31, 2016

Purpose:

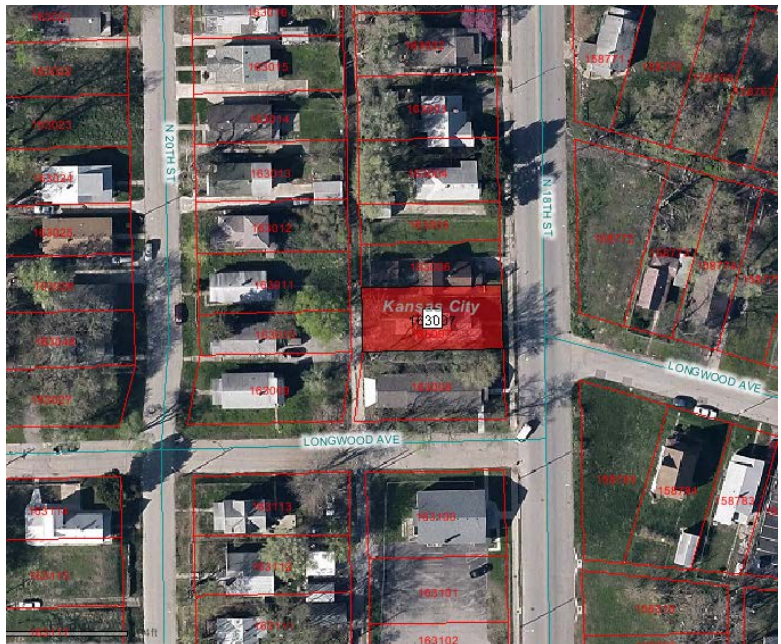
To continue to operate a day
care center

Property Location:

2706 North 18th Street

Existing Zoning:

R-1(B) Single Family District



Surrounding Zoning: **North:** R-1(B) Single Family District
 South: R-1(B) Single Family District
 East: R-2 Two Family District (across North 18th Street)
 West: R-1(B) Single Family District

Existing Uses: **North:** Single family homes
 South: Single family home and church
 East: Single family homes and vacant lots
 West: Single family homes

Total Tract Size: .11 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Density.

Major Street Plan: The City-Wide Master Plan classifies North 18th Street as a Class C Thoroughfare

Advertisement: The Wyandotte Echo – November 17, 2016
 Letters to Property Owner – November 16, 2016 and December 27, 2016

Public Hearings: December 12, 2016 and January 5, 2017

Public Opposition: No one appeared in opposition at the December 12, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lottie Moses-Martin wants to operate a day care center, a maximum of ten (10) children within a home that is owned by Mrs. Moses-Martin, but is not inhabited at 2706 North 18th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of single family homes and a couple of vacant lots. This property is surrounded by single family homes on three sides

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

The zoning and their uses are set out above. The proposed use is relatively compatible with nearby properties.

- 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 removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master 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 will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

- 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 only those who need the day care center will use the service. The proposed use will not substantially 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.***

The noise that is normally associated with a day care is of such duration and intensity as not to create problems for near-by property.

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

This is not an issue.

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

This is not an issue.

- 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 landowners is minimal.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

The applicant was previously approved for a special use permit by the Board of Commissioners in 2014.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 25, 2016. Four people were in attendance. No opposition was recorded.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-96, subject to:

Urban Planning and Land Use Comments:

1. The applicant has stated that her hours of operation will be from 7:00 a.m. to 5:30 p.m., Monday through Friday.
2. The applicant has stated that the ages of the children permitted by the State are infants to 11 years old. She intends on having children that are infants to 5 years old.
3. Where will the parents park when they have to drop-off/pick-up their children?

Applicant Response: The parents will be allowed to pick-up/drop-off on North 18th Street in front of the proposed business property location at 2706 North 18th Street, preferably on either side of the street, closest to the sidewalk, or passenger side, and not on the residential street.

4. Are you planning on having any additional employees other than yourself?

Applicant Response: There will not be any employees initially, yet I am anticipating hiring employees within one year's time. Currently, I and my

husband Chester Martin are trained to provide day care services for our proposed home day care business. I have in place, two "backup" family member volunteers who have attained most or all of the state certifications/requirements and/or will complete all training/certification requirements within the next 30 days (May 21 to June 21, 2014).

5. Staff understands that there is a fence enclosing the property, but will there be a playground or any outside apparatus for the children to play with or on?

Applicant Response: The children will have tricycles, bicycles, junior basketball set, sandbox, slide set and a picnic table.

6. Please describe in detail the typical day for you, staff and the children.

Applicant Response: Please see attached documents #6A (Proposed Activities Plan/Schedule), #6B (Proposed Activities/Curriculum Overview), and #6C (Proposed Supervision Plan). I believe these proposed activities/duties within these documents give in detail, a typical day for myself, staff, and the children.

7. This case is for the temporary use of land for commercial purposes and can only be approved for two (2) years.

Applicant Response: It is understood that the land will be used for a temporary period of two (2) years for commercial purposes.

8. This may require the structure to have a fire sprinkler system.

Applicant Response: The property has been inspected by the Fire Marshal and/or City Inspector and has not been deemed for a fire sprinkler system.

9. This structure must be maintained in a residential nature. It cannot be converted to a commercial structure per code.

10. Per the Business License Department:

- a. If approved, the applicant will need to complete the licensing process for a day care with the State, through the Health Department. They will then also need to register and file the occupation tax application with our office.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

- B) Items that are conditions of approval (stipulations):

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 COMMENTS AND SUGGESTIONS

The 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 #**SP-2016-96** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 12, 2016 City Planning Commission Minutes
Neighborhood Meeting Minutes
Applicant Response Letter (unchanged from 2014)
Daily Activities Plan (unchanged from 2014)
Curriculum Overview (unchanged from 2014)
Supervision Plan (unchanged from 2014)
Photographs of property

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 12, 2016	January 5, 2017
Special Use	Approval	

STAFF CONTACT: **Cameron Casey**
 ccasey@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-96** 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 #**SP-2016-96**, 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.

DECEMBER 12, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-96 – LOTTIE JEAN MARTIN WITH MRS. LOTTIE P.L.C. DAYCARE LLC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-26) for a day care at 2706 North 18th Street

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

“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 December 12, 2016;
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 publications in the 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 comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **APPROVE the items on the Consent Agenda:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Schwartzman	Aye
Serda	Aye

Wing Not Present
Motion to APPROVE Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. The applicant has stated that her hours of operation will be from 7:00 a.m. to 5:30 p.m., Monday through Friday.
2. The applicant has stated that the ages of the children permitted by the State are infants to 11 years old. She intends on having children that are infants to 5 years old.
3. Where will the parents park when they have to drop-off/pick-up their children?

Applicant Response: The parents will be allowed to pick-up/drop-off on North 18th Street in front of the proposed business property location at 2706 North 18th Street, preferably on either side of the street, closest to the sidewalk, or passenger side, and not on the residential street.

4. Are you planning on having any additional employees other than yourself?

Applicant Response: There will not be any employees initially, yet I am anticipating hiring employees within one year's time. Currently, I and my husband Chester Martin are trained to provide day care services for our proposed home day care business. I have in place, two "backup" family member volunteers who have attained most or all of the state certifications/requirements and/or will complete all training/certification requirements within the next 30 days (May 21 to June 21, 2014).

5. Staff understands that there is a fence enclosing the property, but will there be a playground or any outside apparatus for the children to play with or on?

Applicant Response: The children will have tricycles, bicycles, junior basketball set, sandbox, slide set and a picnic table.

6. Please describe in detail the typical day for you, staff and the children.

Applicant Response: Please see attached documents #6A (Proposed Activities Plan/Schedule), #6B (Proposed Activities/Curriculum Overview), and #6C (Proposed Supervision Plan). I believe these proposed activities/duties within these documents give in detail, a typical day for myself, staff, and the children.

7. This case is for the temporary use of land for commercial purposes and can only be approved for two (2) years.

Applicant Response: It is understood that the land will be used for a temporary period of two (2) years for commercial purposes.

- 8. This may require the structure to have a fire sprinkler system.**

Applicant Response: The property has been inspected by the Fire Marshal and/or City Inspector and has not been deemed for a fire sprinkler system.

- 9. This structure must be maintained in a residential nature. It cannot be converted to a commercial structure per code.**

- 10. Per the Business License Department:**

- a. If approved, the applicant will need to complete the licensing process for a day care with the State, through the Health Department. They will then also need to register and file the occupation tax application with our office.**

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**

- 1) None**

- B) Items that are conditions of approval (stipulations):**

- 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**

Mrs. Lottie P.L.C. Daycare Neighborhood Meeting

REGARDING: #SP-16402-00075 (Ref: SP-2016-96)

Date/Location: 11/25/16, 2706 N. 18th Street, Kansas City, KS 66104

Meeting called to order at: 6:00pm

In Attendance:

1. Mr. Lindell Carson, Neighbor
2. Mr. Chester Martin, Childcare Assistant
3. Mrs. Lottie J. Moses-Martin, Director/Childcare provider
4. Mrs. Sarah Armwood-Moses, Administrative Assistant

I. Introduction of Childcare providers, and staff....

Mrs. Sarah Armwood-Moses called the meeting to order and welcomed our community member Mr. Carson. Sarah introduced all staff and explained each role of:

Mr. Martin- Assistant childcare provider assists with engaging children with communication and plays activities, as well as provides "safety watch" during feedings and changing of diapers/bathroom time.

Mrs. Moses-Martin- Primary childcare provider and Director who conducts all well checks and "sign-in's and out's" for the children and parents, prepares file/parent paperwork, communicate with parents on a daily basis regarding their child's activities, nutrition, health, stage growth, and answer any questions the parents may have. A typical day at the daycare for each child was briefly explained, including internal and external activities.

Mrs. Moses- Is the administrative assistant who develops and maintains all marketing materials, develops and updates parent paperwork (files/ contracts), periodically assists with the care of the children on an "as needed" basis, and noted as the "back-up" childcare provider.

II. Reading of relevant brochure information...provides one our participant...

Mrs. Sarah Armwood-Moses distributed brochure with detailed information regarding the facility and the services provided. Summarization of the information was explained to Mr. Carson

Questions/Answers

Mr. Carson was provided time to ask any questions regarding the daycare or address any concerns. Below are his comments:

1. How long will the daycare be in existence?because it seems since the daycare has been here the neighborhood seems to have "picked up for good".
2. ...Its quiet and peaceful, no complaints, everything seems to be in order and it is well maintained on the inside and outside.

Answers....

Mrs. Lottie's response: We hope to be here as long as we are able to provide daycare services for the families that need it in this area.

Mr. Carson, Mr. Martin, and Mrs. Lottie Martin further discussed briefly some neighborhood dynamics and the meeting was adjourned.

Meeting adjourned at 6:45pm

Meeting Minutes taken by: Sarah Armwood-Moses, Administrative Assistant

*See attachments
#6(A), #6(B) & #6(C)*

Urban Planning and Land Use Comments, Questions, & Answers

Application #SP-2014-26 For: Mrs Lotties P,L, C, Day care, LLC,

Mrs. Lottie J Moses-Martin

2706 N. 18th Street, Kansas City, KS 66104



1. The applicant has stated that her hours of operation will be from 7:00 a.m. to 5:30 p.m., Monday through Friday. **Answer: These are the proposed hours of operation for Mrs.**

Lotties P, L, C, Day Care, LLC

2. The applicant has stated that the ages of the children permitted by the State are infants to 11 years old. She intends on having children that are infants to 5 years old.

Answer: These are the proposed ages of the children that will be served; infants to 5 years of age.

3. Where will the parents park when they have to drop-off/pick-up their children? **Answer:**

The parents will be allowed to pick-up/drop-off on N. 18th Street in the front of the proposed business property location at 2706 N. 18th Street, Kansas City, KS 66104, preferably on either side of the street, closets to the sidewalk, or passenger side, and not on the residential street.

4. Are you planning on having any additional employees other than yourself? **Answer: There will not be any employees initially, yet I am anticipating hiring employees within one year's time. Currently I and my husband Chester Martin are trained to provide day care services for our proposed home day care business. I have in place, two "backup" family member volunteers who have attained most or all of the state certifications/requirements,**

and/or will complete all training/certification requirements within the next 30 days (May 21 to June 21, 2014).

5. Staff understands that there is a fence enclosing the property, but will there be a playground or any outside apparatus for the children to play with or on? **Answer: The children will have tricycles, bicycles, Junior Basket Ball set, sandbox, slide set, and a picnic table.**

6. Please describe in detail the typical day for you, staff and the children. **Answer: (Please see attached documents)- #6A (Proposed Activities Plan/Schedule), #6B (Proposed Activities/Curriculum Overview), and #6C(Proposed Supervision Plan) I believe these Proposed activities/duties within these documents give in detail, a typical day for myself, staff, and the children.**

7. This case is for the temporary use of land for commercial purposes and can only be approved for two (2) years. **Answer: It is understood that the land will be used for a temporary period of 2 years for commercial purposes.**

8. This may require the structure to have a fire sprinkler system. **Answer: The property has been inspected by the fire Marshall and/or City Inspector and has not been deemed for a fire sprinkler system.**



Mrs. Lottie's PLC Day Care, LLC Daily Activities Plan				
Monday	Tuesday	Wednesday	Thursday	Friday
7am Open	7am Open	7am Open	7am Open	7am Open
7-7:30am- Free Play				
Child "Well Check- in"				
7:30-7:40am				
"Thankful Share & Good Morning Song"				
(Movement and Singing)				
7:40-8:30am				
Breakfast/Social Time/Clean up				
8:30-9am-Diaper/Potty Change & Check				
Sing-a-long music w/Exercise & Movement (Fitness Program)				
9-10:00am				
Arts & Crafts				
10-10:30am				
Educational T.V./or Video programming				
10:30-45am				
Storytelling/ Snack Time				
10:45am-12:30pm- Diaper/Potty C&C				
Quiet/Nap time/				
12:30-1:30pm-				
Lunch/Social Time/Clean up				
1:30-2pm- Diaper/Potty C&C				
A, B,C's & 1,2,3's and more!				
2-3pm				
"Free play" inside/ or outside				
3-3:45pm-Diaper/Potty C&C				
Communication/Language				
Arts; Dance, Music & Theatre (Pretend Play) w/ movement and speech				

3:45-4:15pm	→	
"Navigations"; age appropriate puzzles, Lego's, building blocks, hide & seek, /Clean up		
4:15-4:45	→	
Snack Time		
4:45pm-5pm	→	
Thankful Share & Goodbye Song		
5-5:30	→	(Bi-Monthly: Family Dinner Held..)
Free Play till pick up	→	Parent check- In, questions, & progress update
5:30-6pm Day care close/Late pick ups	→	(Bi-Monthly: Family Dinner Held..) Parent check- In, questions, & progress update

Mrs. Lottie's PLC Day Care Daily Activities

Curriculum Overview



Child "Well Check- Ins": This morning activity is to ensure the physical wellness of each child that enters the home daycare facility. The Director, and/or qualified staff will assess each child for fever, body rashes related to measles or chicken pox, full activity of all extremities in order to participate in movement and free play activities; depending on the season, and epidemic alerts of KC Health Department, we will also check for bed bugs, lice, in the hair or on the body, "pink-eye", or virus related symptoms. This is also a time for parents to explain and sign off on medication distribution as directed by a written notice or prescription by the child's physician/pediatrician.

Thankful Share & Morning Song & Praise (Movement & Singing): This morning activity allows the children to start the day positive in sharing inspirational song and speech with each other and the staff. The children are allowed to share what they are thankful for and what they expect for the day. This activity is followed by a welcome or greeting song to say hello to each other as well as get the children moving and energized as a warm up to the day's activities.

Breakfast/Social Time/Clean up: Breakfast time is a time for our children to get the nutrition they need to grow and to feed their brains. It is also a time to teach table etiquette, development of communication skills, small motor skills in using cutlery and drinking out of age appropriate cups. We will be teaching manners in passing and sharing food items, learning colors, experiencing tastes, food names, textures, and food play for the 12 months-2 year olds. Our children will also learn how to clean their eating area and/or to take their dining ware to its proper place when finished. **(Also See Sample Breakfast Menu)**

Sing-a-long music w Exercise/& Movement: These activities will suffice as our fitness and expression learning time. The sing-a-long music will teach with counting, language, memory enhancement, rhythm with word, combined with fitness and exercise. The objective is that your child will maintain healthy weight, build strong bones, and develop their listening skills and

relationships with adults and other children promoting fellowship and positive thought. **Staff will at this time will do diaper change and potty time checks*.**

Arts & Crafts: These activities will encourage and allow the children to express themselves through various arts and crafts that include texture, painting, drawing, coloring, graphic design with age appropriate computer software, and preparing food items i.e. holiday themed and/or hands on learning of making shapes with dough or jello, and eating what you create.

Educational T.V. / or Video Programming: These viewings on public television children networks or Director/staff selected, will be chosen according to its content relevant to group learning, early childhood development in movement, colors, shapes, names, places, and things and the world around them. They will also be chosen age appropriate to understanding emotions and events that provoke general emotions i.e. death, old age, physical and cultural diversity. Some of these viewings will include faith-based messages in teaching children how to treat others and self-empowerment.

Storytelling Time: This activity allows for the guidance of an adult to teach through storytelling, sharing wisdom and knowledge, with animation and vocalizing, presenting characters, teaching diverse ethnic history, biblical stories, and how it all relates to their lives and daily interactions with family and community members. This is also an entrance into quiet/nap time; getting the children settled and relaxed.

Quiet/Nap Time: This activity ensures that each child retains adequate rest from the early day activities as well as preparing them for the rest of the stretch of the day. We understand that some children may not be adjusted to nap time and it is our mission to provide a quiet environment that includes soft background ocean or meditative music that encourages rest and having a quiet moment. **This is also a time for staff to do diaper changes/potty time checks***

Lunch/Social Time/Cleanup: Lunch time is a time for our children to get the nutrition they need to grow and to feed their brains. It is also a time to teach table etiquette, development of communication skills, small motor skills in using cutlery and drinking out of age appropriate cups. We will be teaching manners in passing and sharing food items, learning colors, experiencing tastes, food names, textures, and food play for the 12 months-2 year olds. Our children will also learn how to clean their eating area and/or to take their dining ware to its proper place when finished. **(Also see Sample Lunch Menu's)**

A, B, C's & 1, 2, 3's and more!: This activity will be a time for our children to learn their basic Alphabet, Numbers & Counting, basic addition and subtraction, language, and reading

skills through oratory, visual, listening, and hands-on learning. **Staff will do diaper change and potty checks*.**

Free Play inside/or outside: Depending on the weather or activities, the children will have time to run, jump, dig, slide, and explore with the guidance and watch of staff. These can include self-play or group play with toys, it allows your child to have a choice, or be guided by staff to play as a group.

Communications/Language Arts; Dance, Music, Theatre (Pretend play, hand puppets) w/movement and speech: These activities encourage creative thought and language development to include body and hand movement. Some activities will include praise or modern dance, acting, imaginary play, music with singing (group sing-a-long), shared participation, making props, interactive language with hand puppets for 12months-2 years and older, learning to count or greet in Spanish or preparing an "I Love you because..." speech for their parents. **Staff will at this time will do diaper change and potty time checks*.**

"Navigations": These activities will include age appropriate puzzle's and navigational learning toys that assist the child with eye, hand, and finger coordination, as well as learning to work together and share to get a finished product by using building blocks and/or Lego's. They will also learn social skills and trust, following instructions, and trust factors through games such as hide & seek, red light-green light, Simon Says. Hop Scotch, and jumping rope will also be introduced for the older toddlers to strengthen leg and arm muscles, and assist with agility and balance and working together to win or complete tasks. The children will learn to navigate crawling, walking, and standing through play with tents, play tunnels, walker races, and riding toy maneuvering/ races and the lead and guidance of the staff.

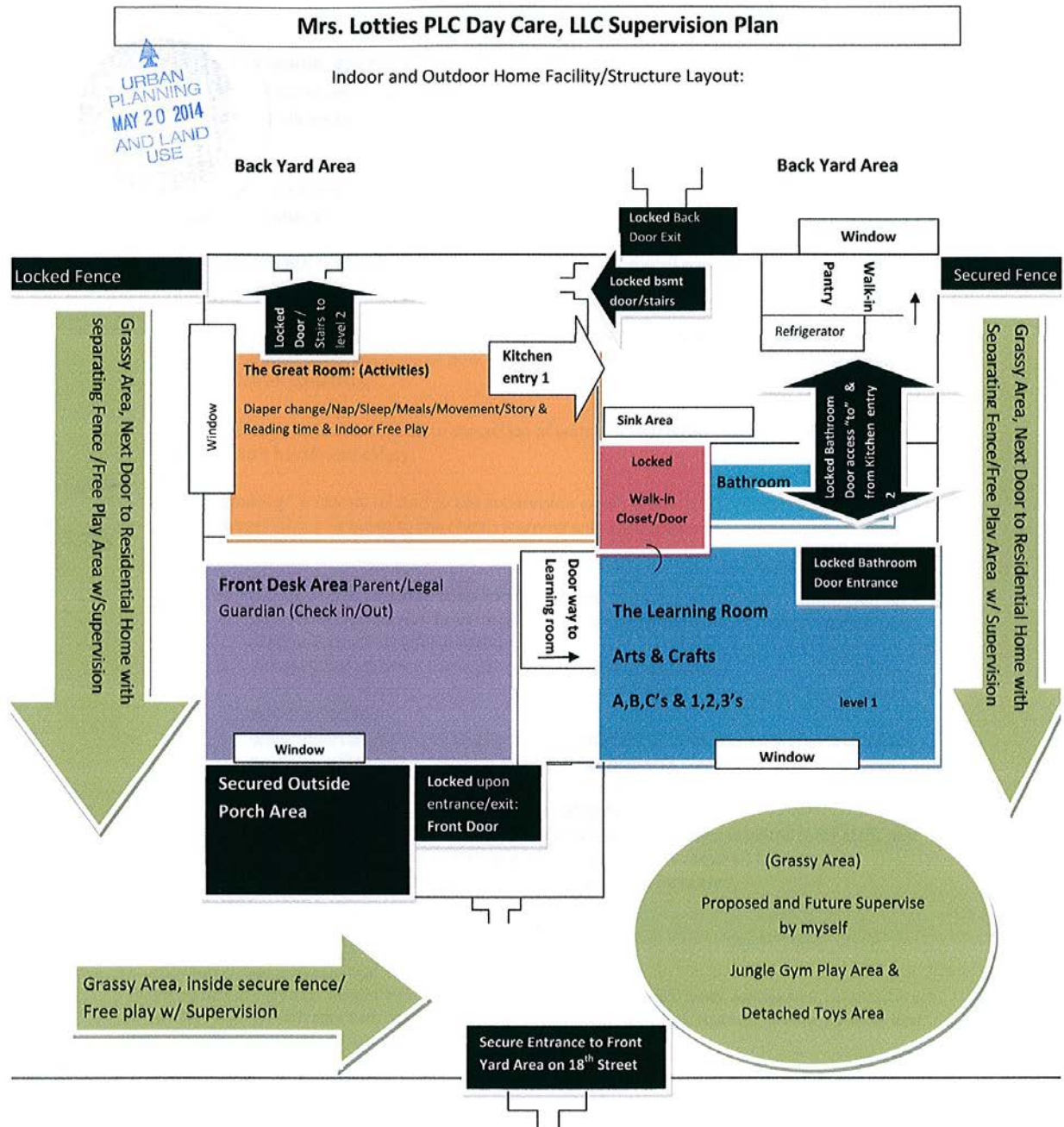
Snack Time: Snack time is a time for our children to get more energy and sustenance prior to their pick-up; we understand parents may not be able to make it to dinner right away and want the children to be prepared for shopping or other errands parents may have after work. This will be a pre-dinner selection to include finger snack foods i.e. veggies, fruits, or yogurt, with animal crackers, graham crackers, and/or cheeses. **(See the Sample snack menu)**

Thankful Share PM & Goodbye Song: At the end of the day we will do a PM "Thankful Share" which allows the children to express what they are thankful for and/or say goodbye with a cheerful song, looking forward to the next day with their new friends.

Bi-Monthly Family Dinner: Director will host a family dinner or parent pot luck every two months to allow parents to have a nutritious dinner with their children, other parents, Director, and staff prior to their weekend activities. This will allow parents to check-in on the progress of their child, talk with other parents to share community information, view their children's work/arts and craft, and to be entertained by the children with prepared songs, dances, and/or speeches. Each parent will receive a schedule to participate with their child.

***Diaper changes and potty checks will be conducted as needed, yet documented as "Changed & Checked" at scheduled times**

For Question #6(C) ex.



Created for Mrs. Lotties PLC Day Care, LLC March 9, 2014: S.A.M

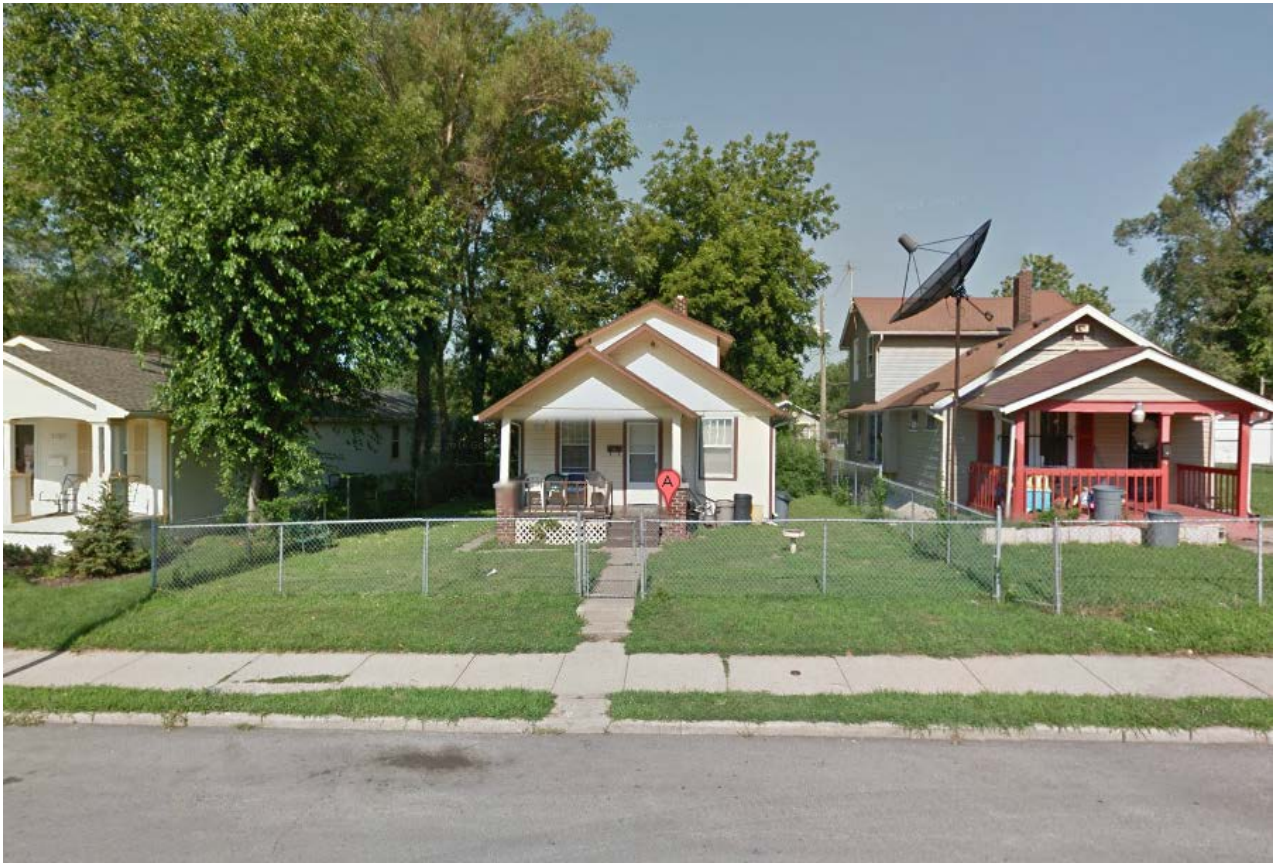


Figure 1. Photograph of 2706 North 18th Street (provided by Google Maps - Street View).

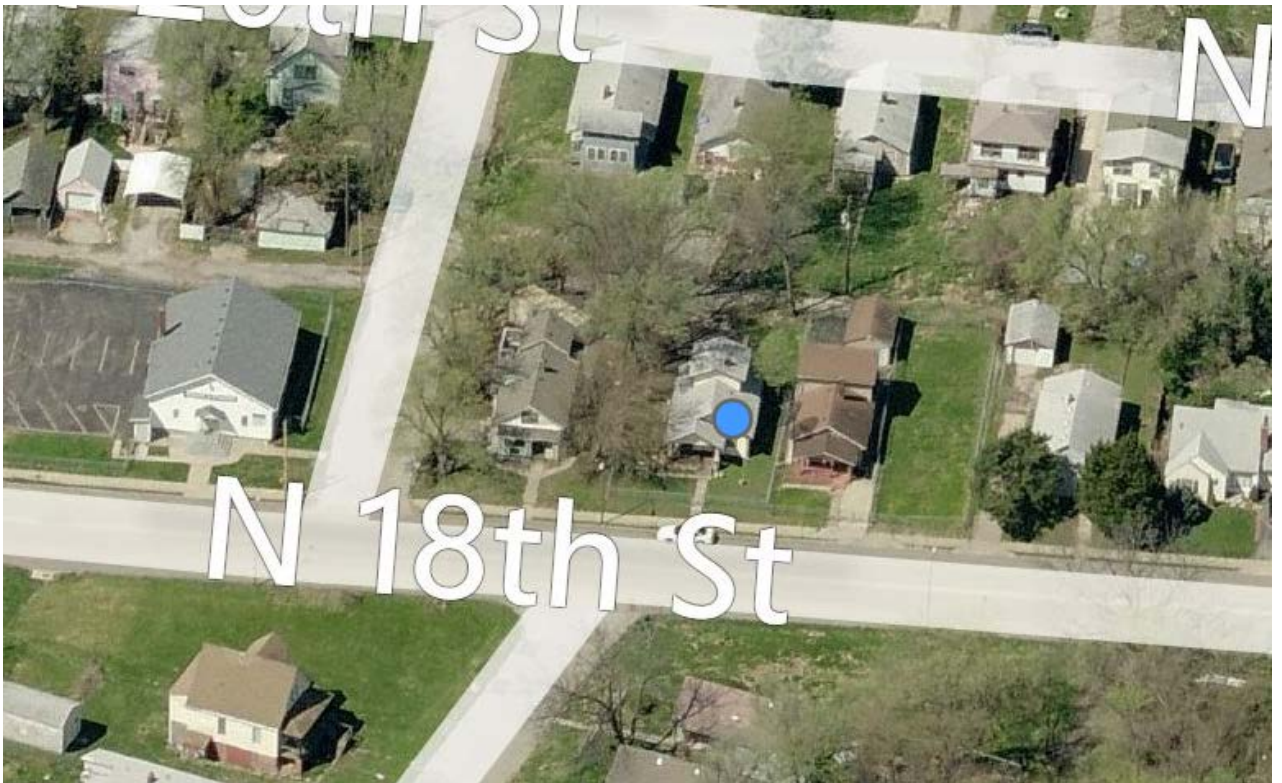


Figure 2. Aerial photograph of 2706 North 18th Street (provided by Bing Maps).

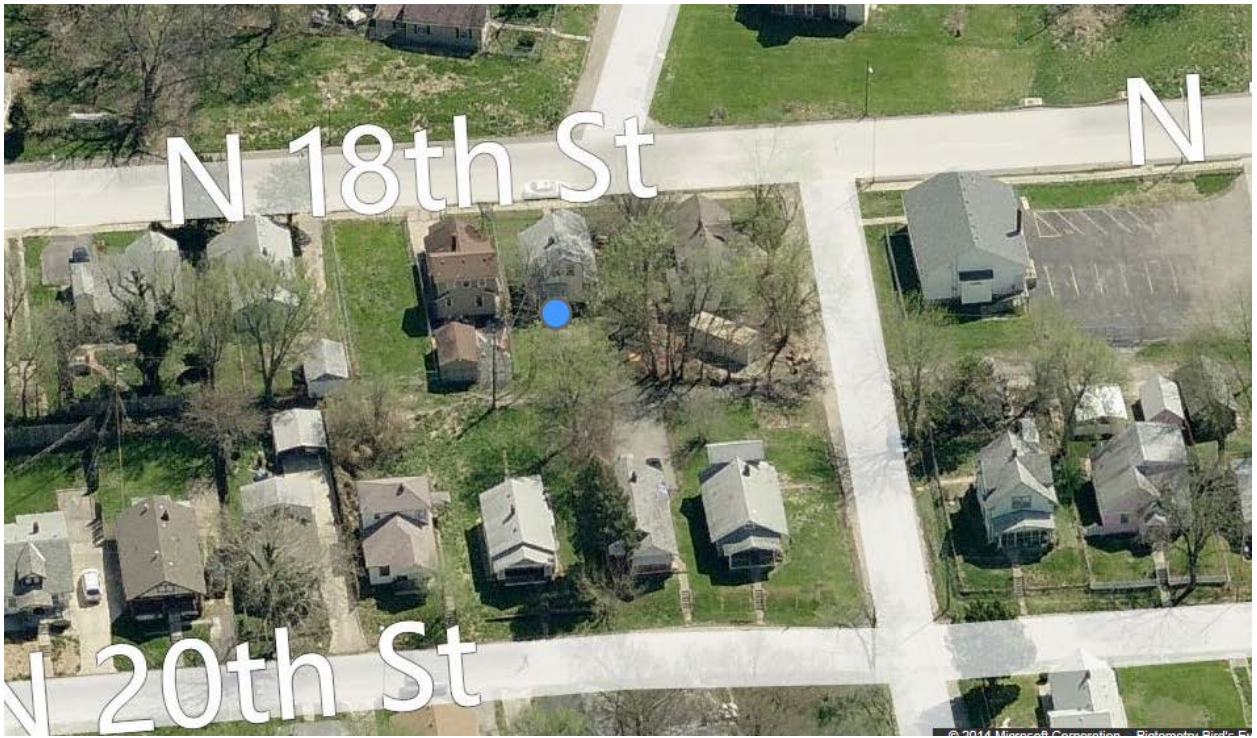


Figure 3. Aerial photograph of 2706 North 18th Street (provided by Bing Maps).



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 5, 2017
Re: Petition #SP-2016-97

GENERAL INFORMATION

Applicant:
Linda Siemens

Status of Applicant:
Applicant
Cultivate Kansas City
4223 Gibbs Road
Kansas City, KS 66106

Requested Action:
Renewal of a Special Use Permit

Date of Application:
October 31, 2016

Purpose:
To place a converted storage container on the property for an urban farming program

Property Location:
1900 North 1st Street

Existing Zoning:
RP-5 Planned Apartment District



Existing Surrounding Zoning: North: RP-5 Planned Apartment District
South: RP-5 Planned Apartment District
East: RP-5 Planned Apartment District
West: RP-5 Planned Apartment District

Existing Uses: North: Apartments
South: Church
East: Vacant land
West: Vacant land

Total Tract Size: 7.84 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Medium Density Residential.

Major Street Plan: The City-Wide Master Plan classifies 1st Street and Richmond Avenue as local roads.

Advertisement: The Wyandotte Echo – November 17, 2016
Letters to Property Owner – November 16, 2016 and December 27, 2016

Public Hearings: December 12, 2016 and January 5, 2017

Public Opposition: No one appeared in opposition at the December 12, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Linda Siemens of Cultivate Kansas City is requesting a renewal of a special use permit to continue the placement of a converted shipping container on the property to be used as a cooler and storage for the produce grown members of the program.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood

The character of the neighborhood is largely underdeveloped. There are large pockets of vacant land in close proximity. The largest development in the area is the Juniper Gardens apartments to the north.

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

The zoning and uses are set out above. We do not see compatibility issues that should cause problems for nearby property owners.

- 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 removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master 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 is not likely to increase vehicular traffic.

- 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 use is not reasonably necessary for the general public, but should not adversely impact adjacent 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 proposal will not create an issue with the points listed above.

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

This is not a significant issue for a farmers' market.

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

This is not an issue.

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

While the relative gain is probably minimal, the community gardening program provides educational awareness and dietary options for residents in the area.

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

Overcrowding will not be an issue.

PREVIOUS ACTIONS

This petition is a renewal of #SP-2014-41, which was approved for two (2) years by the City Planning Commission on June 9, 2014 and the Unified Government Board of Commissioners on June 26, 2014.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2016 at 6:00 pm. No one came to the meeting; therefore the applicant received no opposition.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-97, subject to:

Urban Planning and Land Use Comments:

Staff requested that the applicant give clarification on how the containers will be used.

Response: The containers have been used on the training farm for storage and a walk in cooler since 2008. In December, 2011, a decision was made to stop renting the Mobil-Mini storage units and purchase containers in order to save money for the non-profit organization Cultivate Kansas City. Used, empty containers were purchased and placed in the same location at the rented containers in January, 2012.

One 8ft. x 20ft container is used for tool storage. One 8ft. x 40ft. container will be remodeled in order to create storage space for seeds, storage space for tomatoes, and a walk-in cooler room for harvest containers. One 8ft. x 40ft container is used for tractor, roto tiller, and mower storage.

Approval would be for two (2) years.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) Explain/clarify: Are any new utilities such as water, electricity, sanitary sewer, etc. required for this Special Use Permit? (i.e.: cooler?)

Applicant Response: No new utilities are required for the special use permit. Electricity is available from light pole within farm site.

2) Do any amenities proposed require foundations?

Applicant Response: The containers are temporary buildings and do not require permanent foundations.

3) List what types of supplies are stored on site (i.e.: fertilizers, pesticides, etc.)

Applicant Response: On-site hand tools, roto tillers, mowers, plant row cover, plastic planting containers, plastic harvest containers, back pack sprayers, irrigation supplies, and construction tools. The farm uses organic methods of production. The pesticides we use for insect pest control are less toxic than conventional farming pesticides. These pesticides are stored off site in a locked cabinet in the farm office.

B) Items that are conditions of approval (stipulations):

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 COMMENTS AND SUGGESTIONS

The 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 #SP-2016-97 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 12, 2016 City Planning Commission Minutes
Zoning Map Vicinity Map
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing:	December 12, 2016	January 5, 2017
Special Use	Approval	

STAFF CONTACT: **Cameron Casey**
 ccasey@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2016-97** 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. _____
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2016-97**, 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.

DECEMBER 12, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-97 – LINDA SIEMENS WITH CULTIVATE KC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-41) for the Temporary Use of Land for storage trailers and a cooler for the market farm training program and community garden at 1900 North 1st Street

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

“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 December 12, 2016;
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 publications in the 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 comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **APPROVE the items on the Consent Agenda:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Schwartzman	Aye
Serda	Aye
Wing	Not Present
Motion to APPROVE Passed: 8 to 0	
Subject to:	

Urban Planning and Land Use Comments:

Staff requested that the applicant give clarification on how the containers will be used.

Response: The containers have been used on the training farm for storage and a walk in cooler since 2008. In December, 2011, a decision was made to stop renting the Mobil-Mini storage units and purchase containers in order to save money for the non-profit organization Cultivate Kansas City. Used, empty containers were purchased and placed in the same location at the rented containers in January, 2012.

One 8ft. x 20ft container is used for tool storage. One 8ft. x 40ft. container will be remodeled in order to create storage space for seeds, storage space for tomatoes, and a walk-in cooler room for harvest containers. One 8ft. x 40ft container is used for tractor, roto tiller, and mower storage.

Approval would be for two (2) years.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) Explain/clarify: Are any new utilities such as water, electricity, sanitary sewer, etc. required for this Special Use Permit? (i.e.: cooler?)

Applicant Response: No new utilities are required for the special use permit. Electricity is available from light pole within farm site.

2) Do any amenities proposed require foundations?

Applicant Response: The containers are temporary buildings and do not require permanent foundations.

3) List what types of supplies are stored on site (i.e.: fertilizers, pesticides, etc.)

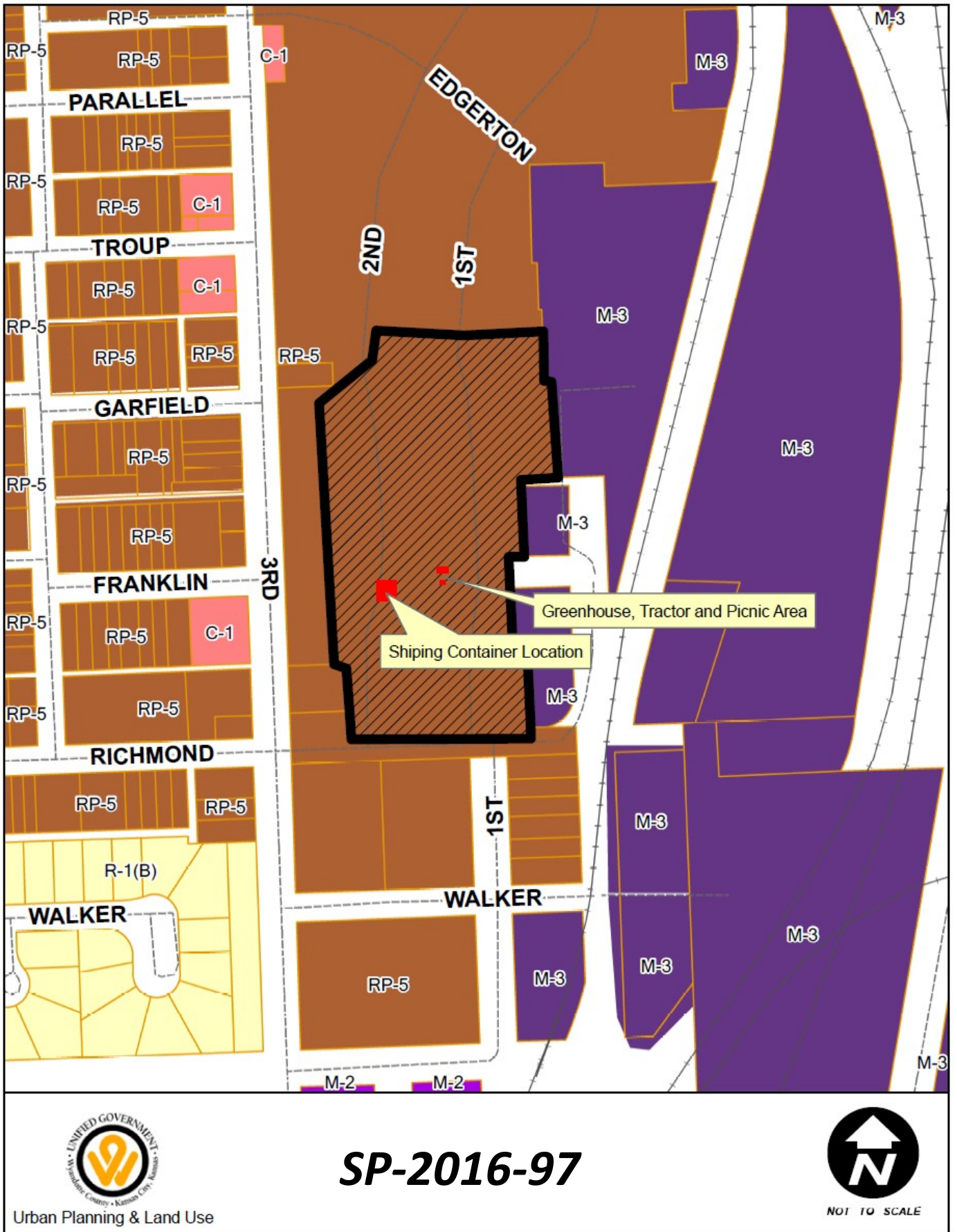
Applicant Response: On-site hand tools, roto tillers, mowers, plant row cover, plastic planting containers, plastic harvest containers, back pack sprayers, irrigation supplies, and construction tools. The farm uses organic methods of production. The pesticides we use for insect pest control are less toxic than conventional farming pesticides. These pesticides are stored off site in a locked cabinet in the farm office.

B) Items that are conditions of approval (stipulations):

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





Urban Planning & Land Use

SP-2016-97



NOT TO SCALE

MINUTES:

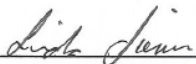
Application Number: #SP-2016-97 - 1900 North 1st Street

Date: November 28, 2016 @ 6:00 p.m.

Location: Juniper Gardens Training Farm office
1979 N 2nd Street

Meeting was not called to order, due to zero guests in attendance.

Minutes taken by: Linda Siemens, Operations Manager

Signature: 

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition #SP-2016-97 - 1900 North 1st Street.
2. That I conducted a neighborhood meeting on 11/28/16.
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.

Linda Siemens
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of Nov, 2016

My commission expires 26 of March, 2020



[Signature]
Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: January 5, 2017
Re: Petition #SP-2016-98

GENERAL INFORMATION

Applicant:
Linda Siemens

Status of Applicant:
Representative
Cultivate Kansas City
4223 Gibbs Road
Kansas City, Kansas 66106

Requested Action:
Renewal of a special use permit for a green house, storage container, and office

Date of Application:
October 31, 2016

Purpose:
To continue use of greenhouse, storage container and office building for the organization Cultivate Kansas City

Property Location:
4223 Gibbs Road

Existing Zoning: R-1 Single Family Residential District



Existing Surrounding Zoning: **North:** R-1 Single Family and R-2 Two Family Districts
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Residential
South: Residential
East: Residential
West: Residential

Total Tract Size: 7.84 acres

Master Plan Designation: The Downtown Master Plan designates this property as Low-Density Residential.

Major Street Plan: The City-Wide Master Plan designates Minnesota Avenue as a designated collector street.

Advertisement: The Wyandotte Echo – November 17, 2016
Letters to Property Owner – November 16, 2016 and December 27, 2016

Public Hearings: December 12, 2016 and January 5, 2017

Public Opposition: No one appeared in opposition at the December 12, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting renewal of a Special Use Permit to continue use of an existing greenhouse, storage container and office building that supports the operation of Cultivate Kansas City's organic vegetable farm for the training of aspiring food producers and farmers.

City Ordinance Requirements: 27-1251 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is residential in nature.

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

The area is residential however; the proposed uses are relatively compatible with the surrounding properties.

- 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 removal of restrictions should not detrimentally affect nearby property.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master 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 use is not expected to increase the amount of traffic to the site in a way that significantly affects the area.

- 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 reasonable necessary for the convenience and welfare of the public, however, the property was previously undermined and could not be developed, and therefore, if the proposed use were to vacate the property, the land would become vacant and unusable.

- 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 noise that is associated with the use is not expected to create problems for adjacent properties.

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

This is not foreseen to be an issue so long as any erosion or runoff is dealt with properly.

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

This is not foreseen to be an issue.

- 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 landowners is minimal; however, the production of fresh, local foods is important for the health of the community.

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

This is not foreseen to be an issue.

PREVIOUS ACTIONS

#SP 2002-25: Special Use Permit for operation of a greenhouse.

#SP 2014-73: Special Use Permit for operation of a greenhouse, storage container and office building.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2016 at 6:00 pm. No one came to the meeting; therefore the applicant received no opposition.

KEY ISSUES

All of the aforementioned issues are limitations and resources concerns generated from an environmental review by the Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service:

- One major soil type that is identified: Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The soils in the garden area need to be protected during the winter. Much of the area is plowed up with no surface residues left. This opens up the area to water and wind erosion. Residue should be left on the surface or mulch applied to area to protect the soil.
- Top soil is very limited on this site. Every means needs to be used to build top soil and protected the area from erosion. Adding mulch to the site can build up the soil and increase productivity.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-98, subject to:

Urban Planning and Land Use Comments:

1. **What are the current hours of operation? Between what hours are volunteers and staff members on site?**

Applicant's Response: Monday through Friday, 6:30 a.m. – 3:30 p.m.

2. Is the overflow parking agreement with Master's Community Church still in place? If so, please provide a letter from them showing their willingness to serve as a location for overflow parking when notified in advance.

Applicant's Response: The agreement with Master's Community Church is still in place. Please see attached letter.

3. What are the current and proposed setbacks between paved surfaces for parking and structures along the eastern edge of property that abuts the properties of two (2) adjacent residential homes? Please provide these dimensions on a map or drawing.

Applicant's Response: Please see map attached.

4. Any approval would be recommended for two (2) years.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 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 COMMENTS AND SUGGESTIONS

The 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 #SP-2016-98 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 12, 2016 City Planning Commission Minutes

The following documents are from the previous approval of the special use permit:

Aerial photo

Zoning map

Conservation District Report

Site Photographs

Neighborhood Meeting Minutes

Tax Receipt Submitted by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 12, 2016	January 5, 2017
Special Use	Approval	

STAFF CONTACT: **Cameron Casey**
 ccasey@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-98** 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 #**SP-2016-98**, 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.

DECEMBER 12, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-98 – LINDA SIEMENS WITH CULTIVATE KC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-73) for a greenhouse, storage container and office and #SP-2015-49 for three (3) storage containers at 4223 and 4225 Gibbs Road. (This application combines these two (2) special use permits)

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

“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 December 12, 2016;
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 publications in the 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 comes forward and asks that an item be removed from the Consent Agenda."

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **APPROVE the items on the Consent Agenda:**

Carson	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Schwartzman	Aye
Serda	Aye
Wing	Not Present

Motion to APPROVE Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. What are the current hours of operation? Between what hours are volunteers and staff members on site?

Applicant's Response: Monday through Friday, 6:30 a.m. – 3:30 p.m.

2. Is the overflow parking agreement with Master's Community Church still in place? If so, please provide a letter from them showing their willingness to serve as a location for overflow parking when notified in advance.

Applicant's Response: The agreement with Master's Community Church is still in place. Please see attached letter.

3. What are the current and proposed setbacks between paved surfaces for parking and structures along the eastern edge of property that abuts the properties of two (2) adjacent residential homes? Please provide these dimensions on a map or drawing.

Applicant's Response: Please see map attached.

4. Any approval would be recommended for two (2) years.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval (stipulations):

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

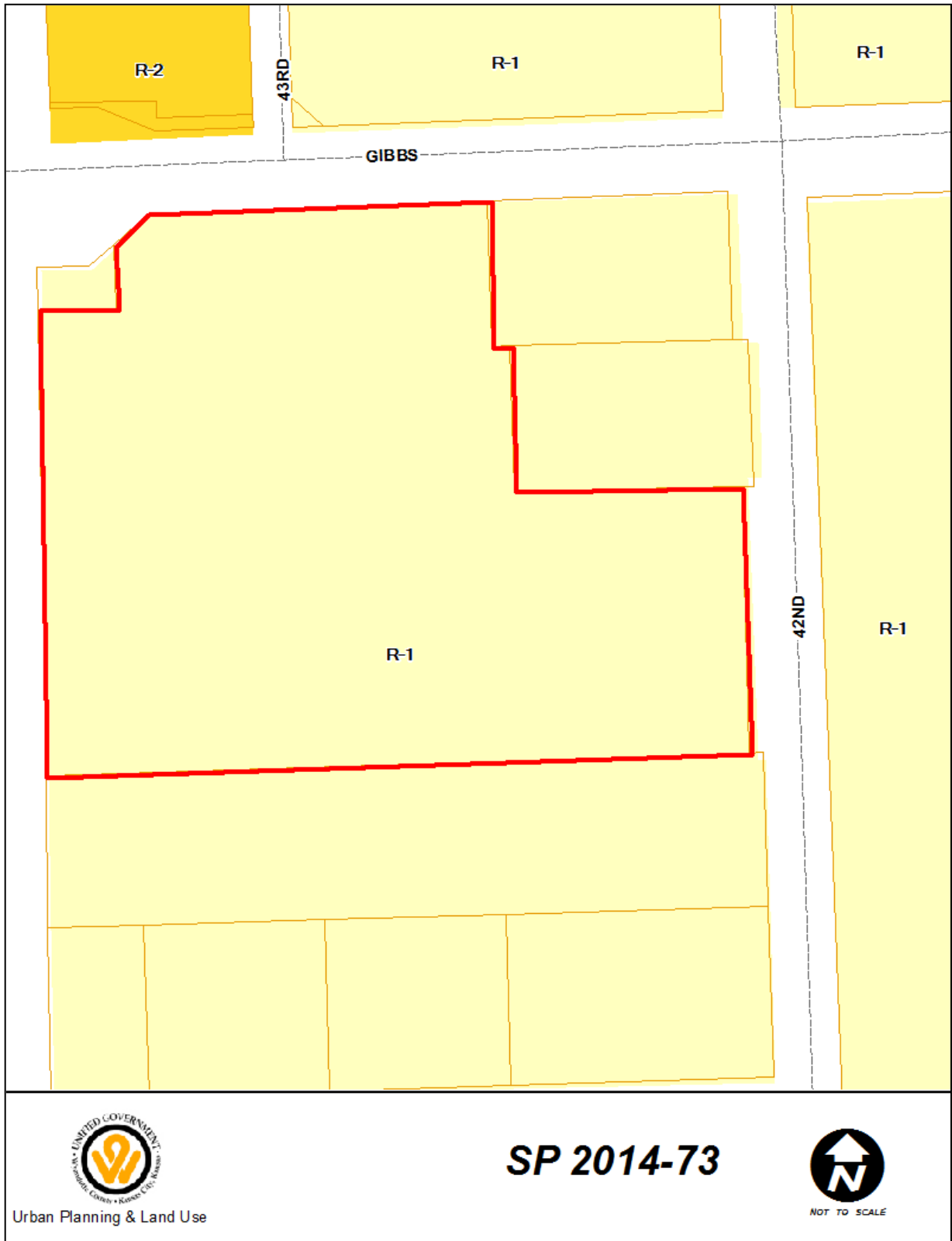


Urban Planning & Land Use

SP 2014-73



NOT TO SCALE





Wyandotte County Conservation District

1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

October 15, 2014

RE: SP-2014-73 Katherine Kelly greenhouse, storage shed and office 4223 and 4225
Gibbs Road

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review for SP-2014-73 Katherine Kelly greenhouse, storage shed and office 4223 and 4225 Gibbs Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Made land. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site is pretty well managed. There is a lot of open ground right now though. The only improvement that could be incorporated in the operation is

using mulch to cover the bare areas. This will help with wind and water movement of soil.

Technical assistance is available from our office as well as the field manual, *Protecting Water Quality*, which is a useful guide for protecting community soil and water resources. This manual can be purchased from our office or it can be downloaded for free from the website <http://www.dnr.state.mo.us/wpscd/wpcp/wpcp-guide.htm>. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

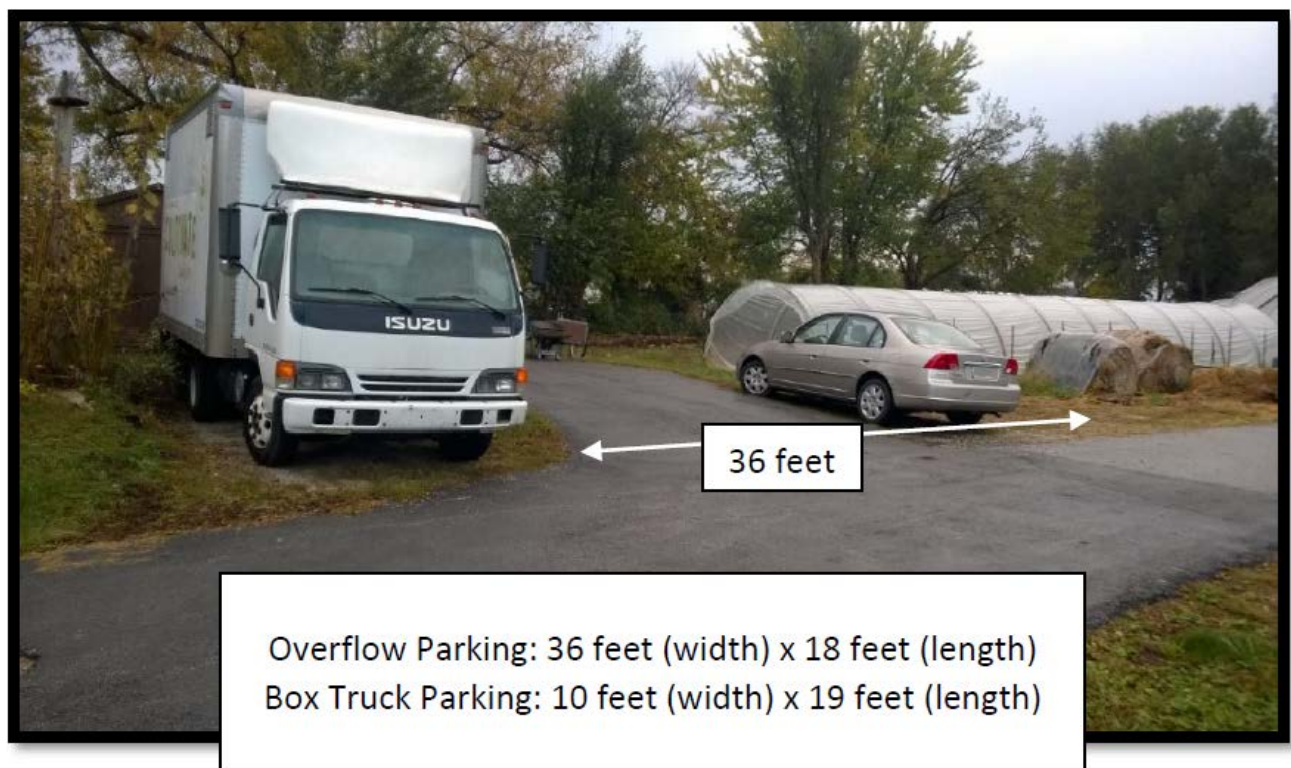
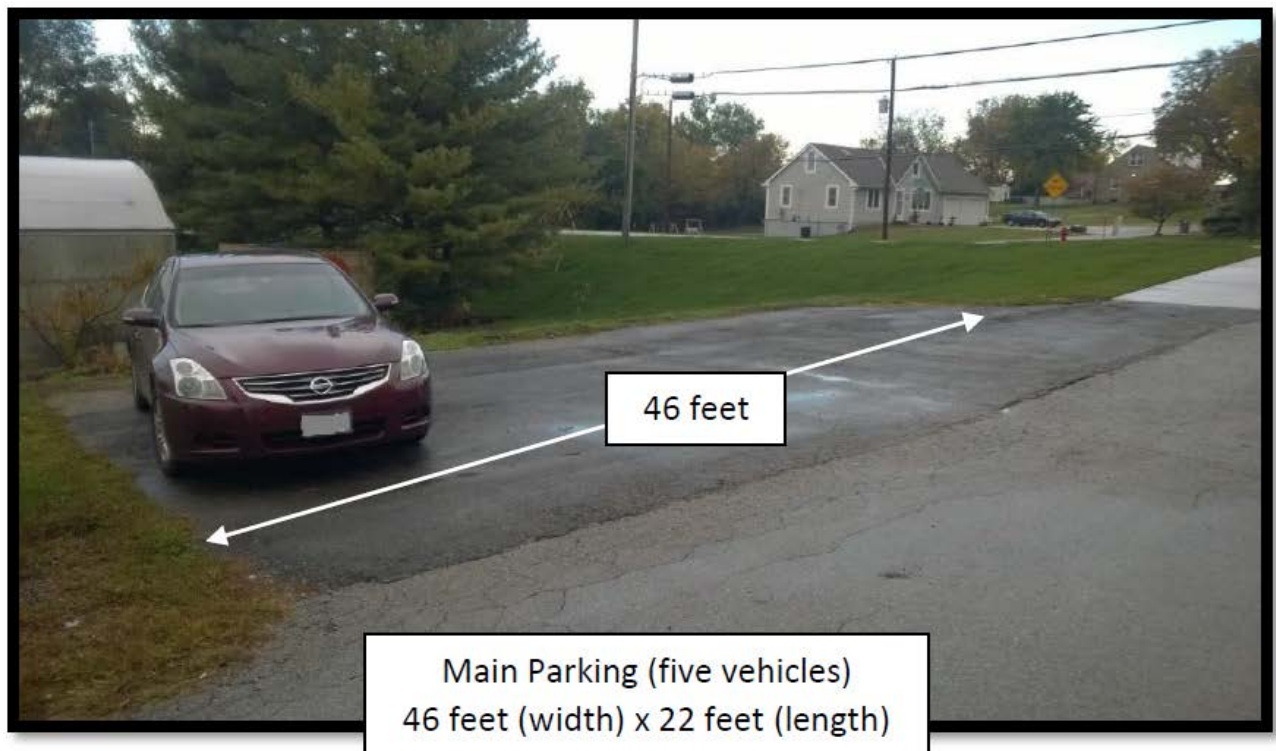
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to be 'Cheri Miller', with a stylized flourish at the end.

Cheri Miller
District Manager

enclosures



Attachment 1: Parking



Storage Container - Exterior



Storage Container - Interior

Attachment 2: Storage Shed

MINUTES:

Application Number: #SP-2016-97 - 1900 North 1st Street

Date: November 28, 2016 @ 6:00 p.m.

Location: Juniper Gardens Training Farm office

1979 N 2nd Street

Meeting was not called to order, due to zero guests in attendance.

Minutes taken by: Linda Siemens, Operations Manager

Signature: 

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition #SP-2016-97 - 1900 North 1st Street.
2. That I conducted a neighborhood meeting on 11/28/16.
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.

Linda Siemens
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of Nov, 2016

My commission expires 26 of March, 2020



[Signature]
Notary Public

RECEIPTS UNIFIED GOVERNMENT - TREASURER Receipt #: 10360	Date - Time: 12/7/2016 - 12:46:46PM
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Tax Unit ID: 30 Parcel #: 242601 CAMA #: 069 31 0 20 01 001 01 0 01 Sec: Tw: Rgn: Property Address/Legal: 4223 GIBBS RD - KANSAS CITY, KS - 66106-2539 PAUL00035 PAUL, JESS D JR TRUST 12701 BRIAR DR LEAWOOD, KS - 66209-1889	Tax Unit: KANSAS CITY, USD 202, COUNTY LIBRARY Owner: PAUL, JESS D JR TRUST Legal: L2 LS: BEG NW COR; E 40FT ALG N LN, N48E-22.59FT ALG N LN, S 44.16FT, W 57.35FT TO W LN, N 29.87FT TO POB	Value: 26,368 Redemption 1: 7176 Redemption 2: 7176
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Tax Year	Type	Statement #	1st Half	2nd Half	Total
2015	RL	52138	2,457.77	2,457.77	4,915.54
			0.00	0.00	0.00

Receipt #	Entry Date	Penalty Date	Code	1st Half	2nd Half	Interest / Fees	Total	Comment
	Check Paid	Cash Paid	Card Paid	AAE/Rev. Paid	Change	Operator	Paid By	
10360-3	12/07/2016	12/07/2016	1	2,457.77	0.00	108.74	2,566.51	CC#509010144
	2,566.51	0.00	0.00	0.00	0.00	KC	PAUL, JESS D JR TRUST	
10360-4	12/07/2016	12/07/2016	2	0.00	2,457.77	55.22	2,512.99	CC#509010144
	2,512.99	0.00	0.00	0.00	0.00	KC	PAUL, JESS D JR TRUST	
Grand Totals				2,457.77	2,457.77	163.96	5,079.50	
	5,079.50	0.00	0.00	0.00	0.00			

RECEIPTS UNIFIED GOVERNMENT TREASURER Receipt #: 10360	Date - Time: 12/7/2016 - 12:46:45PM
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Tax Unit ID: 30 Parcel #: 242601 CAMA #: 069 31 0 20 01 001 01 0 01 Sec: Property Address/Legal: 4223 GIBBS RD - KANSAS CITY, KS - 66106-2539 PAUL00035 PAUL, JESS D JR TRUST 12701 BRIAR DR LEAWOOD, KS - 66209-1889 Owner: PAUL, JESS D JR TRUST	Tax Unit: KANSAS CITY, USD 202, COUNTY LIBRARY Rgn: Legal: L2 LS: BEG NW COR; E 40FT ALG N LN, N48E-22.59FT ALG N LN, S 44.16FT, W 57.35FT TO W LN, N 29.87FT TO POB	Value: 23,603
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Tax Year	Type	Statement #	General Taxes	1st Half	2nd Half	Total
2016	RL	58764		2,108.25	2,108.25	4,216.50
			Special	0.00	0.00	0.00

Receipt #	Entry Date	Penalty Date	Code	1st Half	2nd Half	Interest / Fees	Total	Comment
10360-1	12/07/2016	12/07/2016	1	2,108.25	0.00	0.00	2,108.25	CC#509010144
	2,108.25	0.00	0.00	0.00	0.00	KC	PAUL, JESS D JR TRUST	
10360-2	12/07/2016	12/07/2016	2	0.00	2,108.25	0.00	2,108.25	CC#509010144
	2,108.25	0.00	0.00	0.00	0.00	KC	PAUL, JESS D JR TRUST	
Grand Totals				2,108.25	2,108.25	0.00	4,216.50	
	4,216.50	0.00	0.00	0.00	0.00			

Remaining Penalties	Remaining Fees	Remaining 1st Half	Remaining 2nd Half	Remaining Total
0.00	0.00	0.00	0.00	0.00

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE affirming the approval of the Rosedale Master Plan Amendment.

WHEREAS, on November 14, 2016, the Planning Commission for the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) recommended approval of the Rosedale Master Plan Amendment, a copy of which is on file with the Unified Government Clerk; and

WHEREAS, public hearings on the Rosedale Master Plan Amendment were held on November 14, 2016 and December 1, 2016; and

WHEREAS, the Unified Government Board of Commissioners voted to approve the Planning Commission’s recommendation and voted to approve the Rosedale Master Plan Amendment on December 1, 2016; and

WHEREAS, pursuant to K.S.A. 12-747(b) an ordinance affirming the approval of any master plan shall be adopted by the governing body.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE/COUNTY/
KANSAS CITY, KANSAS:**

Section 1. The Board of Commissioners hereby approves the recommendation of the Planning Commission and approves the Rosedale Master Plan Amendment as previously adopted and approved on December 1, 2016.

Section 2. This Ordinance shall take effect and be in full force after its passage, approval, and publication.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 5TH DAY OF JANUARY, 2017.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

#U/E-2016-10

ORDINANCE NO. _____

AN ORDINANCE vacating all of Lot 75, Woodland Hills Second Plat, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, described as follows: Commencing at the Southwesterly corner of said Lot 75; thence South 68 degrees 12 minutes 56 seconds East, along the Southerly line of said Lot 75, a distance of 25.00 feet to a point at which the Southeasterly line of a utility easement intersects the Southerly line of said Lot 75, said point being the point of beginning; thence North 39 degrees 42 minutes 21 seconds East, a distance of 82.00 feet; thence North 74 degrees 06 minutes 58 seconds East, a distance of 50.00 feet to a point on the Easterly line of said Lot 75, said point being a point at which the Southeasterly line of said utility easement intersects the Easterly line of said Lot 75; thence South 52 degrees 37 minutes 05 seconds West, along the Southeasterly line of said utility easement, a distance of 126.45 feet to the point of beginning, located at approximately 3742 North 112th Court, Kansas City, Kansas.

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

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

All of Lot 75, Woodland Hills Second Plat, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, described as follows: Commencing at the Southwesterly corner of said Lot 75; thence South 68 degrees 12 minutes 56 seconds East, along the Southerly line of said Lot 75, a distance of 25.00 feet to a point at which the Southeasterly line of a utility easement intersects the Southerly line of said Lot 75, said point being the point of beginning; thence North 39 degrees 42 minutes 21 seconds East, a distance of 82.00 feet; thence North 74 degrees 06 minutes 58 seconds East, a distance of 50.00 feet to a point on the Easterly line of said Lot 75, said point being a point at which the Southeasterly line of said utility easement intersects the Easterly line of said Lot 75; thence South 52 degrees 37 minutes 05 seconds West, along the Southeasterly line of said utility easement, a distance of 126.45 feet to the point of beginning, located at approximately 3742 North 112th Court, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2017.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

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

**PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, OCTOBER 27, 2016**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 27, 2016, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Joe Connor and Melissa Mundt, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Emerick Cross, Commission Liaison; Shaya Patrick, Asst. to Mayor; Kathleen VonAchen, Chief Financial Officer; Rob Richardson, Director of Planning; Byron Toy, Jamie Ferris and Zach Flanders, Planners; Misty Brown, Patrick Waters and Jenny Myers, Senior Attorneys; Ryan Haga and Wendy Green, Assistant Counsels; Jeff Fisher, Executive Director of Public Works; Mike Tobin, Director of Public Works; George Brajkovic, Director of Economic Development; Marlon Goff, Urban Redevelopment Manager; Charles Brockman, Management Analyst; and Captain George Sims, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Holland.

INVOCATION was given by Pastor Cynthia Smart, Mason Memorial United Methodist Church

Mayor Holland thanked Pastor Smart and said she was also the pastor who prayed earlier at 6:00 when we celebrated nine new police officers being sworn in. So we had a graduation and a swearing in earlier tonight.

Mayor Holland said I do want to make a recognition before we get started. We also had a meeting at 4:30 tonight with the Board of Public Utilities; we had a joint meeting. Many of them are here with us this evening: Tom Groneman, David Alvey, Norman Scott, Jeff Bryant and Bob Milan. Mary Gonzales was able to be here earlier but has had to leave for this meeting. I do want to recognize and appreciate the Board of Public Utilities' members for being here tonight.

Mayor Holland asked if there were any revisions to the agenda. There were no revisions.

Mayor Holland said tonight we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by our regular commission meeting.

PLANNING AND ZONING CONSENT AGENDA

Mayor Holland asked the Clerk to read the Planning and Zoning statement that is required by law. **Bridgette Cobbins, UG Clerk**, read the statement.

Ms. Cobbins asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Bynum** said I had contact with proponents of SP-2016-74. **Commissioner Murguia** said I had contact with proponents and opponents of PR-2016-7. **Commissioner Philbrook** said if something comes up and I think I need to recuse myself, I'll just do it.

Ms. Cobbins read the items on the Planning and Zoning Consent Agenda.

Mayor Holland asked if anyone on the Commission or in attendance would like to have any item from the Planning and Zoning Consent Agenda set aside. If any item is not set aside, it will be voted on by a single vote as recommended by the Planning Commission.

Action: **Commissioner Kane made a motion to approve the Planning and Zoning Consent Agenda.**

Doug Bach, County Administrator, said I would request to set-aside Item D.3, Amendments to City-Wide Master Plan (K-32 Corridor) for presentation. **Mayor Holland** said that will be set-aside.

Commissioner Murguia said I would like to set-aside #PR-2016-7. **Mayor Holland** said its set-aside.

Commissioner Townsend said I request to set-aside for clarification miscellaneous application concerning the keeping of hens and the ordinance language related to that. **Mayor Holland** said D.1 will be set-aside. The remaining items are before us. We have a motion.

Action: **Commissioner McKiernan seconded the motion.** Roll call was taken on the previous motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 16838...CHANGE OF ZONE APPLICATION #3121– JEFFREY HOLLINSHED

SYNOPSIS: Change of Zone from RP-5 Planned Apartment District to TND Traditional Neighborhood Design District for retail stores (previously operated under a special use permit) at 2001 to 2015 North 5th Street, submitted by Robin Richardson, Director of Planning. The applicant wants the rezoning in order to continue to use the building for a corner store and barber shop and not have to continue renewing the special use permit. The building is 2,600 square feet and Mr. Hollinshed is proposing to expand the building to the north and add a parking lot for customers. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3121, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting. Applicant Response: Agreed.

2. Per the TND ordinance, this is only action needed from the City Planning Commission body. The next step prior to building permits is to obtain approval from the TND Review Board. That Board can meet at the request of staff when the applicant is ready to proceed. Applicant Response: Agreed.
3. This building is considered a storefront, which is permitted to be a mixed-use building – retail on the ground floor with office or residential units on the second floor. Applicant Response: Agreed.
4. Do you intend on having dwelling units on the second story of the addition? If so, each dwelling in the TND district must provide storm protection that complies with FEMA standards. Applicant Response: No.
5. The proposed synthetic stucco system shall be true stucco not EFIS, as the building will not comply with the Commercial Design Guidelines. Applicant Response: Agreed.
6. One street tree shall be planted for every 30 feet of frontage along North 5th Street.

Applicant Response: Agreed, please see the drawings submitted on September 26, 2016.

7. All trees shall be at least 2” caliper when planted. All shrubs shall be at least 3 gallons when planted. Applicant Response: Agreed, please see the drawings submitted on September 26, 2016.
8. Per Tables 27-1176-3 and 27-1176-4 setback for storefronts in T5 are:
 - a. Front yard – 0’
 - b. Side yard – 0 – 10’
 - c. Rear, corner lot – 5 – 10’

Applicant Response: Please see the drawings submitted on September 26, 2016.

9. Per Sec. 27-472(n)(3) the parking standards are:
 - a. One off-street parking space shall be provided for each dwelling unit.
 - b. One off-street parking space shall be provided for each lodging bedroom.
 - c. Two parking spaces per one thousand square feet of office or retail space shall be required.

A variance was approved in June 2014 for zero off-street parking spaces, so by providing the off-street parking to the north will substantially help ease the parking demand on North 5th Street. Applicant Response: Please see the drawings submitted on September 26, 2016.

10. Per the Business License Department:

- a. Over the past 10 years several business owners have gone in and out of this address range. Those businesses have been consistently either cafés or barbershops. We currently have a café registered at 2001 North 5th Street. Any future businesses would need to file application with our office.

Public Works Comments: None.

Staff Conclusion:

In time, the applicant, Jeffrey Hollinshed wants to expand the building for future retail use and provide off-street parking by constructing a parking lot north of the expansion. This is sorely needed in the urban core. While it has been stated that there are no plans for dwelling units, if that changes, each dwelling unit must provide storm protection that complies with FEMA standards. Per the TND ordinance, this is the only action needed from the City Planning Commission, as a whole. Prior to acquiring a building permit, plans must be approved by the TND Review Board. The Board can meet at the request of staff when the applicant is ready to proceed.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3121, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 16839...CHANGE OF ZONE APPLICATION #3123 - SYLVESTER JACKSON

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory building at 3835 North 67th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to rezone their 9.87 acre property in order to engage in agricultural activities and build an accessory structure (a pole barn). The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3123, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50 ordinance publication fee is due immediately following the Unified Government Board of Commissioners meeting. The property will not be officially rezoned until the ordinance is published in the *Wyandotte Echo*.
2. Building permits are required for any detached accessory building larger than 120 square feet.

3. Per Sec. 27-608 In the AG district, accessory uses are as follows:

- (1) Storage of equipment and machinery as necessary to raise crops and livestock, to carry out the farming business and to maintain the property.
- (2) Sale of products raised on the premises, fruit stands, orchard sales, etc.
- (3) Accessory buildings such as barns, silos, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.
- (4) Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department Of Urban Planning And Land Use in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3123, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 16840...CHANGE OF ZONE APPLICATION #3126 – MATT JENSEN WITH BOYER KCK MEDICAL OFFICE BUILDING, LLC

SYNOPSIS: Change of Zone from A-G Agriculture District to CP-2 Planned General Business District for a two-story medical office building at 1601 North 98th Street, submitted by Robin Richardson, Director of Planning. The site is Lot 6 of Schlitterbahn Vacation Village, Second Plat, and fronts the reconfigured section of N. 98th Street. The site is currently zoned both AG Agriculture and CP-O Non-Retail Commercial District. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3126, subject to:

Urban Planning and Land Use Comments:

Zoning Clarification

The application lists CP-2 Planned General Commercial District as the requested zone. The plans list B-P Planned Business Park District as the requested zone. Rezoning to B-P Planned Business Park District requires a minimum of 10 acres. Upon review, CP-0 Non Retail Commercial District is the zoning district most consistent with the proposed use. Please clarify the requested zone for this application.

Applicant Response: In our pre-application meeting with Rob Richardson, Rob recommended that we zone the property CP-2. He explained the reason behind his recommendation is future tense; such that whatever use for the site that comes after our project, will have more flexibility. We are fine with either CP-0 or CP-2, whichever is preferred by the City. Staff Response: Rezone to CP-2 as requested.

Landscape Requirements

The landscape and screening requirements for CP-0 Planned Non-Retail Business District and CP-2 Planned General Commercial District are as follows: “Trees are required to be provided at not less than one per 7,000 square feet of site area.” (Sec. 27-463(g) & Sec. 27-466(g)) Additionally, the commercial development guidelines require that “Landscaping shall exceed the typical code requirements by at least 75 percent.” (Sec. 27-577(a)(5)) With a site area of 238,340 square feet, this site must have 60 trees to fulfill these requirements.

Applicant Response: The attached revised Landscape Plans incorporate these changes.

Landscape berms and/or continuous rows or shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. (Sec. 27-577(b)(2)).

Applicant Response: The attached revised Landscape Plans incorporate these changes.

The Commercial Design Guidelines require one tree for every 30 feet of street easement or frontage for new development in addition to the site landscape standards. With a site frontage of 560 feet, this site must have 19 trees to fulfill this requirement.

Applicant Response: The attached revised Landscape Plans incorporate these changes.

Building Façade Articulation

The west and east building facades require greater articulation. According to Sec. 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:

Applicant Response: See attached revised floor plans, exterior elevations and perspective view, which incorporate these changes.

- Divisions or breaks in materials;
Applicant Response: In addition to the insulating glass and prefinished aluminum frames, there 4 – changes in material finishes, plus prefinished metal building trim and main entrance canopy fascia.
- Building offsets (projections, recesses, niches);

Applicant Response: The west and east building facades have been revised to include steps in the floor plan at the exterior walls which translate into offsets.

- Window bays;

Applicant Response: Curtain wall, storefront and punched window openings of multiple sizes.

- Separate entrances and entry treatment; or
Applicant Response: There are three entry types:

1. The west main entrance has a drive through canopy.
2. The east entrance recalls the west main entrance, minus the canopy and drive.
3. The north and south entries step down in scale.

Staff Response: The entry way may be adjusted to the facility being final plan.

- Variation in rooflines.
Applicant Response: The west and east parapets have been revised to include additional steps that correspond to the revised wall offsets. The result being that long expanses of exterior wall are now divided into shorter more sculptural increments, which significantly enhance the overall building aesthetic.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
The applicant is working through several issues with staff.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3126, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 16829...SPECIAL USE PERMIT APPLICATION #SP-2016-74 – JOHN BRYANT WITH BRYANT LAW OFFICE

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-60) for a law office at 6400 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant wants

to continue running his legal business out of the home. He is currently the only person working out of the home and would not have more than two clients on the property at one time. The business would have hours from 9 a.m. to 5 p.m., Monday through Friday, and would not have walk in traffic. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2016-74 for two years, subject to the stipulations:

Urban Planning and Land Use Comments:

Special use permits are intended for low key, one-person operations such as small businesses that are newly in operation. The normal pattern is to transition to a more suitable location after the business is stable. As the original special use permit was temporary in nature, please outline why a renewal should be granted instead of transitioning to a commercial property.

In the SP-2014-60 it was noted that the applicant was considering hiring an additional employee. Do you still wish to hire an additional staff member to work at this location?

Applicant Response: I am still in the process of determining the feasibility of hiring a secretary. If I did, she would be here 2.5 days a week during business hours.

Public Works Comments: None.

Staff Conclusion:

Staff feels that the applicant will not disrupt adjacent property owners or residents with this continued use. So long as it remains a small operation, there should be no issue with providing legal services out of the house subject to the below stipulations.

Approval for two years, subject to:

1. There can be no signage on the property.
2. No more than two clients at any one time.
3. Hours of operation being 8:00 a.m. to 5:00 p.m.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-74 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 16830...SPECIAL USE PERMIT APPLICATION #SP-2016-75 – ESTER REED

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-18) for the Temporary Use of Land to park a dump truck at 1610 North 51st Street, submitted by Robin Richardson, Director of Planning. The applicant is requesting to continue to park a dump truck at this property to be operated Monday through Friday and leave the residence at 7 a.m. and return 6 pm to 7 pm each day. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit #SP-2016-75 for two years, subject to:

Urban Planning and Land Use Comments:

Special use permits are intended for low-key, one-person operations such as small businesses that are newly in operation. The normal pattern is to transition to a more suitable location after the business is stable. As the original special use permit was temporary in nature, please outline why a renewal should be granted instead of transitioning to a commercial property.

Applicant response: The applicant wishes to continue with a special use permit renewal at this time, but may request rezoning of his property in the future.

Business License Comments:

We have no record of a business operating at this address that would require use of a dump truck. As this is a renewal, the original SUP identified this would be for employers truck. We would request that employer be identified to verify they are a business filing an occupation tax to operate in KCK.

Applicant Response: The applicant has applied for and received a business license.

Public Works Comments: None.

Staff Conclusion:

The applicant wishes to continue with a special use permit renewal at this time, but may request rezoning of his property in the future. He has applied and received his business license.

Subject to approval, a special use permit shall be valid for two years and subject to the following stipulations:

1. No loaded truck shall be permitted on the property.
2. Code enforcement officers will have access to the property to investigate any potential neighborhood complaints.
3. Ensure sufficient landscaping of trees and shrubs to screen the truck from view of the street.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-75 for two years,

October 27, 2016

subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 16831...SPECIAL USE PERMIT APPLICATION #SP-2016-76 – ADRIAN BERMUDEZ

SYNOPS: Renewal of a Special Use Permit (#SP-2013-40) for the Temporary Use of Land to keep a food truck at his home at 347 North 8th Street, submitted by Robin Richardson, Director of Planning. The applicant has an existing business for which he uses the vehicle. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit #SP-2016-76 for two years, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two years.
Applicant response: Two years as stated.
2. What are the current hours of operation? Do you foresee these changing in the future?
Applicant response: Current hours of operation depend on jobs that I get for festivals, but most, if not all, are on weekends usually from around 5 p.m. to 10 p.m. away from the home. No, I do not foresee any changes in the future.
3. What is the earliest time will you start your ignition to warm up the vehicle?
Applicant response: Earliest time to start up the truck wouldn't be any sooner than 8 or 9 a.m. Besides, the ignition is that of a regular truck.
4. Where is the vehicle parked while it is at the residence?
Applicant response: It is parked on the side of the house.
5. No signage is permitted on the property advertising the business.
Applicant response: No signage will be put up anywhere on the house.
6. Please provide additional photo of the truck itself.
Applicant response: Additional photo attached. Please advise if you need more.
7. Per Sec. 27-32-66(c) The Unified Government Board Of Commissioners, upon recommendation of the County Administrator, may authorize the vending of food from vending vehicles or vending stands adjacent to specified zoning districts or upon any designated area, street, block, park or public right-of-way within any zoning district or authorized area shall be subject to all requirements specified in this Code. Vending of food from a vending vehicle shall be permitted on any sidewalks adjacent to C-D, M-1, M-2, and

M-3 zoning districts or on properties in C-2 districts exceeding five acres. Vending of food from a vending vehicle or vending stand shall also be permitted on the north edge of Armstrong Avenue, provided that the vending vehicle operates on public property within 50 feet of the right-of-way.

Applicant response: Duly noted, although I know of at least one truck that sales from their home and I can provide that information. I am trying to abide by the law where others don't care.

Business License Comments:

Applicant has filed and maintained an occupation tax and food vending vehicle license filing with our office and is current for this year.

Public Works Comments: None.

Staff Conclusion:

Subject to approval the special use permit will be valid for two years and subject to the following stipulations:

1. There can be no signage on the property.
2. Hours of operation must start no earlier than 8:00 a.m.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-76 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 4 – 16832...SPECIAL USE PERMIT APPLICATION #SP-2016-77 – WILLIAM HARRIS SR. WITH HARRIS TRUCKING

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-42) for a trucking business at 8819 Lowell Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to continue to park company equipment on the property in conjunction with operating a trucking business. The Planning Commission voted 7 to 0 to recommend approval of Special Use Application #SP-2016-77 for two years, subject to:

Urban Planning and Land Use Comments:

Temporary use of land for commercial or industrial purposes is not meant to be perpetual. As a stipulation from the last Special Use Permit renewal (#SP-2014-42) staff will not recommend approval of any future special permits after this renewal. Subject to approval, this special use permit renewal shall be valid for two years and subject to the following stipulations:

1. Trucks and equipment shall be stored behind the house and out of public view.
2. They may not be visible from Lowell Avenue.
3. No non-working equipment is permitted to be stored on the property.
4. No loaded truck or trailer is permitted on the property.
5. The applicant agrees to allow Code Enforcement officers on his property to investigate neighbor complaints during normal business hours without threats of harassment.
6. Pieces must be parked on an approved surface.

Additional Questions:

1. How many vehicles and pieces of equipment are currently on the property? In your application you noted a downsize, can you please be more specific. How many items and what specifically would you like to keep on the property.

Applicant Response: 2005 Kenworth dump truck No. 5; 2005 Kenworth dump truck No. 5-2; 2000 Bobcat loader; and 1996 Ford truck. The 1997 Ford dump truck has been sold and will be picked-up soon.

2. Do you foresee any change in current hours of operation?

Applicant Response: No.

3. As an approved stipulation from your previous special use permits, please submit maintenance receipts for your equipment from the last two years.

Applicant Response: Maintenance reports are attached

Staff Conclusion:

If approved, a special use permit would be for two years and subject to the following stipulations:

1. Trucks and equipment shall be stored behind the house and out of public view.
2. They may not be visible from Lowell Avenue.
3. No non-working equipment is permitted to be stored on the property.
4. No loaded truck or trailer is permitted on the property.
5. The applicant agrees to allow Code Enforcement officers on his property to investigate neighbor complaints during normal business hours, without threats of harassment.
6. Pieces must be parked on an approved surface.
7. All equipment must be taken off the premise at the expiration of this Special Use Permit.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-77 for two years,

subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 5 – 16833...SPECIAL USE PERMIT APPLICATION #SP-2016-78 – RORY O'CONNOR WITH GRAND CONSTRUCTION COMPANY

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-37) for a temporary office trailer at 10351 France Family Drive, submitted by Robin Richardson, Director of Planning. The applicant is requesting the renewal to keep an off-site construction trailer that has been placed in the Cabela's parking lot. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit #SP-2016-78 for two years, subject to:

Urban Planning and Land Use Comments:

1. The following points are reiterations of questions from previous applications for this use.
2. Staff understands the initial purpose of this trailer was for support of Livestrong Sporting Park during and after construction of the stadium. It was also brought to the attention of the Commissioners in 2012 that after Turner Construction was finished with their work, OnGoal would like to reserve that spot for relocation of their trailers from the Nebraska Furniture Mart lot. What happened to this transition plan?
Applicant Response: We moved our construction office here for the above reasons but also we were working on planning for several major additions to Children's Mercy Park. At various stages these have included a hotel conference center on Sporting Way. We have continued to look at these options and feel we may be close to having a project.
3. From #SP-2012-9 in the Board of Commissioners meeting there was a comment that this trailer would be relocated to the field complex or onto the Cerner site after being on Cabela's parking lot for one year. Why has this not happened?
Applicant Response: There was no room to move the office to the Cerner project site. The construction pace was such that anywhere the trailer would be located it would have been quickly in the way. On that site the entire site was developed.
4. Staff advises that the temporary use of land for temporary office trailers does not become standard practice. LiveStrong Sporting Park was a special developmental situation because unlike most developments in the city, the whole property was developed and a spot large enough for a trailer did not exist. This fact was the reason why staff supported a special use permit to allow a construction trailer in the Nebraska Furniture Mart parking lot. It was intended to provide consolidated office and meeting space for the construction project.

Applicant Response: We are positive that we will not seek another extension of the special use permit for this office. We believe a major project is in the works and will happen soon.

5. Per applicant letter, this application for renewal is intended to service the construction efforts of The National Training & Coaches Development Center and the Wyandotte Youth Soccer Complex. These sites are over one-half mile away and over a mile away straight line distance, respectfully.

Applicant Response: The sites are 1.5 miles away but the sites are very convenient to the current location of our office trailer. We can easily hold larger meetings at our office and then go to the site for follow up questions.

6. What is the timeline for use of these temporary construction trailers?

Applicant Response: Until the completion of the National Training & Coaches Development Center and Wyandotte Youth Fields project or the start of another project on the site where the trailer is located.

7. Given that there are no active building sites in Village West, what role are these trailers serving that must take place here and not on the construction sites that are listed in the applicant letter? The distances seem somewhat prohibitively far for the construction trailer to be effective.

Applicant Response: The sites are 1.5 miles away but the sites are very convenient to the current location of our office trailer. We can easily hold larger meetings at our office and then go to the site for follow up questions.

8. If construction trailers were to be placed on the actual construction sites, a Special Use Permit would not be required.

Applicant Response: We agree.

9. This special use permit, if approved, will terminate 90 days following the approval of a new development plan for this site.

Business License Comments:

This is renewal of SUP originally from 2012 that allowed use by Turner Construction, OnGoal, or Cerner. All three of those businesses have filed and maintained current occupation tax filing with our office and are current for this year. If the trailer is to be occupied by any other business entity, those other entities should be identified to verify they are businesses filing an occupation tax to operate in KCK.

Public Works Comments: No comments.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-78 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten

“Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 6 – 16834...SPECIAL USE PERMIT APPLICATION #SP-2016-79 – PABLO NEVAREZ WITH CLUB EL PARAISO, INC.

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-68) for live entertainment in conjunction with a drinking establishment at 6550 Kaw Drive, submitted by Robin Richardson, Director of Planning. The applicant wants to have entertainment (bands, DJ and dance floor) with the existing restaurant/drinking establishment. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit #SP-2016-79 for five years, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for five years.
2. On behalf of the applicant, the representative, Pearl King has stated that the business is open from 4:00 p.m. to 2:00 a.m., Wednesday through Sunday.
Applicant Response: Entertainment begins at 9:00 p.m. and ends at 1:30 a.m. Attendance has been below expectations for some time now. There is a band on Saturdays and occasionally Fridays, on other nights they have a DJ.
3. On Wednesday and Thursday night there are usually about a dozen people, on Friday and Sunday a couple dozen and on Saturday somewhere in the range of 75-80.
4. Security is handled by two private duty security personnel, when needed and they hire off-duty police officers to augment their security force. Security must follow UG policy.
5. Applicant must comply with security codes, alcohol ordinance and other ordinances of the City.
6. Have there been any police calls or other incidents since your last approval?
Applicant Response: See attached Response Letter. There was a minor one-time incident.

Business License Comments:

Applicant has filed and maintained an occupation tax and associated regulated license filings with our office and is current for this year.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-79 for five years,

October 27, 2016

subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 7 – 16835...SPECIAL USE PERMIT APPLICATION #SP-2016-81 – JEFFREY STEINBERG WITH APEX CDL INSTITUTE

SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-25) for a commercial driver's license training facility and job placement program for graduating students at 6801 State Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to continue to operate a commercial driver's license training facility and job placement program. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit #SP-2016-81 for two years, subject to:

Urban Planning and Land Use Comments:

1. You previously operated seven trucks and trailers, four of which were used for backing training. Has this number changed since you began operations? Do you wish to expand your fleet?

Applicant Response: Apex CDL Institute is still operating with the same size fleet as when we submitted the initial application for seven. We have replaced one of the trucks with another truck, but the fleet size remains the same.

2. How many trainees do you have in each class? What is the maximum number you have had so far? Do you expect this number to increase in the future?

Applicant Response: We still maintain the same maximum class size of 8 students. That amount has not changed and we do not see it changing in the near future.

3. Current stipulations from the previous special use permit regulate operations to take place Monday through Friday from 6:00 a.m. to 4:00 p.m. Do you wish to expand the allowable time for truck maneuvering operations?

Applicant Response: Our student and truck operating hours are still from 6:00 a.m. to 4:00 p.m. Our front offices are open until 5:30 p.m. but the trucks are shut down by 4:00 p.m.

4. Have you had any interactions with nearby property owners or businesses that have had concerns about the noise and use of the property?

Applicant Response: In the year that we have been here we have had zero interactions with neighboring businesses regarding noise or truck complaints. Any interactions we have had have been all positive. In fact Apex CDL Institute and Kansas City Kansas Community College are currently working on an agreement to provide driver training in partnership with KCKCC, our neighbors to the east.

Any approval would be for two years and per the previous approval of Special Use Permit #SP-2015-25, the following stipulations must continue to be met subject to approval:

1. A wall of evergreens on the eastern edge of the rear parking lot shall be maintained.
2. The hours of operation for training (truck maneuvering) shall be standard business hours Monday through Friday.
3. No truck idling.

Business License Comments:

Applicant has filed and maintained an occupation tax filing with our office and is current for this year.

Public Works Comments: None.

Staff Conclusion:

During the applicant's initial application process staff had concerns about the industrial nature of the operation. Staff continues to be apprehensive about using a special use permit to carry out an industrial operation in a commercial district. However, per the previous decision in #SP-2015-25, the applicant has demonstrated the success of the business and operations over the past year with no neighborhood or community complaints. Additionally, the property continues to be very well maintained.

Any approval of a special use permit would be for two years and subject to the following stipulations:

1. A wall of evergreens on the eastern edge of the rear parking lot shall be maintained.
2. The hours of operation for training (truck maneuvering) shall be standard business hours Monday through Friday.
3. No truck idling.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-81 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten

“Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 8 – 16836...SPECIAL USE PERMIT APPLICATION #SP-2016-82 – BARTH HAGUE WITH MIRROR INC.

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-32) for a substance use disorder treatment center at 6711 State Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit #SP-2016-82 for 20 years, subject to:

Urban Planning and Land Comments:

In the attachments section, please see the applicant’s letter detailing the background and scope of the operation. In this section a brief summation of some of the key points are presented.

1. How many patients you see at any given time?

Applicant Response: We can have up to 45 clients at any given time.

2. How many security/faculty personnel do you employ?

Applicant Response: Mirror has 21 employees at this facility.

3. Describe any incidents you have had with maintaining security either for your patients or the surrounding property owners.

Applicant Response: Mirror carefully maintains 24-hour security at this facility. We have experienced very few incidents. In calendar year 2015, for example, we only made two calls to the police department for assistance. We have had no issues that we’re aware of with surrounding property owners.

4. What is the typical duration of one of your patients stays with you?

Applicant Response: Average length of stay in our facility is 21-28 days. For detox services only, the length is 2-5 days.

5. Approval for 20 years.

Applicant Response: We would support approval for 20 years.

Public Work Comments: No comments.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-82 for 20 years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,”

Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

**ITEM NO. 9 – 16837...SPECIAL USE PERMIT APPLICATION #SP-2016-84 – DALLAS
R. WOLFE WITH BIG D'S ON THE HILL**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-62) for live entertainment at 2139 South 34th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to continue live entertainment at said location. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit #SP-2016-84 for five years, subject to:

Urban Planning and Land Use Comments:

1. All live entertainment shall be enclosed within the building. Doors shall remain closed at all times.
Applicant Response: We hold the entertainment inside of the establishment. We close the doors at 9 pm or earlier.
2. What are the hours of operation? When will you have live entertainment?
Applicant Response: Our normal hours are 10 am to 2 am if we have a DJ; it usually starts at 9:30 pm and ends at 1am.
3. What kind of live entertainment are you providing? DJ, Live Band, Karaoke, etc.?
Applicant Response: Usually we have a DJ. We have had small bands and karaoke but the DJ is the main entertainment.
4. How many customers do you expect on any given night?
Applicant Response: We have had 79 but most common is 40.
5. Have there been any police calls since your last approval?
Applicant Response: Police calls at a very minimal; most calls come from a patron that had a domestic problem.
6. Approval shall be for five years.

Police Department Comments:

There are no high calls for service, but Big D's on the Hill (2139 S. 34th) has been known to be a hangout for Southdale and Galloping Goose Motorcycle Club members.

Applicant Response: The South Dale Boys were barred in 2010, the Galloping Goose Club has been removed and the bartender that invited them has been terminated.

Business License Comments:

Applicant has filed and maintained an occupation tax and associated regulated license filings with our office and is current for this year.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-84 for five years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 16570...PLAN REVIEW PETITION APPLICATION #PR-2016-7 – KHALID CHEEMA WITH CHEEMA FOOD AND PETROLEUM, INC.

SYNOPSIS: Preliminary Plan Review for a gas station/convenience store and retail space at 2425 Metropolitan Avenue, submitted by Robin Richardson, Director of Planning. The site has been before the Commission before for plan review of a gas station remodel, convenience store and car wash. The plan submitted at this time is a change from that previous plan. The Planning Commission voted 6 to 4 to recommend approval of Preliminary Plan Application #PR-2016-7, subject to:

1. The owner attends 80% of the neighborhood meetings of the local neighborhood group each year.
2. The owner offers a substantial quarterly update on the project and what has been going on and what they have been doing for upkeep and reduce crime in the area and specifically on their property to the local neighborhood group.
3. Upkeep of property no matter the owner/lease arrangement.
4. Applicant will be owner/operator.
5. The owner will enforce a “no loud music policy” on the property

Urban Planning and Land Use Comments:

1. Landscape Plan:

- 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. (Sec. 27-577 d.1)
- Landscaping shall exceed the typical code requirements by at least 75% (Sec. 27-577 a.5)
- 1 tree per 7000 square feet. (Sec. 27-466 g) x 75%
- Only 6 trees are shown on the landscape plan; 8 trees are required by code

2. Building Architecture:

In regard to architecture, the east, south, and west facades must meet the following criteria:

- (Sec. 27-576 c) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials
 - b. Building offsets (projections, recesses, niches)
 - c. Window bays
 - d. Separate entrances and entry treatment
 - e. Variation in rooflines.
- (Sec. 27-576 e) All building facades shall be at least 50 percent masonry. Cementous siding may be used to meet 50 percent of the total masonry requirement.
Please provide dimensions and percentages of all materials used
 - All downspouts must be internalized
 - All roof mounted mechanical equipment must be screened by the parapet.

3. Site upkeep

Staff is pleased that the applicants have had a seemingly productive meeting with neighborhood representatives and residents. Staff feels that if this relationship continues to be a positive and productive one, the proposed improvements could be of benefit to the area.

If approved, applicant must honor the maintenance and upkeep plan submitted in October 2015 (see attachments).

Staff did not receive revised landscape plans or elevations. If approved, applicant must meet all requirements of the Commercial Design Guidelines at the time of the Final Plan Review.

4. Police Calls – Police calls ranging from traffic stops, hold up alarms, theft to building checks (investigation follow up excluded information calls, hang-ups and illness):
 - 2015 – 13
 - 2014 – 6
 - 2013 – 17
 - 2012 – 23
 - 2011 – 8
 - 2010 – 13

Of the 80 calls for service listed above over six years (1 per month) most were for burglary and theft. Many were suspicious persons, welfare checks, domestic violence, suicide attempts, or civil process. The owners and operators need to be diligent in creating an atmosphere that discourages police calls for service. Prior to submitting a final plan review the applicant should meet with a KCK Police Department representative that can help them with crime prevention through environmental design. A report of the recommendations must accompany the final plan review application.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: Final development plans shall be submitted for Planning Commission approval. Final development plans shall include final engineering drawings and construction plans approved by engineering.

Commissioner Murguia said so this case, apparently after the Commission voted to not approve these plans, went to court and apparently a judge decided that we couldn't do that. I'd like to hear from our legal counsel who the judge was over in District Court that made that decision and how they came to that ruling. **Patrick Waters, Senior Attorney**, said it was Judge Mahoney, Division 7. The court found that the plaintiffs adequately responded to the objections and concerns of the neighbors and the Board of Commissioners regarding safety, security, landscaping and problems associated with the car wash. The court found that the plaintiffs agreed to a list of stipulations that the court felt addressed these concerns by removing the car wash from the site plans, agreeing to attend future neighborhood meetings and finally that the plaintiff's financing was conditioned upon them owning the property for at least three years. In sum, the court understood the issues that the Commission was dealing with and was concerned about. The court just sided with the plaintiffs in feeling that the plaintiffs had adequately addressed those concerns. **Commissioner Murguia** said just for clarity, the plaintiff's attorneys were Bill Hutton and Rick Rehorn and the judge was Judge Mahoney. **Mr. Waters** said that's correct.

Mayor Holland said that item is before us; approved by court order.

Commissioner Townsend said I had a question about that also. In the packet there were some additional stipulations. Those are not before the Commission any longer? One in particular that dealt with not only the ownership in a limited basis, but that the owners could not lease after a certain period. That seemed to be a bone of contention. So with the court order, that's no longer before us to contemplate? **Mr. Waters** said, Commissioner, my understanding is the court order was as per the stipulations in the staff report and so I'm not sure. What you're referring to, was that an additional stipulation added at the commission meeting? **Commissioner Townsend** said in the most recent one, I remember the car wash from the last time this was before us. Is the car wash required or approved by the court now? Is that the plan that the court—**Mr. Waters** said no, it will be retail.

Commissioner Walker said I don't know why we're voting on this. The courts ordered it. I don't want to vote on it. I don't like what the court did here. We're going to have nothing but trouble again down at this location. I have no doubts about it, and we'll be up here again fighting against this court order trying to revoke this special use permit. I make a motion that we—the court ordered it, fine. The court ordered it be approved according to the stipulations. Is there anything that says we have to vote on this? **Mr. Waters** said well, Commissioner, I think just from a Planning process, it still needs to go through final plan review. We need to play the process out.

Commissioner Murguia asked why are you asking us to vote when people can just take it across the street and have political judges and political attorneys use their political influence to change the ruling of an entire Commission. **Mr. Waters** said, Commissioner, I'm just following the court's order. **Commissioner Murguia** said and I'm just telling you how it is. Welcome to Wyandotte County.

Mayor Holland said I just want to say, Commissioner, I think those comments are out of line. I understand you disagree with the judgement. I think this Commission as a whole disagrees with the judgement but the question is why since the court has ordered it what, and I know this has happened before because we voted against telecommunication antennas before and the federal

courts ruled that we had to do it. It was brought back to us and we voted on it to uphold the court ruling. **Mr. Waters** said correct. **Mayor Holland** said your contention is, if I'm understanding it, we need to—in order to keep with our Planning & Zoning process for final plan review and other legalities, we need to formally adopt it per the court order. **Mr. Waters** said I believe so. **Ken Moore, Chief Legal Counsel**, said I think the court has ordered it and in effect has implemented the action. That's why we typically put it on the Consent so it just formalizes that action. Is there any detriment to not voting on it and just moving ahead pursuant to court order? **Rob Richardson, Director of Planning**, said I would look to you to answer that question. **Mr. Moore** said I don't think that there is. We can put it in place based on the order; we can do that.

Commissioner Walker said I just recommend we let it pass based on the court order and forget about it. I don't want to be on record voting for this and I'm going to vote no if we have to vote on it. **Commissioner Murguia** said and I am too. **Commissioner Townsend** said second.

Mayor Holland said we have an item on our agenda in terms of taking...we have a Planning & Zoning item on our agenda. I think we're in a bit of a bind. **Commissioner Kane** said if Ken is saying we don't have to do it, we don't have to do it. **Commissioner Murguia** said right. **Mayor Holland** said your view is we just leave it here.

Commissioner Walker said they got a court order; the court overrules us. Let the court live with the consequences of the court's decisions. **Commissioner Murguia** said there we go. **Commissioner Walker** said that's how I see it. Maybe the judge is right. I don't know, but I don't want to vote for this thing. I'm not going to vote yes for this. There are decades and decades of history at that location. **Mayor Holland** said I understand totally. We already voted against it once. I just want confirmation from our legal team. Can we leave this item without voting on it? I'm glad to do it. If we don't need to vote on it, let's not vote on it but I don't want to leave a legal hurdle unturned that is going to have to come back and do it at a later day.

Mr. Waters said if I could propose. I will discuss this, if we take it off, I'll discuss it with the plaintiff's attorney and the court and if they're fine moving forward with that, we'll just note we don't have to vote on it. If there is an issue with that, we can bring it back next month.

Commissioner Townsend said just generally speaking, I guess that this ordinance is to remove barriers but I just want to make sure that I'm clear on it. If this ordinance passes, anywhere in the city not limited to agriculturally zoned property, someone can have up to six female hens. **Mayor Holland** said without a special use permit. **Commissioner Townsend** said without a special use permit. **Jenny Myers, Senior Attorney**, said without a special use permit; however, it does have to meet the setback limits so it still has to be 25 feet from the neighbor's house and 10 feet from the property line, but as long as it meets the setback limits, then anywhere in the city a person could have up to six hens without a special use permit. **Commissioner Townsend** said without a special use permit. Thank you for the clarification because I read that three or four times and I wasn't quite sure.

I noted the results of a poll or a survey and I noted in District One they had the lowest percentage with the terms of agreement with this type of thing. I would think that the 45% that did agree, you tend to see that number escalate the farther west you go where the lots are larger and you have more room. That's the concern I have in the more urban areas, more eastern areas where the lots are smaller than anybody can just have six hens with no special use permit. I think what I'm interpreting, those numbers reflect that for the district. I just wanted to ask about that and verbalize those concerns in what I saw.

The option though is that someone who wants to could still come forward and request a special use permit, right. **Ms. Myers** said if a person wanted to exceed the maximum of six, then they could come, request a special use permit or if their setbacks did not meet. If they weren't the 25 feet to the neighbor's house, the 10 feet, or their lot was too small, then they could still come for a special use permit for that purpose, yes. **Commissioner Townsend** said but I'm saying if this ordinance, as proposed, doesn't pass, someone could still come and ask for a special use. **Ms. Myers** said yes, and that's the procedure right now is that they come to you and ask for a special use permit. **Commissioner Townsend** said and they wouldn't have to if this passes for six or less. **Ms. Myers** said yes. **Commissioner Townsend** said thank you. That was the clarification I needed.

Commissioner McKiernan said this isn't a question, I don't expect an answer to this, but you look in this ordinance, there's definitions, there's regulations, there's rules and I just wonder how we're ever going to enforce all the stuff that's in this ordinance. Okay, I'm done.

Commissioner Walker said well, you anticipated my question. Who is the chicken enforcer?

Ms. Myers said a lot of it falls under the Animal Control. If it's a chicken running at large, say the chickens escape or if there are too many chickens, if it goes pass the maximum limit or if the setbacks aren't there, then Animal Services will be enforcing that. It could be a code issue. You know we have ordinances already in the code for nuisance animals. A chicken could fall under the nuisance animal if there's an odor issue or if they're too loud. It will be enforced by both Animal Services and Code Enforcement.

Commissioner Walker said you might have to recuse yourself if any of these cases come over to you after January. **Ms. Myers** said I'd say I'm a chicken expert now and so maybe I would have to. **Mayor Holland** said I think she wishes she could have recused herself from this. **Ms. Myers** said I do wish that was an option. **Commissioner Walker** said if I were her, I wouldn't hear any chicken cases as a judge. They already know my opinion.

Mayor Holland opened the public hearing. No one appeared in support. No one appeared in opposition.

Mayor Holland closed the public hearing.

Action: **The Commission declined to vote on Plan Review Application #PR-2016-7 due to the court case. Patrick Waters will talk to the judge to see if Commission action is required.**

MISCELLANEOUS APPLICATIONS

ITEM NO. 1 – 16841... ORDINANCE AMENDMENT CONCERNING THE KEEPING OF HENS ON RESIDENTIAL PROPERTIES

SYNOPSIS: Consideration of certain amendments to Chapter 27, Planning and Development of the Kansas City, Kansas Code of Ordinances, specifically amending Sections 27-340 and 27-593, and repealing original Sections 27-340 and 27-593, to allow for the keeping of hens on residential properties, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of this ordinance amendment.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Murguia, to approve the amendments to the ordinance.**

Commissioner Walker said you know I've made a lot of noise, a lot of clucking if you will about chickens. I don't like these special use permits coming up here but I've got to tell you, now looking at what has been presented to us where tomorrow afternoon I go buy me a chicken coop and I put it in my backyard, as long as I meet the 10 foot, 25 foot and the setback, I've got chickens whether my neighbors like it or not. I don't like that. I don't like the idea of chickens anyway but that's a personal bias. I want to know who's going to have chickens and make them go through this. If they want them that bad, then they need to come up here and go through this ordeal of getting a special use permit. We need to give them the time to listen to it and listen to the neighbors. I'm sorry, Jane, I just don't like— **Commissioner Philbrook** said you don't have to. **Commissioner Walker** said I just don't like chickens in an urban area where my neighbor can put six chicken hens in their backyard and I can't do sicken about it.

Mayor Holland said I appreciate—Mr. Bach just gave me a clarification. D.1 is a companion ordinance that goes with this. I'm going to go ahead and I would have opened it up with the other one and done the public hearing together, but I'll give one more opportunity.

Mayor Holland opened the public hearing.

No one appeared in support.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Mayor Holland said D1 under Planning and Zoning Non-Consent; we have that other one in front of us as well.

Commissioner Philbrook said well, okie dokie. I know you don't like it and you think it's not going to work. How about giving it a chance, that's number one because there are a lot of people in this community that do want to have just a few hens so they can have eggs for their own family. There are plenty of things in this ordinance if you read it through, that take care of any kind of problems that those folks might cause. I mean noise, smell, chicken getting loose, you name it and in there is also the capability of our Animal Services pulling their permit without having to go to court for any of those things that they do inappropriately and can't have one for another year. That saves a lot of court time. Also, all of these chickens are supposed to be registered and if they're not, they lose their chickens and we all have a big chicken fry. I don't know what to tell you. If we don't pay attention to what's going on in our community and try to hide our heads like some other kind of birds, then we go on just to keep fighting the same stuff. I would tell you that there are a whole lot of people that put a lot of energy into this chicken shit.

Mayor Holland said point of order, Commissioner. **Commissioner Philbrook** said well I was just saying what everyone else was saying around me here. I don't mind being called to task. Thank you, Mayor. I appreciate that. I hope to heaven that's the last time you get to call me to task.

There was a big committee of people from all over the community that worked on this for over six months. Yes, it's a big funny thing, you know, we're talking about chickens. I will tell you there are a lot of people out there that actually depend on having some of these chickens and they're used to having them. We don't need to make everybody not have chickens just because some of us don't like chickens. It's kind of like you may not like Labrador Retrievers but there's nothing you can do about it unless the dog messes around in your yard, makes too much noise, or smells too much. It's the same thing. That's all; do or don't.

Commissioner Walker said well, we've got the dog problem solved too on paper. We don't have any wild dogs or stray dogs because we've got it all written down and everything is covered. That's exactly what this chicken thing is. We've got everything covered on paper. We don't have enough Animal Control officers to enforce what we already have. Any of you out here, and I'm not looking for hands or anything, any of you ever seen any stray dogs running around? Have you ever tried to get an Animal Control officer out to take care of it? How do you think you're going to get him to come and get the chickens and count/measure how far the chickens are from—I think it's a matter of we don't have the ability to enforce it. Anyway, I'm done. Mike's tired of hearing me and wants to move one.

Commissioner Townsend said well, Commissioner Walker reiterated several points. I guess the one I wanted to reiterate is that if we don't pass this ordinance, someone who wants six chickens anywhere in the city can still come before us and be heard on that but if we pass this ordinance, that's taken away. It's as Commissioner Walker said, you wake up one day and this is next to you. Again, I agree with him and the point he's making about enforceability. We are strained with our officers as it is for other reasons and yes, we can think about and put in an ordinance a lot about what would happen if this goes wrong, but enforcing it and getting people out there to do it. If we don't pass the ordinance, somebody who wants six chickens anywhere can still come before us and get that. I would prefer to see to leave it at that.

Commissioner McKiernan said one of these items came to us on consent; one of these items came to us on non-consent. Can we bundle them together? **Mayor Holland** asked with a single vote. **Commissioner McKiernan** said with a single vote. **Mayor Holland** said we can have up to six ordinances in one vote without a special use permit. **Mr. Moore** said if every Commissioners' vote is going to be the same on both items, you can vote with one. **Mayor Holland** said so we'll take them both together. Does the maker of the motion agree to that? **Commissioner Bynum** said yes. **Mayor Holland** asked does the second. **Commissioner Murguia** said yes, I think that's me. Yes. **Mayor Holland** said we have both items before us together for a single vote (Consent D1, ordinance amendment concerning the keeping of hens on residential properties and Non-Consent 1, ordinance amending the code concerning the keeping of hens on residential properties).

Action: Roll call was taken on the previous motion to approve the amendments and there were seven “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, McKiernan, Murguia; and three “Nos,” Kane, Walker, Townsend.

and

**PLANNING AND ZONING NON-CONSENT AGENDA ITEM NO. 1 – 16860...
ORDINANCE: AMENDING THE CODE CONCERNING THE KEEPING OF HENS ON
RESIDENTIAL PROPERTIES**

SYNOPSIS: Amendments to Chapter 7-Animals and Chapter 27-Planning and Development, which will allow for the keeping of six chickens on residential properties, submitted by Jenny Myers, Senior Attorney. Minor changes were made to the proposed changes that were adopted by standing committee.

Action: **ORDINANCE NO. O-63-16**, “An ordinance relating to Chapter 7 Animals, amending Sections 7-1, 7-170, 7-175, 7-176, 7-177 of the Unified Government code, and repealing original Sections 7-1, 7-170, 7-175, 7-176, 7-177 and 7-178, and relating to Chapter 27, Planning and Development, amending Sections 27-340, and 27-593 of the Unified Government Code, and repealing original sections 27-340 and 27-593.” **Commissioner Bynum made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were seven “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, McKiernan, Murguia; and three “Nos,” Kane, Walker, Townsend.

**ITEM NO. 2 – 16842...ORDINANCE AMENDMENT TELECOMMUNICATION
ANTENNAS AND TOWERS**

SYNOPSIS: Consideration of certain amendments to Chapter 27, Planning and Development of the Kansas City, Kansas Code of Ordinances, specifically amending Sections 27-340 and 27-593, and repealing original Sections 27-340 and 27-593, to allow for the keeping of hens on residential properties, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 7 to 1 to recommend approval of this ordinance amendment.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance amendment. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 16843...AMENDMENTS TO CITY WIDE MASTER PLAN (K-32 CORRIDOR PLAN)

SYNOPSIS: Consideration of amendments to the City-Wide Master Plan in an area along K-32 from the Turner Diagonal to the Western City Limits extending South to the Kansas River and North from K-32 approximately one-half mile, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of this plan.

Urban Planning and Land Use Comments:

Staff wants to thank Vireo, Gould Evans and Olsson Associates for working with the Unified Government. This is a great example of how collaboration between the public/private sectors can undertake significant planning efforts that bring the City-Wide Master Plan into focus at the neighborhood level. Much like the City-Wide Master Plan, this plan focuses beyond traditional land use issues. This helps us plan for all aspects of a quality, healthy community for years into the future. It should be noted that each city focused on their own section and that Bonner Springs and Edwardsville have already adopted this plan.

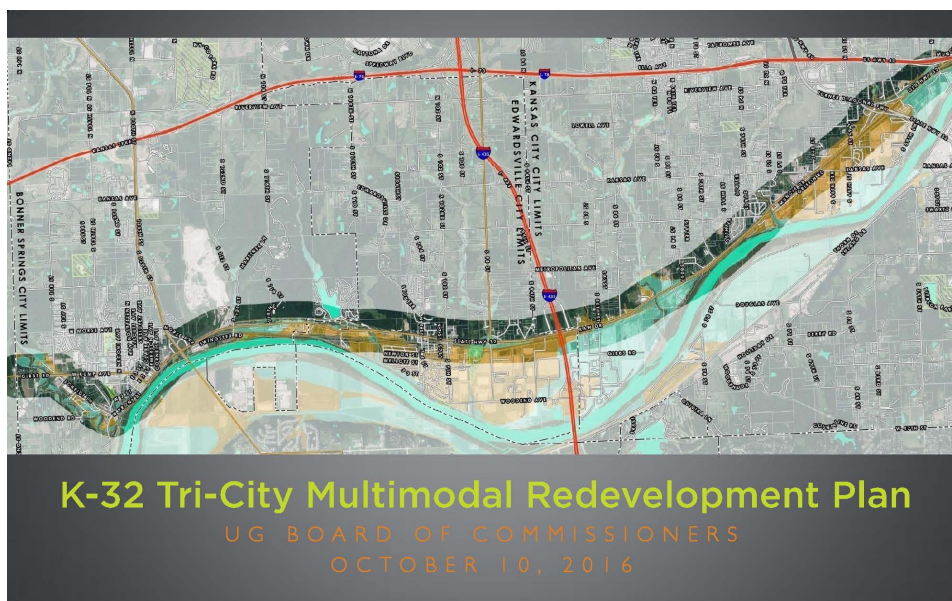
Public Works Comments:

The Public Works Department supports the conclusions and overall recommendations of this master plan update. Taken in total, this plan should improve the economic health, mobility and vibrancy of the K-32/Kaw Drive Corridor and will allow the corridor to serve as a more “Complete Street” in the future, serving motorists, businesses, pedestrians, bicyclists, future transit users, and others. Most proposals relating to elements with the street or right-of-way have not been subject to detailed engineering review. This includes street and sidewalk layouts, signals, bicycle and pedestrian accommodations, sanitary sewer, stormwater systems, or aesthetic

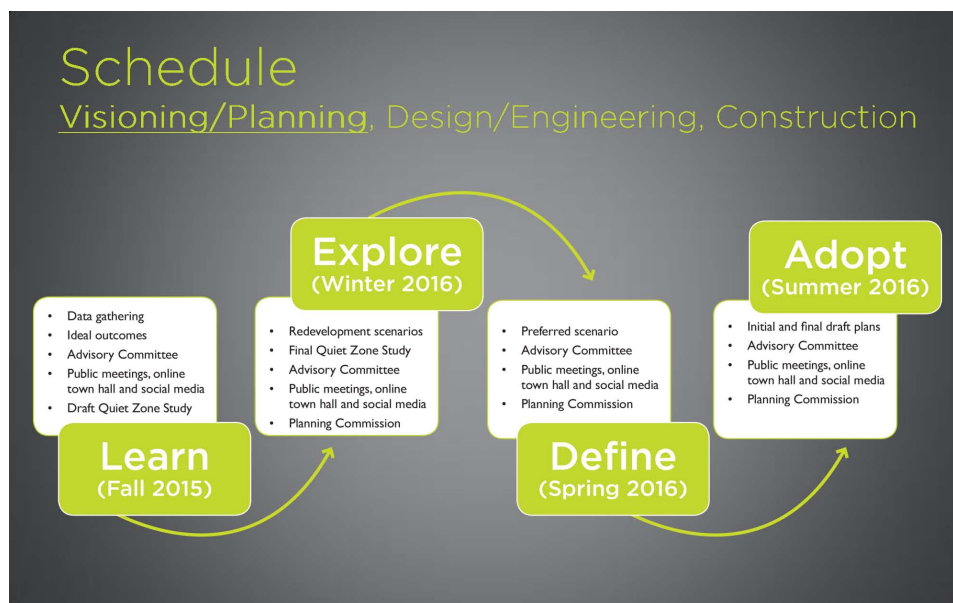
features. Final decisions for all such features would come at a later date, and after consideration of any additional engineering or public input that may occur. Staffs concur with the recommendation of the City Planning Commission.

Doug Bach, County Administrator, said I will just start as we introduce Mr. Richardson to come up for this, but this is an initiative of the governing body that we move forward and take a study of the K-32 Corridor. We received grant funding for assistance with this through MARC and staff has put a fair amount of time into this process. As it's before us tonight on Consent, I do think it's worthy of a few minutes to understand just how the plan has unfolded and come out.

Robin Richardson, Director of Planning, said this was a study that was funded through Planning Sustainable Places at the Mid America Regional Council. We applied for a competitive grant process and received this grant along with Bonner Springs and Edwardsville. We're the last community to act on this. We've been in this process for about 12 months looking at the corridor, basically about a 0.5 mile either side of K-32 from 57th Street out to the western Bonner Springs city limits. Triveece Penelton with Veiro Consulting is with us this evening; she's been the lead consultant on the project and she's going to walk you through the steps we've come through so far and the basic tenants of the plan.



Triveece Penelton, Veirow Consulting, City Planner/Public Involvement Innovator, said the map that you see on the screen right now is our study area and it is those several miles between Bonner Springs and North 57th Street. The map though is showing our whole study area. K-32 is running through the center of that and then we have a study area that's a 0.25 of a mile on the other side.



We worked on this project for about a year. We started in the fall of this year and now we're near the end. We had public engagement throughout. We had a Stakeholder Advisory Committee. We worked with staff as a Technical Advisory Committee for the project and we started with big types of things like challenges and opportunities; moved on to concepts for improving the corridor and then we're to the point to where we are now which was adoption.

In the spring of this year, you all approved the Quiet Zone Study which is something that was a part of one of our early deliverables with the K-32 project. That was one of the first deliverables and an attachment to the Corridor Plan that we're talking about today.



Corridor Vision

To create a regional destination, characterized by green industries and business parks, attractive development, strong downtowns, and recreational areas set within a scenic and friendly environment that is accessible to residents and visitors by walking, biking, riding transit, and/or driving.

The vision is that we create a regional destination that is good for green industries and business parks, that it's attractive for development. You have strong downtowns, recreational areas that are set in a scenic and friendly environment that is accessible by all modes of transportation. The words that are highlighted in green there are some of the words we heard when we had our public engagement and some of the words that are in your City-Wide Master Plan already in terms of green industries and that kind of thing.

Focusing on downtown and being scenic, friendly and accessible are words we got from the public very early on when we asked what word that you want to use to describe the K-32 Corridor in the future. Now your comprehensive plan is very long-range in several decades. A corridor plan in theory is about ten years. So when we ask people about one word or phrase that they want to use, we're thinking about ten years in advance. Those are the words that they wanted to be able to use so we incorporated those into the vision. It's a very community inspired vision.

Goals

Attract new “green” industries and business parks with enhanced amenities, including trails, transit stops, and farmers markets

Increase community access to healthy foods and a multimodal transportation network



With that vision we have a series of goals. One of those goals is to attract new and green industries to the corridor. We know that K-32, that part of Wyandotte County, has a lot of industrial development. It’s one of your employment centers as well as the eastern side of the county and the northern side.

Another goal is to increase access to healthy foods. You all know about your health rating and that providing access to healthy foods maybe through farmer’s markets or other avenues is going to really important.

Goals

Creating a realistic and sustainable land use plan that is tailored to each community

Creating walkable, transit-oriented development that includes affordable housing, green infrastructure and energy efficient buildings

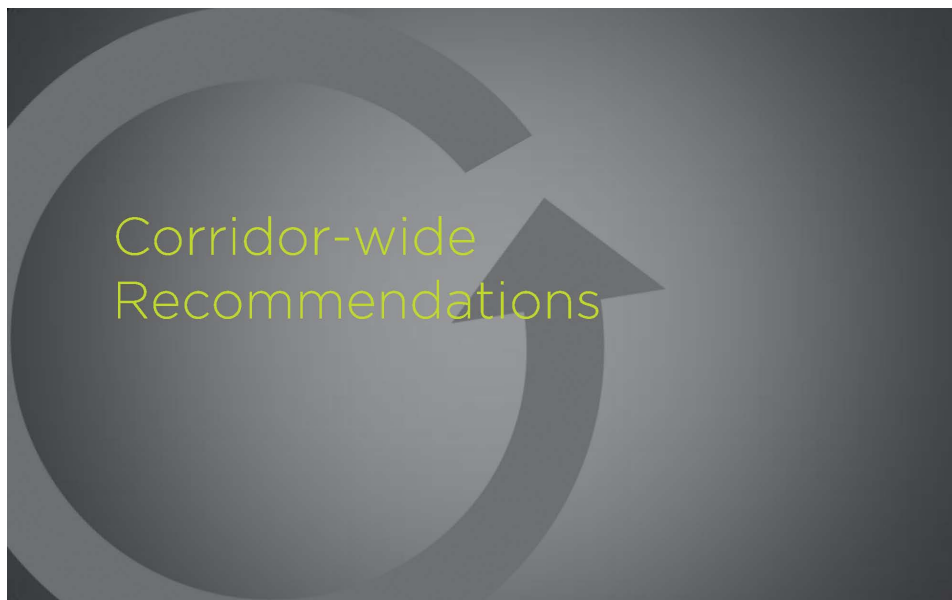
Identifying underutilized sites that could be linked to greenways and converted to recreational amenities



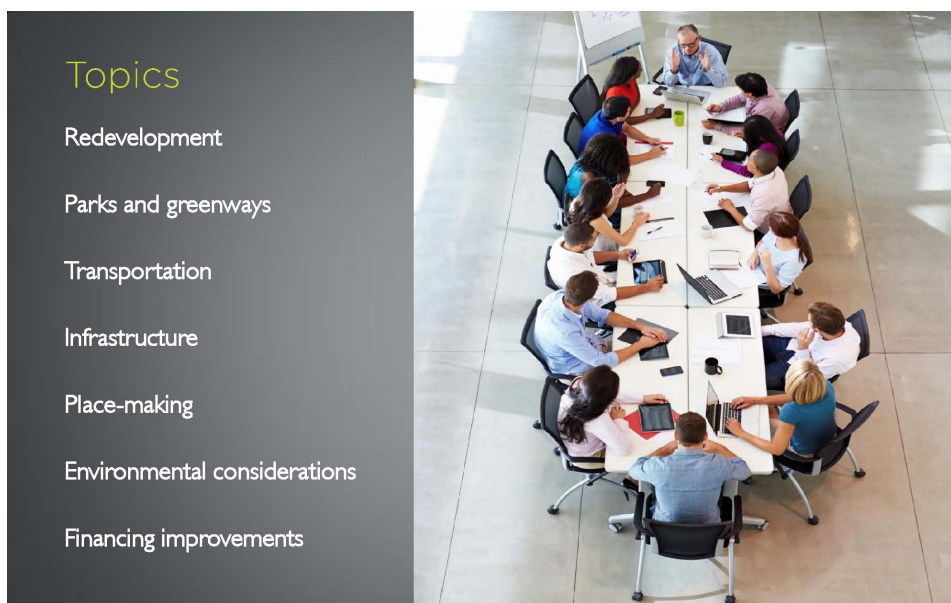
It’s important throughout the county but it’s also important along K-32 so that’s one of our goals. The other couple of goals have to do with being realistic but also being a little bit aspirational for

the future. We're talking about a realistic and sustainable land use plan that's tailored to each community. It's called Tri-city because it involves you all, but also Bonner Springs and Edwardsville. We wanted to have an overall vision but also something specific to certain areas of each community.

Also, we want to create an area that's walkable and you can have transit-oriented development so that you can have affordable housing, good infrastructure, etc. and that we can identify any areas that seem to be underutilized and make those better. For this particular project it had to do with areas that they may have a vacant lot at a key intersection. For example, if you're talking about Edwardsville, 4th Street and K-32, there's a vacant parcel there. That could be developed. If you did that, that would create a stronger sense of place and entry for Edwardsville. We looked at different locations like that along the corridor. That's one of our goals is to continue to look at underutilized parcels and then link all the viable parcels to greenspace and recreational amenities.



The corridor plan is a fairly lengthy document but we have some recommendations in it that are corridor-wide recommendations and then we have some area specific recommendations. What I'm going to go over with you now is some of the corridor-wide recommendations and then I'll support some of the big picture topics with the maps that are going to follow.



Topics

Redevelopment

Parks and greenways

Transportation

Infrastructure

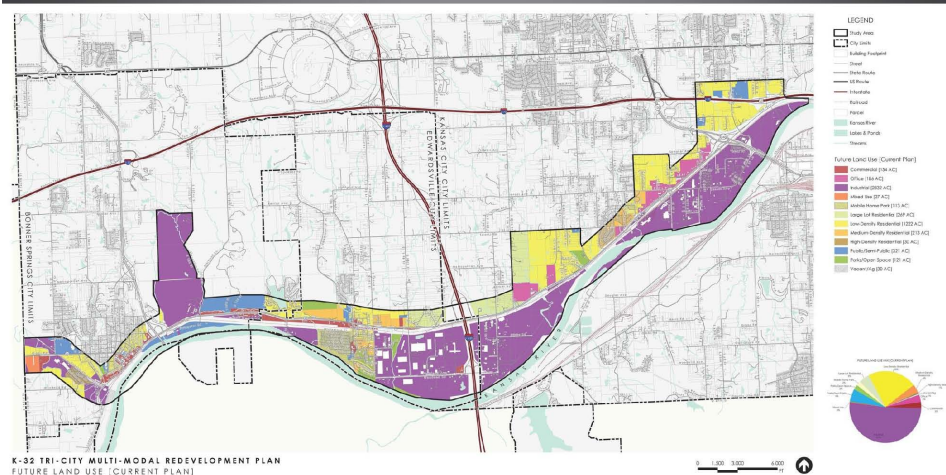
Place-making

Environmental considerations

Financing improvements

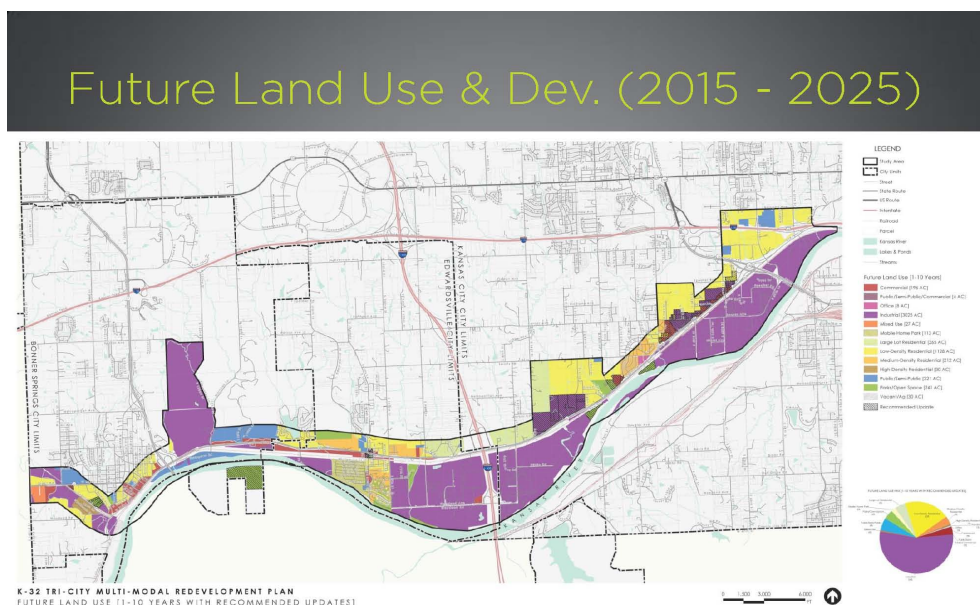
In terms of the topics we're talking about redevelopment, parks and greenways, transportations, infrastructure, place-making, environmental considerations and financing improvements. When we talk about infrastructure in particular, we're not talking about transportation infrastructure; we're talking more about utilities. When we started the process, we heard a lot about utilities and people wanting to do something with burying utilities, etc. and so all of the infrastructure recommendations that you might see in the plan really have to do with utilities more so than anything related to transportation as transportation is a separate topic.

Future Land Use & Dev (Adopted)



October 27, 2016

You have a City-Wide Master Plan right now that has a future land use map in it. This is a snippet of that map combined with Edwardsville and Bonner Springs' future land use map. The purple you see there is all the industrial development. When you're looking at this map, there's a teeny tiny pie chart at the bottom right-hand corner and that's showing the proportions of different types of land uses. Basically, more than half of the corridor when we're talking about this particular study area is industrial. As you see your yellow and orange colors, we're talking about different densities of residential.



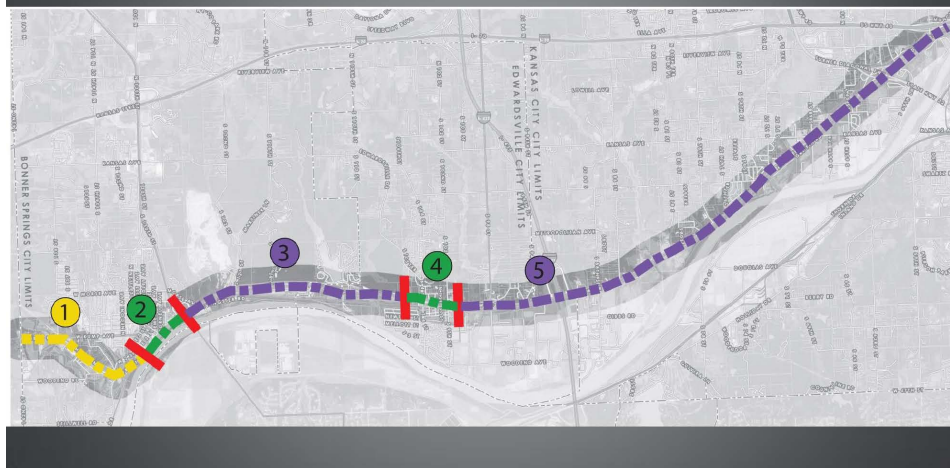
Now earlier I mentioned one of the goals is to think about a realistic land use plan and when you're talking about a corridor plan, you're talking about ten years out. The map that we're showing you right now is the ten-year realistic vision for what could happen in K-32 based on what we know is happening now, which is really increasing the amount of industrial or employment opportunities that you would have on the corridor. If you have an area that has a lot of business parks and industrial area in some smaller downtowns, we thought if we could think about K-32 beyond ten years and something that was little bit more aspirational.

opportunities to create parks and greenways. There are different streams that run north and south across K-32. It's possible that those could turn into greenways and you can layer trails into that. We're proposing that there be more of complete streets look at K-32 so you're accommodating all modes and part of that accommodation would be having a trail along K-32 and then adding some additional park space.

The whole intent of that is to begin to soften up a little bit of the industrial that you have down there right now into the future. The other thing with K-32 is that we're looking at multimodal and multimodal again, it's the cars, the walkers, potential for trans and also cyclist. One of the things that we've layered in is trails, like I've mentioned, but also transit in particular. It's really hard to see it on this map, but what I want to share with you is the idea of transit, not so much fixed route transit because bus service comes from Tiblow which is from Bonner Springs and you don't really have that throughout the corridor. If the corridor begins to develop in terms of the amount of industrial that's planned, if the number of people begin to increase, you could have enough transit density to support on-call transit service. In Bonner Springs and in Edwardsville and at least if you're in the KCK part of the K-32 corridor that you would have it at least a half of mile of either side of K-32 and then your employment area south of the Turner Diagonal.

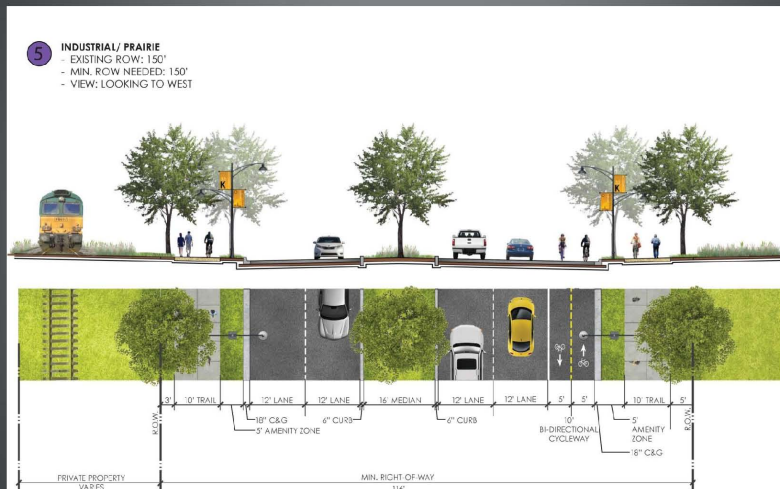
Along with that there could be transit stops, really more parking rides at different locations along the corridor. In KCK it would be near the Turner Diagonal in that employment area on the south side of K-32 but also where the Turner Commerce Center is going near the diagonal; that would be a location too. When we talked to employers or just people throughout the process, that's an issue of how do you get people to come and work and get access to jobs and we know that even though this is an employment area, workers are not coming from the K-32 Corridor per se they are coming from other locations. If they're doing that we could begin to think about park and rides. You can have park and rides one in each of the downtown areas too.

“Kaw Valley Parkway”

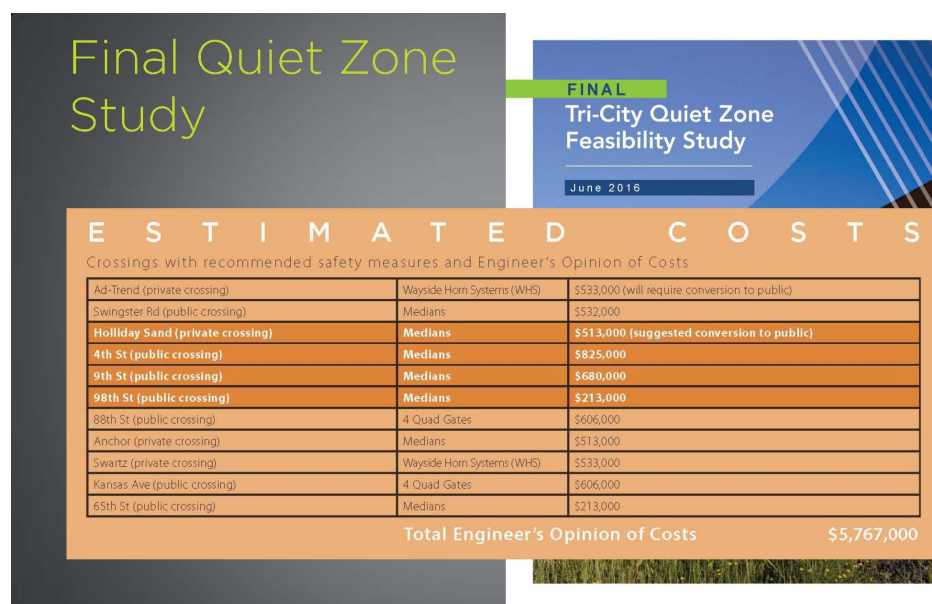


When we start thinking about transportation we start thinking about development and begin to think a little bit about placemaking. We start thinking about what is the typical section of the roadway going to look like. Since we want to tailor recommendations and development to certain locations we have tailored different roadway sections as you go from the corridor. There are five typical sections. Bonner Springs is in yellow, you are all in the purple, number five section. I would say that sections number 5 and 3 are the widest sections because you have the most right-of-way. We have a different section for each of the key areas.

Section 5 – Edwardsville/Kansas City



Looking at the Edwardsville/Kansas City section, right now that area has 150 feet of right-of-way. In that 150 right-of-way, you could also add off-street bicycle pedestrian trails. You could also put a striped bicycle route on the north side of K-32 in that location. Another part of that is if we begin to think about K-32 so that we can add more green to that, we introduced the concept of creating a parkway which means you have trees along either side of your road, you may have a median, and you may green that up as well. That's why in this typical section you're seeing two lanes in each direction, you're seeing off-street bicycle pedestrian accommodations and you're also seeing the bike route but you're seeing trails. Another part of creating place though is adding some streetscaping elements. We've added some banners, some lighting and eventually I'll show you some signage before the presentation is over. All this is to begin to creating a new place for K-32.



Final Quiet Zone Study

FINAL Tri-City Quiet Zone Feasibility Study
June 2016

E S T I M A T E D C O S T S

Crossings with recommended safety measures and Engineer's Opinion of Costs

Ad-Trend (private crossing)	Wayside Horn Systems (WHS)	\$533,000 (will require conversion to public)
Swingster Rd (public crossing)	Medians	\$532,000
Holiday Sand (private crossing)	Medians	\$513,000 (suggested conversion to public)
4th St (public crossing)	Medians	\$825,000
9th St (public crossing)	Medians	\$680,000
98th St (public crossing)	Medians	\$213,000
88th St (public crossing)	4 Quad Gates	\$606,000
Anchor (private crossing)	Medians	\$513,000
Swartz (private crossing)	Wayside Horn Systems (WHS)	\$533,000
Kansas Ave (public crossing)	4 Quad Gates	\$606,000
65th St (public crossing)	Medians	\$213,000
Total Engineer's Opinion of Costs		\$5,767,000

I mentioned before that the Quiet Zone Study was approved by you all in the spring. It is about \$5.7M worth of quiet zone and just under half of that would be in KCK, not KCK, but the top focus areas seem to be the Holiday Sand, 4th Street, 9th Street and 98th Street locations.

Community-Specific Recommendations

In terms of community-specific recommendations, we have a short-term and a long-term recommendation for each of the three cities. I'm going to focus on the KCK ones now.

Grinter Place Restaurant/Entertainment



At 78th Street & K-32, there is the Grinter Museum. You have the image of it up on the wall behind you. When we had one of our second public meetings, I think we had it at the Grinter Place Friends spot in the museum and what they recommended is that we could add some entertainment options for the museum to help it be a greater draw. There is a parcel that seems to be undeveloped and it seems like they are moving it for hay and things like that and there are

no buildings on it and that's on the northeast corner of 78th & K-32. This is the image of it here. There is a tiny building maybe for storing equipment in the very back of this image. If we think about in the future how we could turn this maybe into an entertainment area, we think more about restaurants with an outside entertainment area.



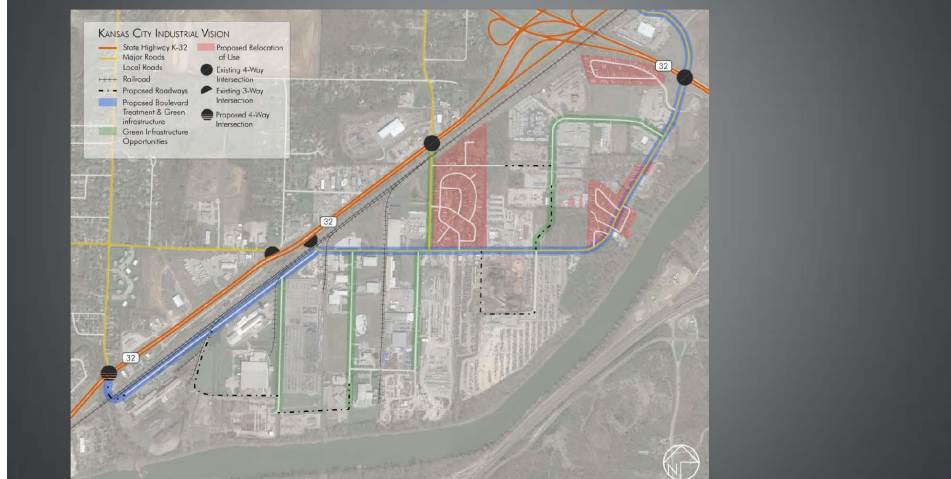
There's a place in Oklahoma called Molly's Landing and it happens to be set in an exact same setting as what we have in KCK at this location. There is open space but Molly's Landing is the picture that's to the right on this screen. It's nestled amongst trees just like what we have at 78th St. & K-32.

Grinter Place Restaurant/Entertainment



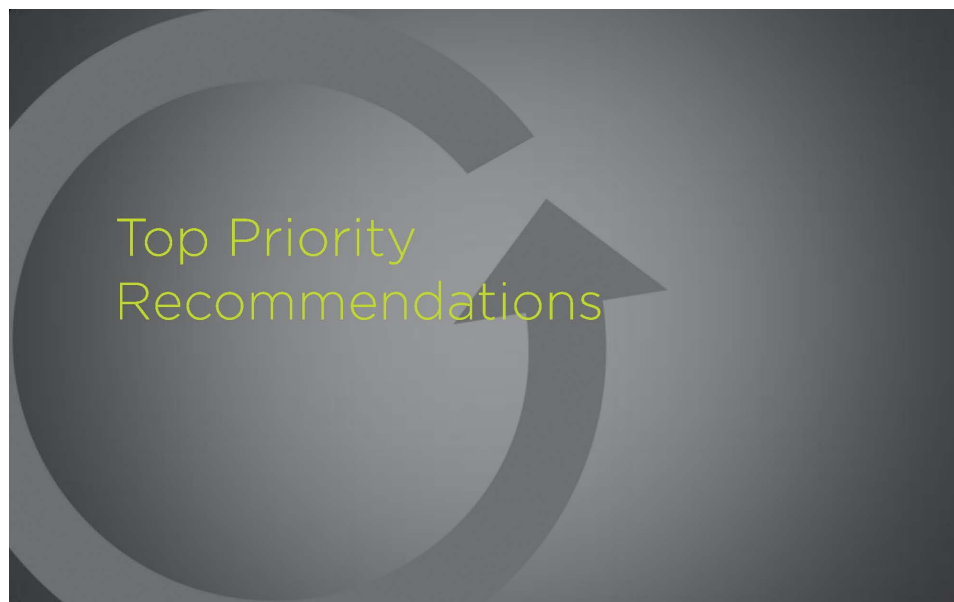
We could fit something like that into this location and if we do that—this is the Grinter Place Museum right here, this is the street and then this is what we’re talking about the small building, adding parking, adding some recreational trails around that and then providing a connection over to the museum just to increase its draw and give you more opportunities to do things at that location.

65th and Turner Diagonal Development



If we think further out beyond 10 years, 65th & Turner Diagonal is a major employment area in KCK. In the future, it might be great to create a more centralized roadway through that, maybe in a boulevard style to adding green infrastructure on some of the north-south streets and to begin

to think about in the future if those mobile home parks are not there and you don't have lots of people living in tight space in an industrial area, could that begin to change, way out in the future, probably way out beyond 10 years.



In terms of the top priority recommendations we had about 25 meetings for this project, not including all the meetings that we had with staff in coordination. Out of that I think I had about 10 or 11 recommendations out of the 25 pages worth of them that there are in the documents that I thought would be the top things. I vetted those with our Stakeholder Advisory Committee and we came down to a little bit of a shorter list and then we shared that list with the public and this is the outcome of that. Most of them have to do with redevelopment and transportation.

Redevelopment

Encouraging the continued development of the K-32 corridor as an employment center that draws workers from beyond the planning area to train for and obtain jobs at K-32's green industries



Redevelopment has to do with encouraging development along K-32 so that it is an employment are as what it is right now but that you also allow for your green industries, but that you target redevelopment opportunities to certain locations.

Redevelopment

Targeting redevelopment activities to top priority activity centers, including K-32 in Historic Downtown Bonner Springs, near K-7, 4th Street, 78th Street, and the 65th Street/Turner Diagonal areas



I mentioned the Grinter Place location would be a near term place for KCK. For Bonner Springs it would be their downtown area right on K-32 and the same thing for Edwardsville. I'm saying that also because I think the corridor is eight miles long and one of the first things we asked is do you all mind if we just target certain locations rather than doing block by block review and they

all supported us in going with targeted locations and it helped us pick which targeted locations. That's how we landed on that.



In terms of transportation, what we are showing you today are concepts; it's visioning to help make policy decisions going forward. It is not designed and because it is not designed we need to have a traffic study that looks at not just vehicles, but also pedestrians and potential bicycles and there are ways of counting those kinds of things so that you can pick the best typical section for your area. The one that we propose for KCK, you have lots of space to do that, that easier. In Bonner Springs and Edwardsville that may not be as easy so they need to look at that a little closer. Sometimes like for Bonner Springs they have several options for typical sections based on the amount of space that they have. It's really going to be important to do that traffic study and look at it, not just in terms of vehicles but look at it in terms of all the different modes, part of complete streets.

Parks and Greenways

Preserving and increasing parks/open spaces to expand on the idea of "green" in the K-32 corridor; so it not only means jobs, but also recreation, and thereby draws new people to the area



Another top priority is preserving and increasing parks and open space and the idea of green so it's not just about industrial development and business parks but it's also about recreation.

Place-making

Allowing the roadway width and amenities along K-32 to respond to the character of the land use and development adjacent to the route



In placemaking, allowing the roadway width to respond to the character of the road. KCK's section is very industrial and different than downtown Bonner Springs and downtown Edwardsville so we didn't recommend the same things. That's why the typical sections aren't all purple in that previous graph. There are some that are green that were for the downtown areas. Bonner Springs has a different than you, etc.

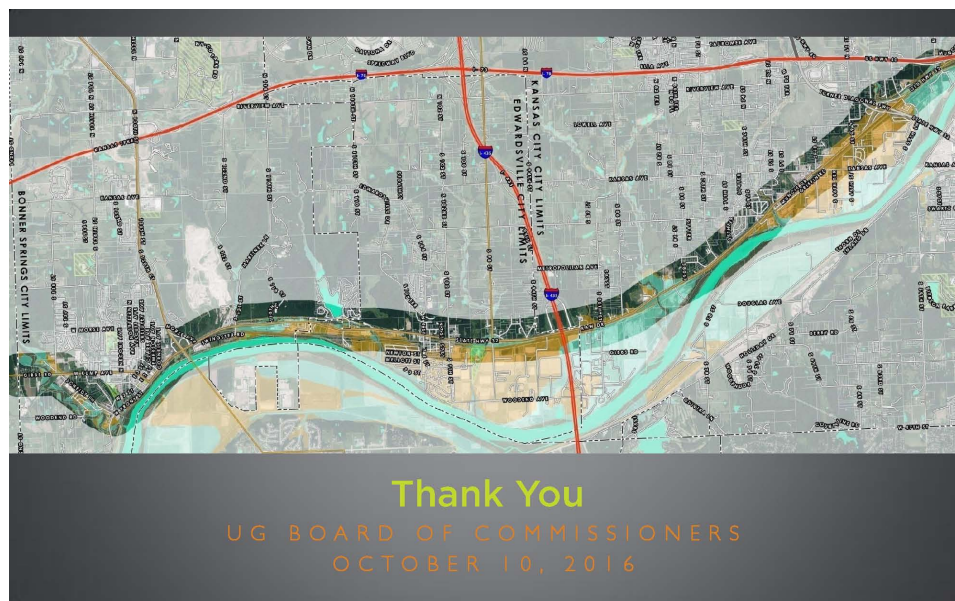


When we're talking about placemaking again, it's the way that the road is shaped but also what supports that. In the top right, there are some banners and then there are some sign options. There are basically three different sign options and three different colors to communicate the idea that if you improve the road, you can also do some streetscaping which mean banners, signage and things like that. Bonner Springs & Edwardsville have a sign down in K-32 but KCK does not or I couldn't find one yet.

It might be great as you're thinking about the identity of the corridor if it's renamed, for example, as a parkway like River Parkway; that you do something to create a uniformed type of signage. It could be everyone picks the top rectangular sign but then the differences are with color. There are all kinds of ways of doing signage, but this is just beginning to get across the idea that creating a unified and unique identity could help the corridor.



Lastly, as you continue to partner in the future, this project was funded because the tri-cities worked together and to do some of the other improvements it's going to be necessary to partner too. People were in support of just the idea of continuing to do that, especially when you want to get transportation funding. With that, I will give it back to Rob.



Mr. Richardson said I would also like to recognize Byron Toy and Jamie Ferris, they were the project managers for this that lead the effort on behalf of my staff. With that, Triveece, Byron, Jamie or I would answer any questions anyone might have or we could begin the public hearing.

October 27, 2016

Mayor Holland said I think what I'll do if it's okay with the Commission, I might go ahead and open the public hearing and then after the public hearing take comments from the Commission.

Mayor Holland opened the public hearing and asked if anyone would like to speak in respect to the final master plan that we have before to tonight.

No one appeared in support.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Commissioner Walters said I would like to thank staff for all the work that they've done on this study and Vireo, also, a yearlong effort. Triveece, very good job of sheparding this study through the various cities and the various work groups that you've worked with, first class. I'd like to comment. I thought this process was very good. It brought the three cities together to set-aside the immediate urgencies and think about the future and that was good. It established some dialogue that probably would not have happened otherwise so that's good also. I think it allowed them to think about a future that is different than the current existing conditions.

With that and the little chart you saw earlier, it sort of sounds like this is the end of something, all these sections and activities and then adoption, but this obviously has to go forward. We have a State Avenue Corridor Study. We have a K-7 Corridor Study, now we have a K-32 Corridor Study. I think that it is incumbent on us and our Planning staff and everyone to make sure that these don't just get adopted and then forgotten or abandoned. I'm an advocate of this project so I speak in favor of it and I hope the Commission will adopt it.

Commissioner Philbrook said thank you Jim for really pushing us to do this, to take a look a K-32 because it has been kind of ignored for a long time and we just have taken it for granted. It's just kind of been oh I don't know like the stepchild and it just kind of grows in any direction it wants to. The unity that it's brought, I agree with you 100%, and I too would like to see us take some actions on some of this but bring in our partners, the business partners in this a little bit

more and let them help us come up with some more ideas in different pockets along this corridor because as I understand it they had a lot of ideas in what they would like to see happen. If we can keep them excited about this and involved then we will be able to move forward.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Walters, to approve the City Wide Master Plan (K-32 Corridor Plan). Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

MISCELLANEOUS ORDINANCE

ITEM NO. 1 – 16842...ORDINANCE: TELECOMMUNICATION ANTENNAS AND TOWERS

SYNOPSIS: An ordinance regarding communication towers and wireless communication facilities.

Action: **ORDINANCE NO. O-62-16**, “An ordinance concerning the siting of communication towers and wireless communication facilities and the application approval process; amending Section 27-593 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance amendment.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PLANNING AND ZONING NON-CONSENT AGENDA

ORDINANCE: AMENDING THE CODE CONCERNING THE KEEPING OF HENS ON RESIDENTIAL PROPERTIES

SYNOPSIS: Amendments to Chapter 7-Animals and Chapter 27-Planning and Development, which will allow for the keeping of six chickens on residential properties, submitted by Jenny Myers, Senior Attorney. Minor changes were made to the proposed changes that were adopted by standing committee.

Action: This item was previously heard with Miscellaneous Application Item No. 1, ordinance amendment concerning the keeping of hens on residential properties.

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if anyone in attendance tonight or any commissioner or staff member would like to remove an item from the Non-Planning Consent Agenda with the exception of the set-aside item. Any item not removed will be voted on by a single vote.

Doug Bach, County Administrator, said I'm going to request that you remove Item No. 2 on the Consent Agenda. **Mayor Holland** said Item No. 2, the plat for Schlitterbahn Vacation Village is removed. Are there any other items? (There were none.)

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the Non-Planning Consent Agenda. Roll call was taken on the motion and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 1 – 16813... RESOLUTION: SECOND AMENDMENT TO THE LEGENDS AUTO PLAZA DEVELOPMENT AGREEMENT (HONDA)

SYNOPSIS: A resolution approving the Second Amendment to the Legends Auto Plaza Development Agreement (Honda) between the UG and KCK Development II, Inc., submitted by George Brajkovic, Economic Development Director. The developer has proposed two other developments which have received preliminary Planning approval, and would like to remove lots 2, 3 and 4 from the Development Agreement. On October 10, 2016, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-74-16**, "Whereas, the Unified Government of Wyandotte County/Kansas City, Kansas "Unified Government" and KCK Development II, Inc., a Nebraska corporation ("Developer") entered

into that certain Development Agreement for the Legends Auto Plaza dated as of December 15, 2011 (the “Agreement”) Whereas, the Unified Government and developer entered into that certain First Amendment to Development Agreement for the Legends Auto Plaza dated as of April 5, 2012 (the “First Amendment”). Whereas, pursuant to Section 10.04 of the Agreement, the Agreement may be amended by mutual consent of the parties and by adoption of a resolution of the Unified Government approving said amendment. Whereas, both the Unified Government and developer desire to further amend the Agreement as set forth in the Second Amendment to Development Agreement for the Legends Auto Plaza (Second Amendment”). The UGB of C hereby approves the Second Amendment and the Mayor is authorized to execute the Second Amendment.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 16854... PLAT: SCHLITTERBAHN VACATION VILLAGE THIRD PLAT

SYNOPSIS: Plat of Schlitterbahn Vacation Village Third Plat, located at 98th Street and Parallel Parkway, being developed by Schlitterbahn Waterparks & Resorts, submitted by Brent Thompson, County Surveyor, and Wayne Moody, Interim County Engineer.

Doug Bach, County Administrator, said this plat that’s being moved forward, I’m understanding that there are easement activities regarding the plat that need to be taken in place. It would provide access or issues that need to be worked out in regard to the National Training Center and then how the development on this site would be impacted. I talked to both the Schlitterbahn folks and the Sporting Kansas City folks doing the National Training Center this week and I’m of the understanding they are talking and working through this; however, they have not reached a solution. At this time I’m going to request to hold this or table this for one week in hopes they will be able to work out a solution during that time and we’ll be able to know

that. **Mayor Holland** said we do have a meeting again next week. Is there a motion to table for one week?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to table this item for one week.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated October 13 and 20, 2016.

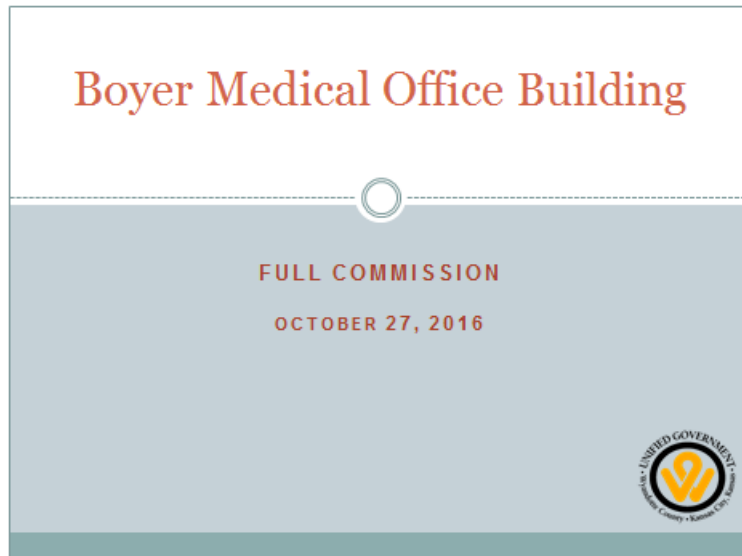
Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to receive and file.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PUBLIC HEARING AGENDA

ITEM NO. 1 – 16791... PUBLIC HEARING & RESOLUTION: KCK BOYER MEDICAL OFFICE BUILDING PROJECT IRBS

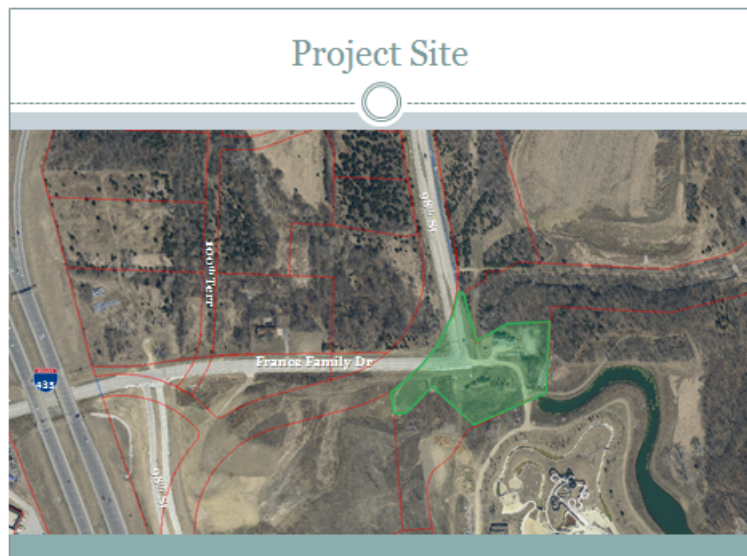
SYNOPSIS: Conduct a public hearing to consider a resolution of intent to issue \$11M in industrial revenue bonds for the KCK Boyer Medical Office Building project consisting of 40,000 sq. ft., located at 1601 N. 98th Street, submitted by Angela Harshbarger, Economic Development. The project will create 50 new jobs. The 10-year fixed PILOT schedule will incorporate a 60% tax abatement. On October 10, 2016, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Doug Bach, County Administrator, said as this medical project is ready to move forward I’m going to recognize our Director of Economic Development, George Brajkovic, to come forward and provide presentation on it before we move to the public hearing.



George Brajkovic, Economic Development Director, said I'm actually pinch-hitting for Angela Harshbarger on this so I will try to do her project justice here. The Boyer Medical Office Building, we've been working with the Boyer Company on a proposal for a new office building out in the western corridor, very near the Dairy Farmers of America project. We've worked with Matt Jensen with the Boyer Company. He was actually here for the standing committee meeting. He had a travel conflict for the meeting tonight. I do think Roger Clair is here representing the development team.

October 27, 2016



Just a little bit about the Boyer Company because they are new to our area. They are headquartered in Salt Lake City. They've been around for about 44 years. They have a fairly substantial portfolio. They've developed over 34M square feet of commercial office space and governmental office space across the county. What they're doing in our community is building a building for a client and will eventually lease it up to probably a single-use client. The project site is represented by the star in this aerial. You can kind of see the general area, Great Wolfe Lodge, Cabela's, Dairy Farmers, the Famous 98th Street S Curve I think will be highlighted in this aerial. You can kind of see the old formation of 98th Street & France Family kind of made that hard elbow. The red curve line is the S curve we put in as part of the reconstruction of 98th Street. The green shaded area represents the parcel that this project is proposed to be constructed on. I will note—I know that in talking with Rob Richardson there are some utility issues. You can probably picture where the utilities ran when that hard elbow was in place. We didn't move a lot of those underground utilities even though we relocated the roadway. They are working through those issues and you saw one of their items on your Planning Agenda tonight.

Draft Site Plan



Project Overview

- 40,000 square foot Class “A” medical office space
- \$11M – capital investment
- 50 new jobs
- Average annual salary \$84,563

The draft site plan of the building, it is Class A type medical office building, approximately 40,000 square feet. Again, it’s about \$11M total capital investment. It will create 50 new jobs to the area. For the purposes of our cost-benefit analysis we did project there would be an average annual salary of \$84,563 as created by this project.

Incentives

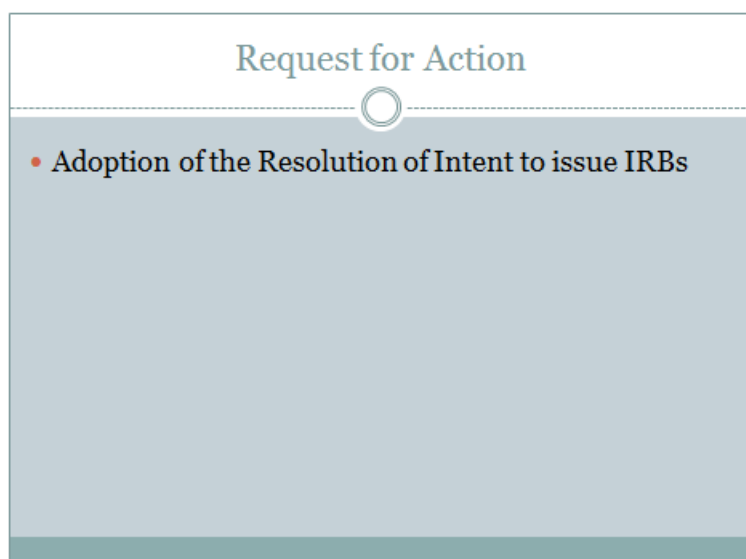
- IRBs
 - 60% tax abatement, 10 year PILOT
 - ✦ Base Abatement – 45 %
 - ✦ Project Investment Bonus – 5%
 - ✦ Quality Office Project – 5%
 - ✦ Local/Minority/Woman Business Enterprise participation – 5%
 - Sales Tax Exemption on construction materials

It is a project that contemplates the use of IRBs. The revenue bond structure is kind of the common place that we've been using with our office projects and this project does qualify for a 60% tax abatement as listed below and based on the level of capital investment, it does qualify for ten years. Again, the base abatement 45%, project investment bonus of 5%, quality office project at 5%. That category alone can go up to 15% but based on the size of this project we left it at 5% and 5% for L/M/W participation in the construction phase of the project. The use of IRBs will qualify for a project exception certificate so that they are not paying sales tax on construction materials.

Property Tax Revenue

- Current (base) taxes – approximately \$14,000
- PILOT
 - Year 1 – \$69,000
 - Year 10 – \$82,000
- Value of PILOT savings over term = \$830,000.00
- Value of PILOT to taxing jurisdictions during term approximately \$757,000

The current tax situation on that little piece of property—we think about, well it is \$14,000 a year so that is the base that we start off. The PILOT again, it is a 60% PILOT so the calculation of the PILOT or the base taxes plus 40% of projected new tax revenue. There is a 2% annual escalator that's applied to that. What we're showing is year one, they will pay approximately \$69,000 and by year ten they're paying \$82,000. There is a secondary PILOT schedule that accompanies this. If they don't meet the goals for the L/M/W participation, we'll add back that 5%, but since there's an annual calculator with that 2% annual adjustment in the PILOT anyway, it equates to a little over a 9% penalty against the project if they don't make their L/M/W numbers. Again, the projected value to the project from the PILOT over the ten-year term is about \$830,000 and then the value back to all the taxing jurisdictions during that same time period is \$757,000.



Again, what we're doing tonight is asking you to adopt a resolution of intent to issue those IRBS, again, \$11M to fully finance this project.

Commissioner Murguia made a motion... Mayor Holland said I'm going to need to open up a public hearing first. I will note this was unanimously approved by the standing committee on October 10th.

Mayor Holland opened the public hearing.

No one appeared in support.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Action: **RESOLUTION NO. R-75-16**, “A resolution determining the intent of the Unified Government Of Wyandotte County/Kansas City, Kansas, to issue its taxable Industrial Revenue Bonds in the amount of approximately \$11,000,000 to finance the costs of acquiring, constructing, improving and equipping commercial facilities for the benefit of Boyer KCK MOB, L.C.” **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Commissioner Kane said, George, when they check on the WBE/LBE and all that, I want to know when they check on it and I want to know how often they are going to check on it. I want to tag them the first time they don’t do it and I’m going to ask you this every single time, every single project we have coming here forward. **Mr. Brajkovic** said okay. So noted.

Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 16810...PUBLIC HEARING: AMEND THE 1964 UNIVERSITY-ROSEDALE URBAN RENEWAL PLAN

SYNOPSIS: Conduct a public hearing to consider amendments to the University-Rosedale Urban Renewal Plan in consideration of the Rainbow Village hotel development at the NW corner of 34th & Rainbow Blvd., submitted by Marlon Goff, Economic Development. On October 13, 2016, the Commission unanimously adopted Resolution No. R-72-16 setting the public hearing date of October 27, 2016.

October 27, 2016

Doug Bach, County Administrator, said this is before us tonight in relation to the Rainbow Village Project. The Urban Renewal Plan, as the Mayor just emphasized, has been in place for some time. It carries over the area so when we do make changes or such in the area we do have to make certain amendments to that in order for that to happen. As this is in relation to a project that we've and already advanced, we can do a presentation on that if you would like or we can move to the public hearing.

Mayor Holland opened the public hearing.

No one appeared in support.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Action: **RESOLUTION NO. R-76-16**, "A resolution calling and providing for amending the University-Rosedale Urban Renewal Plan." **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken on the motion and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

Mayor Holland said the next two items, our ordinance amending the UG right-of-way ordinance and a MOU with the Board of Public Utilities for right-of-way improvements. For these items specifically, we will have a public hearing. I will also recognize members of the Board of Public Utilities or BPU staff as necessary for this dialogue. We want to make sure that this is an open

discussion. We did meet at 4:30 to kind of discuss the big picture piece but we're going to start with the ordinance. The ordinance actually, well has lots of layers to it but the ordinance, the reason the ordinance is coming forward initially is because of changes in state law that require us to update our ordinance but we'll have the legal team go through all of those. Then there's another addition to it, adding Leavenworth Road to it, in terms of underground facilities. Those are the two pieces we're going to consider with the ordinance. We'll ask our legal team to stand up and make presentation.

ITEM NO. 1 – 16824... ORDINANCE: AMENDING UG RIGHT-OF-WAY ORDINANCE

SYNOPSIS: Amending the UG Right-of-Way use ordinance to incorporate Senate Substitute Bill No. 2131, which gives wireless telecommunications providers a right to build wireless facilities in the public rights-of-way of municipalities, subject the UG's regulations regarding public health, safety and welfare, submitted by Ryan Haga, Assistant Counsel. Section 32-28 is also being amended to add Leavenworth Road (from I-635 to K-7) to locations within the city that are required to have all facilities (such as power lines, pipes, wires, and cables) to be placed and maintained underground to the extent feasible.

Ryan Haga, Attorney, said the item before you concerns an amendment to the UG's right-of-way use ordinances. As the Mayor said, the majority of the changes incorporate new Kansas state law regarding a presumption giving telecoms or telecommunication providers who may want to build in our right-of-way for their wireless communication facilities creates a presumption that they may build in those right-of-ways, subject to only to prohibitions necessitated by public health safety and welfare concerns. The primary changes include the Unified Government can no longer require these telecoms to co-locate their antennas for providing wireless services, which basically means if they feel like they need to put a monopole or some other wireless facility in our right-of-way, we can't force them to go onto one of our preexisting utility poles. Second, again, there is a presumption that the right-of-way permit or special use permit will be allowed for them to build into the right-of-way their wireless facilities. If the UG does deny that, there is a burden on the UG to show that the denial is based on, again, public health and safety concerns. Finally, there are new requirements regarding the timing of issuing the permits to building the right-of-way.

Of course again, as the Mayor said, the second—the item also includes amendments to the right-of-way ordinance to include Leavenworth Road and locations in the Unified Government require above ground utilities to be moved underground and maintained underground and then finally to clarify that, the Unified Government Engineer may recommend the waiver of the requirement for facilities to be underground, that it would be the Administrator that would make the final decision to make that waiver. Do you have any questions?

Mayor Holland said I'll open it for a couple of comments. I know Commissioner McKiernan is going to say something. We'll have the public hearing in a moment.

Commissioner McKiernan said so I have a question as to a procedural element here. The potential MOU, the next item on the agenda, does specify the location in it where the improvements would take place; both the resolution and the MOU specify where the improvements take place. I would ask if it's possible that we take, it's on page 13, item D, underground facilities, exempt that from this first item, let the committee that we discussed earlier work on item D, underground facilities and bring back for a separate vote an updated piece of that ordinance, since the next item does in its text specify the locations. This would give us the opportunity to do a better job of amending and updating this ordinance specifically related to underground facilities. I just want to ask if that's possible.

Mayor Holland said I think there are a couple of issues. I think you opened up at the 4:30 meeting about seven problems with this ordinance that all need to be addressed with the committee's work, that it's an outdated ordinance in a lot of ways. A number of issues need to be addressed with it. My inclination is to move it forward, vote on it, we've committed to the team to come back to do it and keep it cleaner tonight, but I think it's the will of the Commission in terms of how you want to proceed. I think we have already committed to coming back to this very ordinance because of how problematic it is. We don't have a—because to your point, what we may end up doing is having a much more neutral or simpler underground ordinance but having it refer to a policy that we can adopt and it could probably be driven by policy rather than ordinance because I can imagine the ordinance simply saying as adopted—underground facilities as adopted by the policy and then we have a separate policy that lists all of our underground and

we could presumably take all underground out of the ordinance. I think that rather than doing that twice, I think we do this ordinance and we commit to coming back. **Commissioner McKiernan** said if I can respond. I just wonder if it's not possible to separate the wireless, which is further up in that document from the undergrounding issue to move forward with the wireless and to hold. **Mayor Holland** said certainly we can divide the issue. As Chair, I can divide the issue and we can vote on them separately if you prefer or if you want to keep it together, you would need a motion to amend to remove section D from our consideration. Do you see what I'm saying? Before you do that, I want to get to the public hearing. I want to see if we have other comments before we divide up the question. It was presented this way to the public. I want the public to have an opportunity to respond.

Commissioner Townsend said since you're going to open up the public hearing, I'll reserve my time. **Mayor Holland** said Mr. Bach corrected me on this. We just came out of three public hearings. It's not necessarily a public hearing. I am going allow BPU to respond, but it's not a public hearing per se. I stand corrected on that. Commissioner, if you would like to make a motion to amend, you can do so. We're going to hear from Commissioner Townsend first.

Commissioner Townsend said my concern is if we omit D tonight, what that will do to delaying the overall project going forward in a timely fashion so that we do not put at risk the bigger project and lose any money. That's what is critical for me and I think for the constituents in that area of Leavenworth Road. We're going to hear I'm sure some comments tonight about what we talked about earlier, the money, the costs of undergrounding and all that. As I read this proposed language, I agree with a lot of things Commissioner McKiernan broke up. The key thing that I was wondering about is if we put Leavenworth Road in here in D, are we or are we not mandating that some or all of this undergrounding has to take place.

We've talked about the possibility of a third proposal earlier. I think what's most important is that the project goes forward and not be lost as we have this discussion with BPU and I think we should have it. That's my concern and maybe we can talk about that.

Doug Bach, County Administrator, said Commissioner, as the ordinance is currently written, without the amendment that specifically notes Leavenworth Road, I believe I have the authority

or you've given me authority that if we determine that we want to have underground roads, then I can make that designation with the Board of Public Utilities. I would really say that the corresponding action of what would happen with the MOU regarding financial matters would be pretty critical to that point. If you didn't specifically spell out Leavenworth Road but indicated that's the direction we want to go and then you allocated money toward that project, then that would be the coordination that I would have with the Board of Public Utilities about what we would be doing as that road went into reconstruction. **Mayor Holland** said so, Mr. Bach, if I understand you, having Leavenworth Road in here is not necessary to moving the project forward. **Mr. Bach** said that is correct. **Mayor Holland** said that's what I wanted to know.

Commissioner McKiernan said and that was the point that I just wanted to point out. If you go down below this 3228 ordinance amendment and you go into resolution, the second whereas specifies Leavenworth Road in parenthesis and if you then go into the MOU, the second whereas specifies the location and then on the next page of the MOU there are three places where it specifies costs. As I would read the resolution and the MOU, we could specify location and we could specify cost in those, giving you full project authority without having to go into letter D on page 13 of 3228. Is that correct? **Mr. Bach** said I believe that's how I understand it. I would look to my legal counsel if he has a different opinion on that. **Ken Moore, Chief Legal Counsel**, said I agree.

Mayor Holland asked would you like to make motion to remove Leavenworth Road from letter D or would you like to remove letter D from consideration tonight.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to remove letter D, underground facilities in 3228 from consideration for tonight's vote, to be brought back after review by the committee.**

Mayor Holland said it's been moved and seconded to remove Leavenworth Road from this ordinance and deal with that in the MOU only. **Commissioner McKiernan** said not just Leavenworth Road but all of the proposed changes in letter D. **Mayor Holland** said that is

noted. **Mr. Moore** said I just want to clarify that we're not removing letter D, we're just removing the changes—**Commissioner McKiernan** said the consideration of those changes are being tabled until a later date.

Commissioner Townsend said again, it's not that I'm opposed to that, I just want additional clarification that by doing this, what will that do with this project going forward in a fashion that is timely that no money that the UG is getting will be lost and when could constituents look to see this started? If we come back at a later date, I haven't heard a later date mentioned. I'm all for the joint—**Mayor Holland** said I'll address that. The point that Commissioner McKiernan's is making is we're going to consider Leavenworth Road on the next item with an MOU with BPU that would not slow down the project in any way, that the consideration would come in the next item.

The motion to remove from consideration item D in the ordinance on number 1 is before us. This is the amendment only, to remove that section from consideration. If you would support removing item D from consideration on this, you would vote aye. If you would want to leave letter D in, you would vote nay.

Commissioner McKiernan said I just want to clarify that a vote aye not only removes letter D, but also approves all other proposed changes. **Mayor Holland** said no; we have to do the amendment first. We are just removing letter D from consideration and then we will come back to adopt the ordinance with the remaining portion of the ordinance. If BPU wants to speak on that, they are welcome to.

Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Walker.

Mayor Holland said that brings us to the ordinance, the remaining portions of the ordinance as outlined by our Legal staff to accommodate state law. I'll go on record to say I do not agree with state law in this instance and do not appreciate them giving to the telecommunication corporations additional powers that other utilities do not have. That item is properly before us. Is there a motion?

Action: **ORDINANCE NO. O-64-16**, “An ordinance relating to the updating of regulations, provisions, terms, and specifications for construction within the city’s right-of-way, amending Sections 32-23, 32-26, and 32-28 and repealing said original sections.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve ordinance as submitted.**

Commissioner Kane asked does BPU want to speak on any of this. **Mayor Holland** said I think Item No. 2 is what they might be interested in speaking on. We’re still working on No. 1 just to take care of the state law changes.

Roll call was taken on the motion and there were eight “Ayes,” Johnson, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and two “Nos,” Kane, Walker.

Mayor Holland said that brings us to Item 2, the resolution for the MOU with the Board of Public Utilities for right-of-way improvements specific to the Leavenworth Road project.

ITEM NO. 2 – 16852...RESOLUTION: MOU WITH BPU FOR RIGHT-OF-WAY IMPROVEMENTS

SYNOPSIS: A resolution authorizing the County Administrator to negotiate and enter into a Memorandum of Understanding (MOU) with the Board of Public Utilities (BPU) for improvements to the public right-of-way along Leavenworth Road, I-635 to K-7, submitted by Misty Brown, Senior Attorney.

Misty Brown, Senior Attorney, said what you have before you is a resolution that would authorize the County Administrator to negotiate and then enter into an agreement with the Board of Public Utilities regarding the improvements on Leavenworth Road. It anticipates a cost of the project of \$7M and this agreement that’s attached is a draft agreement so it could be changed, that’s inherent in giving the Administrator the power to negotiate. Essentially, it agrees that both the Unified Government and the BPU would equally share in the cost of the improvements, that the UG would bond the improvements and that the BPU would then pay half of the bond

payments every year to the Unified Government in advance of the payment becoming due. **Mayor Holland** said my question is does it specify \$7M or does it specify up to \$7M. **Ms. Brown** said I put in there \$7M but then added a sentence anticipating that if it went over that each party would share half of the overage as well. **Mayor Holland** said yes, but it doesn't anticipate if it goes under. **Ms. Brown** said no, it does not. Again, this is a draft agreement that could be changed with the Administrator's power to negotiate. **Mayor Holland** said I think one of the issues that needs to be added I think because we had a new proposal that just came out this week, we need to put up to \$7M. I think we have good confidence it's going to be below that, but I think we need to put the up to language on it to give a ceiling rather than a floor. I think that would be a better way to proceed.

Commissioner Walker said I have to ask the question, what if the BPU doesn't agree to a MOU. **Ms. Brown** said well, that would be a little bit awkward as they are an administrative agency of the city. The MOU was put in place to give each party comfort that the Unified Government was proceeding in good faith on this issue. **Mayor Holland** said I think the importance of the MOU is if we pass a law that says you have to put it underground, then the BPU is on the hook for paying all of it. We have been discussing this with them and wanted to share that cost because it's a value that we share in terms of further cleaning that up. I think the MOU gives us authority to bond it on our side rather than on the BPU side because if we say they're just going to do it, then they have to go out and either raise \$7M or bond \$7M. I think the memorandum of understanding works to the benefit of the BPU to say that we're going to pay half. We're going to negotiate potentially a lower cost project and we're going to pay half. I think if they refuse the MOU, they'd probably be refusing our money.

Commissioner Philbrook said I have to say again. I really want us to work together and come to a mutual understanding on this. I know we're saying up to \$7M. I just want to make sure in that there's a caveat of some type that says we're going to come together and have more conversation within a certain time period so we can take care of this. **Mayor Holland** said no, that's right. I will commit on record tonight in working with Mr. Groneman, their chair, our Administrator and Mr. Gray; we will have this committee assigned. I think we can assign this committee in the next two weeks and certainly they can start their work before the end of the year. I think we can

commit on record tonight that the action team will work together to look at a long-term policy. **Commissioner Philbrook** said I'm going to say it on record again; I want to be on that committee. **Mayor Holland** said noted.

Commissioner Kane asked does the BPU agree to that. **Mayor Holland** said I will open it up. If there are members of the Board of Public Utilities that would like to come forward and speak to do so at this time.

Jeff Bryant, Vice President of the BPU Board of Directors, said I think we spoke our minds upstairs pretty well. I do want to clarify a couple of points. You're talking about \$7M, but in reality what you're talking about is \$9.5M to \$10M because that \$7M is above the \$2.5M to \$3M that the BPU is already going to be paying; which ultimately the residents of our city will be paying. The other thing that I just want to make sure everybody is clear about, if you put underground in a residential zone that is already established, the services in those homes may not be set up for the phase that comes in underground thereby the residents may be on the hook to upgrade the services of their homes. I can tell you that I upgraded the service in my home a few years ago and it was about \$2,500. It is not something to be taken lightly for the people.

The other thing that we would ask for, if you do move forward with this that you would at least consider limiting to the 38th to 63rd Street portion for right now until more can be looked at on this and determine how we can move forward on this. I think that upstairs we pretty much shared our view on this.

David Alvey, BPU Board Member, said I know that you received, Commissioners, in the electric by email a list of concerns or really some points of fact about the undergrounding of electrical utilities. I want to highlight, we did not get a chance to dive into this upstairs, but I think it's important to highlight some important facts that we've come across.

First of all, there are no states that require extensive undergrounding of existing overhead facilities. When utilities underground electrical systems, it's because they are mandated by the local municipality. The increased costs for the conversions or the installations are passed on to the city that then obviously have to pay through their general revenues which come from taxes or they're passed on to the ratepayer. Ultimately, again, it always comes back down to our

residents paying for the installation of underground facilities. The cost per mile for constructing new underground distribution typically runs 4 to 14 times higher than overhead in urban areas. So we're talking about a 4 to 14 time increase in costs for undergrounding utilities along Leavenworth Road. The underground distribution typically has a shorter lifespan than overhead distribution. 20 to 40 years of lifespan for underground, it's 60 to 80 years for overhead. To the point, this is a one-time opportunity to retrofit Leavenworth Road. We're actually increasing the likelihood that we will have to go and dig into that infrastructure, those streets that were just newly laid in order to get to it. The cost for maintenance is much higher. The operation and maintenance costs are always higher and finally underground maintenance poses higher arc flash risk for utility workers.

Not only is this more expensive, it also poses a greater safety risk for our employees. Again, the way this will be paid for, it seems to me again that if this is a priority for the Unified Government, the Unified Government ought to step up and say this is a priority, we're going to take care of the cost, all of the cost for this as in every other place is going to be borne by the Unified Government. What this is simply doing if you pass this ordinance, you are passing some of the cost onto the BPU. This is not something that we've agreed to. I am more than willing and have taken responsibility and accountability for raising rates to do the infrastructure for our water and our electrical supply and I will continue to do so in the interest of reliable power and safe water for our residents. There's no evidence that undergrounding these utilities create economic development and it's simply increases the costs which will be borne by our residents. Those facts have to be known, not just by you, but by anyone else that is listening tonight.

Commissioner Kane said now, Mayor, that's what I want to comment on. **Mayor Holland** said let me ask before you do, I want to ask the BPU if any member—and this isn't your last opportunity, but I just want to make sure if any other member of BPU would like to speak at this time that you can do so, but as the conversation goes, if you'd like to in a bit I'll give you that opportunity as well. **Commissioner Kane** said one of the things that Board Member Alvey talked about was the safety for the employees and I only worked in safety for 21 years and that caught my eye right away. We just found out tonight about this third option and I don't think there's any hurry to make this vote tonight. As I've said before, when Topeka makes us do stuff that we don't like in Kansas City, we're upset with them. The BPU has its own board to make its

decisions and it looks to me we're forcing this down their throat because we can, that doesn't make it right. I want the streets to be cleaned. I want them to look nice. There are other ways to do that without going underground and we're all looking at this big picture and about is the money going to be there. If we tell MARC we're having a little bit of trouble and we talked about this committee, which I think is huge, because the way we normally do it, we form a committee, the committee comes back with the results and we do what the committee says.

I don't think we should take a vote until this committee has been formed and the committee comes back with a recommendation. That's a committee from members from both BPU and staff and the Commission and staff but to do this to them, if this was reversed, if they were doing this to us, we would not like it and we've had this happen with Topeka. I don't see the hurry for this vote other than some people want to see it and like I said before, I want to see the roads improved but not at the expense of the taxpayers.

Commissioner Johnson said as I've just been listening to the tenor of the conversation, both upstairs and this evening, what we know is that there are going to be some improvements along this line of stretch of the road already, that's already in the bond issue that's already gone forward. We've also been told today that we have an alternative plan for around \$2M. I would recommend if there is a vote that has to go forward tonight that we would cap the amounts to something less than \$7M. I've heard a lot of different numbers, and I am open to discussion as to what that number ought to be, but I think that \$7M seems to give enough people around the table a good bit of heartburn that I think we need to consider an alternative number if in fact we're going to vote on this tonight.

Commissioner Bynum said I just wanted to make a couple of clarifications. The first one being that the vote we just took, I think was the one that allowed us to separate out the Leavenworth Road piece of this. So just to clarify for the BPU Board Members that are here, that's off the table for the moment because we're going to bring that back with a new version of that ordinance and work with the task force. Am I correct? **Mayor Holland** said yes. **Commissioner Bynum** said so that piece is taken care of for this evening and the second piece is the issue in front of us now, the MOU. I would agree that perhaps it needs to be capped at a lower dollar amount, but also I would like to move forward with it because time is critical but nonetheless, do we have a

notion from staff as to when we might see details of a lower cost plan? **Mr. Bach** said I'll probably look to my Public Works staff or maybe over to Mr. Gray. I don't know. I know that you guys are looking through the numbers at this point and part of this comes back to a point of determining just what type of plan if we're going to be very comprehensive I guess to it and that's where the \$7M and that's probably where the timing comes in. The more we request from the BPU to do in burying the lines, the sooner they need to know as far as getting the project done in 2017.

As you've begun looking at this alternative that we discussed upstairs, three where we would do limited above ground on the south side. Mr. Gray, do you have a feel for when you'll be able to work through that a little bit more on your team? **Don Gray, General Manager, Board of Public Utilities**, said yes, we've been and you know I'm speaking for Bill now but I know Bill has been working with Burns & McDonnell who we've obtained to work with us on the engineering design. We've been looking at a number of options, not knowing what direction this was going to take. I know Bill has been currently working on another option that just recently came in, which I think is a good approach too. As far as the timeline to kind of come up with a rough estimate as to another modification to burying infrastructure; I would have to let Bill kind of respond to that. We also have Pat Morrill, our electrical engineer, who will be heavily involved. Anyway, I'll call on Bill or Pat.

Bill Johnson, Manager of Electric Operations & Technology, BPU, said the timeline we were on was to complete a final design by the end of the year. If we were to leave all the distribution above ground, north and south of Leavenworth Road, now I say that because we got started late working with the design of the distribution system for Leavenworth Road. To go underground, it will probably be somewhere around February or March before we could complete final design. To get a final number, it will probably take somewhere closer to the end of November or maybe mid-December before I'll have a final number.

With the new option that we talked about, we can certainly—and I've already had discussions with Burns & McDonnell about starting work on that. I think they can work on that in parallel with completing the overhead design north and south because what we'll be looking at potentially doing is limiting how much overhead exposure we'll have on the south side. Then

since they're working on both sides of the street anyway, it'll be a lot easier to pull that plan together and work parallel with the plans they're already working on.

Mr. Bach said I would probably add to the answer to that a little bit of this comes into the value engineering of how you work through it. If our objective is that we can have some above infrastructure on the south side of the road but we're trying to limit it in the commercial corridors and try to limit what continues from pole to pole and not be as concerned about maybe what goes from the pole back to the residential housing and such like that, that would be the objective I would work for. Then there's a little bit of okay, this is how much money we have to deal with in going through it and go through and value it and work it from that perspective trying to come up with the cleanest open design we can along the corridor but you know as Bill said, I think it's going to take a few months before we can really get to that full plan. There's a little bit of just recognizing. You can either go all the way and say it all has to go under or you're modifying that and we think it's a couple million dollars and we can make one that's similar to what we showed in the special session program but we can't guarantee that until we really get into those designs. **Mr. Johnson** said yes. If we have a clear definite decision and goal that we're working toward, that would certainly help us achieve and get that design completed along the timelines I just mentioned.

Commissioner McKiernan said I want to clarify a couple of things. First of all, when I made the motion to pull out item D from the previous amendment revision, I did that based on the fact that both the resolution and the memorandum of understanding explicitly state the location of said improvements and I don't believe that the committee needs to meet and do anything before this resolution and this MOU could be considered and could be voted on. I do believe the MOU and the resolution both explicitly state where said improvements would take place and it also has a specific dollar amount.

The second thing, my understanding and do I understand correctly that we already are removing the crossovers in the project that is currently contemplated, that's currently on the drawing board and ready to move forward. The crossover lines, those lines that go from north to south and south to north across the road in both directions will be removed, and as Mr. Bryant said earlier tonight, effectively open the canopy of Leavenworth Road. It is a narrower road, no

doubt about that, but it will remove—when I drove the road yesterday, I was struck by how many crossover lines there are throughout the entirety of that road.

The third thing is that we have to remember that a vote yes or no on this resolution and this memorandum of understanding does not in any way affect the transportation improvement project, the STP funded program of basic infrastructure, street, curb, sidewalk and right-of-way improvements. That is funded, that can move forward. You've already planned to support that funded project. What we're contemplating here is adding a little bit on to that plan.

The fourth thing I just wanted to point out is that we did have a slide about economic development on State Avenue and the dollar value of such. When I did drive those roads I have to say there are some places on State Avenue where the amount of above ground wiring, both transmission and distribution and crossover, is pretty startling when you actually stop and look for it and look at it. I would suggest that while economic development has happened on State, I don't that we can do an after which, therefore because of which, that correlation and causation aren't necessarily both end players.

Commissioner Murguia said I think Commissioner McKiernan did a good job of organizing all of our thoughts and kind of what his intent with his motion was. I really appreciate that and I really appreciate you clarifying the crossover lines are already being addressed in the existing project which I think will be a massive improvement to the infrastructure there. This is what I would ask then. People seem to be concerned about timing and then a whole big gigantic plan and just talking about the add-ons, Mayor, I know you've been a big advocate for these add-ons and I want to be very supportive of that. I also want to be very sensitive to the relationship we have with BPU. For example, do you think that over the next two weeks or 30 days that the people most invested in this project, BPU and whomever else, could get together and discuss some sort of more specific compromise with these add-ons that we could vote on then without delaying the project and still everyone getting what they need out of the deal. **Mayor Holland** said the time crunch is a big frustration to me personally. We've contemplated this project for over two years. The drawings for this project were presented last October. There's been a year of time to pull together a plan. It's been contemplated all summer. The time crunch, the timeframe already came and went before we could put this on BPU's bond issue. Of course I didn't want to delay that so we went ahead and pushed that forward, voted unanimously to

support BPU's bond issue without this project on it. We've negotiated with how the Unified Government could pick up the bonding of this and share the cost. I think that's important and because we untied it to their bond issue, it freed them up from the coverage challenges that they have that required by law in terms of their bonding. The time crunch is real. The Mid-America Regional Council has indicated that we can push this project long enough to get this new plan done, but if we delay, and my inclination as soon as I saw that there was a fracas about this, I thought well, let's delay the project a year, come together, do the work together as the BPU and the UG together, come up with a plan and then do it next year. We don't have that kind of time. We can push this project maybe another six months to do additional design work, but it's pretty clear that if we don't spend this federal money, that we're going to have to give it back and I am not a fan of giving back federal money. In terms of movement, we need to vote on this tonight, move it forward so that the design work can be done and do the parallel path with this committee so as we even do the next section of Leavenworth Road. We have a more amicable agreement in terms of how we're going to move forward together. I think what we design out of Leavenworth Road out of this discussion is going to be a good model for what we do down the rest of Leavenworth Road. That's one piece.

The other piece, is I'm not suggesting we underground the utilities along Leavenworth Road. To do both sides of Leavenworth Road and make it completely underground is a \$20M additional investment which would exceed the total project cost as illustrated. That's not reasonable. It's very reasonable to have poles on one side of a major thoroughfare, but I would say it's unreasonable to have poles on two sides of a major thoroughfare and in a planning way we require curbs, sidewalks, stormwater and underground in all new developments, but we have a whole swath of our community from about 38th Street to 72nd Street that was developed rapidly after World War II under the old township guidelines. It doesn't have curb and sidewalk, it doesn't have stormwater and it doesn't have underground lines.

That whole section was developed rapidly and it goes from river to river. We have about a third of the geography of our community that doesn't have the basic amenities that we require of all new developments. All new developments must have curb, sidewalk, they must have stormwater and they're going to have their utilities underground. When we come back and reconstruct an area and we're putting it back, this should have been borne by the developers who built this, but that wasn't required under the old county township rules so by the time 72nd Street

was ready, we had annexed the rest of the city. From 72nd Street west, 38th Street east, we have curb, sidewalk and stormwater and a lot more underground lines. My point is it's unreasonable to have lines above ground on both sides of the street. The only reason it's that way is because this is one of our oldest street in our entire community. It used to be the path from Kansas City, Missouri to Fort Leavenworth. This road has developed hodgepodge by both the city and the utility over time and it's blighted. It's not the utility's fault it's blighted. It's not our fault it's blighted, it's both of ours.

We've got to reconstruct this and we have once in a—it hasn't been touched in my lifetime and I assure you it's not going to be touched again in my lifetime. This is a once in a lifetime opportunity to do this right. I'm not recommending putting underground under both sides. I think that's an unreasonable cost, but I do think coming up with a solution on the south, if we can do it without undergrounding it, hooray. If we need to underground a portion of it, I think we need to, but we need to have this corridor look like Parallel and State Avenue to have the same quality of infrastructure. I want to make sure that we go with the MOU tonight, negotiate if we can do it for less. I'm all for spending less money but we need to do it right. This is a once in a lifetime to do it right and I think we need to approve this MOU, move forward and continue with the discussion with BPU on how to do this in the future.

Commissioner Johnson said well I'll just say this; I would love to see some curbs and sidewalks in District Four. I'd be happy with that, just thought I'd put that out there. I've got about three or four main thoroughfares that need streets and sidewalks. Let me get back to the point at hand. I think the thing that I did hear that is important to me is that we can also consider the potential increase to whether it be taxpayers or ratepayers, if it's taxpayers on our side, ratepayers on the BPU side. I'm going to go back and say it again; I think we need to cap it. If I pull a number and I'm only pulling this number because it's right in front of me, I see a \$2M number, cap whatever additional improvements to \$2M, split it down the middle and hopefully that will not bear much of an impact to the end payer. That's what I would recommend. **Mayor Holland** said I think \$2M is too low. I think we have the opportunity to negotiate it down. I trust our staff to do that. I think we need to do this right.

Commissioner Townsend said I want to thank Commissioner McKiernan also for his synopsis. That pointed out to me or honed in on my concern that the bigger improvements are not going to be lost here. That's already part of this so what we're talking about now is whether or not and how much to do of underground and how much it's going to cost.

A couple of things concern me. I raised these at the meeting at 4:00. State and Parallel improvements, this has been done at some level before and my understanding was that cost was passed on in some amount to BPU customers, including me and all of us up here. Even though you may not be able to identify specifically for Leavenworth Road or anyplace else we do this what the economic impact or betterment was. There's another issue to this, for those people who live and work there, I think it's reasonable to consider to the aesthetic in that we want that part of the city to look more like Parallel and Leavenworth. I get that. Going back to another point that was made by the BPU, safety concerns, weren't those same safety concerns for the workers an issue when this was done for Parallel and State. So we've apparently faced that risk before and I hope no one is hurt going forward if these are done. I'm not sure what the number is. I heard \$2M tonight. I was happy there was a lot of exchange going on between us and the BPU with what could be done. If they think they can do it for \$2, good, maybe we can go to \$4 and the MOU gets some more latitude and not have to come back again. I don't think we should lose the opportunity to go forward with this. I think we should vote on it tonight and continue with the discussions with BPU about the broader process that we're going to use when this issue comes up again.

Commissioner McKiernan said and I have been probably more torn on this one than most other things that we've talked about up here because I definitely see the benefits, the upside of doing this but I also see the fact that we have this enormous infrastructure. I calculated a couple—for those of you that don't read my blog, a couple of years I calculated that if you wanted to fix all the broken streets, curbs, sidewalks and alleys in my district it would take \$30M. That's just in my district assuming nothing new breaks, rough calculations. My understanding from Public Works is that our Neighborhood Street Resurfacing Program or Grind & Overlay Program is today resurfacing today about 45% of the lane miles it would take to put us on a 30-year cycle. If 30 years is the gold standard, we're doing less than half of that. Now, we're going to put more money into grind & overlay over the next five years and by the time as we get to 2020, we're

going to be up to 75% of the lane miles it would take to stay on a 30-year cycle. I don't want to minimize the importance of this, but I want to make sure that we don't lose sight of the fact that there are enormous and expensive infrastructure projects that exists on every street in every corner of this city. Commissioner Johnson mentioned a figure of \$2M. I certainly would be amenable to the MOU capping it at \$2, so that's all.

Commissioner Murguia said so since everyone is bringing up their district, I wasn't going to bring this up, but I'll just tell you I'm a little bit frustrated. I want to be, Mayor, supportive of this project because I know it's important to you and it's important to other people. This is the issue that I have. We just built a brand new Walmart Neighborhood Market in Argentine and we left the old trolley poles from the late 1800s and 1900s that are used to hold the arm of the streetlight up. We weren't trying to entice development. We already brought it. It was there in front of us and the sales, I just received—I'm glad you're here tonight. I just received a report from our CFO on the performance of that project and that market is just killing it in bringing in amazing sales tax revenue to this county yet it's surrounded by trolley poles from the late 1800s and the early 1900s.

That's why I was so earlier interested in—I didn't get a chance to review the ordinance that Commissioner McKiernan was talking about. I have to tell you I'm trying to rise above the fray here and be—I guess treat people better than I'm being treated. I'm really trying to do that but I'm very disappointed that, again, it seems like it happens in one area but not in another. It's very frustrating and I will also remind the Commission—I don't want to give back federal money either. I have \$1.2M in an economic development deal for fast food that can't make it on the agenda to even get voted on. I want to be—I'll say this again, I've said it many, many times. I don't want to fight with BPU, I don't want to fight with my fellow commissioners and I don't to fight with our Mayor. What I want to do is get things done in our county, in every area of our county, and so I don't know what else to say other than if people want my support as Commissioner of District Three, they need to be supportive of District Three. I mean it's pretty simple. That way we ensure that all of our taxpayers all across our city and our county benefit, not just politically popular areas at the time for whoever is in office. That's really all I have to say. I'm really torn on this particular issue because I am very bitter about those two issues. I will follow the Commission's lead. I'm glad I vote at the end. That's all I'll say.

Commissioner Walters said I support underground power lines and I think we should do this section of Leavenworth Road correctly, as the Mayor said, we're only going to do it once and we won't have an opportunity to redo it. I think we're confused when we talk about putting power lines underground as a magnet for economic development. To me it's not about economic development. It's about power outages during storms and it's about making our city more attractive. I saw the fact sheet that the BPU put together. I think there was no one who advocates underground power who was involved in putting that set of facts together, but there are arguments to be made on both sides of the issue. I'll point out a couple things. When we were here talking about natural gas versus coal as a power source for our power generation, I believe the BPU provided testimony that Germany was building power plants to burn coal. The inference being that we all know the Germans are smart, we should be smart like they are. Well, they put all their power lines underground. I'm just reading here and becoming an expert on this. They have an average of 21 minutes per year of power outage for the normal customer. That's the benefit to me of having underground power lines.

I also read that the city of Anaheim is replacing all their overhead lines with underground lines and they put a 4% surcharge on the power bill to pay for it and it's a 26-year-long program. So nothing we're doing is going to happen overnight but I think if we're going to start at Leavenworth Road, we should do the first section the same as we do the second section and the third section. We don't make evaluations based on the quality of the neighborhood or the potential for economic development, we do it right. You know we take the attitude that the streets, the curbs, sidewalks, the parks and the public buildings; those are the things that we own collectively as citizens and they should be excellent. They should be the best and they should inspire our residents to match that level of quality. I support putting the power lines underground. I don't know the best way to proceed regarding the costs is but I think it should be done right.

Commissioner Philbrook said, Mr. Gray, could I ask you a couple of questions or could you have Bill come up too because I want to get into some numbers. I've been around Commissioner McKiernan too long now. This interesting \$2M, can you give me a little background on how you guys came to that amount and if our folks need to—you think that would keep the folks

happy up and down Leavenworth Road. Do you understand what I'm asking you? I mean what if it runs \$2.5M to do it; I'm just trying to find out where this miracle number came from. **Mr. Gray** said well I think that was just the discussion we had upstairs. **Commissioner Philbrook** said I know but not everybody was up there. Thank you Don. **Mr. Gray** said you know we're listening as we are now. Again, we're not clear exactly what direction we're supposed to take. \$2M, if you're going to bury some infrastructure, \$2M is probably not going to do too much, not going to be much of an area. Probably a little bit higher level than that but see the problem is I'm in a tough spot. **Commissioner Philbrook** said I think we both are, go ahead. **Mr. Gray** said because I'm talking about potential cost and how much to put underground. That's something we still have to determine, what would make sense and maybe naturally bring it back to the elected officials to kind of show what we're thinking about and so forth, but I also have a board that doesn't want to spend any more money on underground. I'm in a tough spot here, but if we're instructed by the leadership of this Commission and the Mayor to continue to work on this alternative that we were talking about tonight and maybe there's even one where we could move some poles and offset them from Leavenworth Road so they're not as really observable. I don't know. We'll do everything we can. We'll be as fast as we can be. We'll engage Burns & McDonnell to assist. We'll let them know that we need expediency. We'll do whatever we're asked to do. **Commissioner Philbrook** said so in other words, if we were to say \$2M then you would do your best to come up to that amount and let us know what that would cover. **Mr. Gray** said we would do our best to work—yes. We just need direction. **Commissioner Philbrook** said I'm not arguing. I think we all do in this, need direction.

Action: **Mayor Holland made a motion to adopt the memorandum of understanding and add the words up to \$7M and agree that the UG will bond whatever amount has come up to that and we'll pay for half of it and that we have a new alternative that I think we can value engineer this. I think we're going to need a hybrid of some underground and some over ground to get it done if it's going to be aesthetically right. I think we need to do this road right. We've taken the lowest number already. We're leaving all the poles up on the north side and both the transmission and distribution and I think this makes it right. I make a motion for up to \$7M and then leave it to our staff to value engineer it and if we can get**

it close to \$2M and we agree that it is aesthetically right, we'll do it. Is there a second? Commissioner Walters seconded the motion.

Mayor Holland said we have a motion and a second before us. We have two more lights on for discussion. **Commissioner Murguia** said, Mayor, I promise this will be my last comment. Commissioner Walters, you brought up your concern and how you didn't connect this with economic development, this project and you referenced power outages. I'm glad Bill Johnson and Don Gray are here to speak to this. The new Walmart was built I think a little over two years ago. In that two years, there's been over 10 power outages. Though Walmart, with their own money, installed a backup generator and though that backup generator kicks in, Walmart is able to continue to operate. They have a safety policy because of the unpredictability of utility companies that they have 20 minutes to evacuate the store. Over 10 times in two years that store has had to be evacuated because of power outages. That site is actually not hoping for economic development or hoping for revenue. It is killing it with sales revenue and what we're selling there and how much money that's bringing into the Unified Government. That is money that should be going to pay for that project. That TIF that we gave will pay off faster than any TIF I've ever seen if it continues on the trajectory that it's moving on right now based on the numbers that I just recently just received from our CFO. Why we would not reinvest in a project like that? That's what I'm talking about. What makes a property a priority? Again, I don't want to get into these kinds of public discussions where it's Leavenworth Road against Strong Avenue or it's the BPU against the Mayor or anybody against anybody. Like I said, I would just hope that people would recognize we only have so much money, that all of us that are in leadership bring forward priority projects, and that we are supportive of each other in every area of our county. I just wanted to let known it absolutely is an outage problem which has caused a serious economic development issue.

Commissioner McKiernan said we have all talked at one time or another about our desire to lower property taxes and lower PILOTs and as much as I want improvement of all of our infrastructure and as much as I want development in all of this county, if we continue to add things on and add things on we're going the other direction.

I would ask the maker of the motion and the second of the motion if they would consider two friendly amendments to it. The first would be that in the second whereas of the resolution and the second whereas of the memorandum of understanding where it says from Interstate 635 to Kansas Highway 7, that that be changed to the current project area from 38th Street to 63rd Street. **Mayor Holland** said I would accept that. **Commissioner Walters** said sure. **Commissioner McKiernan** said and then I would ask if the maker of the motion and the second would agree that instead of that up to \$7M that it state up to \$4M. **Mayor Holland** said I am not inclined to accept that though I hope it will be at \$4M or less, but I think that covers us all the way around.

Commissioner Townsend said since we don't know what the number is and I certainly after tonight wouldn't want to see it anywhere close to \$7M. If this motion were to pass with the language up to \$7M, would this body see it again in a situation or in a setting where we would have to agree to whatever the number was or would this be it? **Mr. Bach** said well, I guess that would be up to the Commission as far as what your designation. We certainly would come back and show you what the project scope would be so if we would come through it in working with the BPU, we would come up with a design along the corridor, correlated costs to that. I think in the spirit of making this project happen we would be moving down the road quite a bit by the time we came back because they're going to be not only just going through and thinking about how the different designs are, but they're going to be have to be working on the actual plans to make that happen because this goes into play in 2017. We would be coming back and showing the Commission this is what it is and how it will work. I will stand to be corrected to that, but I don't know that there would be a lot of room for modification to it after that fact.

Mayor Holland said I would accept—look if we're going to bargain here, McKiernan, I would accept up to \$5M. **Commissioner Murguia** said \$4.5M. **Mayor Holland** said the reality is if \$7M undergirds the whole south side and we're talking about a hybrid, undergrounding is expensive, doing it right and this is true of every project. Doing it right costs more. It also raises property values all the way around. It raises the value of our city. I would be willing—I think we're going to value engineer this. I don't think it's going to be \$2M. I think that would be great, but I think I would go up to \$5M because I think we're certainly, with the kind of thing

you showed me today that we could certainly take \$2M off of it, but if the total project undergrounding is going to be \$7M then if we're going to have to underground some of it; I mean if you go to \$2M you're not undergrounding any of it. If you're going to underground some of it in strategic areas that the staff is going to identify, then I think we're still going to have some significant cost so I would go with \$5M if you would like to make that your friendly amendment. **Commissioner McKiernan** said no. **Commissioner Walker** said call for the question. **Commissioner Kane** said second.

Mr. Moore said just for clarification, the resolution authorized the County Administrator to negotiate the agreement. The attached MOU is really a template for that purpose. I think to simplify things I think we ought to just deal with the resolution and make the change to the resolution, the second whereas to change the location and then in the sixth whereas to put a total value of not to exceed \$4M. By adopting that resolution then the County Administrator has his authority and then I think as a practical matter what we will do is next week we will come back with the revised resolution along with the revised ordinance and then put that on the agenda for the Commission on the Consent Agenda to formalize. **Mayor Holland** said okay, I'm not sure I understood what you meant. The motion is at seven right now. **Mr. Moore** said I apologize. We're going to change the location in the resolution and we're going to put a cap in the resolution of up to \$7M. The MOU is just a template as a guide. It's not incorporated in this resolution. **Mr. Bach** said I guess, Ken, I understand making the changes to it. I think they're pretty clear for changing the location and for putting \$7M into that. I don't understand why we would need to bring it back for a final resolution. We would know what that resolution would need to read. **Mayor Holland** said we're not bringing it back. We're going to vote on it tonight.

Action: **Mayor Holland** said I'm going to voluntarily change my motion for up to \$5M if my second will agree. **Commissioner Walters** said I agree.

Mayor Holland asked, Commissioner Walker, do you want to say something? **Commissioner Walker** said I do, but I feel like my mother's on my shoulder telling me don't say it. **Mayor Holland** said go with your mom. **Commissioner Walker** said I'm going to pass my comments, but I am frustrated with the inability after over two years of this project being talked about that

none of ours and none of the BPU professional staff has any idea what this project is going to cost, not even a ballpark number. I don't understand that. All these people are paid good money. I mean good money and you would think you would be able to go by every 100 feet of underground utilities is going to cost you \$10,000 or some standard. I'm just very frustrated. That's going to probably show, has shown and this has been a very confusing discussion but I'm ready to proceed.

Mayor Holland said roll call. Now let's be clear. Roll call on the memorandum of understanding up to \$5M from 38th Street to 63rd Street, the project area only, and with the expectation that our staff is going to negotiate. If we can do it right for less, even significantly less, that's exactly what we want them to do.

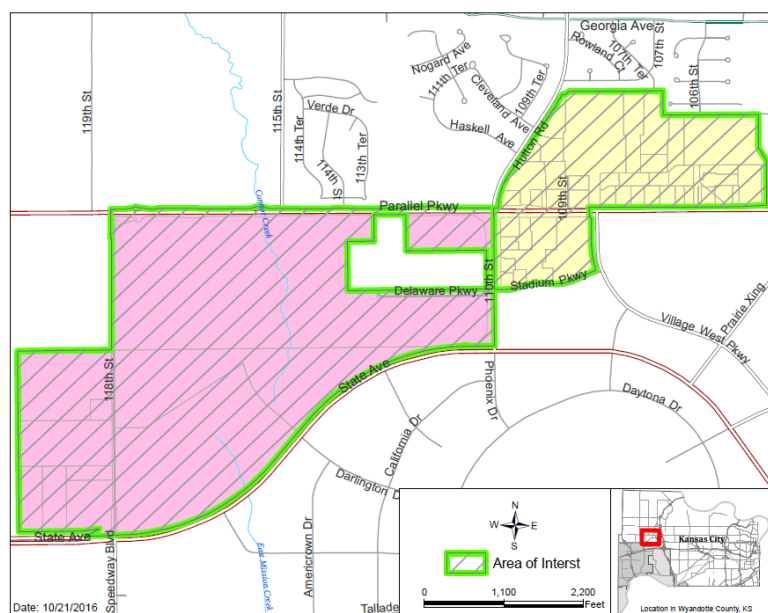
Action: **RESOLUTION NO. R-77-16**, "A resolution directing and authorizing the County Administrator to negotiate and enter into a memorandum of understanding with the Kansas City Board of Public Utilities for improvements to the public right-of-way along Leavenworth Road." **Commissioner Markley made a motion, seconded by Commissioner Walters, to adopt the resolution.** Roll call was taken on the motion and there were six "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, Holland; and five "Nos," Johnson, Kane, Markley, McKiernan, Murguia.

Prior to Commissioner Murguia's vote she said you know what, Mayor, you're the Mayor so I'm going to say no and that's going to tie the vote and you get to call the shot. **Mayor Holland** said I think you called the shot as well because everyone who voted either way could have changed the outcome. I will vote aye to break the tie.

Mayor Holland said the vote was 6 ayes, 4 nos. The vote passed. Thank you to the Board of Public Utilities for the conversation earlier this afternoon and this evening. We look forward to having a task force where we can do this in a better way the next time.

ITEM NO. 3 – 16850...RESOLUTION: SET A PUBLIC HEARING DATE TO CONSIDER THE CREATION OF A STAR BOND DISTRICT

SYNOPSIS: A resolution setting a public hearing date of December 15, 2016, to consider the creation of a new STAR Bond District in the area of 110th St. near the Village West attractions in coordination with the proposed American Royal project, submitted by George Brajkovic, Economic Development Director.



Mayor Holland said I would like to put that map up before we have a motion so that the public can see it. This is not a public hearing. This is simply to set a public hearing. This is the map description. We can have a presentation on this if you would like. If people are ready to vote, we can have a motion.

Commissioner Walker said I do have a question that was raised by an individual, Doug, to me and I couldn't answer. You may have it up there. That northwest quadrant in white above the purple, is that the Sac and Fox land because the Business Journal had included the Sac and Fox in the American Royal development and obviously they've not sold their land. **Mr. Bach** said that is correct. Kickapoo Sac and Fox still own their property. It is in part of the purple property. I believe there have been some conversations on part of the Royal representatives to have some discussions with them but it is still their property. **Commissioner Walker** said but we're including it in the STAR Bond District. **Mr. Bach** said we are including it as part of the

STAR Bond District because we think there is a high potential it could become an integral part to it if the Kickapoo Sac and Fox would like to work with us. **Commissioner Walker** said well then I guess they were right, the *Business Journal*.

Action: **RESOLUTION NO. R-78-16**, “A resolution of the Unified Government of Wyandotte County/Kansas City, Kansas determining that the Unified Government is considering establishing a STAR Bond Project District within the Unified Government, establishing the date and time of a public hearing on such matter to be held on December 15, 2016, and providing for the giving of notice of such public hearing (Northwest Speedway Star Bond District).” **Commissioner Markley made a motion, seconded by Commissioner Walters, to set the public hearing for December 15th**. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

Mr. Bach said, Mayor, I’d like to recognize Len Parum and Chase Simmons with the American Royal who have been with us all night long to be here for this vote. **Mayor Holland** said you picked a dandy. Thank you for being here.

COMMISSIONERS' AGENDA

No items

Mayor Holland said se are now adjourned as the Board of Commissioners. Now we are readjoined as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 16808...COMMUNICATION: LAND BANK APPLICATIONS AND TRANSFER

SYNOPSIS: Request approval of the following Land Bank applications and transfer, submitted by Chris Slaughter, Land Bank Manager.

Applications

3519 N. 80th St. - Oscar Whitmore, new home construction

3832 Lloyd St. - Wolfe Construction, new home construction

3836 Lloyd St. - Wolfe Construction, new home construction
 15 S. 8th St. - Jose Orozco, parking for Frontera's Super Market
 2269 Lathrop Ave. - Jerome Peterson, parking for Guiding Star Baptist Church
 5121 Walker Ave. - Darrel Coppersmith, yard extension
 1737 Waverly Ave. - Robert Cole, yard extension
 614 Lowell Ave. - Rigoberto Morta Lopez, yard extension
 849 Quindaro Blvd. - Lydia Mejia, yard extension
 847 Quindaro Blvd. - Lydia Mejia, yard extension
 2706 Hagemann St. - Ryan Patton, yard extension

Mortgage Foreclosure Transfer
 5217 Alma St. - Argentine Betterment Corporation (ABC)

On October 10, 2016, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Mayor Holland said all items are on Consent. If anyone in attendance tonight would like to remove any item, please move forward to do so at this time. Any item not removed will be voted on by a single vote. Let the record show everyone is moving to the doors and not to the microphone.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve.** Roll call was taken on the motion and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PUBLIC ANNOUNCEMENTS

No items

MAYOR HOLLAND

ADJOURNED THE MEETING AT 9:23 P.M.

October 27, 2016

tpl

Bridgette D. Cobbins
 Unified Government Clerk

October 27, 2016

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

REGULAR SESSION
THURSDAY, NOVEMBER 17, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, November 17, 2016, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO presiding. Markley, Commissioner Sixth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Counsel; Carol Godsil, Deputy UG Clerk; Joe Connor, Gordon Criswell, and Melissa Mundt, Assistant County Administrators; Emerick Cross, Commission Liaison; Alan Howze, Chief Knowledge Officer; Alan Haga, Assistant Attorney; Maureen Mahoney, Asst. to Mayor/Chief of Staff; and Captain Michael Howell, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Kane, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia Johnson, Holland.

INVOCATION was given by Reverend Michael May, St. Luke's Lutheran Church (Ret.).

Mayor Holland asked if there were any revisions to the agenda. There were none.

MAYOR'S AGENDA

ITEM NO. 1 – 16876...PRESENTATION: MOST ENTERPRENEURIAL CITY IN AMERICA (MECA) CHALLENGE

Synopsis: Presentation on the Most Entrepreneurial City in America (MECA) challenge, by Adam Arredondo, Co-Founder/Director of Entrepreneurship.



Doug Bach, County Administrator, said in coordination with the global entrepreneurship week, local students and sponsors participated in a recent, half-day learning team event which was conducted by members of our local KCK Startup Village.

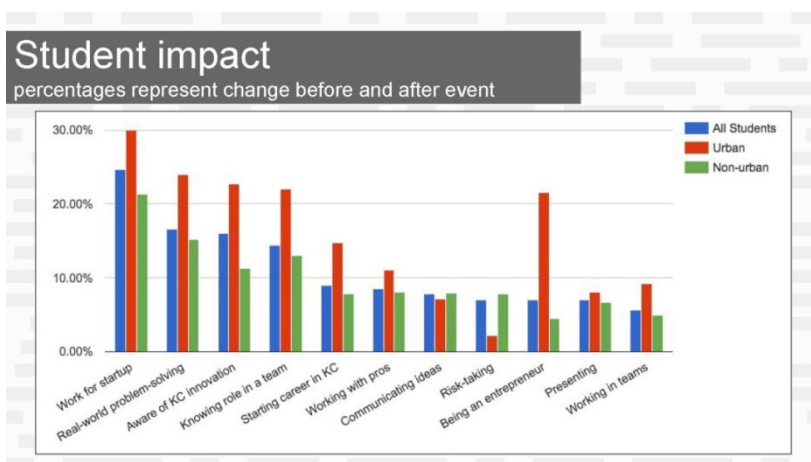
Adam Arrondondo, KC Startup Village and Co-Founder of CEED, introduced Ian and Harley, seniors at Schlagle. They participated in the event. It was at the end of September. It took us a little bit to get organized and get here with you.

Just a little bit about what I do and the event they participated in. We're seeing a lot of excitement from students. Some of you may recognize me. I'm one of the leaders of the Kansas City Startup Village, which he mentioned. We're just really passionate about building a community where innovation and entrepreneurship can thrive. I've had the opportunity to do a lot of that from the Startup Village where I work with space in Kansas City, KS.

I now lead an organization called CEED. It is the Center of Entrepreneurial Ecosystem Development. There are four full-time people and we just do things to help create a better environment for innovation, entrepreneurship in Kansas City as a whole in KCK as we work with students in your city.

One of the programs we run is called MECA Challenge. MECA stands for Most Entrepreneurial Community in America. It's kind of based on our belief that students and educators are at the core are a critical piece of becoming a more entrepreneurial city. Greater Kansas City Chamber said we want to be America's most entrepreneurial city, but what does that mean. We have to get people to buy into that and think that so we created this event to help get

students plugged in. What it is, it's a one-day innovation competition. You'll hear a little bit, just kind of what they thought about it. They come in and they'll say they didn't even know what they were coming there for. They come in and we give them a challenge. Sometimes it's a challenge that a local startup is facing. Sometimes it's a community challenge. We're actually finding that the community challenges are really exciting for them to get into.

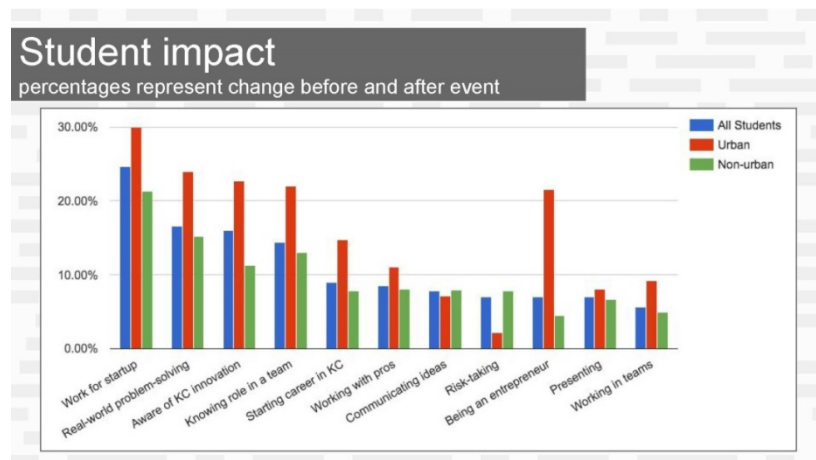


Before I talk about the specific challenge we gave them, I'm going to show you just some of the impact we've seen from this event. Just to finish off what it is, at the beginning of the day, it fits into a school day, they hear the challenge. We then bring in a bunch of entrepreneurs from the community to mentor teams of six and then they have three hours to come up with a solution and then they have to present it back to everyone that's there, all their peers to some judges and the entrepreneurs. We now have done this—this year we did it 16 times across the entire metro and reached about 930 students.



November 17, 2016

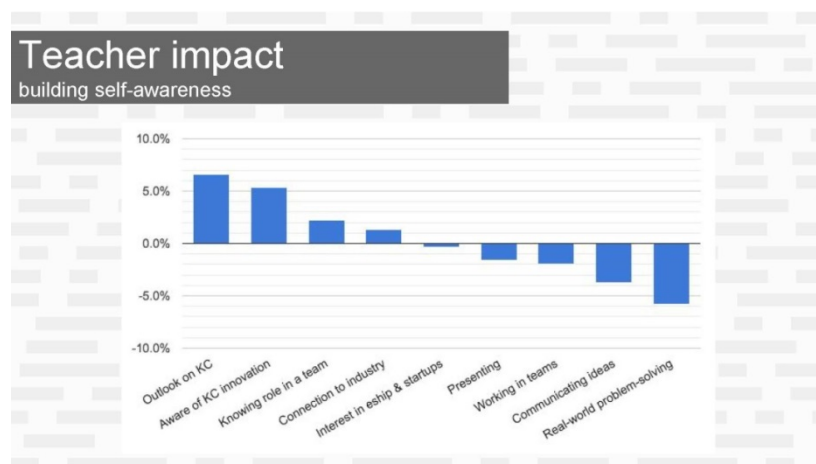
We actually reached a bunch of teachers as well. Roughly half of the participants had never done anything like it before, and the vast majority had never done it outside of school. It's kind of get them out, change up the environment and get them thinking quickly. Some of the key stats there that are really kind of exciting is in seven hours, I think yours might have been six hours, we do a pre and post survey. Those are the percent changes related to a particular topic. So, in six hours they showed 25% more interest in working for a startup or working in that environment. They showed a 17% increase in confidence in their ability to solve real-world problems. Really, what we're getting to the core of is trying to get at these soft skills that are required to be successful in entrepreneurial city, in an entrepreneurial community.



One of the other things you'll see in the next slide is there's a much greater impact on urban students. One of the things we found is it's generally harder for us to reach them. When we're working with suburban administrators in schools, they're not worried about transportation, safety and other things that urban administrators are worried about. When we say we want to teach them more entrepreneurial mindset, they're kind of like okay, that's cool but we kind of have bigger fish to fry.

We've actually been able to work with PREP-KC who has made it, kind of been the middle man, to help us reach the urban students. What we've seen, just based on this, the blue is all students, the red are urban, and the green are suburban. You'll see across the board almost every single measurement, the urban students are registering a bigger change, a more positive change in whatever area that is. So, whether that's working for a startup—we talked about some

of the bigger ones but you can see there, knowing their role in a team. Right? I mean you see a huge one and then which one stands out. How interested are you in being an entrepreneur, the one on the right. Where suburban students showed like a 4% increase in their interest, the urban students showed over a 20% increase in being an entrepreneur in a six-hour period. I think getting them hands-on, doing real-world things is really important.



The other thing I said is we've done this with a bunch of teachers. Check this out. There's a lot more awareness of what's happening in KC, but if you look at their confidence in solving real-world problems, it goes down fairly significantly. They thought they could do it, and then by the end of the event, they realized it's really hard. It emphasizes the importance of integrating industry into the classroom. What we leave when we work with teachers is we say stop thinking of yourself purely as a lecturer and think of yourself as an experienced facilitator. You need to be bringing these experiences to the students because that's what is required of them to thrive in the 21st Century. That's kind of the work we do.

I'm going to pass it off to these guys just to talk a little bit about what they thought of the event. The last thing. The challenge we gave them—so again, they didn't know what they were doing when they came in. I reached out to Allen and I said, hey, does KCK have any challenges that they would love student input on. He came back with about 20 so we sifted through them all and tried to think of something that they could really kind of wrap their heads around quickly and kind of give some useful feedback on or get some ideas around in three hours. What we ended up settling on was youth programming. We gave them a budget of 5% of the money that

the new revenue being generated by the STAR bonds so a \$600,000 a year budget to come up with youth programming for students in Wyandotte County. That was their challenge and I'll let them talk for a second to kind of say what the event was like and what they ended up coming up with.

Ian Pack, Senior, Schlagle High School, said when I got there, I didn't know a thing. That day I was told what we were doing. I was kind of told we were going on a field trip to UMKC and it had to do with engineering. I've been in engineering since 8th grade and it's just kind of taken an interest for me. This program is kind of interesting to me because it gives us a chance to solve a community problem that otherwise would be solved by somebody older, somebody who maybe has some experience with youth but isn't a youth themselves. I kind of thought this was a great opportunity for youth in KC to get interested in the community and find a way to improve the community.

Harley King Honeywell, Senior, Schlagle High School, said I had the same experience. I did not know what we were doing either. I was told we were going to UMKC. I was like I've been there before. This should be fun again and so we decided to go there. It was really an interesting experience. I was not expecting for us to get the type of notoriety that we did that day where we got a real-world scenario, a real-world budget, a real-world everything to where our decisions would actually change something in the future of other children's lives; not children, but young adults. I was really happy to see that our decisions are actually benefiting and changing others' lives instead of a normal gathering, think tink and nothing happening. I was really happy to see that and I was really involved, and all the other classmates of ours were really involved too.

Mr. Pack said my group came up with an idea that involved urban farming. That's not something you hear a lot anymore. When you think of an urban setting, you think kids are on their computers and cell phones all day. My group, along with a gentleman who has his own company, an entrepreneur, called The Handy Camel here in KC, came up with the idea of what we call the Urban Farmers of KC; which is a group that would, in theory, have a set amount of acreage so like half an acre plot in an urban neighborhood that we would pull from the Land

Bank. It would be set up to where kids could earn money and learn about farming and sustainability and things like that.

Mr. Honeywell said my idea was totally different. To give some explanation to this, we both worked on a small farming operation. That was his inspiration for that and he knows it obviously can be done because we do it. It's not that hard of work and it would benefit a lot more people. My group decided to re-innovate something that has already been done but just improve on it. We did a community center, kind of like the YMCA but for an age group of K-12 basically saying you have to show ID and your parents bring you and sign you up, it's free for you. To bring back revenue on it, you can have older generations come in as well to help tutor or whatever and they would have to pay money. That would give you back revenue. You could have all sports facilities, but you'd also have tutor groups and quiet spaces. For some of the kids that go to really loud urban schools and don't have the—or when they get home they have problems or whatever, they can go there as a quiet space and get help and achieve higher grades, test scores and ACTs or whatever. That was basically our idea was just to help on the educational standpoints.

Mr. Arrondondo said we can open it up for a question but it was kind of cool—so we had nine teams and there were really two themes. There were several teams that did something around kind of sustainability. One was collecting trash and like making bricks out of it and making affordable housing from this trash. They saw it done in other communities somewhere and before that, there were a couple of farming ones. Actually, the most common feedback was actually like a youth community center of some kind. Almost all of them focused on skills training, tutoring and some career readiness programs; every single one of them had that.

Anyways, if you guys have any questions—it was just really cool to see. This was one of the first times we did a community challenge. We had always done a business challenge, but it was really cool to see the students. They're using the same creativity and problem-solving, but to see them kind of get passionate about doing something that benefits the community and we've now decided that we're going to continue that as we continue to do more of these events. I'd like to open it up if you have any quick questions or just thoughts. We absolutely plan to continue to work with all of KC and KCK as much as we can. The goal is to reach all students.

Commissioner McKiernan said just a couple of real quick questions. It's really cool you get handed a whole bunch of money; here go spend this. What was the biggest challenge that you found in terms of thinking about how to not only spend that money, but be sustainable and keep it going? Then kind of part two is, will, I'll save part two until you answer that one.

Mr. Honeywell said the biggest part; obviously, to get on the budgeting was back revenue. How do you not use the \$600,000, which was the budget; and after two years or so of using that money whether the building is insulated and keeping it running for two years it goes away? That's why I was talking—his would bring food to the community plus you would also have back revenue on people buying product like produce and stuff. Mine was the older generations that would come and tutor and everybody that is a faculty in the situation would pay money to be a part of the organization itself. You'd have sponsors like for different organizations. For robotics and stuff, you have Garmin so you could have sponsors with any organization to give you money for back revenue.

Mr. Pack said and like he said, on ours, a lot was based on—the most difficult part for us was how do you get youth involved really. That was to make a monetary incentive for us. We went through a couple of ideas, whether to make that monetary incentive via scholarships which is what we eventually came down to. That was the best way to spend a lot of that extra money. Our budget originally encased the first year would be about \$200,000 - \$300,000 and then after that, the rest of that money would be spent towards scholarships and the scholarships would have been split off in different ways, depending on how many hours you worked in the year and stuff like that.

Mr. Honeywell said the way we decided on what we wanted to do or the types of revenue or the scholarships is we all had poster boards or online documents and we just looked at our own teammates. That's why the MECA challenge brought together different schools. You didn't know everybody but you knew a good majority so you'd asked everybody what would they like to do. That was a part of getting youth involved. If you had more of a majority that decided that they liked an idea, then you went with that idea because then it's just a percentage increase from there.

Commissioner McKiernan said part two is nobody is going to come and hand you \$600,000 tomorrow. How would you say that this experience has influenced the way you approach the challenges that you are going to face now?

Mr. Pack said for me it made the point in my mind that I could change the community. Even if it's just me, one person starts a revolution so that kind of movement helped me realize that.

Mr. Honeywell said I basically learned what money was on a larger scale. I decided hey, this is not a game. We should try to be smart about this. We tried and came up with really good solutions. Like he said, when we all finished...because there was a scale of like 1:11 because there were groups. No one came in last place. These were all good ideas. The judges didn't dislike any of the ideas whether some of them were underrepresented by people speaking or shyness so be it, different people. All ideas were great because you had so many different people from different walks of life commentating on the same thing. You had a good outcome no matter what.

Commissioner Bynum said thank you so much for coming and bringing a little bit of your experience. What I'm thinking about is you're both high seniors. Correct? Prior to the experience, what were you thinking about for after high school? Was it college, etc? Did the day change that or adjust it in anyway in terms of what you're hoping to do after high school?

Mr. Honeywell said for me it didn't change one thing. Once I hit freshman year, I've walked four miles a day for free schooling in the summer just to do engineering academy because I was really interested and it was something to do. Right now, as a senior project, working on something on a larger scale, we're working on—I'm sure you all have heard of Tesla Industries. We're doing the same thing to farm equipment and tractors because we work on a farm. We're electrifying gas automobiles and we're going green. Our plan is not only college, but we plan to come out of college by the end with a business and everything. Not just to better the community, but for clean energy and just renewable energy, little things like that. **Commissioner Bynum** said I just wanted to let the other young man...**Mr. Pack** said same answer for me.

Commissioner Murguia asked so where are you going to college. **Mr. Pack** said K-State. **Commissioner Murguia** said K-State. Very good choice for engineering and hopefully you're going to stay right here in Kansas when you graduate from K-State. Right? **Mr. Pack** said that's the plan at least. **Commissioner Murguia** said and in Wyandotte County hopefully. **Mr. Pack** said hopefully. **Commissioner Murguia** said we'd love to have you.

Mr. Arrondondo said I was just going to follow-up real quick on your question. We actually had several other students that were planning on being here. Actually, one just wasn't feeling good and two had to go to work that were very different, one younger and also a different demographic. These two obviously have a plan. Many of the urban students we work with aren't nearly as focused on where they're going as these are.

One of the things you also mentioned is in that one day, our hope is to, really the goal of this one-day event is to model what education should look like. What we're hoping is take what you saw in a day and what if that was a semester, right, where you give them a challenge at the beginning, we bring in industry people to mentor them along the way and at the end you do a semester of work presentation. That's the hope. We're using this kind of as the foot hole to start showing educators. It's awesome that some students get these really cool experiences, but our goal is really to reach the educators and show them like this is what education needs to look like at least some of the time.

CONSENT AGENDA

Mayor Holland asked if anyone in attendance tonight or anyone on the Commission or staff would like to remove an item. Any item not removed will be voted on with a single vote. No one removed an item.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson to approve the Consent Agenda.** Roll call was taken and there were nine "Ayes," Kane, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia Johnson.

ITEM NO. 1 – 16873...ORDINANCE: RELATING TO MEMBERSHIP OF CERTAIN ADVISORY AND APPEAL BOARDS

Synopsis: An ordinance relating to the removal of members from advisory boards, the combining of two previously established advisory boards, and the establishment of an ad hoc board of code appeals regarding demolition orders, rental licensing, and building codes, submitted by Ryan Haga, Assistant Counsel.

Action: **ORDINANCE NO. O-65-16**, “An ordinance relating to membership of certain advisory and appeal boards, amending Sections 2-389, 2-421, 2-426, 8-25, 8-432, 8-456, 18-21, 18-22, 18-23, 18-24, 18-25, 18-27, 18-191, 18-192, 18-193, 19-248 and 25-1 and repealing said original sections.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia Johnson.

ITEM NO. 2 - MINUTES

Synopsis: Minutes from regular sessions of September 29 and October 13, 2016.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were nine “Ayes,”** Kane, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia Johnson.

ITEM NO. 3 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 3 and 10, 2016.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to receive and file. Roll call was taken and there were nine “Ayes,”** Kane, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia Johnson.

PUBLIC HEARING AGENDA

No items of business

STANDING COMMITTEES' AGENDA

No items of business

ADMINISTRATOR'S AGENDA

No items of business

COMMISSIONERS' AGENDA

No items of business

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business

PUBLIC ANNOUNCEMENTS

No items of business

MAYOR HOLLAND ADJOURNED

THE MEETING AT 7:28 P.M.

November 17, 2016

Carol Godsil
Deputy UG Clerk

tpl/cg

November 17, 2016

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

SPECIAL SESSION, THURSDAY, DECEMBER 15, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, December 15, 2016, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; was not present for the 4:30 p.m. and 5:30 p.m. special sessions; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; was not present for the extended executive session at 9:00 p.m. Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; was not present for the 4:30 p.m. and 5:30 p.m. special sessions; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Joe Connor, Asst. County Administrator; Carol Godsil, Deputy Unified Government Clerk; Ken Moore, Chief Legal Counsel; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Chief John Paul Jones, Fire Department; Mike Tobin, Director of Public Works; and Ryan Denk, Outside Counsel for labor negotiations.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, November 15, 2016, at 4:30 p.m. at 800 Ann Ave. for the Employee Health Center tour. At 5:30 p.m. in the Commission Chambers of the Municipal Office Building for the Sheriff's Department graduation. Immediately following, the Commission will convene to the 9th floor conference room for an executive session regarding labor.

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.

Present for the 4:30 p.m. Employee Health Center tour: Markley, Walters, Philbrook, Bynum, Walker, McKiernan, Murguia, Johnson, and Holland.

Present for the 5:30 p.m. Sheriff's Department graduation: Markley, Walters, Philbrook, Bynum, Walker, McKiernan, Murguia, Johnson, and Holland.

IMMEDIATELY after the 7:00 p.m. Regular Session Mayor Holland said we now have an Executive Session.

Mayor Holland asked do we have a motion for an Executive Session for consultation with our attorney and to discuss matters related to employer-employee negotiations.

Executive Session

Commissioner McKiernan made a motion, seconded by Commissioner Markley, for the Commission to go into Executive Session until 9:00 p.m. to discuss confidential matters regarding strategy related to employer-employee negotiations as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion. Motion carried unanimously.

Mayor Holland said the Commission will reconvene in open session at 9:00 p.m. in the Commission Chambers located on the first floor.

The Commission moved from the Commission Chambers to the 9th floor conference room. The Executive Session started at 8:05 p.m.

Present for the Executive Session: Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Holland. **Staff present:** Doug Bach, County Administrator; Joe Connor, Asst. County Administrator; Ken Moore, Chief Legal Counsel; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Chief John Paul Jones, Fire Department; and Mike Tobin, Director of Public Works

Mayor Holland adjourned the Executive Session at 9:00 p.m. and reconvened in open session at 9:00 p.m. in the Commissioner Chambers on the 1st floor.

Commissioner Markley made a motion, seconded by Commissioner Murguia, to extend the executive session in the 9th floor conference room for 30 minutes. Motion carried unanimously.

The Commission moved from the Commission Chambers to the 9th floor conference room for the extended Executive Session. Motion carried unanimously. Commissioner Murguia was not present.

**MAYOR HOLLAND ADJOURNED THE
EXECUTIVE SESSION AT 9:29 p.m.**

dt

Carol Godsil
Deputy Unified Government Clerk

December 15, 2016



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: December 22, 2016

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

Weekly Business Material for December 22, 2016

1. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, listing vehicles sold at a public auto auction on December 8, 2016.

Action: Received and filed.

2. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received on December 21, 2016, for Annex Roof Replacement, Project ID #B26949.

Action: Received and filed. Copies previously forwarded to the County Administrator, Emma Scovil, Legislative Auditor, and Public Works.

3. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
783967	2/12/2016	\$431.78	790	Stale Dated	Ramirez	12/23/2016
787106	3/18/2016	\$43.69	162	Lost Warrant	Haulmark	12/23/2016
795885	7/22/2016	\$35.04	162	Lost Warrant	Shepard	12/23/2016
798621	9/2/2016	\$717.04	790	Stale Dated	Shepherd	12/23/2016
801359	10/21/2016	\$350.00	225	Stale Dated	Fields Electric	12/23/2016
801585	10/21/2016	\$22.96	160	Stale Dated	Shannon	12/23/2016
803870	12/9/2020	\$146.41	162	Lost Warrant	Coggs	12/23/2016

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 20, 2016:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Kim W Blake	Fire	12/21/16	Assistant Chief
Robert C Blevins	Fire	12/21/16	Battalion Chief
Daniel B Jarvis	DOTS	12/31/16	Management Analyst
Kieth M Mather	Parks/Rec	09/22/16	Summer Laborer
David L Patrzykont	Fire	12/21/16	Master Fire Captain

Michael J Rozine	Parks/Rec	11/16/16	Summer Laborer
John W Stewart IV	Parks/Rec	11/16/16	Instructor
James A Wing Sr.	Fire	12/21/16	Master Fire Captain

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Nikola Dolinar	PW/B&L	12/17/16	Caretaker

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 22, 2016:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Samuel T Her	Budget	12/29/16	Intern
Warren D Laymon	PW/Fleet	12/29/16	Fleet Maint Tech I

Section II - Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Lora J Ferguson	NRC/Rental	12/29/16	Inspector I	Building Inspector I

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Alan T Fogleman	DA's Office	1/3/17	Sr. ADA
Mollie R Hill	DA's Office	1/3/17	Sr. ADA
Patricia J Kelly	Health	12/16/16	Nurse Practitioner
Trey D Maevers	Urban Planning	12/23/16	Eng Supt Supervisor
Glen E Newbill	NRC/Code	12/15/16	Enforcement Specialist

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Chad T Adcox	Fire	12/29/16	Sr Fire Driver
Daniel J Dumovich	Fire	12/29/16	Sr Fire Captain
Bryan L Hendin	Fire	12/29/16	Sr Fire Captain
Dennis T Laughlin	General Services	12/29/16	Director
LaRwan A McClaine	Fire	12/29/16	Sr Fire Captain
Rachel C Miskec	NRC/Rental	10/06/16	Prog Coordinator
Christopher M Snapp	Fire	12/29/16	Sr Fire Captain
Ryan C West	Fire	12/29/16	Sr Fire Driver

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
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Rebecca Sandow	PSBO	Amend PAC 11/8/16 to reflect date of reclass effective 6/16/16
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Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIM FOR DAMAGES:

State Farm Mutual Automobile Insurance Company, P.O. Box 106172, Atlanta, GA, alleging damage to vehicle by insured Martha Bruffey on October 15, 2016.

Action: Received and filed. Copy previously forwarded to Legal Department.

7. TRAVEL REQUESTS:

April Bowman, DOTS/Geospatial Services, travel to Palm Springs, CA, March 6 – 10, 2017, to attend 2017 ESRI Developer Summit, Employee Training Travel.

Jennifer Stewart, Police/Services/Investigations, travel to Kansas City , MO, September 28 – December 23, 2016, to attend Dale Carnegie training, SLETF.

Gregory Artis, Kathryn Ellerman, Chloe Grabanski, Pamela Lindsey-Taylor and Monica Tyrrell, Community Corrections/Adult Intensive Supervision, travel to Waterloo, IA, February 6 – 10, 2017, to attend Strengthening Families Program, EJI Training, Juvenile Training and AISP Training Budget.

Action: Approved by Administrator's Office and received and filed.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: December 29, 2016

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

Weekly Business Material for December 29, 2016

1. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received December 28, 2016, for Project #B27003—Argentine Community Fitness Center.

Action: Received and filed. Copies previously forwarded to County Administrator, Emma Scovil, Legislative Auditor and Public Works.

2. AGREEMENT:

Secretary of Transportation, KDOT, for reconstruction of the roadside area and intersections along K-5 (Leavenworth Road) from 63rd Street to 38th Street, Project No. 05-105 N-0640-01.

Action: Approved by County Administrator and received and filed.

3. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Vendor</u>
802926	11/23/2016	\$ 791.16	267	Home Rooms
803187	11/23/2016	\$ 71.88	263	Ibur
803943	12/9/2016	\$ 146.41	162	Holder

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 27, 2016:

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Elmer L Asberry Jr	Sheriff	1/7/17	Juv Care Worker I
Harold D Ellis	PW/Street	12/21/16	Equipment Operator I
Chad M Erwin	Sheriff	1/3/17	Deputy
Wayne A Hopkins	Sheriff	1/3/17	Deputy
Jason T Hughey	Sheriff	1/3/17	Deputy
Cortez R Strickland	Sheriff	1/3/17	Deputy

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Kim W Blake	Fire/Suppression	Please amend the PAC of 12/20/16 to reflect correct holiday payout
David L Patrzykont	Fire/Suppression	Please amend the PAC of 12/20/16 to reflect correct SL days

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 29, 2016:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Melissa S Iannone	Sheriff/Juvenile	12/29/16	Program Specialist
Jennifer L Lara	DOTS	12/29/16	Info Systems Analyst

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Michael S Adriano	Fire/Comm	12/22/16	Sr Fire Captain	Battalion Chief
John F Droppelmann	Fire	12/22/16	Sr Fire Captain	Battalion Chief
Jared S Gambrel	Sheriff/Admin	1/12/17	Deputy	Deputy
James M Letcher	Fire	12/15/16	Battalion Chief	Battalion Chief
David L Pittaway	Fire	12/22/16	Master Fire Captain	Battalion Chief
James M Zeeb	Fire	12/22/16	Sr Fire Captain	Battalion Chief

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Paul C Jones	Fire	12/19/16	Battalion Chief
Travis W Lanter	Sheriff/Juv	12/14/16	Juv Care Worker II
Anna E Wolf	District Attorney	1/3/17	Asst DA II

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Kalrigh B Armstrong	Police	1/2/17	Public Safety Dispatcher
Holly L Bilberry	Police	1/10/17	Office Asst III
William S Carpenter	Police	1/12/17	Sr Detective
John R Grosko	Police	1/12/17	Sr Detective
Scott A Ladish	Police	1/18/17	Master Sergeant
Stuart D Littlefield	Police	1/18/17	Master Detective
Jamie M Miller	Police	1/12/17	Sr Detective

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Maribeth Gardner	Fire	12/22/16	Fire Inspector III	Sr Firefighter

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Douglas Beam	PW	ACD code change effective 12/15/16
Nicholas Buckner	PW	ACD code change effective 12/15/16
Nathaniel S Faulkner	Sheriff/Detention	OC Code change effective 12/9/16
Sheldon Harris	PW	ACD code change effective 12/15/16
Shayne T Henre	Sheriff/Detention	OC Code change effective 12/9/16
Anthony Herron	PW	ACD code change effective 12/15/16
Steve Lemonds	PW	ACD code change effective 12/15/16
Scott McMannus	PW	ACD code change effective 12/15/16
Andrew Mendibles	PW	ACD code change effective 12/15/16
Chad Mooberry	PW	ACD code change effective 12/15/16
Bryan Rangel	PW	ACD code change effective 12/15/16
Scott Roberts	PW	ACD code change effective 12/15/16
Julie A Schindel	Sheriff/Admin	Shift Differential Pay effective 1/12/17
Lorin Simmons	PW	ACD code change effective 12/15/16
James Stimetz	PW	ACD code change effective 12/15/16
Vacant	PW	ACD code change effective 12/15/16
Pricilla C Watley	Sheriff/Admin	Shift Differential Pay effective 1/12/17
Robert Ziesler	PW	ACD code change effective 12/15/16

Action: Received and filed. Copy previously forwarded to Payroll

6. SUMMONS:

Volner H. Bonner and Linda Bonner vs. Sherry Willis, Verbal Advantage for Minorities Foundation, Wyandotte County, Kansas and State of Kansas, et al., Case No. 2016-CV-000557.

Action: Received and filed. Copy previously forwarded to Legal.

6. **SUMMONS:**

Volner H. Bonner and Linda Bonner vs. Verbal Advantage for Minorities Foundation and Unified Government of Wyandotte County, Kansas and State of Kansas, et al., Case No. 2016-CV-000557.

Action: Received and filed. Copy previously forwarded to Legal



Staff Request for Commission Action

Tracking No. 17001

Full Commission Meeting Date: 1/5/17

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: Yes 01/12/2017

<u>Date:</u> 01/03/2017	<u>Contact Name:</u> Susan Alig	<u>Contact Phone:</u> x5085	<u>Contact Email:</u> salig@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A petition has been filed with the Clerk requesting the deannexation of land on Holliday Drive. This should be set for public hearing with noticed published one time 20 days before the hearing.				
<u>Action Requested:</u> Pass a resolution setting the matter for public hearing at the Full Commission meeting on February 2, 2017 with notice to be published in the Echo one time 20 days before the hearing.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution, Petition				

(Published in *The Wyandotte Echo* on _____, 2017)

RESOLUTION NO. R-_____-17

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF
NOTICE OF A PUBLIC HEARING ON THE PETITION FOR THE
EXCLUSION OF LAND FROM THE BOUNDARIES OF KANSAS CITY,
KANSAS**

WHEREAS, K.S.A. 12-504 (“the Statute”) authorizes the governing body of any city to exclude land from the city’s boundaries upon the filing of a petition

WHEREAS, a petition (the “Petition”) was filed with the Unified Government Clerk on _____, 2017, requesting exclusion of three tracts of unplatted land from the boundaries of Kansas City, Kansas.

WHEREAS, the land to be excluded is as follows:

Tract 1

Owner: Quivira, Inc.

Parcel No. 929807

Common Address: 3025 S. 78th Street, Kansas City, Kansas 66106

Legal Description: Beginning SW Corner; N to S LN Quivira Lane, SELY-1225 Feet, m/l, S41 W-176.49 Feet, S75E-339.95 Feet, W 987.34 Feet to Point of Beginning

Tract 2

Owner: Quivira, Inc.

Parcel No. 930002

Common Address: 7910 Holliday Drive, Kansas City, Kansas 66106

Legal Description: Beginning 666 Feet W and 711.29 Feet N of SE Corner NE ¼; S63W-742.6 Feet, N 247.08 Feet, N 247.09 Feet, N53E-830.26 Feet, S 412.29 Feet, to Point of Beginning

Tract 3

Owner: Quivira, Inc.

Parcel No. 93005

Common Address: 7909 Holliday Drive, Kansas City, Kansas 66106

Legal Description: Beginning 663.52 Feet S of NE Corner SE 1/4; S 747.59 Feet, N52W-1811.45 Feet, N22W-1495.16 Feet, NE63E-1076.48 Feet, S 1306 Feet, E 644.02 Feet, to Point of Beginning

WHEREAS, the Governing Body of the City of Lake Quivira, Kansas has passed a Resolution of Intent requesting the Governing Body of Kansas City, Kansas to exclude the land from the boundaries of Kansas City, Kansas and stating its intent to annex the land to the City of Lake Quivira, Kansas.

WHEREAS, the Governing Body hereby finds and determines it to be necessary to direct and order a public and further to provide for the giving of notice of said hearing in the manner required by the Statute.

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

SECTION 1. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Statute, on the advisability of granting the Petition, such public hearing to be held on _____, **2017 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at in the Commission Chambers, lobby level of the Municipal Office Building, 701 North 7th Street, Kansas City, Kansas, under the authority of the Statute.

SECTION 3. Notice of Hearing. The Unified Government Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official newspaper one time. The publication shall be at least 20 days prior to the date of the hearing.

SECTION 4. Effective Date. This Resolution shall be effective upon adoption by the Governing Body.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____TH DAY OF _____, 2017.

Mayor/CEO

Unified Government Clerk

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. R-_____-17 of the Unified Government of Wyandotte County/Kansas City, Kansas adopted by the Governing Body on _____, 2017 as the same appears of record in my office.

DATED: _____, 2017.

Unified Government Clerk

FILED *JP8*

DEC 30 2016

UNIFIED GOVERNMENT CLERK

PETITION FOR THE EXCLUSION OF LAND FROM THE BOUNDARIES OF THE CITY OF KANSAS CITY, KANSAS PURSUANT TO K.S.A. 12-504, *ET SEQ.*

TO THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS:

The undersigned owners of all of the land, consisting of the following legally described tracts, hereby formally petition the Unified Government of Wyandotte County and Kansas City, Kansas to exclude said land from the boundaries of the City of Kansas City, Kansas, and to provide that the land so excluded be listed for taxation as though it had never been part of such City, as provided by statute, and in so petitioning state and aver that no private rights will be injured or endangered by such exclusion:

TRACT I

Owner: Quivira, Inc.

Parcel No. 929807

Common Address: 3025 S 78th Street, Kansas City, Kansas 66106

Containing 12.62 acres more or less

Legal Description:

Beginning SW Corner; N to S LN Quivira Lane, SELY-1225 Feet, m/l, S41 W-176.49 Feet, S75E-339.95 Feet, W 987.34 Feet to Point of Beginning

TRACT II

Owner: Quivira, Inc.

Parcel No. 930002

Common Address: 7910 Holliday Drive, Kansas City, Kansas 66106

Containing 4.954 acres more or less

Legal Description:

Beginning 666 Feet W and 711.29 Feet N of SE Corner NE 1/4; S63W-742.6 Feet, N 247.08 Feet, N 247.08 Feet, N53E-830.26 Feet, S 412.29 Feet, to Point of Beginning

TRACT III

Owner: Quivira, Inc.

Parcel No. 93005

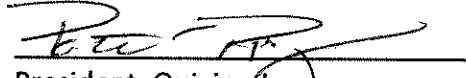
Common Address: 7909 Holliday Drive, Kansas City, Kansas 66106

Containing 27.353 acres more or less

Legal Description:

Beginning 663.52 Feet S of NE Corner SE 1/4; S 747.59 Feet, N52W-1811.45 Feet, N22W-495.16 Feet, NE63E-1076.48 Feet, S 1306 Feet, E 644.02 Feet, to Point of Beginning

Property Owner
Quivira, Inc.



President, Quivira, Inc.

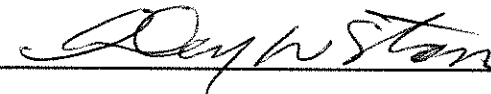
I, Patrick Pribyl, the duly elected and acting President of Quivira, Inc., a Kansas corporation, and I, Dave Starr, the acting Assistant Secretary of the Corporation, hereby certify that the above and foregoing is the authorized Petition of Quivira, Inc., as adopted by the Directors as of the 23rd day of December, 2016.

By: 

Name: Patrick Pribyl

President

ATTEST:

By: 

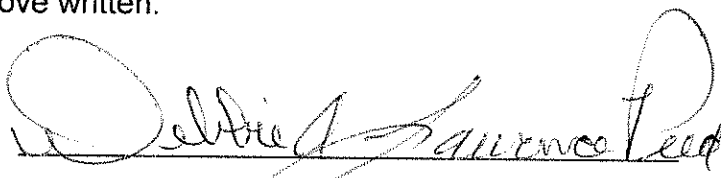
Name: Dave Starr

Assistant Secretary

STATE OF KANSAS)
) ss.
COUNTY OF WYANDOTTE)

BE IT REMEMBERED, that on this 23rd day of December, 2016, before me, the undersigned, a Notary Public in and for said County and State aforesaid, personally appeared Patrick Ribyl who is personally known to me to be the same person who executed the foregoing instrument of writing, as President of Quivira, Inc., a Kansas Corporation, and such person duly acknowledged the execution of the same.

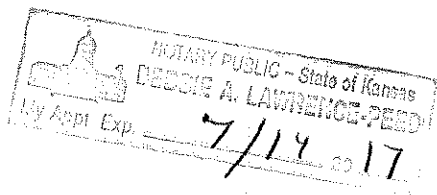
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



Notary Public in and for said County and State

My Appointment Expires:

7/19/17



FILED *88*

DEC 30 2016

CONSENT TO DE-ANNEXATION

UNIFIED GOVERNMENT CLERK

TO THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY / KANSAS CITY, KANSAS:

THE UNDERSIGNED, WHICH ARE THE OWNERS OF THE LAND LEGALLY
DESCRIBED HEREIN, HEREBY FORMALLY CONSENT TO THE DE-ANNEXATION
OF SUCH LAND FROM THE CITY BOUNDARIES OF KANSAS CITY, KANSAS. THE
SUBJECT LAND IS:

TRACT I

Owner: Quivira, Inc.

Parcel No. 929807

Common Address: 3025 S 78th Street, Kansas City, Kansas 66106

Containing 12.62 acres more or less

Legal Description:

Beginning SW Corner; N to S LN Quivira Lane, SELY-1225 Feet, m/l, S41 W-
176.49 Feet, S75E-339.95 Feet, W 987.34 Feet to Point of Beginning

TRACT II

Owner: Quivira, Inc.

Parcel No. 930002

Common Address: 7910 Holliday Drive, Kansas City, Kansas 66106

Containing 4.954 acres more or less

Legal Description:

Beginning 666 Feet W and 711.29 Feet N of SE Corner NE 1/4; S63W-742.6
Feet, N 247.08 Feet, N 247.08 Feet, N53E-830.26 Feet, S 412.29 Feet, to Point
of Beginning

TRACT III

Owner: Quivira, Inc.

Parcel No. 93005

Common Address: 7909 Holliday Drive, Kansas City, Kansas 66106

Containing 27.353 acres more or less

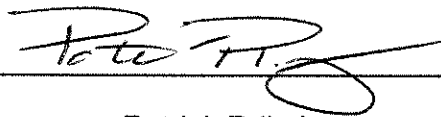
Legal Description:

Beginning 663.52 Feet S of NE Corner SE 1/4; S 747.59 Feet, N52W-1811.45 Feet, N22W-495.16 Feet, NE63E-1076.48 Feet, S 1306 Feet, E 644.02 Feet, to Point of Beginning

Quivira, Inc.

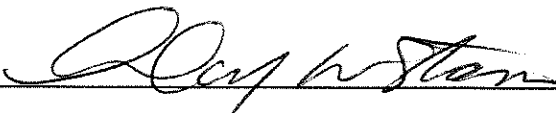

President, Quivira, Inc.

I, Patrick Pribyl, the duly elected and acting President of Quivira, Inc., a Kansas corporation, and I, Dave Starr, the acting Assistant Secretary of the Corporation, hereby certify that the above and foregoing is the authorized Consent to De-Annexation of Quivira, Inc., as adopted by the Directors as of the 23rd day of December, 2016.

By: 
Name: Patrick Pribyl

President

ATTEST:

By: 
Name: Dave Starr

Assistant Secretary

STATE OF KANSAS

)

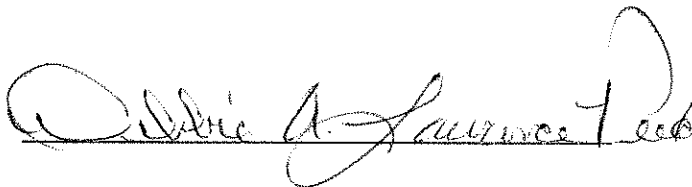
) ss.

COUNTY OF WYANDOTTE

)

BE IT REMEMBERED, that on this 23rd day of December, 2016, before me, the undersigned, a Notary Public in and for said County and State aforesaid, personally appeared Patrick Prybyl who is personally known to me to be the same person who executed the foregoing instrument of writing, as President of Quivira, Inc., a Kansas Corporation, and such person duly acknowledged the execution of the same.

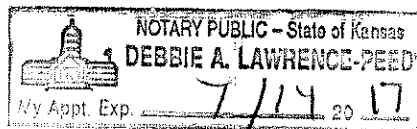
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



Notary Public in and for said County and State

My Appointment Expires:

7/14/17





Staff Request for Commission Action

Tracking No. 16947

Full Commission Meeting Date: 1/5/17

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 12/30/2016	<u>Contact Name:</u> Doug Bach	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> dbach@wycokck.org	<u>Department/Division:</u> Fire Department
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Item Description:

Request to hold a Public Hearing to review Fire Department International Association of Firefighters, Local #64 Labor Contract.

Action Requested:

Conduct a public hearing

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List: