

UPDATE
APRIL 27, 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 ARTRELL HARRIS, ROSWELL CHURCH OF CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, APRIL 27, 2017 AGENDA**
ADMINISTRATOR'S AGENDA
DELETE
ITEM NO. 2 – 171124...RESOLUTION: MEMORANDUMS OF UNDER-STANDING WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
The MOUs have been signed as originally approved by the Commission; therefore, this item is no longer required and is being removed from the agenda.

DELETE
ITEM NO. 3 – 171049... MARC PRESENTATION
MARC Transit Oriented Planning and Development Presentation
- VI. 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.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. NON-PLANNING CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: MAJOR DUSTIN DUNGAN

PLANNING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3128 - NICHOLAS PORTO**

SYNOPSIS: Change of Zone from R-2(B) Two Family District to M-2 General Industrial District for auto sales and service at 1243 Scott Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 171110

2. **#3140 - BRANDON KNETTER**

SYNOPSIS: Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family home at 13300 Donahoo Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171111

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2016-99 - NICHOLAS PORTO**

SYNOPSIS: Special Use Permit for auto sales and service at 1243 Scott Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 171113

2. **#SP-2017-1 - SCOTT GOBLE WITH PAMCORP, LLC**

SYNOPSIS: Special Use Permit for a 79' self-supporting stealth-type monopole tower at 1226 Armstrong Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171114

3. **#SP-2017-9 - WILLIE FIELDS WITH SILVUR DOLLA ENT, LLC**

SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-15) for a drinking establishment and live entertainment at 16 North James Street and parking at 2, 4, and 12 North James Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 6 MONTHS)**

Tracking #: 171115

4. **#SP-2017-10 - JASON MYERS WITH COACH AUTOMOTIVE RESTYLERS, LLC**
SYNOPSIS: Special Use Permit for a dealer's license to buy and sell cars at auction at 3030 South 24th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)
Tracking #: 171116
5. **#SP-2017-12 - DAVID ZENERE WITH KANSAS CITY PROPERTY**
SYNOPSIS: Special Use Permit for an automotive repair shop at 6656 Inland Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)
Tracking #: 171117
6. **#SP-2017-18 - CARREEN BLANKENSHIP WITH SWEET CELEBRATIONS, LLC**
SYNOPSIS: Renewal of a Home Occupation Special Use Permit (#SP-2012-8) for a catering and bakery service at 12325 Bellerive Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 10 YEARS**)
Tracking #: 171108
7. **#SP-2017-24 - HANIF LAKHANI WITH 32 HIGHWAY LIQUORS, LLC**
SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-83) for a liquor store at 6832 Kaw Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS**)
Tracking #: 171109
8. **#SP-2017-25 - JORGE SALAZAR WITH JIAJ, INC.**
SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-2) for live entertainment in conjunction with existing restaurant at 151 South 18th Street, Suite A, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)
Tracking #: 171107

C. VACATION APPLICATION

1. **#A-2017-2 - DARRELL WALKER**
SYNOPSIS: Vacation of an alley at 1110 Shawnee Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 171118

D. PLAN REVIEW APPLICATION

1. **#PR-2017-13 - DARRYL HAWKINS WITH INNOVATIVE DESIGN**
SYNOPSIS: Preliminary and Final Plan Review for a new church at 4121 Minnesota Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 171119

E. MASTER PLAN AMENDMENT

1. #MP-2017-1 - NICHOLAS PORTO

SYNOPSIS: Master Plan Amendment from Residential to Light Industrial (Armourdale Master Plan) at 1243 Scott Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR DENIAL**)

Tracking #: 171120

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATION

1. #SP-2016-80 - PAMALA KUKOYI

SYNOPSIS: Special Use Permit for the Temporary Use of Land for 3 storage trailers at 1427 North 38th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR DENIAL - 7/1 VOTE**)

Tracking #: 171112

TAX STATUS REPORT BOARD OF COMMISSIONERS AGENDA FOR APRIL 27, 2017

#SP-2017-9 - Willie Fields with Silvr Dolla Ent, LLC

2014 - \$10,852.92

2015 - \$10,444.51

2016 - \$11,778.01

#SP-2017-24 - Hanif Lakhani with 32 Highway Liquors, LLC

2015 - \$11,821.53

2016 - \$18,953.26

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 SESSION

IX. MAYOR'S AGENDA

X. NON-PLANNING CONSENT AGENDA

1. PLAT: CENTRAL INDUSTRIAL PARK PHASE 2

SYNOPSIS: Plat of Lot 3A, Lot 4A and Tract I Central Industrial Park Phase 2 located at Kindelberger and Central Industrial Avenue and being developed by NorthPoint, LLC, submitted by Brent Thompson, Director of Engineering/County Surveyor, and Wayne Moody, Interim County Engineer.

Tracking #: 171121

2. NOMINATION: BOARDS AND COMMISSIONS

SYNOPSIS: Nomination for Boards and Commissions:

Paul Mose to City Planning Commission & Board of Zoning Appeals, 4/27/17 to 3/31/20, submitted by Commissioner Murguia

Tracking #: 171099

3. MINUTES

SYNOPSIS: Minutes from Regular Sessions of March 23 and 30, 2017, and Special Sessions of March 30 and April 6, 2017.

Tracking #: MINUTES

4. WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated April 6, 13, and 20, 2017.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. RESOLUTION: SET PUBLIC HEARING DATE TO CONSIDER THE PROPOSED AMERICAN ROYAL PROJECT PLAN

SYNOPSIS: A resolution setting a public hearing date of June 15, 2017, to consider the proposed Project Plan for the American Royal located in the area of 110th Street near Village West, submitted by Angela Harshbarger, Economic Development.

Tracking #: 171093

2. RESOLUTION: MEMORANDUMS OF UNDERSTANDING WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

SYNOPSIS: A resolution adopting conditions of employment pursuant to K.S.A. 75-4332 for the IAFF contract, submitted by Doug Bach, County Administrator.

Tracking #: 171124

3. INDIAN SPRINGS SITE - PUBLIC HEARING CANCELLED

SYNOPSIS: The developer has withdrawn their redevelopment proposal for a 26-acre flex-tech business park on the southern portion of the former Indian Springs Mall Site. After conducting several community meetings over the past couple of weeks, it was determined that this project was not right for this site at this time.

- Next Steps – Develop a planning process over the next 90 days. The process developed will include opportunities for community input and engagement.

- MARC Transit Oriented Planning and Development Presentation

Tracking #: 171049

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, APRIL 27, 2017**

XIII. ADMINISTRATOR'S AGENDA

DELETE

**ITEM NO. 2 – 171124...RESOLUTION: MEMORANDUMS OF UNDER-
STANDING WITH THE INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS**

The MOUs have been signed as originally approved by the Commission; therefore, this item is no longer required and is being removed from the agenda.

DELETE

ITEM NO. 3 – 171049... MARC PRESENTATION-DELETED

- MARC Transit Oriented Planning and Development Presentation -
DELETED



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: April 27, 2017

Re: **Change of Zone Petition #3128**
Special Use Permit Petition #SP-2016-99
Master Plan Amendment Petition #MP-2017-1

GENERAL INFORMATION

Applicant:
Nicholas Porto

Status of Applicant:
Representative
Paisano Auto Sales and
Service, Inc.
1600 Baltimore, S-200A
Kansas City, MO 64108

Requested Action:
Approval of a Special Use
Permit, a Change of Zone
from R-2(B) Two Family
District to MP-2 General
Industrial District, and a
Master Plan Amendment from
Residential to Light Industrial
for an auto sales and repair
business.



#SP-2016-99
COZ # 3128
#MP-2017-1

April 27, 2017

Date of Application: October 31, 2016

Purpose: The purpose of the application is to expand a parking lot for auto sales and repair service business.

Property Location: 1243 Scott Avenue

Existing Zoning: The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District.

Surrounding Zoning:	North:	M-2 General Industrial District
	South:	C-3 Commercial District and R-2(B) Two Family District
	East:	R-2(B) Two Family District
	West:	R-2(B) Two Family District

Existing Uses:	North:	Auto Service Business
	South:	Single Family Residential and Auto Sales Business
	East:	Single Family Residential
	West:	Vacant Land, Single Family Residential

Master Plan Designation: The Armourdale Master Plan designates this area as Residential.

Major Street Plan: The City-Wide Master Plan designates Scott Avenue as a local street.

Advertisement: The Wyandotte Echo – November 16, 2016
Letters to Property Owners – November 16, 2016, December 13, 2016, December 1, 2016, December 29, 2016, February 1, 2017, March 6, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a special use permit, a rezoning of a property from M-2 General Industrial District and R-2(B) Two Family District to MP-2 Planned General Industrial District, and a Master Plan Amendment from Residential to Light Industrial.

This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is

submitted in order to allow the business to improve and expand their parking lot onto this portion of the site.

The parcel currently has two zoning districts. The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District. This condition resulted from the consolidation of two residentially zoned lots with the lot zoned M-2 into what is now the larger combined lot, which occurred in September 2015. The applicant is requesting a special use permit, a rezoning, and a Master Plan Amendment in order to be able to use the entire parcel for an auto sales and repair business.

City Ordinance Requirements:

District Regulations: Sec. 27-452 – Sec. 27-472

Special Use Permits: Sec. 27-592 – Sec. 27-593

Commercial Development Guidelines Overlay District: Sec. 27-573 – Sec. 27-578

Comprehensive Plan or Plan Map Amendment: Sec. 27-213

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area north of Kansas Avenue in Armourdale includes a mix of heavy industrial, light industrial, commercial, and residential uses

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

This zoning could create compatibility issues with the single family residences to the east and south of the property. The single family house to the east of the property is owned by the applicant.

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 block this property is located on has both residential and industrial uses. This property is suitable for both residential uses and industrial uses, and removal of the restrictions could be detrimental to nearby residential property if adequate screening and landscaping measures are not put in place.

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

This property is not vacant. It was a metal plating business from 1973 to 2014 and is currently an auto sales and repair business.

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

This proposed use does not conform to the Armourdale Master Plan. The Armourdale Master Plan designates this area as Residential. A Master Plan

amendment is necessary prior to or in conjunction with rezoning and special use permit.

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

This use would not increase 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 proposed use is not necessary for the convenience and welfare of the public. However, it will allow this business to use the portion of the lot to enhance the operation of the business. The proposed use has the potential to injure the appropriate use, visual quality, or marketability of nearby residential and commercial property if adequate screening and landscaping measures are not put in place.

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

Noise, vibration, dust, and illumination could be a problem for nearby residential properties. This should be mitigated by stipulating that all work be performed inside an enclosed building, that all parking be paved, not gravel, and limiting the hours of operation.

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

Cars that are inoperable, salvage, or leaking are not allowed to be stored on the site, which mitigates the potential for environmental harm.

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

This is not an issue with this use.

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

a. *Water service*

Existing.

b. Sanitary sewer service

Existing

c. Storm water control

Existing

d. Police

Police service is provided by South Patrol, District #333

e. Fire

Fire service is provided by Station District #2

f. Transit

The KCATA 115 route provides transit service on Kansas Avenue

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

12. The economic impact of the proposed use on the community.

The proposed use will have minimal economic impact on the community.

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

The proposed use capable of meeting applicable ordinance requirements.

14. 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 be a hardship on the property owner and would not allow the owner to park cars on the portion of the property zoned R-2(b). The proposed use would not result in a gain to the public health, safety, and welfare unless the property is significantly enhanced with the commercial design guidelines.

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

This is not an issue with this use.

PREVIOUS ACTIONS

This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is submitted in order to allow the business to improve and expand their parking lot onto this portion of the site.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2016. There was one attendee at the meeting, and no opposition was expressed during the meeting. The meeting affidavit, meeting minutes, and sign in sheet are attached.

KEY ISSUES

1. Parking Setbacks
2. Parking Surface
3. Parking Dimensions
4. Screening of Parking
5. Landscaping Standards
6. Inoperable Vehicles
7. Sidewalks
8. Final Plan Review Required

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of **Master Plan Amendment #MP-2017-1, Change of Zone Application #3128 and Special Use Permit Application #SP-2016-99** as they are not in compliance with the City Ordinances and will not promote the public health, safety and welfare of the City of Kansas City, Kansas.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. **Parking Setbacks**
 - a. A fifteen (15) foot setback is required between parking areas and residential zoned property. Please revise the east parking setback.

- b. A six (6) foot setback is required between parking areas and any property line. Please revise the south parking setback, including the existing parking.

Staff Comment: The revised site plan meets these requirements.

2. Parking Surface

- a. The entire parking area must be paved with asphalt or concrete. Please indicate that all parking will be paved. Please show striping of the entire parking area including the existing parking. All cars must be in individually striped spaces.

Staff Comment: Revised site plan meets these requirements.

3. Parking Dimensions

- a. A ninety degree pattern double loaded parking aisle requires 60 ft. The current plan shows 50 ft. Please revise.

Staff Comments: The revised site plan meets the aisle width requirements. However, the parking layout must include hammerhead area(s) for backing and turning movements.

4. Screening of Parking

- a. The parking area must be screened on all sides that border a residential zoning district with architectural screening, which is defined as a six foot wooden fence with masonry columns every 32 feet on center. Please revise plans to show architectural screening on the east and south of the parking lot, including the existing parking. Upgrade the fence on the north side between the parking and street to architectural screening or provide continuous screening with walls, shrubs, or trees.

Staff Comment: The revised site plan meets these requirements

5. Landscaping Standards

- a. Eleven (11) trees are required to meet the area standards for the commercial design guidelines. MP-2 zoning requires one street tree for every 10,000 square feet of site area. The Commercial design guidelines require landscape requirements of the zoning district to be exceeded by 75% and that one tree be provided for every 30 feet of street frontage. Please revise the landscape plan.

Staff Comment: The revised preliminary development meets these requirements

6. **Inoperable Vehicles**

- a. Vehicles must not be inoperable, ruined, dismantled, or wrecked.

7. **Sidewalks**

- a. Sidewalks will be installed to code along the entire frontage of the property.

8. **Final Plan Review Required**

- a. Applicant must submit for a final plan review. The planning commission must approve the final plan prior to the special use permit going into effect or building permits being issued. This is a stipulation for approval of the special use permit.

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) Revise site plan and parking layout to include hammerhead area(s) for backing and turning movements.
 - 2) Final development plans and construction level drawings shall meet UG standards and criteria, and 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 Conclusion:

This application, which proposes a change of zone from residential to industrial, does not conform to the Armourdale Master Plan. The Armourdale Master Plan designates this area as residential. There are existing residences adjacent to this property to the east and south, and the expansion of industrial uses will further degrade the residential character of this area. The current situation was created by the property owner. In September of 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. The property owner did not apply for a change of zone at that time, and the zoning remains R-2(B) on the portion of the site that was consolidated into the current parcel. The property owner expanded the parking of the existing business into the portion of the site that is zoned R-2(B), which is a violation of the R-2(B) zoning regulations. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site, which prompted the change of zone, special use permit, and master plan amendment applications. Due to these factors, staff recommends denial of these petitions.

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 **DENIAL** of Petitions **#MP-2017-1**, **Change of Zone #3128** and **#SP-2016-99**, subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Zoning Map
Aerial Photography
Site Plan
Site Plan Detail
Site Photos
Meeting Affidavit, Minutes, and Sign In Sheet

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Change of Zone	Denial	
Special Permit	Denial	
Master Plan	Denial	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

#MP-2017-1

I move the Unified Government Board of Commissioners **DENY** Petition **#MP-2017-1**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2017-1**, 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. _____.

COZ #3128

I move the Unified Government Board of Commissioners **DENY** Petition #**3128**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3128** 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. _____.

#SP-2016-99

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2016-99**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2016-99** 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. _____.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Recording Secretary Parker stated that the Consent Agenda is completed and the Commission will now move on to the Non-Consent Agenda **Starts: 9:08.**

CHANGE OF ZONE APPLICATION #3128 – NICHOLAS PORTO – SYNOPSIS:

Change of Zone from R-2(B) Two Family District to M-2 General Industrial District for auto sales and service at 1243 Scott Avenue.

SPECIAL USE PERMIT APPLICATION #SP-2016-99 – NICHOLAS PORTO –

SYNOPSIS: Special Use Permit for auto sales and service at 1243 Scott Avenue

MASTER PLAN AMENDMENT #MP-2017-1 – NICHOLAS PORTO – SYNOPSIS:

Master Plan Amendment from Residential to Light Industrial (Armourdale Master Plan) at 1243 Scott Avenue

Detailed Outline of Requested Action: The applicant is requesting a special use permit, a rezoning of a property from M-2 General Industrial District and R-2(B) Two Family District to MP-2 Planned General Industrial District, and a Master Plan Amendment from Residential to Light Industrial. This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is submitted in order to allow the business to improve and expand their parking lot onto this portion of the site. The parcel currently has two zoning districts. The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District. This condition resulted from the consolidation of two residentially zoned lots with the lot zoned M-2 into what is now the larger combined lot, which occurred in September 2015. The applicant is requesting a special use permit, a rezoning, and a Master Plan Amendment in order to be able to use the entire parcel for auto sales and repair business.

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 April 10, 2017;
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 16, 2016; and
7. The Notices to property owners dated November 16, 2016, December 13, 2016, December 29, 2016, February 1, 2017 and March 6, 2017.

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

Present in Support:

- ❖ Mr. Nicholas Porto, 1600 Baltimore, Suite 200A, Kansas City, MO 64108
- ❖ Mr. Elder Cabrera, owner of the property, Paisano Auto Sales and Service, Inc., 1243 Scott Avenue, Kansas City, Kansas 66105

Present in Opposition:

- ❖ No one appeared in opposition.

Staff Recommendation Starts: 21:43 Planning Director Richardson stated that the neighborhood is a mix of different uses – some light industrial and some heavy industrial, lots of residential and lots of auto. The Master Plan designates this property for residential. He stated that one thing about Armourdale is when you have new industrial expansion adjacent to residential the homes adjacent to the expansion do not fare well for the future. He recently met with representatives from Armourdale Renewal concerning their desire to do a new master plan for Armourdale to enhance and protect the residential areas. The argument that parking is better than a vacant lot he is not sure holds any water. The current configuration of parking is that the applicant put down gravel with a chain link fence with some black mat. He is not sure that given the history with automotive uses that is better than a vacant lot with a couple of trees considering there are two residential homes next to it. He further stated that the staff recommendation at this time is for denial. In 2018 or 2019 they will do a new master plan (if it is funded) and he imagines the master plan will address issues like this and how they should be done and have public involvement because this is not the only area in Armourdale like this. There are many situations like this in Armourdale. In some cases in the past special use permits have been approved that had negative results. A few years ago in Armourdale a special use permit for an used oil recycling business was approved and it ended up leaving (under the cover of darkness) because of illnesses that happened adjacent to it. This proposal is not of that scale but the staff has legitimate concerns about heavy automotive uses adjacent to residential living. If they do these two lots he does not know what stops them from coming in and wanting to do the five (5) lots to the east or the two (2) lots to the west that would be adjacent to additional residential homes. This expansion is not contemplated in the master plan and the staff cannot see changing and approving the master plan for this use in this area at this time. The staff recommends denial of the master plan amendment, change of zone and special use permit.

Commission Questions Starts: 25:01

Motion and Vote Starts: 29:59

On motion by Dr. Serda, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Master Plan Amendment #MP-2017-1 as it is not in compliance with the City Ordinances and it will not promote the public health, safety and welfare of the City of Kansas City, Kansas:**

Carson	Aye
Childress	Aye

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

Motion to recommend DENIAL Passed: 8 to 0

On motion by Mr. Carson, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend DENIAL of Change of Zone Application #3128 for the reasons listed above:**

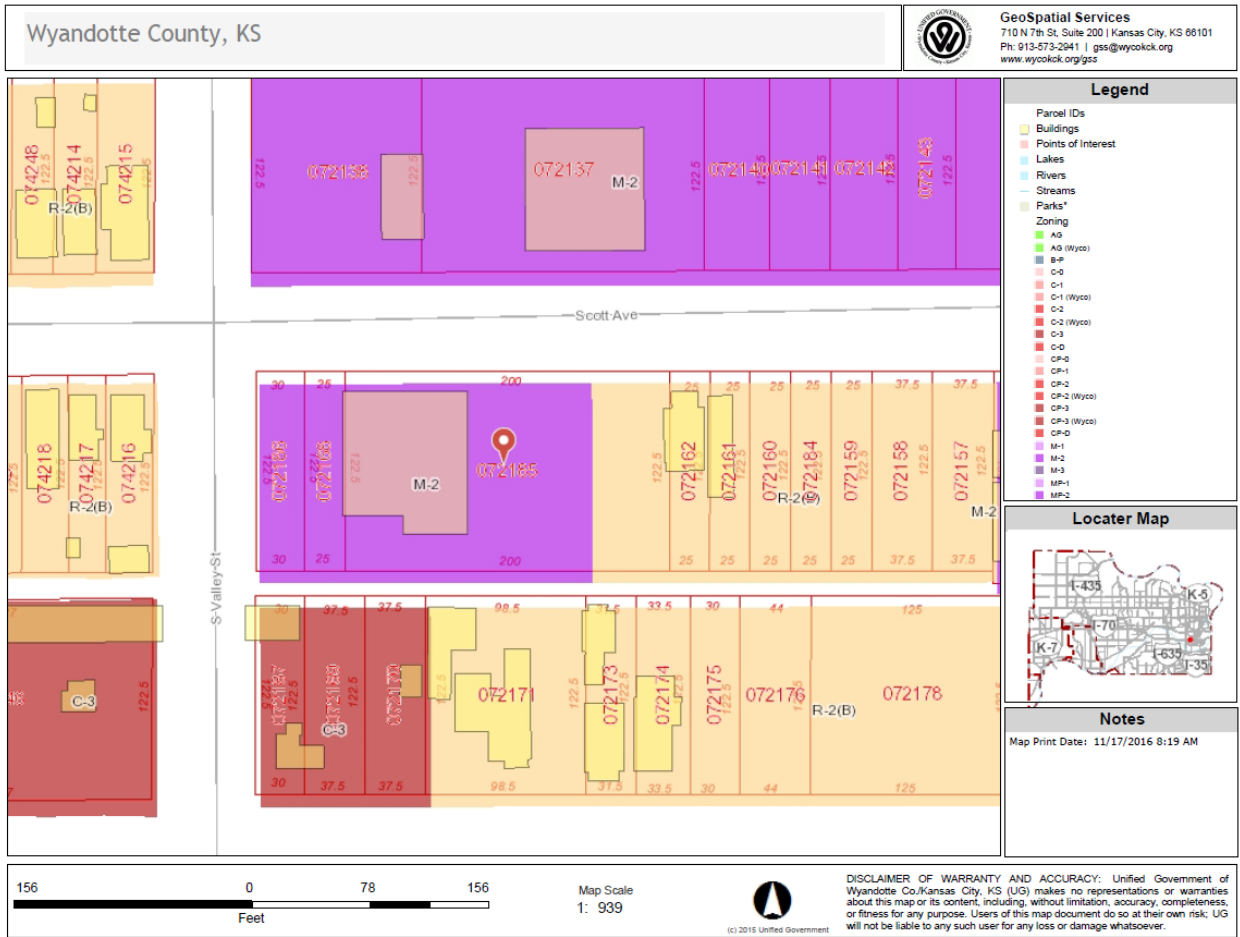
Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Serda	Aye
Wing	Aye

Motion to recommend DENIAL Passed: 8 to 0

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2016-99 for the reasons listed above:**

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

Motion to recommend DENIAL Passed: 8 to 0



Zoning Map



Aerial Photography Map

#SP-2016-99
COZ # 3128
#MP-2017-1

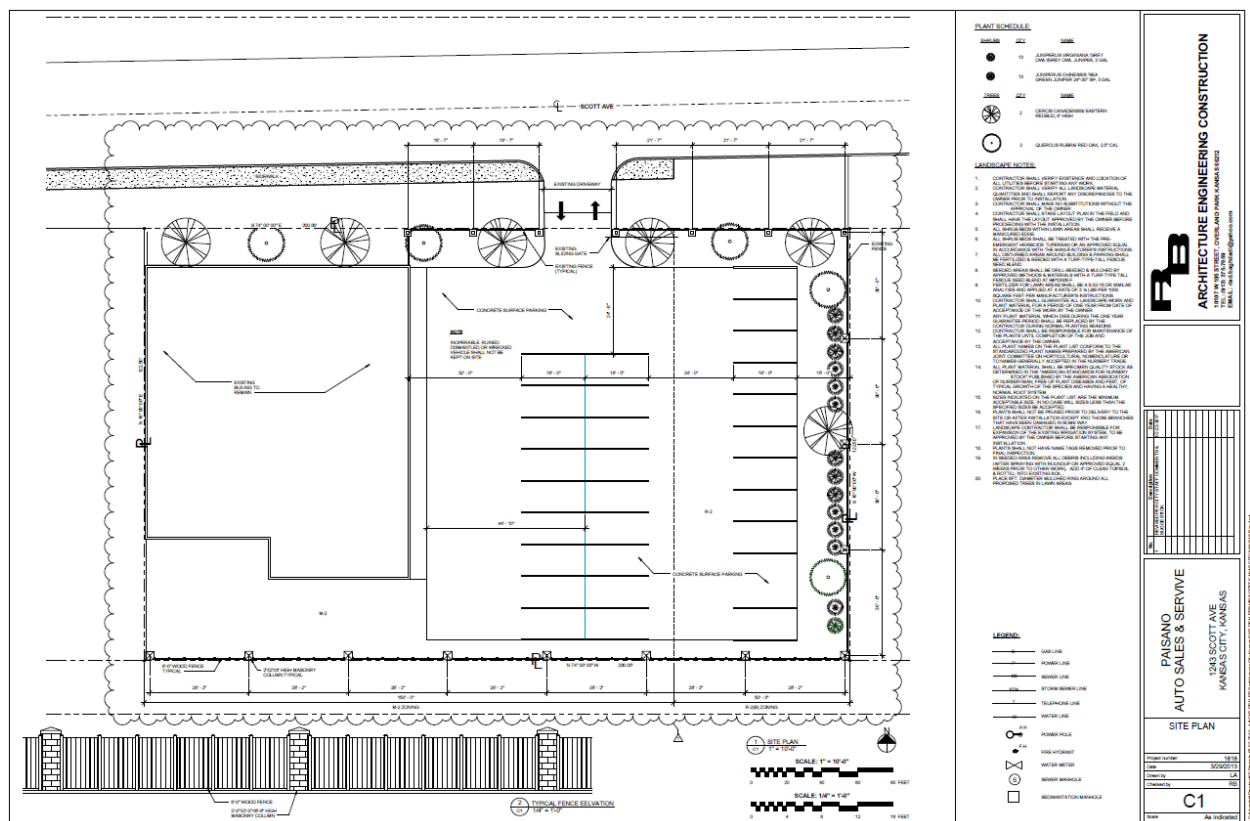
April 27, 2017





#SP-2016-99
COZ # 3128
#MP-2017-1

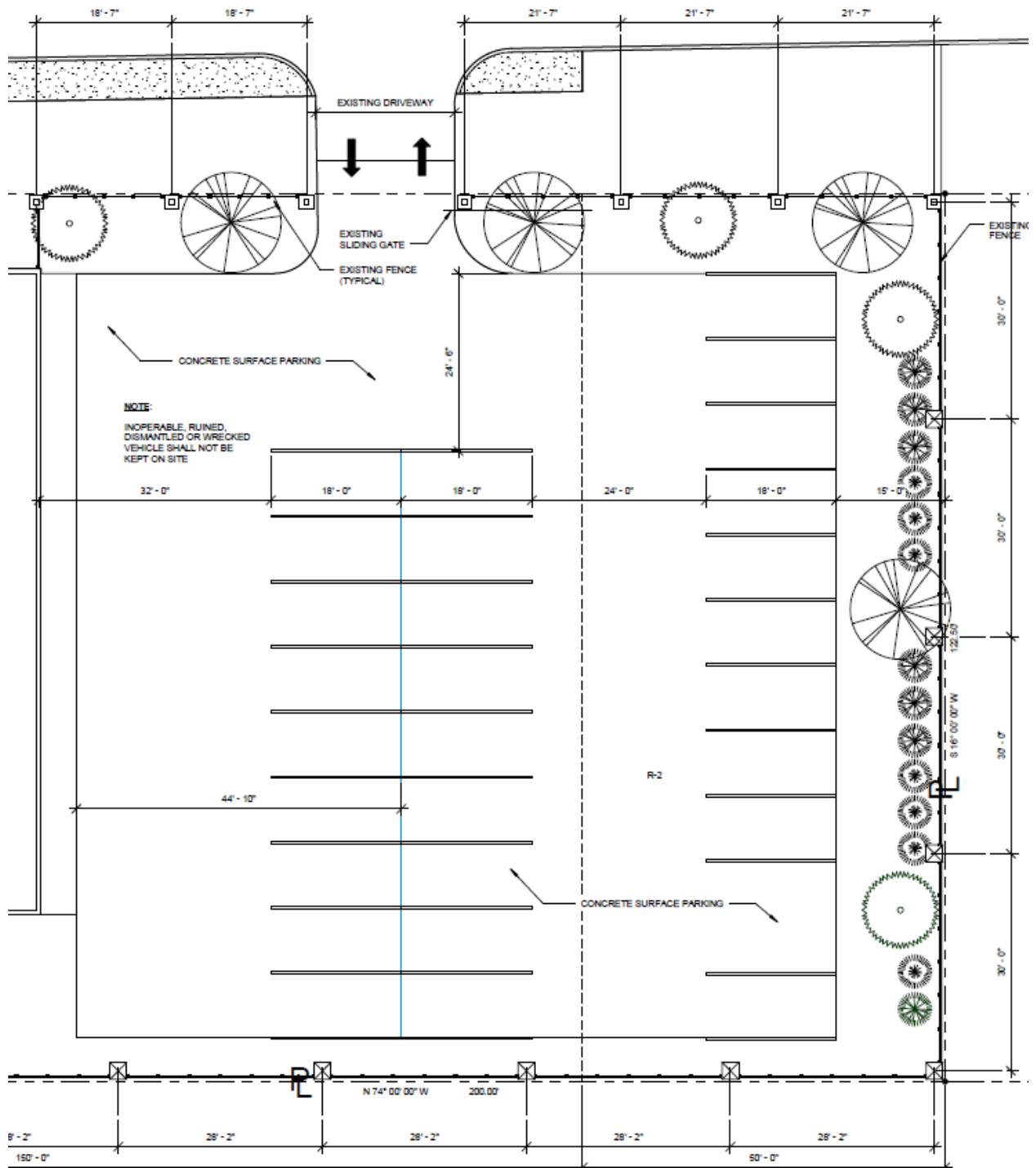
April 27, 2017



Site Plan

#SP-2016-99
COZ # 3128
#MP-2017-1

April 27, 2017



Site Plan (Detail)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF CLAY)

Comes now NICHOLAS J. PORTO, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2016-99.
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.



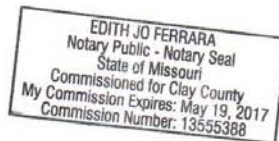
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29TH day of NOVEMBER

My commission expires 19TH of MAY, 20017



Notary Public



Application No. SP-2016-99
NEIGHBORHOOD MEETING
NOVEMBER 28, 2016 3:00 PM
1243 Scott Ave., Kansas City, KS 66105

SIGN IN SHEET

NAME	ADDRESS
Nicolas Novillo	15037 QUIVIRA Rd. Olathe, K66062

Application No. SP-2016-99

Date and Location of Meeting: November 28, 2016 – 1243 Scott Ave., Kansas City, KS 66105

Names of people in in attendance:

Nicholas Novello, owner of adjacent property
15037 Quivira Road
Olathe, Kansas 66062

Introductions:

The neighborhood meeting commenced at 3:00 PM. Nicholas Porto, attorney for Paisano Brothers, owners of the property located at 1243 Scott Ave., stated that the owners are applying for rezoning from R2B to M2, explained the nature of the project and that architectural plans for this project are being prepared by RB Architecture.

Before concluding the meeting, Mr. Novello, the only attendee, was given the opportunity to ask questions or share comments. His only comment was that he had no objection.

The meeting adjourned at 3:30 PM.

Minutes taken by Nicholas J. Porto



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: April 27, 2017
Re: **Change of Zone Petition #3140**

GENERAL INFORMATION

Applicant:
Brandon Knetter

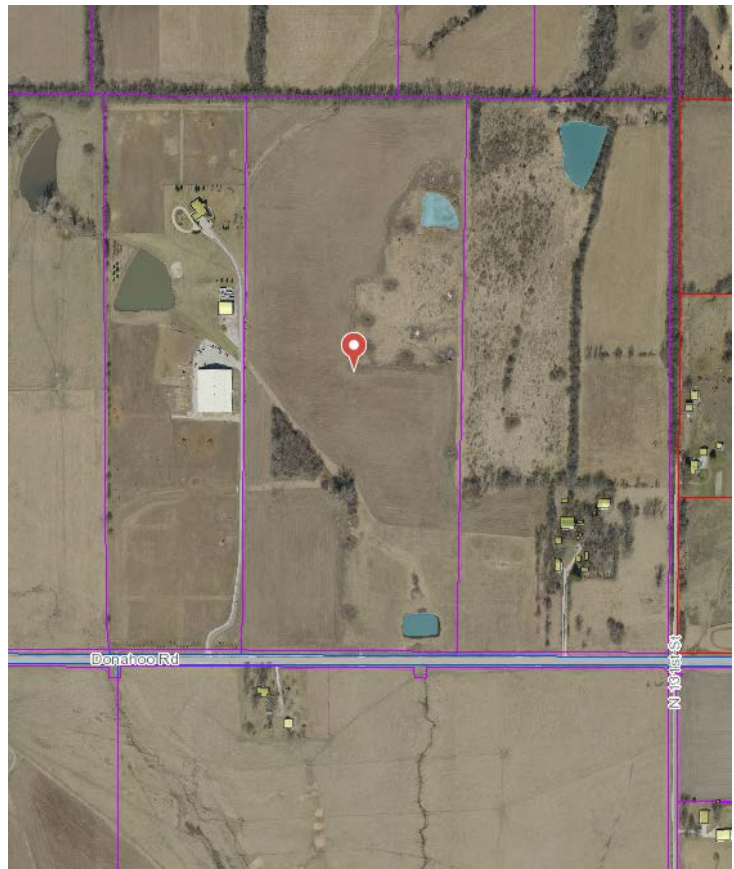
Status of Applicant:
Representative
13300 Donahoo Road
Kansas City, KS 66109

Requested Actions:
Change of Zone from
A-G Agriculture District to R-1
Single Family District

Date of Application:
February 24, 2017

Purpose:
The applicant is applying for a rezoning in order to create a new lot that is less than 5 acres and build a single family residence.

Property Location:
13300 Donahoo Road



Existing Zoning: A-G Agriculture District

Surrounding Zoning:

North:	A-G Agriculture District
South:	A-G Agriculture District
East:	A-G Agriculture District
West:	A-G Agriculture District

Existing Uses:

North:	Agriculture/Residential on large lots
South:	Agriculture/Residential on large lots
East:	Agriculture/Residential on large lots
West:	Agriculture/Residential on large lots

Total Tract Size: 2.93 Acres

Master Plan Designation: The Prairie Piper Master Plan Designates this property as Low Density Residential District.

Major Street Plan: The City-Wide Master Plan designates this property as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – March 13, 2017
Letters to Property Owners – March 16, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No opposition appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant has submitted applications for an administrative subdivision of land, a change of zone from A-G Agriculture District to R-1 Single Family Residential District, and a zoning variance for the creation of a lot has a depth that is more than three times its length. The purpose of the applications is to create a lot for a single family residence.

City Ordinance Requirements:

Chapter 27 – Planning and Development

Article VI – Administration and Review Procedures

Rezoning – Conventional Districts, Section 27-210

Article VIII – Zoning

Division 4 – District Regulations, Sections 27-452 – Sections 27-497

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The surrounding area is rural in nature with single family houses on large lots and agricultural activities.

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

The proposed use is compatible with the nearby 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?*

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 currently being used for agricultural purposes.

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

The proposed use will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed use will not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The proposed use conforms to the Master Plan.

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

The proposed use will not cause environmental harm if the septic system is property design, built, and maintained.

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

a. Water service

Available

b. Sanitary sewer service

The property is not served by sanitary sewer service. A septic system has been proposed.

c. Storm water control

To be designed to city codes

d. Police

Police service is provided by West Patrol, District #224

e. Fire

Fire service is provided by District #4

f. Transit

There is no transit service in the area

g. Schools

Piper USD 203

h. Streets

See item #6 above

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

The economic impact of the proposed use is minimal.

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

The proposed use is capable of meeting all applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare are minimal, but the hardship imposed on the individual landowner would be significant.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 31, 2017 with one person in attendance.

KEY ISSUES

1. Utility Easements Required
2. R-1 Single Family District Requirements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3140, subject to:

Urban Planning and Land Use Comments:

1. Utility Easements Required

Please provide the required 10' utility easements along the side lines of lots. Utility easements shall be provided along each side of the side lines of lots and/or the rear line of lots where necessary to form a continuous right-of-way. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when such lines do not form, in whole or in part, the outside boundaries of the development plat.

Staff Comment: Utility easements and other items related to the lot split can be addressed through administrative review

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 preliminary site plan showing locations of future home, driveway, septic tank and lateral field. Provide dimensions from property line(s), and include existing and proposed driveway width.
 - 2) Indicate the width of the gas easement on the survey and preliminary site plan. Coordinate with the respective gas company regarding any building separation requirements.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) The owner of each lot with a proposed septic system will need to coordinate with Wyandotte County Health Department to obtain septic system approval and permit, prior to construction or building permit acquisition.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3140 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Survey
Survey (Detail)
Site Photos
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	April 10, 2017	April 27, 2017
Rezoning	Approval	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3140 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 #3140, 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.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 2:58:25

CHANGE OF ZONE APPLICATION #3140 – BRANDON KNETTER – SYNOPSIS:

Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family home at 13300 Donahoo Road. **Detailed Outline of Requested Action:** The applicant has submitted applications for an administrative subdivision of land, a change of zone from A-G Agriculture District to R-1 Single Family Residential District, and a zoning variance for the creation of a lot has a depth that is more than three times its length. The purpose of the applications is to create a lot for a single family residence.

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 April 10, 2017;
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 March 16, 2017; and
7. The Notices to property owners dated March 16, 2017.

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

Present in Support:

- ❖ Mr. Brandon Knetter, applicant, 13300 Donahoo Road, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 3:00:25 Planner Toy stated that the staff recommends approval subject to the stipulations outline in the staff report.

Motion and Vote Starts: 3:00:42

On motion by Mr. Carson, seconded by Mr. Wing, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3140:**

Carson Aye

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

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

Urban Planning and Land Use Comments:

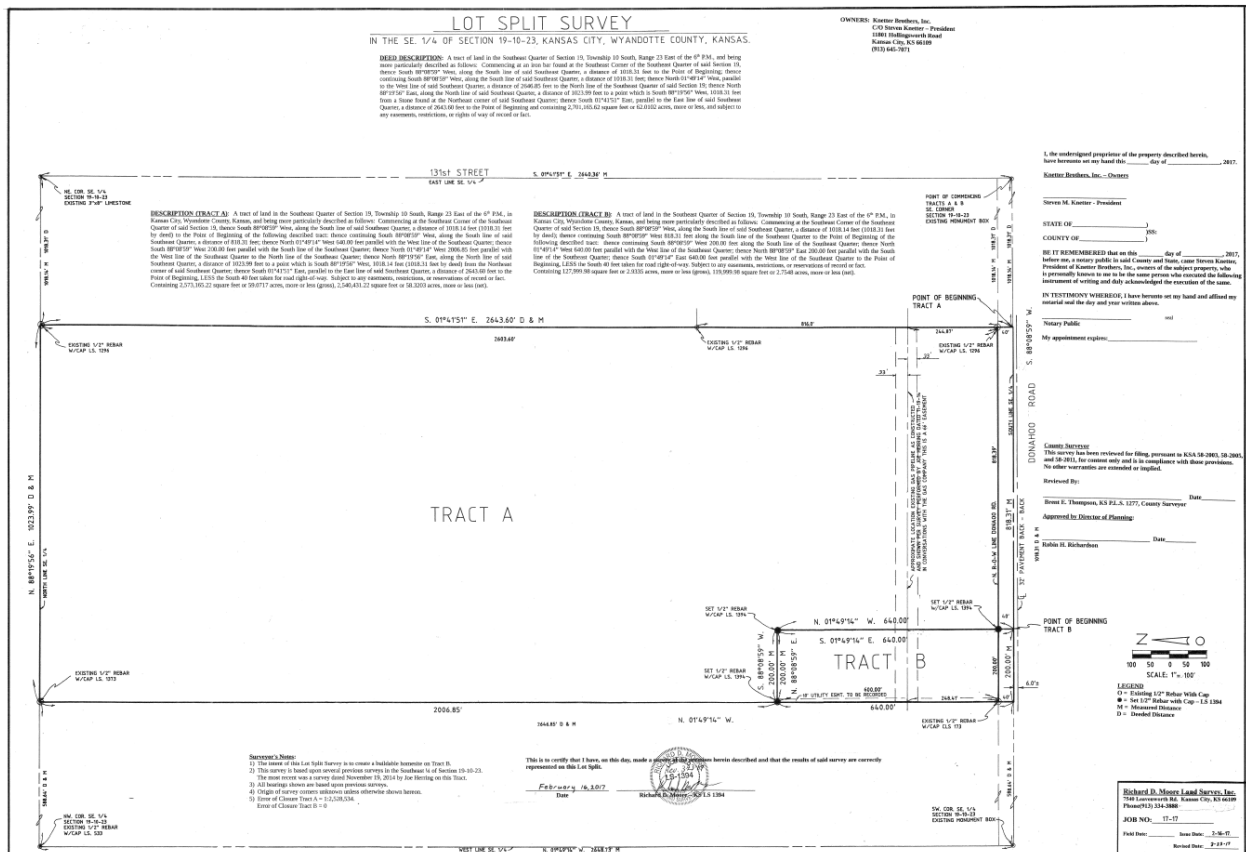
1. Utility Easements Required

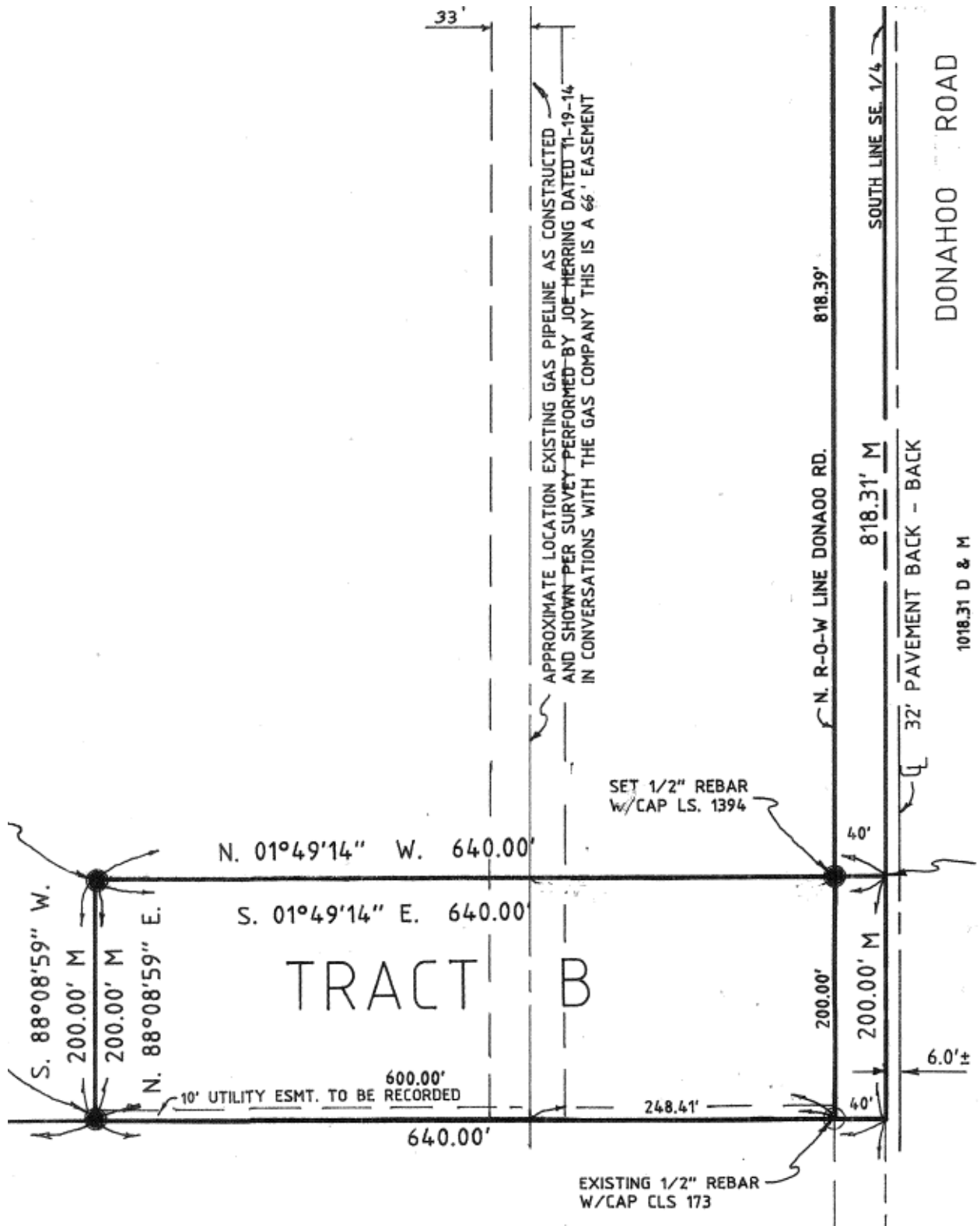
Please provide the required 10' utility easements along the side lines of lots. Utility easements shall be provided along each side of the side lines of lots and/or the rear line of lots where necessary to form a continuous right-of-way. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when such lines do not form, in whole or in part, the outside boundaries of the development plat.

Staff Comment: Utility easements and other items related to the lot split can be addressed through administrative review

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 preliminary site plan showing locations of future home, driveway, septic tank and lateral field. Provide dimensions from property line(s), and include existing and proposed driveway width.
 - 2) Indicate the width of the gas easement on the survey and preliminary site plan. Coordinate with the respective gas company regarding any building separation requirements.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) The owner of each lot with a proposed septic system will need to coordinate with Wyandotte County Health Department to obtain septic system approval and permit, prior to construction or building permit acquisition.





Survey (Detail)



Applicant Comment: View to the west from Tract B



Applicant Comment: View looking at Tract A to the east



Applicant Comment: View to the south looking at Donahoo Road from Tract B



Applicant Comment: View looking North from Tract B



Applicant Comment: View looking north at Tract B from Donahoo Road. Notice the curb cut-out already in place, as well as the city fire hydrant.

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF Wyandotte) SS:

Comes now Brandon Kretter of lawful age, sound mind and upon his/her oath states as follows: COZ #3140 & Appeal #2246

1. That I am the petitioner for Petition # 3/21/17
2. That I conducted a neighborhood meeting on 3/21/17
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.

Br Kretter
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21 day of March, 20017

My commission expires 22nd of Oct., 20019



M. Sargent
Notary Public

MEETING MINUTES:

Application Number: COZ 3140, and appeal 2246
Date and Location: 03/21/2017

Meeting called to order at: 1800hrs at Starbucks 10620 Parallel Parkway,
Kansas City KS. 66109

Names of people in attendance: Brandon Knetter, Katherine Wade, Bill
Basler

Introductions:

Short introduction between Mr. Basler, Mr. Knetter, and Ms. Wade (Mr. Knetter's fiancé). Meeting was very informal. Mr. Knetter explained his intentions of rezoning to residential to build a single family home. Mr. Basler was in agreement with the plans and was looking forward to the new neighbors.

Mr. Basler extended an invitation to Mr. Knetter, and Ms. Wade to come over to his home at some point to meet his wife.

Mr. Basler left after approximately 10 minutes of conversation.

Mr. Knetter and Ms. Wade waited at the location until 1830 hours to see if anyone else would show up. No one ever did.

Mr. Knetter and Ms. Wade adjourned the meeting at 1830 hrs.

Meeting adjourned at: 1830 hrs.

Minutes taken by: Brandon Knetter



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: April 27, 2017

Re: **Change of Zone Petition #3128**
Special Use Permit Petition #SP-2016-99
Master Plan Amendment Petition #MP-2017-1

GENERAL INFORMATION

Applicant:
Nicholas Porto

Status of Applicant:
Representative
Paisano Auto Sales and
Service, Inc.
1600 Baltimore, S-200A
Kansas City, MO 64108

Requested Action:
Approval of a Special Use
Permit, a Change of Zone
from R-2(B) Two Family
District to MP-2 General
Industrial District, and a
Master Plan Amendment from
Residential to Light Industrial
for an auto sales and repair
business.



#SP-2016-99
COZ # 3128
#MP-2017-1

April 27, 2017

Date of Application: October 31, 2016

Purpose: The purpose of the application is to expand a parking lot for auto sales and repair service business.

Property Location: 1243 Scott Avenue

Existing Zoning: The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District.

Surrounding Zoning:	North:	M-2 General Industrial District
	South:	C-3 Commercial District and R-2(B) Two Family District
	East:	R-2(B) Two Family District
	West:	R-2(B) Two Family District

Existing Uses:	North:	Auto Service Business
	South:	Single Family Residential and Auto Sales Business
	East:	Single Family Residential
	West:	Vacant Land, Single Family Residential

Master Plan Designation: The Armourdale Master Plan designates this area as Residential.

Major Street Plan: The City-Wide Master Plan designates Scott Avenue as a local street.

Advertisement: The Wyandotte Echo – November 16, 2016
Letters to Property Owners – November 16, 2016, December 13, 2016, December 1, 2016, December 29, 2016, February 1, 2017, March 6, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a special use permit, a rezoning of a property from M-2 General Industrial District and R-2(B) Two Family District to MP-2 Planned General Industrial District, and a Master Plan Amendment from Residential to Light Industrial.

This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is

submitted in order to allow the business to improve and expand their parking lot onto this portion of the site.

The parcel currently has two zoning districts. The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District. This condition resulted from the consolidation of two residentially zoned lots with the lot zoned M-2 into what is now the larger combined lot, which occurred in September 2015. The applicant is requesting a special use permit, a rezoning, and a Master Plan Amendment in order to be able to use the entire parcel for an auto sales and repair business.

City Ordinance Requirements:

District Regulations: Sec. 27-452 – Sec. 27-472

Special Use Permits: Sec. 27-592 – Sec. 27-593

Commercial Development Guidelines Overlay District: Sec. 27-573 – Sec. 27-578

Comprehensive Plan or Plan Map Amendment: Sec. 27-213

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area north of Kansas Avenue in Armourdale includes a mix of heavy industrial, light industrial, commercial, and residential uses

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

This zoning could create compatibility issues with the single family residences to the east and south of the property. The single family house to the east of the property is owned by the applicant.

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 block this property is located on has both residential and industrial uses. This property is suitable for both residential uses and industrial uses, and removal of the restrictions could be detrimental to nearby residential property if adequate screening and landscaping measures are not put in place.

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

This property is not vacant. It was a metal plating business from 1973 to 2014 and is currently an auto sales and repair business.

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

This proposed use does not conform to the Armourdale Master Plan. The Armourdale Master Plan designates this area as Residential. A Master Plan

amendment is necessary prior to or in conjunction with rezoning and special use permit.

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

This use would not increase 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 proposed use is not necessary for the convenience and welfare of the public. However, it will allow this business to use the portion of the lot to enhance the operation of the business. The proposed use has the potential to injure the appropriate use, visual quality, or marketability of nearby residential and commercial property if adequate screening and landscaping measures are not put in place.

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

Noise, vibration, dust, and illumination could be a problem for nearby residential properties. This should be mitigated by stipulating that all work be performed inside an enclosed building, that all parking be paved, not gravel, and limiting the hours of operation.

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

Cars that are inoperable, salvage, or leaking are not allowed to be stored on the site, which mitigates the potential for environmental harm.

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

This is not an issue with this use.

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

a. *Water service*

Existing.

b. Sanitary sewer service

Existing

c. Storm water control

Existing

d. Police

Police service is provided by South Patrol, District #333

e. Fire

Fire service is provided by Station District #2

f. Transit

The KCATA 115 route provides transit service on Kansas Avenue

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

12. The economic impact of the proposed use on the community.

The proposed use will have minimal economic impact on the community.

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

The proposed use capable of meeting applicable ordinance requirements.

14. 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 be a hardship on the property owner and would not allow the owner to park cars on the portion of the property zoned R-2(b). The proposed use would not result in a gain to the public health, safety, and welfare unless the property is significantly enhanced with the commercial design guidelines.

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

This is not an issue with this use.

PREVIOUS ACTIONS

This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is submitted in order to allow the business to improve and expand their parking lot onto this portion of the site.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2016. There was one attendee at the meeting, and no opposition was expressed during the meeting. The meeting affidavit, meeting minutes, and sign in sheet are attached.

KEY ISSUES

1. Parking Setbacks
2. Parking Surface
3. Parking Dimensions
4. Screening of Parking
5. Landscaping Standards
6. Inoperable Vehicles
7. Sidewalks
8. Final Plan Review Required

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of **Master Plan Amendment #MP-2017-1, Change of Zone Application #3128 and Special Use Permit Application #SP-2016-99** as they are not in compliance with the City Ordinances and will not promote the public health, safety and welfare of the City of Kansas City, Kansas.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. **Parking Setbacks**
 - a. A fifteen (15) foot setback is required between parking areas and residential zoned property. Please revise the east parking setback.

- b. A six (6) foot setback is required between parking areas and any property line. Please revise the south parking setback, including the existing parking.

Staff Comment: The revised site plan meets these requirements.

2. Parking Surface

- a. The entire parking area must be paved with asphalt or concrete. Please indicate that all parking will be paved. Please show striping of the entire parking area including the existing parking. All cars must be in individually striped spaces.

Staff Comment: Revised site plan meets these requirements.

3. Parking Dimensions

- a. A ninety degree pattern double loaded parking aisle requires 60 ft. The current plan shows 50 ft. Please revise.

Staff Comments: The revised site plan meets the aisle width requirements. However, the parking layout must include hammerhead area(s) for backing and turning movements.

4. Screening of Parking

- a. The parking area must be screened on all sides that border a residential zoning district with architectural screening, which is defined as a six foot wooden fence with masonry columns every 32 feet on center. Please revise plans to show architectural screening on the east and south of the parking lot, including the existing parking. Upgrade the fence on the north side between the parking and street to architectural screening or provide continuous screening with walls, shrubs, or trees.

Staff Comment: The revised site plan meets these requirements

5. Landscaping Standards

- a. Eleven (11) trees are required to meet the area standards for the commercial design guidelines. MP-2 zoning requires one street tree for every 10,000 square feet of site area. The Commercial design guidelines require landscape requirements of the zoning district to be exceeded by 75% and that one tree be provided for every 30 feet of street frontage. Please revise the landscape plan.

Staff Comment: The revised preliminary development meets these requirements

6. **Inoperable Vehicles**

- a. Vehicles must not be inoperable, ruined, dismantled, or wrecked.

7. **Sidewalks**

- a. Sidewalks will be installed to code along the entire frontage of the property.

8. **Final Plan Review Required**

- a. Applicant must submit for a final plan review. The planning commission must approve the final plan prior to the special use permit going into effect or building permits being issued. This is a stipulation for approval of the special use permit.

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) Revise site plan and parking layout to include hammerhead area(s) for backing and turning movements.
 - 2) Final development plans and construction level drawings shall meet UG standards and criteria, and 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 Conclusion:

This application, which proposes a change of zone from residential to industrial, does not conform to the Armourdale Master Plan. The Armourdale Master Plan designates this area as residential. There are existing residences adjacent to this property to the east and south, and the expansion of industrial uses will further degrade the residential character of this area. The current situation was created by the property owner. In September of 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. The property owner did not apply for a change of zone at that time, and the zoning remains R-2(B) on the portion of the site that was consolidated into the current parcel. The property owner expanded the parking of the existing business into the portion of the site that is zoned R-2(B), which is a violation of the R-2(B) zoning regulations. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site, which prompted the change of zone, special use permit, and master plan amendment applications. Due to these factors, staff recommends denial of these petitions.

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 **DENIAL** of Petitions **#MP-2017-1**, **Change of Zone #3128** and **#SP-2016-99**, subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Zoning Map
Aerial Photography
Site Plan
Site Plan Detail
Site Photos
Meeting Affidavit, Minutes, and Sign In Sheet

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Change of Zone	Denial	
Special Permit	Denial	
Master Plan	Denial	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

#MP-2017-1

I move the Unified Government Board of Commissioners **DENY** Petition **#MP-2017-1**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2017-1**, 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. _____.

COZ #3128

I move the Unified Government Board of Commissioners **DENY** Petition **#3128**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3128** 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. _____.

#SP-2016-99

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2016-99**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2016-99** 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. _____.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Recording Secretary Parker stated that the Consent Agenda is completed and the Commission will now move on to the Non-Consent Agenda **Starts: 9:08.**

CHANGE OF ZONE APPLICATION #3128 – NICHOLAS PORTO – SYNOPSIS:

Change of Zone from R-2(B) Two Family District to M-2 General Industrial District for auto sales and service at 1243 Scott Avenue.

SPECIAL USE PERMIT APPLICATION #SP-2016-99 – NICHOLAS PORTO –

SYNOPSIS: Special Use Permit for auto sales and service at 1243 Scott Avenue

MASTER PLAN AMENDMENT #MP-2017-1 – NICHOLAS PORTO – SYNOPSIS:

Master Plan Amendment from Residential to Light Industrial (Armourdale Master Plan) at 1243 Scott Avenue

Detailed Outline of Requested Action: The applicant is requesting a special use permit, a rezoning of a property from M-2 General Industrial District and R-2(B) Two Family District to MP-2 Planned General Industrial District, and a Master Plan Amendment from Residential to Light Industrial. This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is submitted in order to allow the business to improve and expand their parking lot onto this portion of the site. The parcel currently has two zoning districts. The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District. This condition resulted from the consolidation of two residentially zoned lots with the lot zoned M-2 into what is now the larger combined lot, which occurred in September 2015. The applicant is requesting a special use permit, a rezoning, and a Master Plan Amendment in order to be able to use the entire parcel for auto sales and repair business.

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 April 10, 2017;
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 16, 2016; and
7. The Notices to property owners dated November 16, 2016, December 13, 2016, December 29, 2016, February 1, 2017 and March 6, 2017.

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

Present in Support:

- ❖ Mr. Nicholas Porto, 1600 Baltimore, Suite 200A, Kansas City, MO 64108
- ❖ Mr. Elder Cabrera, owner of the property, Paisano Auto Sales and Service, Inc., 1243 Scott Avenue, Kansas City, Kansas 66105

Present in Opposition:

- ❖ No one appeared in opposition.

Staff Recommendation Starts: 21:43 Planning Director Richardson stated that the neighborhood is a mix of different uses – some light industrial and some heavy industrial, lots of residential and lots of auto. The Master Plan designates this property for residential. He stated that one thing about Armourdale is when you have new industrial expansion adjacent to residential the homes adjacent to the expansion do not fare well for the future. He recently met with representatives from Armourdale Renewal concerning their desire to do a new master plan for Armourdale to enhance and protect the residential areas. The argument that parking is better than a vacant lot he is not sure holds any water. The current configuration of parking is that the applicant put down gravel with a chain link fence with some black mat. He is not sure that given the history with automotive uses that is better than a vacant lot with a couple of trees considering there are two residential homes next to it. He further stated that the staff recommendation at this time is for denial. In 2018 or 2019 they will do a new master plan (if it is funded) and he imagines the master plan will address issues like this and how they should be done and have public involvement because this is not the only area in Armourdale like this. There are many situations like this in Armourdale. In some cases in the past special use permits have been approved that had negative results. A few years ago in Armourdale a special use permit for an used oil recycling business was approved and it ended up leaving (under the cover of darkness) because of illnesses that happened adjacent to it. This proposal is not of that scale but the staff has legitimate concerns about heavy automotive uses adjacent to residential living. If they do these two lots he does not know what stops them from coming in and wanting to do the five (5) lots to the east or the two (2) lots to the west that would be adjacent to additional residential homes. This expansion is not contemplated in the master plan and the staff cannot see changing and approving the master plan for this use in this area at this time. The staff recommends denial of the master plan amendment, change of zone and special use permit.

Commission Questions Starts: 25:01

Motion and Vote Starts: 29:59

On motion by Dr. Serda, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Master Plan Amendment #MP-2017-1 as it is not in compliance with the City Ordinances and it will not promote the public health, safety and welfare of the City of Kansas City, Kansas:**

Carson	Aye
Childress	Aye

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

Motion to recommend DENIAL Passed: 8 to 0

On motion by Mr. Carson, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend DENIAL of Change of Zone Application #3128 for the reasons listed above:**

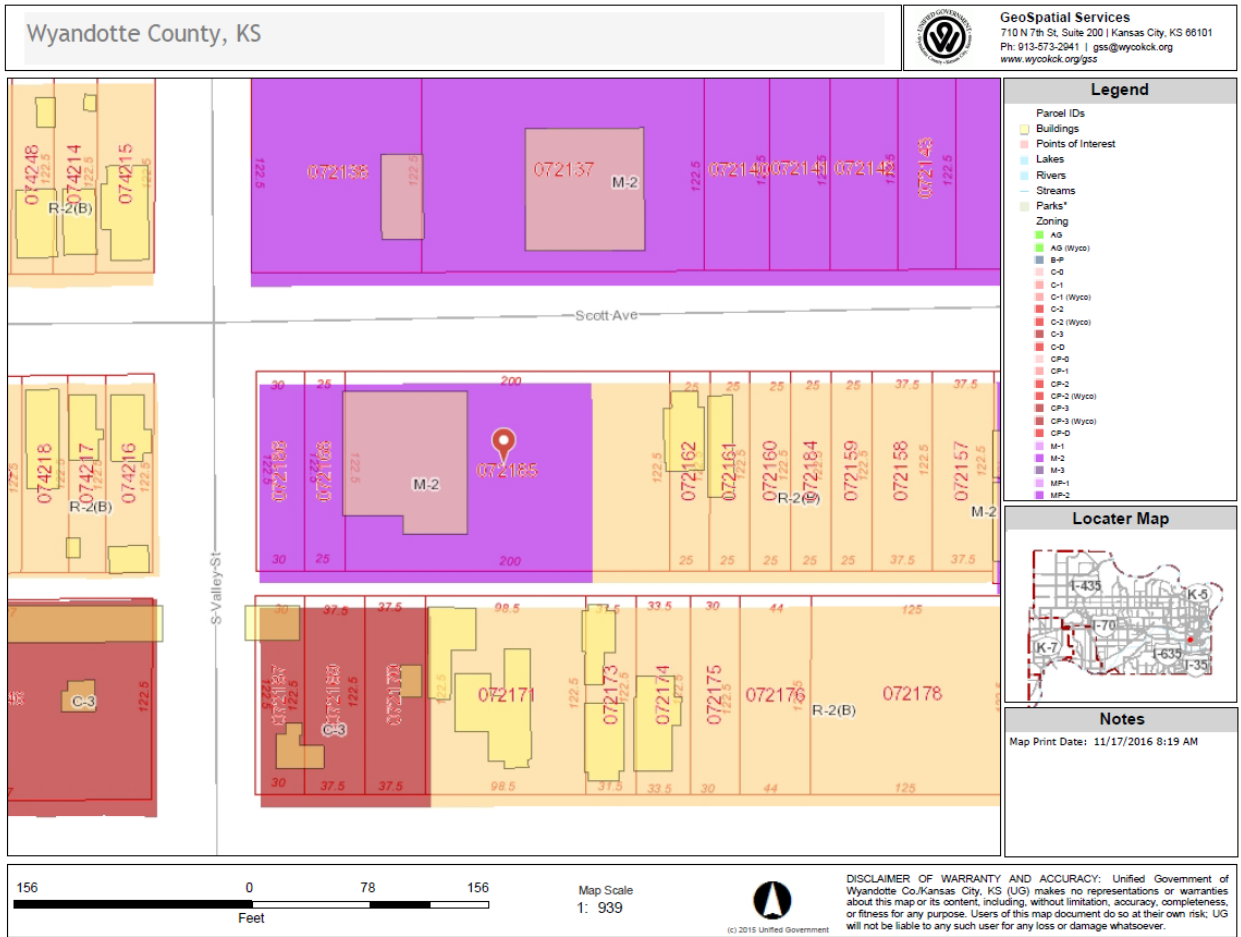
Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Serda	Aye
Wing	Aye

Motion to recommend DENIAL Passed: 8 to 0

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2016-99 for the reasons listed above:**

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

Motion to recommend DENIAL Passed: 8 to 0



Zoning Map



Aerial Photography Map

#SP-2016-99
 COZ # 3128
 #MP-2017-1

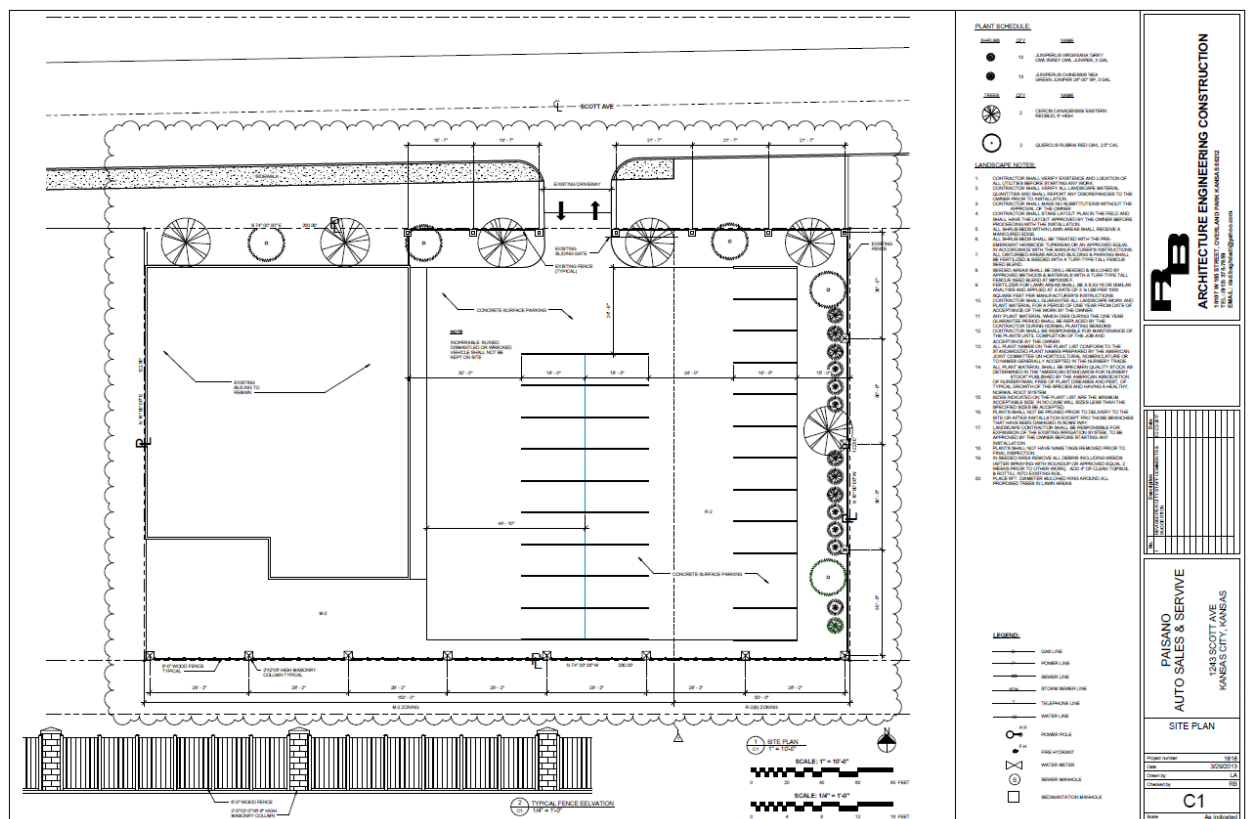
April 27, 2017





#SP-2016-99
COZ # 3128
#MP-2017-1

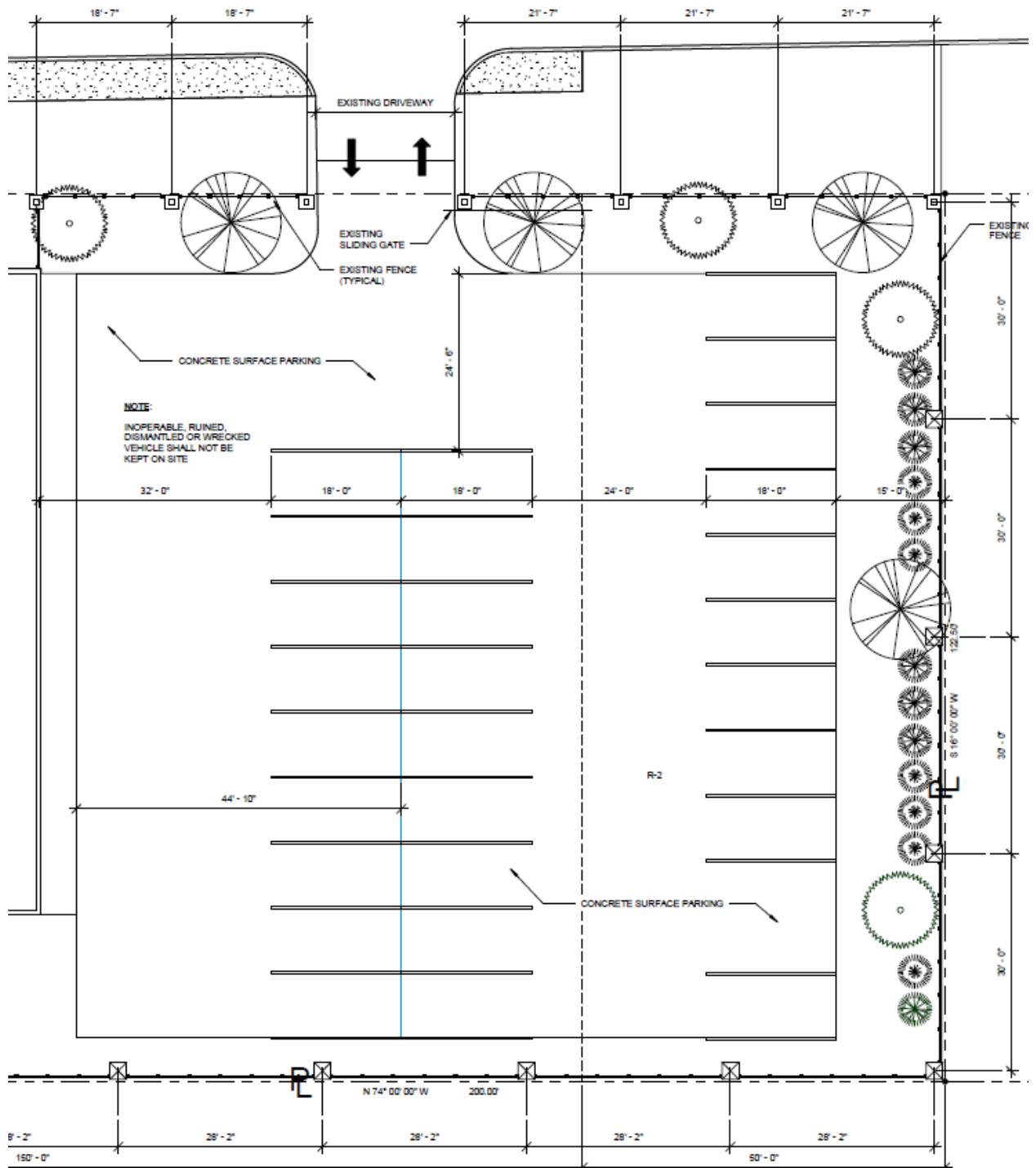
April 27, 2017



Site Plan

#SP-2016-99
COZ # 3128
#MP-2017-1

April 27, 2017



Site Plan (Detail)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF CLAY)

Comes now NICHOLAS J. PORTO, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2016-99.
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.



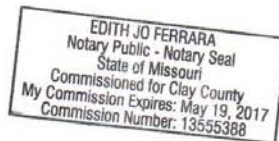
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29TH day of NOVEMBER

My commission expires 19TH of MAY, 20017



Notary Public



Application No. SP-2016-99
NEIGHBORHOOD MEETING
NOVEMBER 28, 2016 3:00 PM
1243 Scott Ave., Kansas City, KS 66105

SIGN IN SHEET

NAME	ADDRESS
Nicolas Novillo	15037 QUIVIRA Rd. Olathe, K66062

Application No. SP-2016-99

Date and Location of Meeting: November 28, 2016 – 1243 Scott Ave., Kansas City, KS 66105

Names of people in in attendance:

Nicholas Novello, owner of adjacent property
15037 Quivira Road
Olathe, Kansas 66062

Introductions:

The neighborhood meeting commenced at 3:00 PM. Nicholas Porto, attorney for Paisano Brothers, owners of the property located at 1243 Scott Ave., stated that the owners are applying for rezoning from R2B to M2, explained the nature of the project and that architectural plans for this project are being prepared by RB Architecture.

Before concluding the meeting, Mr. Novello, the only attendee, was given the opportunity to ask questions or share comments. His only comment was that he had no objection.

The meeting adjourned at 3:30 PM.

Minutes taken by Nicholas J. Porto



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: April 27, 2017
Re: Petition #SP-2017-1

GENERAL INFORMATION

Applicant:
Scott Goble

Status of Applicant:
Representative of Eco Site,
Inc.
PAMCORP, LLC
574 S. Barnstable Street
Nixa, MO 65714

Requested Action:
Approval of a special use
permit

Date of Application:
November 29, 2016

Purpose:
To approve Special Use
Permit a 79' stealth
telecommunications tower.
(Reference BOZA case 2233
regarding setback violation of
39 feet).



Property Location: 1226 Armstrong Avenue

Existing Zoning: C-3 General Commercial District

Existing Surrounding Zoning:	North:	C-3 Commercial District
	South:	R-1(B) Single Family District
	East:	C-3 Commercial District
	West:	C-3 Commercial District

Existing Uses:	North:	Commercial uses, some vacant
	South:	Narrow lot homes and many vacant parcels
	East:	Commercial uses, some vacant
	West:	Commercial uses, some vacant

Total Tract Size: .57 acre

Master Plan Designation: The Downtown Healthy Campus Plan includes this parcel; the plans call for a redevelopment and reconfiguration of Minnesota Avenue. The Downtown Master Plan designates this parcel for urban residential use.

Major Street Plan: Minnesota Avenue is a designated Class B thoroughfare

Advertisement: Property Owners Letters – December 13, 2016
Wyandotte Echo – December 13, 2016, December 29, 2017, February 2, 2017, March 8, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: Staff has not been made aware of any public opposition at this time.

PROPOSAL

Detailed Outline of Requested Action: Mr. Goble is seeking approval of a Special Use Permit to build a 79 foot stealth wireless tower on property owned by Mount Olive Baptist Church.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is a mix of commercial and residential, with Minnesota Avenue being a prominent commercial corridor.

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

The zoning of nearby properties is both residential and commercial; this use could be seen as a nuisance to nearby residents.

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 construction of the 79 foot antenna, which will appear taller due to the elevation of the site, could be considered unsightly to nearby property owners and residents as well as visitors to the surrounding commercial areas.

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

This 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 use would not increase traffic to the site.

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.*

Improved wireless coverage in the urban core is desirable as redevelopment continues but there are alternative methods by which to achieve this that would not involve an unsightly antenna.

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 expected to be an issue.

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

This is not expected to be an issue.

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.

The public health effects of residing near wireless towers are unknown at this time, but there have been numerous studies that indicate there may be an increased risk to health outcomes due to elevated radiation exposure when living near wireless towers though the studies are still largely inconclusive (*American Cancer Society*).

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

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 23, 2017; five (5) 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-2017-1, subject to:

Urban Planning and Land Use Comments:

1. The owner will agree to relocate pole if it interferes with future redevelopment on this site.

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) Plans shall be stamped and sealed by a State of Kansas Professional Engineer.

- 2) Provide an erosion control plan, and show the proposed erosion control BMP types and locations in accordance with UG criteria.
 - 3) Please indicate if the existing concrete walkway into the basement of the church is an ADA access and how loading and unloading of vehicles can occur since the proposed site and fence appears to obstruct vehicle access or parking next to the walkway.
 - 4) Indicate existing utility locations more accurately on site plan (i.e. overhead power lines on north side of site, sanitary sewer lines in alley, etc.). Provide the UG node designations for the sanitary sewer manholes on site. These can be obtained from Sewer Maintenance at 913-573-5535.
 - 5) Indicate proposed utility locations on site plan (i.e., power, telco, or fiber to the site).
 - 6) The existing concrete street entrance is in poor condition and shall be replaced as part of this project.
 - 7) Indicate if the entire asphalt parking area, or access and utility easement, will be replaced as part of this project.
 - 8) Construction plans shall meet UG standards and criteria, and 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-2017-1 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Aerial image
Zoning map

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-1** 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-2017-1**, 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.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing starts: 3:25

SPECIAL USE PERMIT #SP-2017-1 – SCOTT GOBLE WITH PAMCORP LLC –

SYNOPSIS: Special Use Permit for a 79' self-supporting stealth-type monopole tower at 1226 Armstrong Avenue. *Detailed Outline of Requested Action:* Mr. Goble is seeking approval of a Special Use Permit to build a 79 foot stealth wireless tower on property owned by Mount Olive Baptist Church.

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 April 10, 2017;
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 December 13, 2016; and
7. The Notices to property owners dated December 13, 2016, December 29, 2016, February 2, 2017 and March 8, 2017.

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

Present in Support:

- ❖ Mr. Curtis Holland, attorney for the applicant Eco Site, 6201 College Boulevard, Overland Park, Kansas
- ❖ Shawn Smith, Pastor of Olive Baptist Church
- ❖ There were four (4) persons in support of this application that did not speak

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 3:34:40 Planning Director Richardson stated that the staff recommends approval subject to the staff stipulations.

Motion and Vote Starts: 3:34:50

On motion by Mr. Carson, seconded by Mr. Wing, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2017-1:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

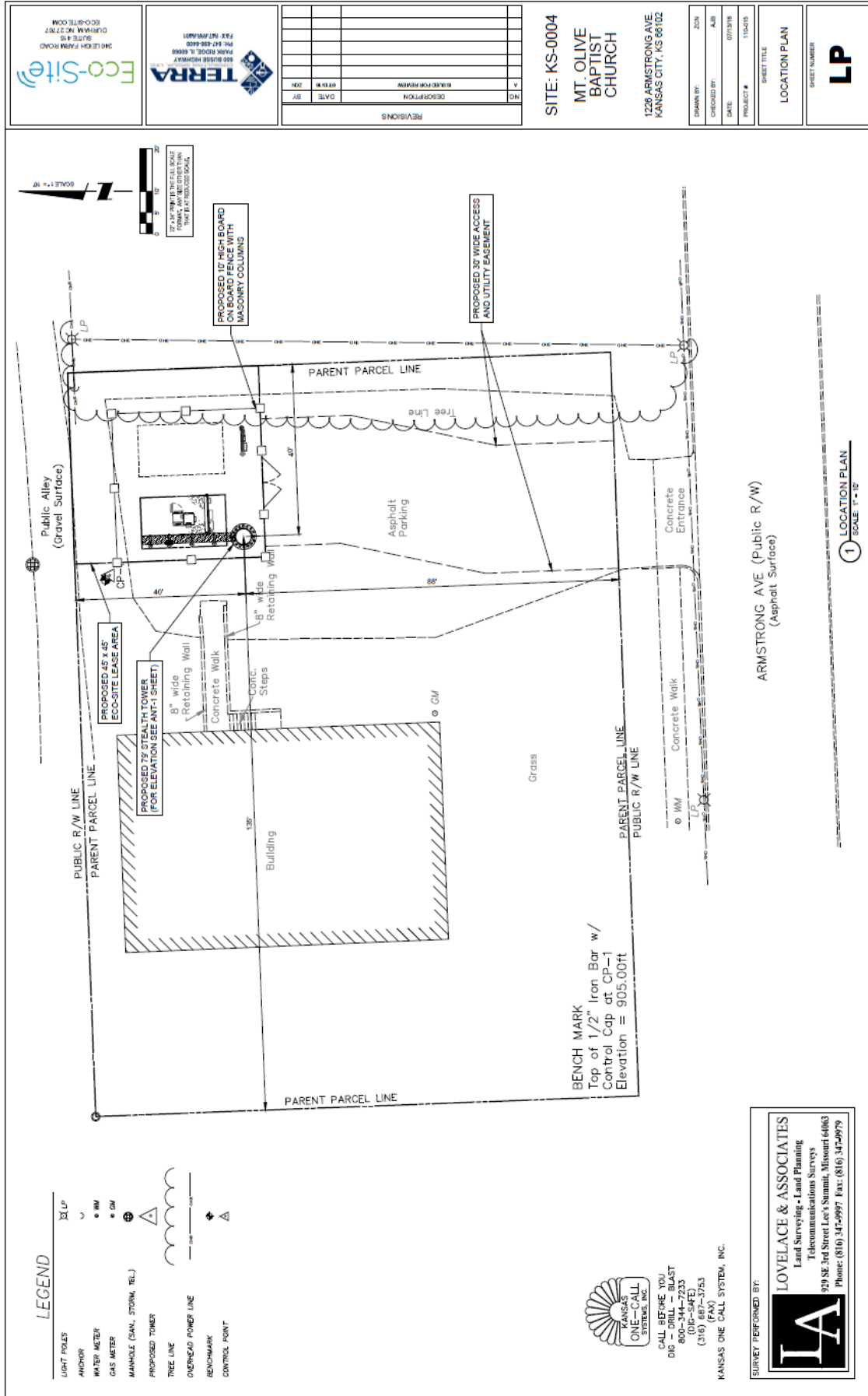
1. The owner will agree to relocate pole if it interferes with future redevelopment on this site.

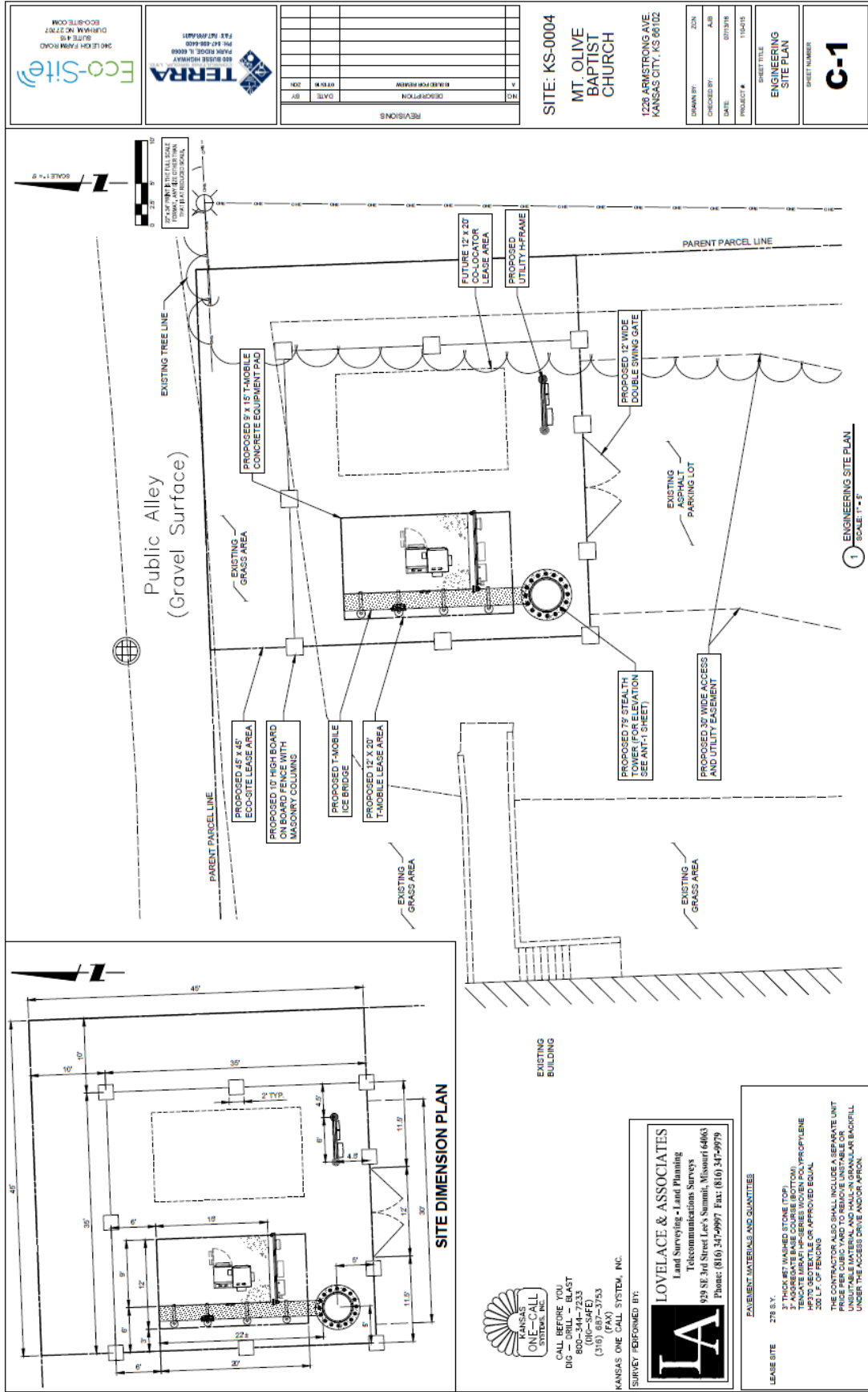
Public Works Comments:

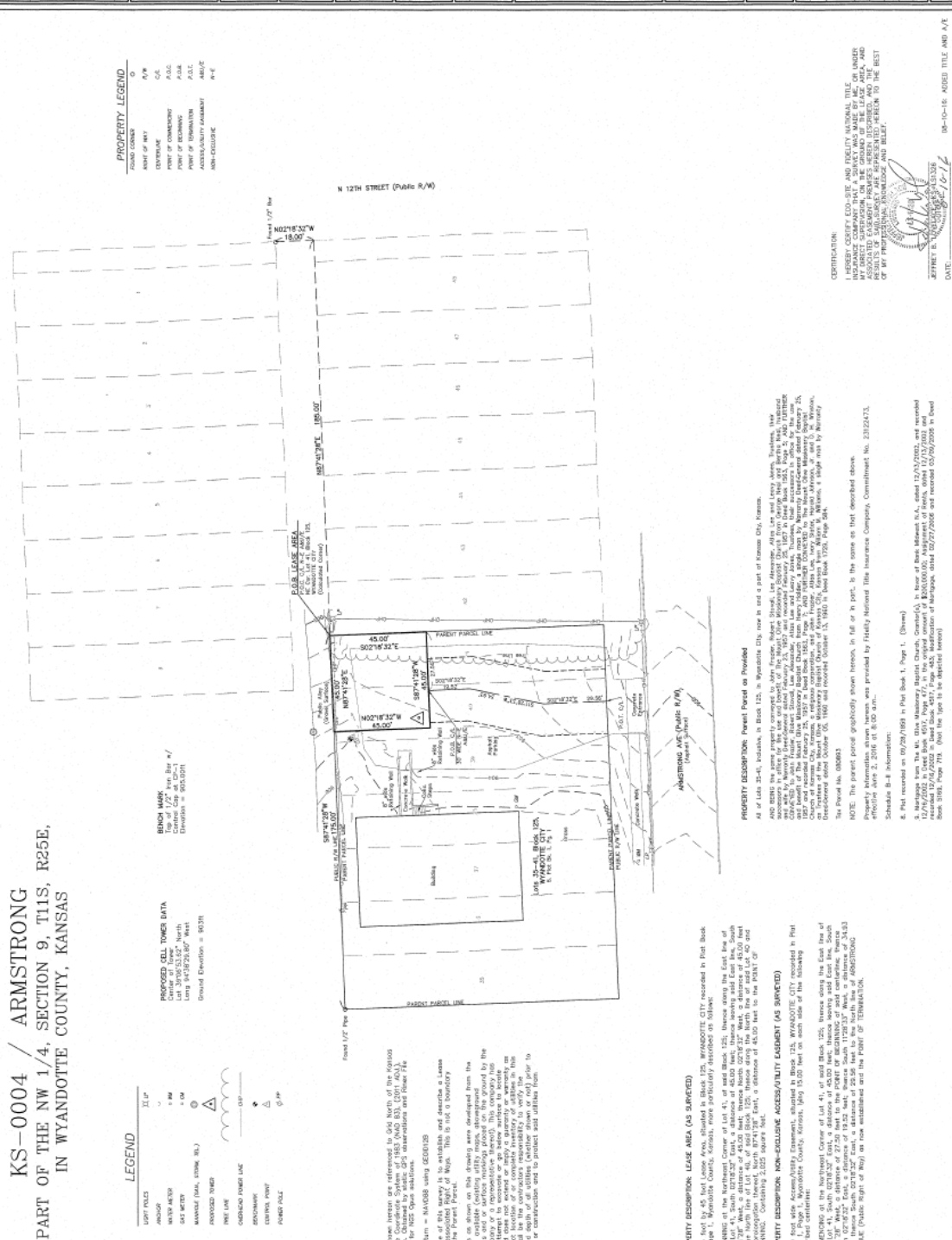
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Plans shall be stamped and sealed by a State of Kansas Professional Engineer.
 - 2) Provide an erosion control plan, and show the proposed erosion control BMP types and locations in accordance with UG criteria.
 - 3) Please indicate if the existing concrete walkway into the basement of the church is an ADA access and how loading and unloading of vehicles can

- occur since the proposed site and fence appears to obstruct vehicle access or parking next to the walkway.
- 4) Indicate existing utility locations more accurately on site plan (i.e. overhead power lines on north side of site, sanitary sewer lines in alley, etc.). Provide the UG node designations for the sanitary sewer manholes on site. These can be obtained from Sewer Maintenance at 913-573-5535.
 - 5) Indicate proposed utility locations on site plan (i.e., power, telco, or fiber to the site).
 - 6) The existing concrete street entrance is in poor condition and shall be replaced as part of this project.
 - 7) Indicate if the entire asphalt parking area, or access and utility easement, will be replaced as part of this project.
 - 8) Construction plans shall meet UG standards and criteria, and 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







[illegible]

14



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: April 27, 2017
Re: Petition #SP-2017-9

GENERAL INFORMATION

Applicant:

Willie Fields Jr.

Status of Applicant:

Representative
Silvur Dolla Enterprise LLC
5716 NE Maybrook Road
Lee's Summit, MO 64034

Requested Action:

Renewal of Special Use Permit for live entertainment at 16 North James Street, off-site parking of 2, 4, and 16 North James Street and an expansion to 12 North James Street including parking for 12 North James Street

Date of Application:

January 20, 2017

Purpose:

To operate a drinking establishment/restaurant (50% food) with live entertainment

Property Location:

2, 4, 12 and 16 North James Street

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 business and uses
South: Industrial business and uses
East: Industrial business and uses
West: Industrial business and uses

Total Tract Size: .21 acre

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

Major Street Plan: The City-Wide Master Plan classifies James Street as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – February 16, 2017
Letters to Property Owner – February 15, 2017, March 21, 2017,
April 3, 2017 and April 18, 2017

Public Hearings: March 13, 2017, March 30, 2017, April 10, 2017 and April 27, 2017

Public Opposition: Opposition has been expressed by adjacent business owners. See KCKPD Memorandum in the attachments. Police Chief Ziegler appeared at the March 13, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Willie Fields, Jr. wants to renew a special use permit at 12 and 16 North James Street for a drinking establishment/restaurant (50% food) with live entertainment.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This is an older industrial area with several deteriorating buildings along with several trucking oriented businesses.

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. This facility is seeking its special use permit renewal for a drinking establishment/restaurant

with live entertainment. If it turns out to be a night club, these same impacts could lead one to believe the uses would not be 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.*

The building has been configured to be a restaurant amongst other uses. There have been various uses in this building in the past that have been detrimental. The proposed use has had issues recently, which have had a detrimental effect on 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 increase the amount of vehicular traffic along North James Street. Fortunately, there is a parking lot in the rear, behind that building and available through the parking agreements that can support the required amount of parking for the business.

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 to the public. It is unlikely that the proposed use will cause permanent injury to adjacent 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 have been issues in the past, but the applicant should address off-site clean-up after live entertainment events.

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.

There is little or no gain to the public health, safety and welfare. There is always concern that the restaurant will deteriorate into a night club as it has in the past. The murder inside the building under a past operator is of grave concern.

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

Popular restaurants and night clubs have the potential to draw a crowd to an area. Again, there is always concern that there could be a very large unruly crowd in and/or around this establishment.

PREVIOUS ACTIONS

This renewal of the previous Special Use Permit #SP-2016-5, which combined the live entertainment and drinking establishment uses.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 23, 2017. According to the applicant, those that attended the meeting were not in opposition.

KEY ISSUES

Calls for Service

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to **REVERSE ITS PREVIOUS RECOMMENDATION OF DENIAL AND RECOMMENDS APPROVAL** of Special Use Permit #SP-2017-9 for six (6) months, subject to the applicant revising his submitted security plan from April 10, 2017 to also include the following:

1. For the security plan identify the two types of events and the specifics of each type of event (promoted and non-promoted.)
2. The facility closes by 12:00 midnight.
3. Promoted events provided with a separate security plan.
4. Anyone that violates the law within the facility should be arrested and not turned out onto the sidewalk.
5. The applicant installs the physical security measures listed on his submittal this evening.
6. The applicant requests a CPTED analysis of the facility form KCKPD and implements any suggestions.

STAFF COMMENTS AND SUGGESTIONS

This application was referred back to the City Planning Commission on March 30, 2017 by the Unified Government Board of Commissioners for rehearing. The reason was to allow the applicant to meet with Planning staff and Police Command staff regarding safety and security issues.

On April 5, 2017 Planning Director Richardson, Planner Toy, Major Michael York, Major Kent Anderson and Deputy Chief Tyrone Garner met with Mr. Fields and his attorney Adam Krause.

PREVIOUS COMMENTS:

Urban Planning and Land Use Comments:

1. How has your security plan evolved in the last year?

Applicant Response: *We no longer have the KCKPD, we have armed security in the front and back of the building when we have big events for the nightlife. We are adding 16 additional interior and exterior cameras to the 16 cameras we already have. Security remains the same inside during nightlife, this is a part of the success we have in the inside of Wave Lounge and Grill.*

2. Per Business License: Business has filed and maintained current status for the occupation tax and the alcohol and entertainment regulatory licenses.

Applicant Response: *To my knowledge, we are current with filings maintaining the occupation, alcohol and entertainment licenses.*

3. KCKPD East Patrol provided a memorandum regarding the establishment. Please see in the attachments.

Staff Response: The applicant provided a response letter replies to the dates and incidences as stated my KCKPD East Patrol. Please see the attachments.

4. Please provide all video from club security cameras for the morning of February 5, 2017.

Staff Response: The applicant provided video to KCKPD East Patrol.

5. Please explain the DJ (employed by the club) inciting violence against police officers attempting to assist a shooting victim.

Applicant Response: *I cannot speak on what was said because I did not hear it. I can only speak on what I heard and there was no DJ present at the time. The only thing I heard was the artist saying he wasn't leaving until the shooting victim was ok.*

Staff Conclusion:

A shooting occurred on February 5, 2017 at 1:40 AM. KCKPD East Patrol provided a memorandum detailing all of the service calls during the last year, in addition to giving a detailed account of the incident on February 5, 2017.

UPDATE following the April 10, 2017 Planning Commission meeting:

Staff would recommend holding the application over until the applicant provides the new more detailed and event specific security plan and staff and police have sufficient time for review and comment on that new plan.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **HOLD OVER** Petition #SP-2017-9 until the May 27, 2017 Board of Commissioners meeting and that the applicant be required to submit the new plan for review to the Director of Planning by May 15, 2017. Additionally, the applicant may not hold any promoted events until a final decision by the Board of Commissioners has been reached.

ATTACHMENTS

March 13, 2017 City Planning Commission Minutes
April 10, 2017 City Planning Commission Minutes
Aerial Photograph
Business Plan
Neighborhood Meeting Minutes
Memorandum from KCKPD East Patrol
Applicant Response Letter
Response Memorandum from Major Kent Anderson, KCKPD East Patrol Division
April 10, 2017 Response/Security Plan Submitted by the Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 13, 2017	March 30, 2017
Special Use	Denial	Referred Back
	April 10, 2017	April 27, 2017
	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **HOLD OVER** Petition #SP-2017-9 as requested by staff for the above stated reasons.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-9** 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-2017-9** 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.

MARCH 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing begins at 1:08

SPECIAL USE PERMIT #SP-2017-9 – WILLIE FIELDS WITH SILVUR DOLLA ENT, LLC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-15) for a drinking establishment with live entertainment at 16 North James Street. Detailed Outline of Requested Action: The applicant, Willie Fields, Jr. wants to renew a special use permit at 12 and 16 North James Street for a drinking establishment/restaurant (50% food) with live entertainment.

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 March 13, 2017;
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 February 16, 2017; and
7. The Notices to property owners dated February 15, 2017

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Connelly stated that one night about 2:00 a.m. he decided to go down and visit the facility.

Present in Support:

- ❖ Mr. Willie Fields Jr., applicant, 5716 Northeast Maybrook Road, Lee's Summit, Missouri, 64034
- ❖ 2 gentlemen appeared but did not speak

Present in Opposition:

- ❖ No one appeared

Police Department Staff begins at 1:10:33: Police Chief Terry Ziegler and Major Ken Anderson

Staff Recommendation:

Planning Director Richardson stated that the application before the Commission is for live entertainment and a drinking establishment. These items are special in the zoning code from other businesses because they are prone to have problems. The current operator cannot be held responsible for past operators and that is why staff made sure that they were out of this so they could have a fresh start. There have been clubs at the Legends that had special use permits and the ownership got rid of them if there were problems before the staff could. This is a use that is looked at differently than general retailers. Live entertainment especially seems to be something that can attract crime. Given the testimony by the KCK Chief of Police and staff, the recommendation in the staff report is to recommend denial of the special use permit for live entertainment and drinking establishment.

Planning Commissioner Connelly asked Mr. Fields specific questions (as the public hearing was closed.)

Planning Director Richardson stated that Mr. Fields testimony has not changed the staff's recommendation.

Motion and Vote begins at 1:41:35

On motion by Ms. Rank, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit #SP-2017-9 based on the comments from the KCKPD and Planning Department:**

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

Motion to recommend DENIAL Passed: 5 to 0

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 3:35:45

SPECIAL USE PERMIT #SP-2017-9 – WILLIE FIELDS WITH SILVUR DOLLA ENT, LLC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-15) for a drinking establishment with live entertainment at 16 North James Street and parking at 2, 4, 12 and 16 North James Street. Detailed Outline of Requested Action: The applicant, Willie Fields, Jr. wants to renew a special use permit at 12 and 16 North James Street for a drinking establishment/restaurant (50% food) with live entertainment.

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 April 10, 2017;
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 February 16, 2017; and
7. The Notices to property owners dated February 15, 2017 and March 21, 2017; and,
8. The information submitted by Mr. Fields this afternoon that was distributed to the Commission this evening.

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

Planning Commissioner Carson asked why this application is being reheard this evening when it was heard and voted on last month. Director Richardson stated that it was returned from the Board of Commissioners to consider other changes the applicant can make that would allow the club to operate safely.

Present in Support:

- ❖ Mr. Willie Fields Jr., applicant, 5716 Northeast Maybrook Road, Lee's Summit, Missouri, 64034
- ❖ Mr. Shawn Whittemore, Club Wave Head of Security
- ❖ There was one other person present in support that did not speak

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 4:22:50 Planning Director Richardson stated that there were suggestions that have been described by those that watched the meeting: closing early, modifying the type of artists that are available for people to listen to, etc. At the meeting last Wednesday he suggested to Mr. Fields and Mr. Krause that they describe the security for two types of events. That would be the normal lower volume crowd for a non-promoted event and then for a promoted event. That would help clarify Commissioner Serda's questions about what type of security is happening and when;

he thinks that needs to be tightened up. Mr. Fields has indicated tonight that if someone gets into a fight they will call the police and have them arrested. He thinks that should be added to Mr. Fields plan specifically that if someone is fighting, have a gun, illegal activity, etc. they would have them arrested. The police recommended that Mr. Fields implement all of his physical security measures and then request another CPTED (Crime Prevention Through Environmental Design) review through Community Policing. He stated that he explained to Mr. Fields and Mr. Krause that there are a couple of venues in the city that there is a contract to provide extra security for the events and they also hire additional officers. That would be Sporting Kansas City and the Kansas Speedway. The system is not set up for people to regularly request additional officer support. One of the issues the staff has had is the amount of resources to protect the community that are being used for this facility. That is especially a concern for the people in the eastern part of the city. He stated that he would recommend that this application be held over for sixty (60) days. Assistant Counsel Waters stated that this item cannot be held over (since the Board of Commissioners referred it back so they will have to take action.) Planning Director Richardson stated that it is his recommendation that Mr. Fields revise his list to include:

1. Two types of events and the specifics of each type of event (promoted and non-promoted.)
2. The facility closes by 12:00 midnight.
3. Promoted events be provided with a separate security plan.
4. Anyone that violates the law within the facility should be arrested and not turned out onto the sidewalk.
5. The applicant installs the physical security measures listed on his submittal this evening.
6. The applicant requests a CPTED analysis of the facility.

Director Richardson stated that the applicant will need some time to get this done and until then he would recommend that there not be any promoted events. He stated that if he were to recommend approval (and he is not sure that he is recommending approval) of this application it would be for no more than one (1) year. If the Planning Commission decides to change its previous recommendation these are the stipulations that the staff would recommend be attached to any approval.

The Planning Commission asked if the permit would be terminated if they violated the stipulations. Planning Director Richardson stated that there is a revocation process (in the code) if someone violates the stipulations of their special use permit. If they were not before the Commission for renewal it would have been brought before the Board of Commissioners for revocation.

Questions to the applicant: 4:30

Motion and Vote Starts: 4:34:13

On motion by Mr. Carson, seconded by Mr. Wing, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-9 for six (6) months with the security plan submitted tonight along with the staff stipulations set forth by Director Richardson tonight:**

Carson Aye

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to the applicant revising his submitted Security Plan to also include the following:

- 1. For the security plan identify the two types of events and the specifics of each type of event (promoted and non-promoted.)**
- 2. The facility closes by 12:00 midnight.**
- 3. Promoted events provided with a separate security plan.**
- 4. Anyone that violates the law within the facility should be arrested and not turned out onto the sidewalk.**
- 5. The applicant installs the physical security measures listed on his submittal this evening.**
- 6. The applicant requests a CPTED analysis of the facility form KCKPD and implements any suggestions.**



Figure 1. Aerial photograph of 16 North James Street (provided by UG Maps).

The business plan and layout of the building remain the same. However, we have been catering to an older and more distinguished crowd. We also have been hosting many international nights that bring together a melting pot of culture. We had one incident in the last year. This was voted and addressed in front of the commission. Someone was shot with very minor injuries. We implemented new security policies. We keep someone by every egress. We also keep the doors supervised until the last person leaves the facility. We have not had any other incidents—nearly 10 months free and clear. We have worked with the community police and have put up new signage and security cameras around the building. We believe our success should be credited to a consistent security team, police cooperation, and a sense of urgency among our staff. Our future includes a large emphasis on community outreach. We have churches and other locations that would really like our catering. Our wings are known as some of the best around. Further, because our food has gotten notoriety, I would expect that we expand the menu and dishes offered.

Application Number: **SP-2017-9/SP-17402-000035**

Date and Location: **February 23, 2017 at 16 N James St**

Meeting called to order at: **6:00 PM**

Names of people in attendance: Willie Fields, Troy Campbell, James Johnson, Chad Ullman, Mr. & Mrs Ullman, Pat Soptic

Introductions:

Mr. Willie Fields provided a background on the goals of the project to Chad Ullman, Mr. & Mrs Ullman and Pat Soptic. Which will be a Drinking Establishments Restaurant and Live Entertainment; Mr. Fields gave sampling of the types of events he will be planning: Live Bands, Comedy Acts, Luncheon, Non-profit, Birthdays, Anniversaries, Graduations, Holidays, Weddings, Receptions, Class Reunions, Meetings and Showers. Mr. Fields stated he want a safe environment for ladies to come and enjoy there self.

Questions and answers (include the following):

Pat Soptic stated he call around asking about Willie Fields, and all he heard was good thing about Willie Fields, I came so I can meet Willie Fields, he asked when it will be open in the daytime so he can get lunch. Pat Soptic stated he didn't have any concern.

Willie Fields reply to Pat Soptic question, Happy Hour is 4pm-closed Wednesday - Friday, starting in March 2017 lunch hours will be available.

The rest of the meeting everyone looked around. Than we sat down and enjoy a meal and drink. Everyone else didn't have any concerns.

Meeting adjourned at: **7:00 PM**

Minutes taken by: **Willie Fields**



Deputy Chief Rodney Smith
Operations Bureau Director

POLICE DEPARTMENT

OPERATIONS BUREAU

East Patrol Division



Major Kent Anderson
East Patrol Division

MEMORANDUM

TO: Chief Terry Zeigler

FROM: Major Kent Anderson ↙↘

DATE: 02-16-2017

SUBJECT: #SP-2017-9 WILLIE FIELDS JR. WITH SILVUR DOLLA ENTERPRISE, LLC, Renewal of a Special Use Permit (#SP-2016-15) for a drinking establishment/live entertainment at 16 North James St.

The Kansas City, Kansas Police Department would request that Special Use Permit (#SP-2017-9), not be renewed due to the crime associated with the Wave Lounge & Grill and the impact on the community and surrounding businesses.

Historical Perspective

- On July 13, 2015 received Liquor License from the Kansas Alcoholic Beverage Control Division, which is a two year license that expires on July 12th, 2017.
- On November 16th, 2015 – Liquor License was approved by the KCKPD, and shortly after this the business began operations. Social Media posts from inside the club on Nov. 26th, Dec. 4th & 25th, shows that the club was operating at that time.
- On December 31st, 2015 Off-Duty employment for KCKPD officers at Club wave was suspended for not having the proper occupancy permit and has never been reinstated.
- The Special Use Permit was initially granted by the Unified Board of Commissioners on February 26th 2016 to the drinking establishment DBA as Wave Lounge & Grill.



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Police Related Calls for Service 16 N. James St.

- September 14th, 2015 – Two unfounded Intrusion Alarms to the business.
- September 15th, 2015 – Unfounded Intrusion Alarm.
- October 10th, 2015 – Information Call.
- October 22nd, 2015 – Unfounded Intrusion Alarm.
- November 20th, 2015 – Club Check.
- December 22nd, 2015 – Intrusion Alarm.
- December 25th, 2015 – Large crowd.
- December 26th, 2015 – Officers assigned to monitor the club, large crowd.
- December 27th, 2015 – An unruly intoxicated individual (24 Yrs. old) was removed from the club by the interior security. He became aggressive and uncooperative with off-duty KCKPD officers working outside security (2015122755).
- December 29th, 2015 - Officers assigned to monitor the club, large crowd.
- December 31st, 2015 – Willie Fields Jr. (owner) was cited and released for failing to have occupancy permit and special needs parking permit (2015122385). The two citations were later dismissed in municipal court on February 24th, 2016.
- January 10th, 2016 – Intrusion Alarm.
- February 10th, 2016 **Criminal Damage & Attempted Theft** – Unknown suspects climbed on top of the building and attempted to steal two air conditioners causing damage to both. No suspect information was ever developed (2016020818).
- February 12th, 2016 – Business Check.
- February 17th, 2016 – Business Check.
- February 21st, 2016 – Noise Disturbance.
- March 6th, 2016 - Officers assigned to monitor the club, large crowd.
- March 10th, 2016 – Business Check.



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- March 19th, 2016 – **Shooting/Aggravated Battery Case # 2016031572**. Officers were dispatched at 16 N. James St. on a shooting at 0213 Hours. Upon arrival a black male subject was found inside the club laying on his back with a gunshot wound to his leg. He was identified and later taken to KU medical center for treatment. The wound was non-life-threatening. The patrons in the club fled outside after the shooting and officers secured the crime scene. It's unknown how many patrons were actually in the club at the time of the shooting as most fled prior to police arriving at the club. Off duty Wyandotte County Sheriff's Deputies were working security outside the club at the time of the shooting.

According to Det. Hrgota who was the lead Detective in the case, the case was weak due to the fact that the victim was not cooperative and would not give a taped statement. He did give two possible names of who the suspect was but was not willing to go on record to identify the suspect. Det. Hrgota reviewed the video tape from all the cameras in the club but the actual shooting was not captured on video. The suspect named in the case was Donald Rowe B/M. As of 02-14-17 Mr. Donald Rowe has a NCIC out of Wyandotte County for Criminal Possession of a weapon by a convicted felon and is wanted for questioning in a Homicide. No one at this time has been charged with the shooting due to lack of victim cooperation in the case. A total of nine officers responded to the shooting and were out of service for an extended period of time.

- March 20th, 2016 – Large Crowd/disturbance 17 units responded to the scene to disperse the crowd at 02:28 Hours.
- March 27th, 2016 - Officers assigned to monitor the club, large crowd.
- On December 21st, 2016 – Etoyce Fantroy was arrested at Haskell & Springfield for outstanding warrants. One warrant was for Domestic Battery and the second NCIC Failure to Appear out of Missouri. This is notable because Fantroy is the door man at Club Wave and part of the security staff (2016 – 96898).
- December 29th, 2016 – Officers were assigned to monitor Club Wave.
- April 17th, 2016 – Officers assigned to monitor the club, large crowd. (2016-4560)
- May 6th, 2016 – Intrusion Alarm. (2016-12227)
- June 16th, 2016 - Officers assigned to monitor the club, large crowd. (2016-27460)
- June 18th, 2016 – Intrusion Alarm. (2016-28397)
- June 19th, 2016 – Disturbance Intoxicated patrons of the club. (2016-28495)
- June 19th, 2016 – Intrusion Alarm. (2016-28675)
- July 5th, 2016 – Theft Report subject was at Club Wave and wallet was stolen. (2016-34490)
- July 10th, 2016 – Willie Fields Jr. reported damage by gun fire and later cancelled the call said he would call report desk. No record of any report. (2016 – 36969)
- August 3rd, 2016 – Willie Fields Jr. reported a theft of his rear passenger tire from his vehicle. (2016-45232)



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- September 24th, 2016 – Intrusion Alarm. (2016 – 65114)
- October 2nd, 2016 – Victim stated that an unknown suspect broke into her vehicle and stole her purse, while she was at Club Wave. (2016 – 68197)
- October 19th, 2016 – Marquell Harris reported an Auto Burglary, during which his .40 Cal. Smith & Wesson handgun was stolen from his vehicle. (2016 – 74438)
- On February 5th, 2017 **Shooting/Aggravated Battery** Case #2017-11944 At 0140 hours officers were patrolling the area of 16 N. James and were sitting in a parking lot directly across the street when they heard several shots being fired from outside Club Wave. Officers then requested additional units to respond due to the fact that there was a large amount of people inside and outside the club. (Approximately 250 people). As patrons were coming out fearing an active shooting inside officers had to push their way into the club. At one point the officers saw a subject who was shot in the hand or finger but that subject fled and was never relocated. Officers did locate a shooting victim inside the club that had been struck in the chest, right thigh and was transported K.U. Medical Center in critical condition. After locating her they had to push people away from her to protect her. At one point a subject grabbed one of the officer's baton as he was attempting to provide protection for the shooting victim. The subject tried to take it away from the officer and attempted to throw a punch at him. People inside the club were throwing chairs and bottles at the officers inside the club trying to render aid to the victim and locate a possible suspect and crime scene. The DJ continued playing music and began yelling "fuck the police" as officers were attempting to gain control of the scene. After a total of 33 officers arrived on the scene to avert a near riot the scene became safe and stable enough to clear emergency traffic at 0217 hours. At one point every available unit in the city was sent to Club Wave due to the volatility of the situation.
- February 6th, 2016 – Traffic Complaint. (2017 – 12386)

Total Calls for service 34

Businesses effected by the Wave Lounge & Grill:

Brown National Lease

- 45 N James St. Kansas City, KS 66118
- 913-371-1225
- Kenneth Terry-Manager
- kterry@brownleasing.com
- Terry stated that he would be against Club Wave renewing their Special Use Permit. Terry stated that the club makes it very difficult for him to operate his business during the late night hours. Terry advised that the patrons who visit the club have parked in front of his business which has hindered his employees from accessing their business gate. Terry stated that he has seen a positive change along James St. in recent years and would hate to see it regress due to the club bringing back a criminal element.



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Asner Iron and Metal Co.

- 34 N James St. Kansas City, KS 66118
 - 913-281-4000
 - Buzzah Feingold-Owner
 - bbuzzah@att.net
- Buzzah stated that he would be against Club Wave renewing their permit. Buzzah advised that his business has never been affected due to the activities that Club Wave produces because his business is always closed during the clubs open hours. Buzzah stated that he still doesn't want James St. to be ridden of criminals like it was in the past. Buzzah is all for the growth of the businesses and to keep as much crime off James St.

Kansas City Freightliner

- 11 N James St. Kansas City, KS 66118
 - 913-342-4269
 - Ryan Hoppe-Body Shop Manager
 - Rhoppe@kcfreightliner.com
- Hoppe stated that he would be against Club Wave renewing their permit. Hoppe stated that when the past owner was in charge of the Club it was bad enough that they had to get rid of their 2nd shift because of employee safety. They never went back to the 2nd shift schedule due to the fact that it worked just fine not having it and since the club was still in operation they didn't want to put their employees in possible danger.

Ryder Truck Rentals

- 37 N James St. Kansas City, KS 66118
 - 913-621-3300 x12
 - Matt Berger-Manager
 - Matthew_j_berger@ryder.com
- Berger stated that he would be against Club Wave renewing their permit. Berger stated that he would rather not have the club in operation due to the fact that it brings a certain criminal element that he does not want in the area. Berger also stated that they are thinking about adding a 2nd shift, but they may reconsider if the club gets its renewal due to employee safety.

In conclusion the culmination of the facts have made it apparent that the continued operation of Wave Lounge & Grill provides significant safety risk to area business and the community at large with a substantial impact on public safety resources.



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February 27, 2017

Urban Planning and Land Use
ATTN: Bryon Toy and Janet Parker
Municipal Office Buildings
701 N 7th Street (3rd Floor)
Kansas City, MO 66101
btoy@wycokck.org

RE: Draft Staff Report No.SP-2017-9

To Whom It May Concern:

This is a response to the Urban Planning and Land Use comments. Please let me know if you need any supplement information, as it will be provided to help with clarity.

Question #1: How has your security plan revolved in the last year?

We no longer have the KCKPD, we have armed security in the front and back of the building when we have big events for the nightlife. We are adding 16 additions interior and exterior cameras to the 16 cameras we already have. Security remains the same in the inside during nightlife, this is a part of the success we have in the inside of Wave Lounge and Grill.

Question #2: Per Business License: Business has filed and maintained current status for the occupation tax and the alcohol and entertainment regulatory licenses.

To my knowledge, we are current with filings and maintaining the occupation, alcohol and entertainment licenses.

Question #3: KCKPD East Patrol provided a memorandum regarding the establishment. Please see in the attachments.

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December 29, 2015: Wave Lounge and Grill was not open

December 31, 2015: Wave Lounge and Grill was not open and tickets were dismissed in municipal court without prejudice.

February 12 and 17, 2016: Wave Lounge and Grill was not open. Any business check was not by the direction of any Wave Lounge and Grill employee or owner.

February 21, 2016: Upon information and belief another Club owner called in the noise complaint to disrupt business. This Club Owner is based in Missouri and is not within noise level distance. There would not be a single business owner nearby that would call in a Noise Complaint because their businesses aren't open at that time and noise is contained within the building. There are no exterior speakers and sound projecting devices.

March 6, 2016: The night of March 6th was very smooth. We had 4 off duty sheriff's working that night. They were impressed with the orderliness of the night.

March 10, 2016: Wave Bar and Lounge was not open. Any business check was not by the direction of any Wave Lounge and Grill employee or owner.

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March 19, 2016: Shooting/Aggravated Battery Cases this was already resolved

March 20, 2016: Simply not true, that the sheriffs asked for assistance around 1:00 a.m.

December 21, 2016: Etoyce Fantroy is the best man for this job. He takes his job seriously.

December 29, 2016: Wave Lounge and Grill was not open. I requested assistance, for New Years Eves 2016, and was not approved for officers to work that weekend. Thus, this should not be a burden on anyone.

June 16, 2016: Wave Lounge and Grill was not open

July 5, 2016: Wave Lounge and Grill was not open

July 10, 2016: Not true called for damage to the AC unit and when they came someone else report a shooting down the street by the bridge and they forgot about me that's why there's no report. And I called the next day and that's when they came about the damage to my AC unit.

Page 11

October 2, 2016: She wasn't parked at Wave Lounge and Grill. Further, we staff the parking lots with security.

October 19, 2016: Wave Lounge and Grill was not open

February 5, 2017: Shooting/Aggravated Battery

The suspect was asked to leave the premises of Wave Bar and Lounge by security. He got into his vehicle and as he was driving away he started shooting at the building. He shot an innocent bystander outside on the patio. Family and friends picked her up and brought her inside the lounge. Security promptly attended to her injuries. The Artist was not aware of the shooting because it was on the exterior of the building. The gunfire caused panic and people started running outside. I ordered my security to keep artists on stage for their safety because I knew the shooting was on the exterior of the building. Security was yelling that there was shooting outside not inside if you would like to leave you can but please walk, and everyone start walking out so when KCKPD came everyone was already walking out, KCKPD only dealt with the family/friends of the shooting victim. No DJ's had the mic only the artist. The Artist stated he wasn't leaving until he knew the shooting victim was ok, that is when I asked him to go upstairs to wait until the outside was cleared out. Family/Friend became frustrated after officer radio and said do not send in EMS until I say so. I do not recall any music being played and there was no riot. Everyone that was present when KCKPD arrived was family/friend of Wave Lounge and Grill and the victim.

February 6, 2016 and February 6, 2017: Wave Lounge and Grill was not open if this was an typo

Question #4: Please provide all video from club security cameras for the morning of February 5, 2017.

Wave Lounge and Grill video footage was provided to KCKPD on February 5, 2017

Question #5: Please explain the DJ(employed by the club) inciting violence against police officers attempting to assist a shooting victim.

I can't speak on what was said because I didn't hear it. I can only speak on what I heard there were no DJ present at the time. The only thing I heard was the artist saying he wasn't leaving until he knew the shooting victim was ok.



Deputy Chief Michael York
Operations Bureau Director

POLICE DEPARTMENT

OPERATIONS BUREAU

East Patrol Division



Major Kent Anderson
East Patrol Division

MEMORANDUM

TO: Urban Planning and Land Use

FROM: Major Kent Anderson

DATE: March 7th, 2017

SUBJECT: #SP-2017-9 WILLIE FIELDS JR. WITH SILVUR DOLLA ENTERPRISE, LLC, Renewal of a Special Use Permit (#SP-2016-15) for a drinking establishment/live entertainment at 16 North James St.

Response to Mr. Fields (Dated February 27th, 2017)

- **December 29th, 2015** – Officers were sent to monitor the establishment for large crowds and were out of service for an hour. It is possible that the club never opened that night.
- **December 31st, 2015** – It is true that the citation was dismissed in Municipal court, but at the time Mr. Fields was cited he didn't have the proper occupancy permit. He was approved for his Occupancy permit by the Development Review Committee on February 12th, 2016 so when Mr. Fields appeared in court on February 24th, 2016 he was in compliance. I believe this is the reason the citation was dismissed in court.
- **February 12th, 17th, & March 10th 2016** – Mr. Fields is correct when he states that his employees were not responsible for the business checks at his establish. These are calls where officers were usually directed by a supervisor to conduct patrols in the area to ensure no criminal activity is occurring at a certain location. The term business check is a call code used by the department dispatchers.
- **February 21st, 2016** – The complainant on the loud noise disturbance call was a John Million who said there was loud music at the establishment from a live D.J. The department dispatched 4 units to the call at 0054 Hrs. and cleared the call at 0109 Hrs. as handled by officer.
- **March 6th, 2016** - Officers assigned to monitor the club, large crowd.
- **March 19th, 2016** - Shooting/Aggravated Battery Case # 2016031572, although Mr. Fields says this is resolved, the Police Department still considers this an open case.



700 Minnesota Ave. Kansas City, Kansas 66101-3064

- **March 20th, 2016** – This was the day after the first shooting at Club Wave to place perspective on this date. The Sheriff's Department allowed deputies to work Off-Duty at Club Wave, but a couple weeks after this incident the Sheriff's Department disallowed officers from working at the establishment. On this day Deputy Carver who was employed by Club Wave attempted to arrest a subject after an altercation with a bouncer. When the subject was being escorted out of the club he attempted to strike Deputy Carver, at this point one of the deputies on the scene requested Code A back-up. A large Disturbance was broadcast and 18 KCKPD units were alerted and responded to the scene. Mr. Fields noted that my initial assessment was "simple not true", but the incident did occur.
- **June 16th, 2016** – Officers were sent to monitor the establishment for large crowds, it is possible that the club never opened that night.
- **July 5th, 2016** – The reporting person was at Club Wave and their wallet was stolen. (2016-34940), Mr. Fields may be correct that they were closed this day. The reporting day is July 5th, 2016, not the day the theft occurred.
- **July 10th, 2016** - Willie Fields Jr. reported damage by gun fire and later cancelled the call said he would call report desk. There is no record of any report. (2016 – 36969). There was a shooting call but Mr. Fields didn't call it in it was actually down the street. Mr. Fields did call in an issue about damage to his AC unit on his building. I believe the dispatcher was confused and mistakenly entered Mr. Fields as the complainant on the shooting call.
- **October 2nd, 2016** – Victim stated that an unknown suspect broke into her vehicle and stole her purse, while she was at Club Wave. (2016 – 68197). Victim said the theft occurred between 10-1-2016 2200 Hrs. & 10-2-2016 0230 Hrs. and gave the address of 16 N. James as the address that the theft occurred, she related that she had been in Club Wave during the listed dates & times.
- **October 19th, 2016** - Marquell Harris reported an Auto Burglary, during which his .40 Cal. Smith & Wesson handgun was stolen from his vehicle. (2016 – 74438). This is the reported date not the date of occurrence. The theft actually occurred between October 2nd at 2200 Hrs. & October 3rd 0230 Hrs.
- **February 5th, 2017** - Shooting/Aggravated Battery Case #2017-11944 – My initial narrative I believe stands on its own. After some research I found that the Officers had noted in their reports that it was a DJ playing music. I later learned that the artist that was rapping was Chief Keef. Chief Keef is known for his controversial language and violent music lyrics.
- **February 6th, 2017** – Traffic Complaint. (2017 – 12386), the establishment may have been closed.

Question #4 – Mr. Fields did provide video footage during the time of the incident on February 5th.

Question #5 – The artist that Mr. Fields was referring to is Chief Keef, who is known for his controversial language and violent music lyrics.



700 Minnesota Ave. Kansas City, Kansas 66101-3064

April 10, 2017

To Whom It May Concern:

On February 5, 2017 the night was going well until staff/security asked the suspect to leave the premises of *Wave Lounge and Grill* after a minor altercation. It was then, the suspect got into his vehicle and as he was driving away, he started shooting at the building. During this disregard for the safety of others, an innocent bystander was hit by a stray bullet outside on the patio. Family and staff picked up the female victim and brought her inside the lounge. Security/staff held pressure to her injuries until EMS arrived on scene, while also attended to the remaining patrons in and outside of the lounge.

The performing artist was not immediately aware of the shooting, as it occurred on the exterior of the building. After the gunfire, most of the patrons flooded the sidewalk and streets assuming the shots came from inside the lounge. *Wave Lounge* owner directed the performing artist and dj to turn off music, stay off of the microphone and remain on stage for their safety. When KCKPD arrived, most everyone was already outside. KCKPD only had to deal with family and friends who were with the victim, *Wave* staff and security inside the lounge. There were no DJs on the microphone at this time, only the artist. The artist stated he was not leaving until he knew that the person shot was ok, that is when he was asked by the *Wave* owner to go upstairs to wait until the outside of the building was clear.

Family and friends became frustrated after a KCKPD officer radioed and said not to send in EMS until he said so. There was not any music being played, nor was there a riot. Everyone that was present were family, friends, or staff of *Wave Lounge and Grill*.

We gladly invite the Kansas City Kansas Police officers to come in for a complementary meal and refreshments. This will make their presents known inside and outside of the venue.

Below are the new changes that will be implemented post February 5, 2017.

Security Plan For Nightlife

- 1) A list of all scheduled events will be sent to the permit officer for the Kansas City Kansas Police Department. In the case of a special event, such as a Celebrity performance or party, a 72-hour notice will be given to the police department.
- 2) Will provide a representative of the *Wave*, who will attend KCKPD station community meetings, and will attend as many as possible. Pending notification.
- 3) We will be adding 16 more (CCTV) security cameras in and outside of the building. Someone will be in the camera room monitoring the cameras during business operation of nightlife and one-hour post business hours.
- 4) An updated Evacuation plan will be implemented.
- 5) Adding an ID scanner, Digital video cameras and ID Scanners. When used, it will be time stamped so ID scanning information can be compared to video of patrons entering. ID scanner information will be preserved and made available to the responding police officers, upon request.
- 6) Adding new lighting in the back of the building.
- 7) Staff shirts identify security.
- 8) All staff can communicate through 2-way radio, this will help identify any problem in a timely manner.

Outside Security Plan (Service provided by Cintri Security 816-272-8402)

- 1) Will provide a minimum of 5 licensed and trained security guards. 3 roaming patrol vehicles and 2 officers on foot. Discretion will be used by *Wave* management to determine the appropriate number of security officers used, based on the event or crowd to ensure safety and lawfulness.
- 2) Our establishment policy/security plan will mandate that security separate and remove all potentially violent patrons in a manner consistent with the safety of others and the law designed to prevent a continuation of violent activity inside or outside the building.
- 3) Our establishment will call authorities to report criminal activity, and notify police for assistance in these circumstances if they are to occur.
- 4) Our establishment will make clear to all managers, employees, and private contractors that they are expected to tell the truth to the police and their investigators.
- 5) Outside security will be roaming the parking lots frequently.
- 6) On any given night, there are security that *Wave* has on standby if the night turns out to be busier than expected.



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: April 27, 2017
Re: Petition #SP-2017-10

GENERAL INFORMATION

Applicant:
Jason Myers

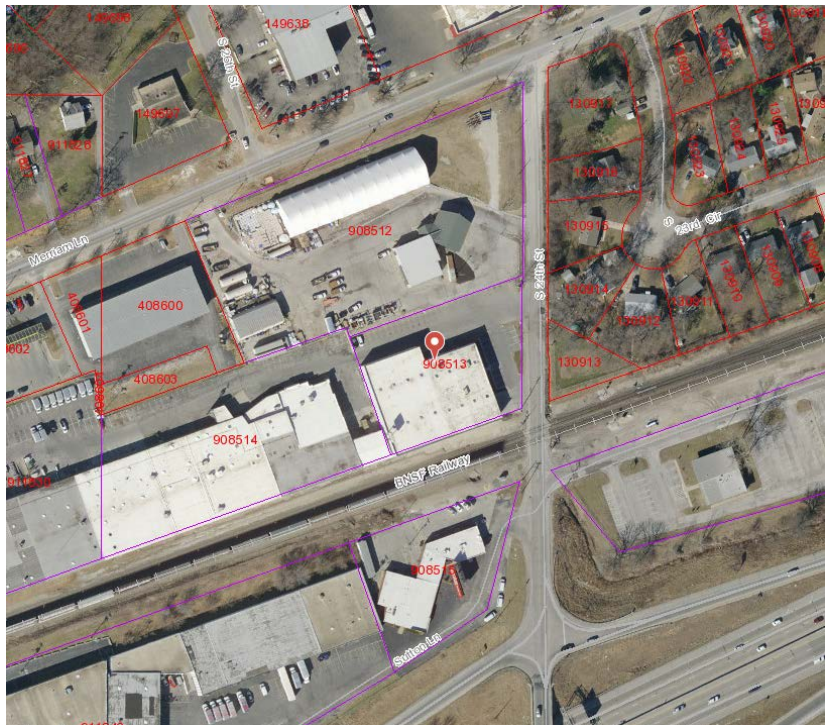
Status of Applicant:
Representative
Coach Automotive Restglers
LLC
3030 South 24th Street
Kansas City, KS

Requested Action:
Approval of a Special Use
Permit for a used car sales
business

Date of Application:
January 27, 2017

Purpose:
This application has been
submitted to operate a used car auction business at an existing building.

Property Location:
3030 South 24th Street



Existing Zoning: M-2 General Industrial District

Existing Surrounding Zoning: **North:** M-2 General Industrial District
South: BNSF Railway Right-Of-Way and M-2 General Industrial District
East: R-1(B) Single Family District
West: M-2 General Industrial District

Existing Uses: **North:** Office and Industrial Businesses
South: BNSF Railway Right-Of-Way and Office Businesses
East: Single Family Residences
West: Industrial Businesses

Total Tract Size: 1.05 acres

Master Plan Designation: The City-Wide Master Plan Designates this property as Business Park Land Use.

Major Street Plan: The City-Wide Master Plan designates 24th Street as a local street.

Advertisement: The Wyandotte Echo – February 15, 2017
Letters to Property Owner – February 16, 2017, March 13, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: This application has been submitted to operate a car auction business at an existing building. The existing business installs automotive aftermarket leather interiors and sunroofs.

City Ordinance Requirements:

Administrative and Review Procedures – Sec. 27-196 – Sec. 27-244
M-2 General Industrial District Regulations - Sec. 27-469
Special Use Permits – Sec. 27-592 – 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The surrounding area includes industrial, commercial, and residential uses.

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

The proposed use is compatible with the majority of its surrounding area. The proposed use may pose a compatibility issue for the houses to the east.

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

The property is suitable for the proposed use. 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. The existing business installs automotive aftermarket leather interiors and sunroofs.

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

The proposed use conforms to the Master Plan. The City-Wide Master Plan designates this property as Business Park District.

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 is not necessary for the welfare of the public, but it will also not substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining property, as long as the commercial design guidelines are adhered to.

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.*

Any chemical spills need to be cleaned up immediately. This site is very close to a major stream. It is easy to contaminate the stream with misuse of chemicals.

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 proposed use does not create a benefit for the public health, safety, or welfare, but denial of the special use permit would create a hardship for the landowner by preventing the landowner from operating this type of business at this location.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 23, 2017. No one was in attendance and no neighborhood opposition was expressed at the neighborhood meeting.

KEY ISSUES

Screening of Trash Receptacles
Landscape Screening of Parking Areas

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-10, (noting that the applicant may come back with a variance related to screening the dumpster and landscaping) subject to:

Urban Planning and Land Use Comments:

1. Screening of Trash Receptacles

All trash receptacles must be screened with a six-foot masonry wall or wooden fence. According to the Commercial Design Guidelines Site Character Requirements (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.

2. Landscape Screening of Parking Areas

The parking area must be screened with shrubs in addition to the existing trees adjacent to 24th Street. According to the Commercial Design Guidelines Landscaping Requirements (Sec. 27-577(b)(2)), Landscape berms and/or continuous rows of 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.

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) Construction drawings for any site improvements shall meet UG standards and criteria, and 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

Conservation District Comments:

- 1. There is one major soil type that was identified: Reading silt loam, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- 2. This site is well protected now. Any chemical spills need to be cleaned up immediately. This site is very close to a major stream. It is easy to contaminate the stream with misuse of chemicals.
- 3. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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-2017-10 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Site Plans
Business Plan
Site Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Special Use	Approval	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-10** 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-2017-10**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 4:35:27

SPECIAL USE PERMIT #SP-2017-10 – JASON MYERS WITH COACH

AUTOMOTIVE RESTYLERS, LLC. – SYNOPSIS: Special Use Permit for a dealer's license to buy and sell cars at auction at 3030 South 24th Street. *Detailed Outline of Requested Action:* This application has been submitted to operate a car auction business at an existing building. The existing business installs automotive aftermarket leather interiors and sunroofs.

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 April 10, 2017;
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 February 15, 2017; and
7. The Notices to property owners dated February 15, 2017 and March 13, 2017

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

Present in Support:

- ❖ Mr. Jason Myers, applicant, Coach Automotive, 3030 South 24th Street, Suite B, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 4:40:20 Planning Director Richardson stated that the staff recommends approval subject to the stipulations noting that the applicant may come back with a variance related to screening the dumpster and landscaping.

Motion and Vote Starts: 4:40:30

On motion by Mr. Ernst, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2017-10 (noting that the applicant may come back with a variance related to screening the dumpster and landscaping):**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Screening of Trash Receptacles

All trash receptacles must be screened with a six-foot masonry wall or wooden fence. According to the Commercial Design Guidelines Site Character Requirements (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.

2. Landscape Screening of Parking Areas

The parking area must be screened with shrubs in addition to the existing trees adjacent to 24th Street. According to the Commercial Design Guidelines Landscaping Requirements (Sec. 27-577(b)(2)), Landscape berms and/or continuous rows of 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.

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) Construction drawings for any site improvements shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

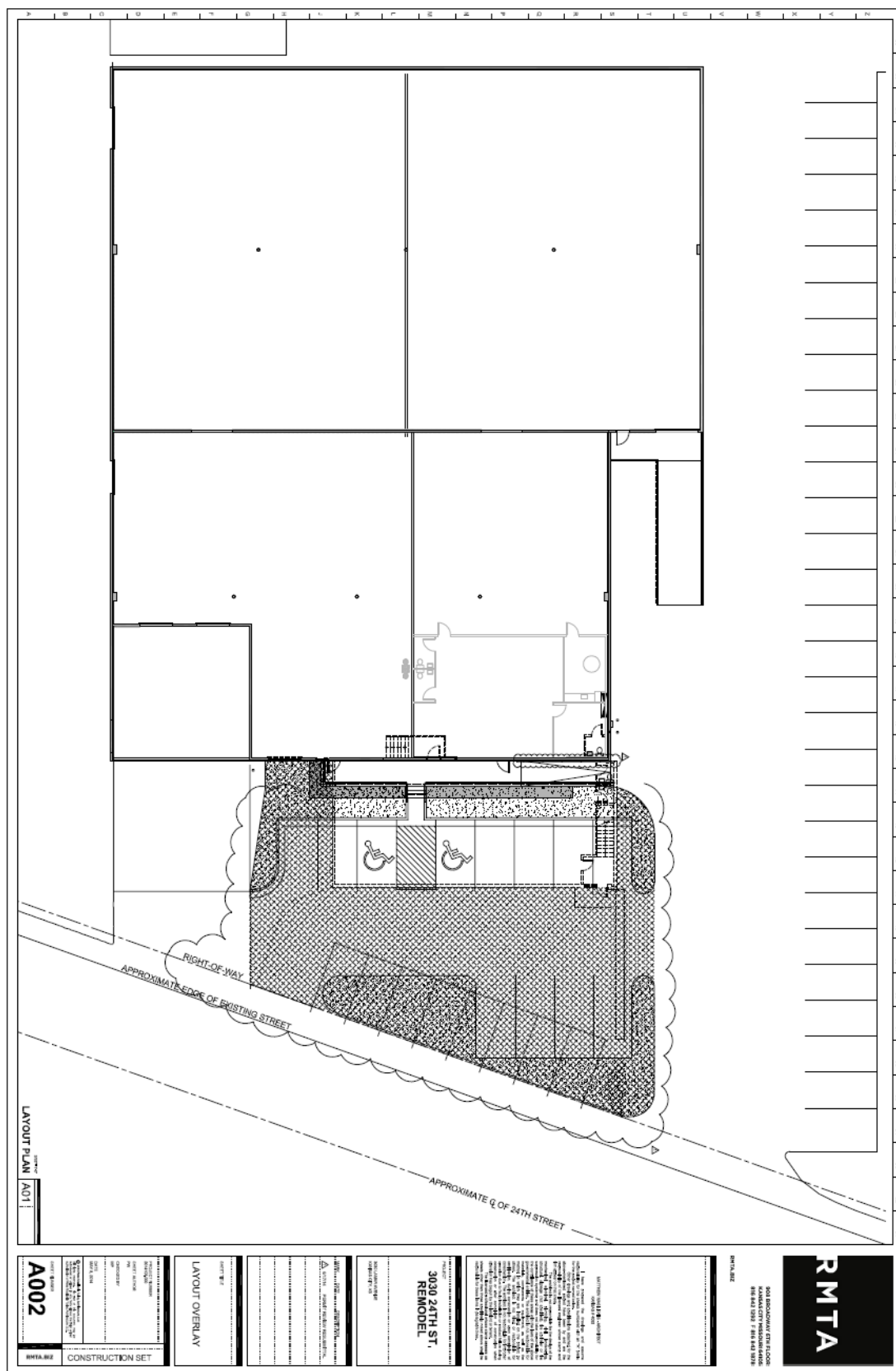
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

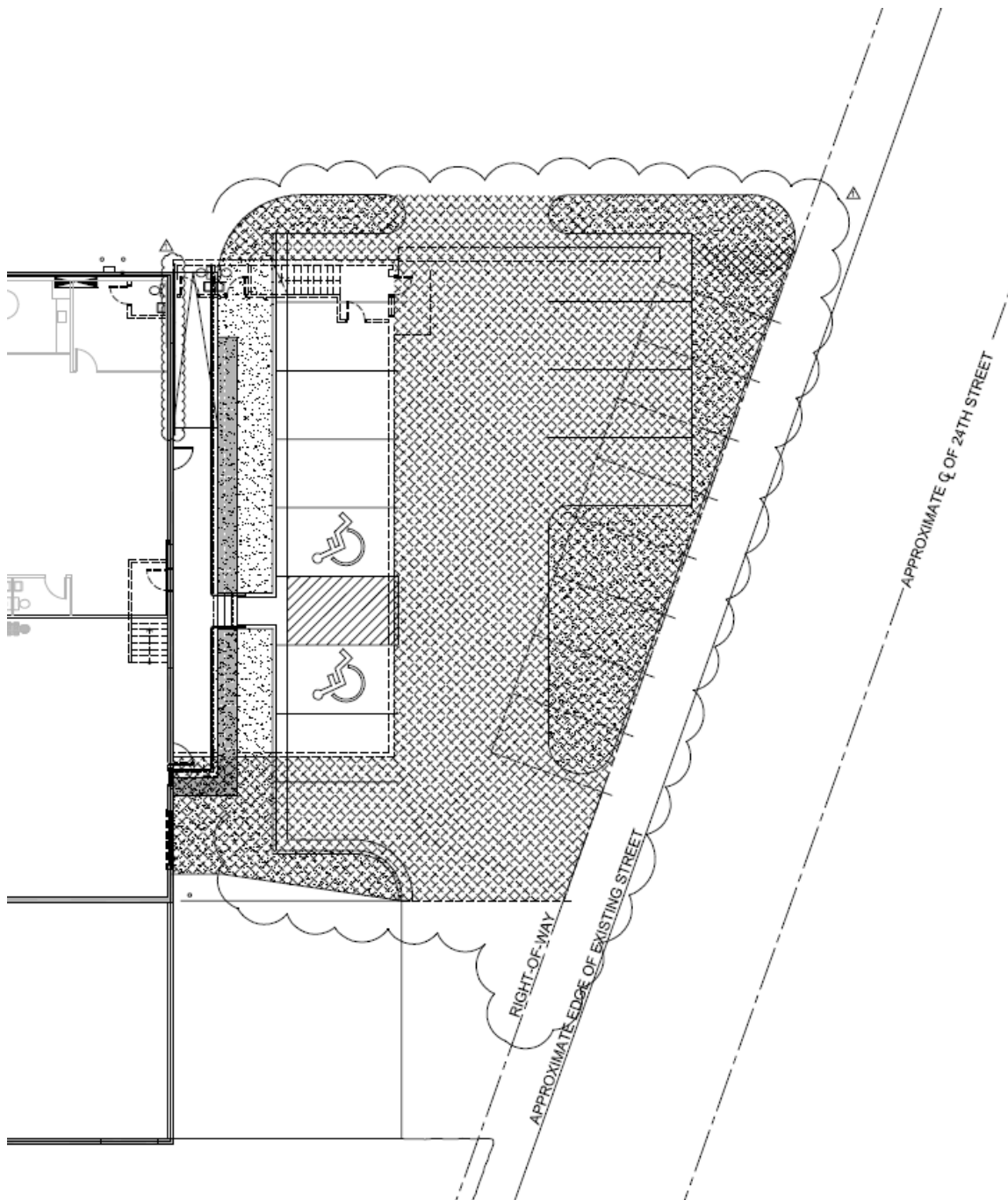
Conservation District Comments:

1. There is one major soil type that was identified: Reading silt loam, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
2. This site is well protected now. Any chemical spills need to be cleaned up immediately. This site is very close to a major stream. It is easy to contaminate the stream with misuse of chemicals.
3. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to

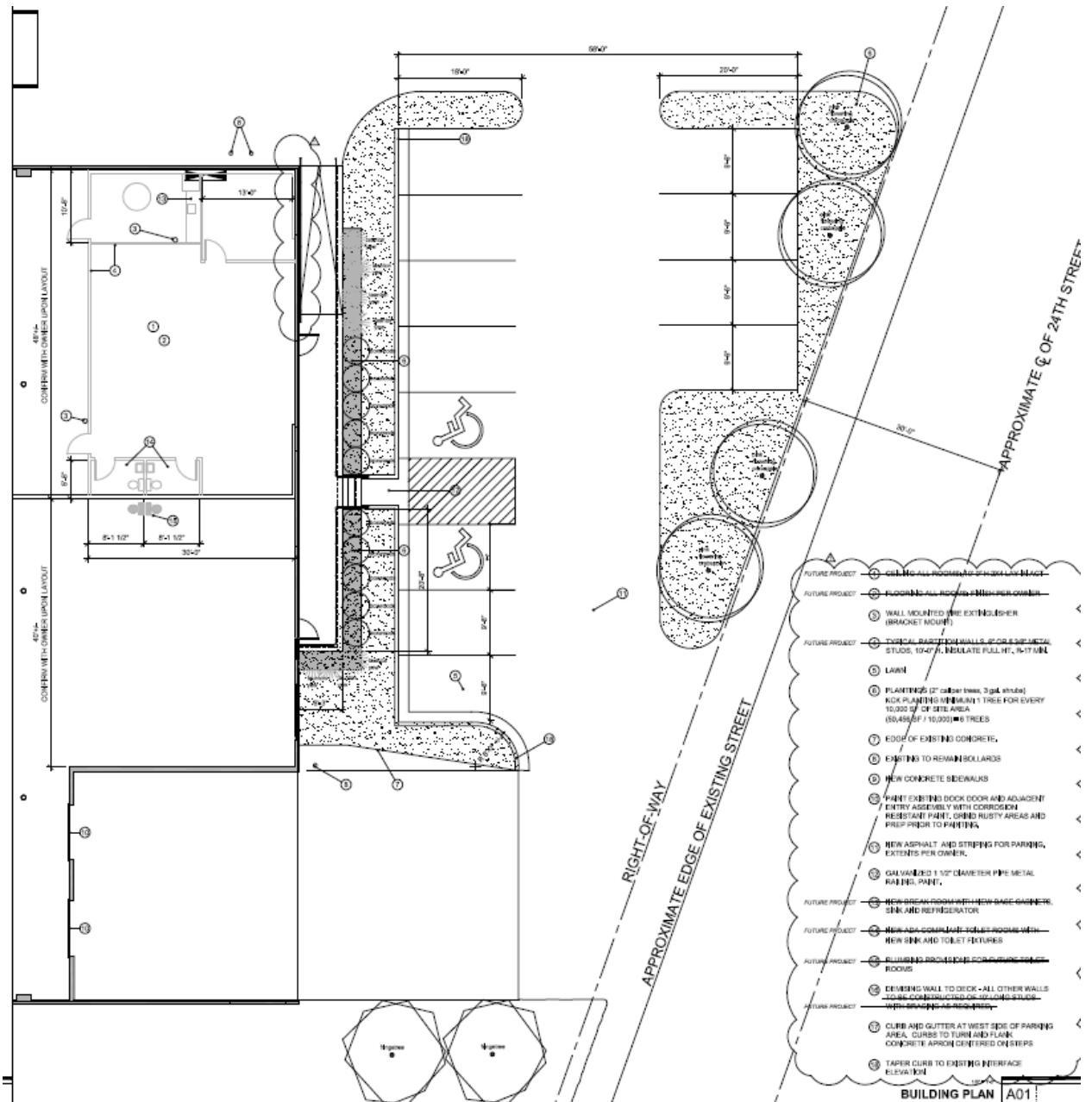
buildings, roads and other structures and to plant roots. Special design commonly is needed.



Layout Plan



Layout Plan (Detail)



Landscape Plan

Coach Automotive Restylers LLC
Business Plan
Q1 2017

Coach Automotive Restylers LLC opened its doors in May of 2005 to offer quality aftermarket installation of leather interiors and sunroofs. We have solidified a successful business relationship with approximately 90% of the new automotive dealerships in the KC metro area. As we look to expand our business, it will be very important to stay focused on our current dealership clientele. The nature of our business and the skills of our employees should allow us to easily supplement revenues by utilizing a Kansas Dealers license for used vehicles. Once the application is approved, 2-4 vehicles will be purchased each month at auction, remedied of safety, performance and cosmetics concerns and listed sale to the public using on-line listing websites not affiliated with Coach Automotive. While awaiting potential buyers, the vehicles will be placed outside during business hours and moved inside our shop every night. The space we have available both inside and out will limit the number we can keep on hand. If, at any time, this new branch of operation begins to interfere with our main line of work, the number of vehicles will be decreased. This opportunity will add a layer of division within our company, increase revenues and offer our employees the opportunity to grow with new challenges.



Google Street View (Image Capture: November 2016)

































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: April 27, 2017
Re: Petition #SP-2017-12

GENERAL INFORMATION

Applicant:
David Zenere

Status of Applicant:
Owner
Kansas City Property Development.
LLC
6656 Inland Drive
Kansas City, KS 66106

Requested Action:
Approval of a Special Use Permit for a
truck fleet service and repair facility

Date of Application:
January 27, 2017

Purpose:
This application has been submitted to develop a 4,800 square foot building for
servicing the owner's truck fleet.

Property Location:
6656 Inland Drive

Existing Zoning: MP-3 Planned Heavy Industrial District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: MP-3 Planned Heavy Industrial District
East: R-1 Single Family District
West: BNSF Railway Right of Way and
R-1 Single Family District

Existing Uses: **North:** Vacant, Forested Land
South: Industrial Uses
East: Forested Hillside
West: BNSF Railway Right of Way

Total Tract Size: 2.96 acres

Master Plan Designation: The City-Wide Master Plan Designates this property as Employment Land Use.

Major Street Plan: The City-Wide Master Plan designates Inland drive as a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – February 15, 2017
Letters to Property Owner – February 16, 2017, March 6, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: This application has been submitted to develop a 4,800 square foot facility for service of the owner's fleet of trucks. The property was historically used for industrial purposes and is currently vacant.

City Ordinance Requirements:

Administrative and Review Procedures – Sec. 27-196 – Sec. 27-244
MP-3 Planned Heavy Industrial District Regulations - Sec. 27-470
Special Use Permits – Sec. 27-592 – 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The surrounding area consists of other industrial uses, forested hillsides, and agricultural uses.

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

The proposed use is compatible with the surrounding area. The residentially zoned area is buffered by steep slopes and forested hillside areas.

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

The property is suitable for the proposed use. Removal of the restrictions will not detrimentally affect nearby property.

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

The length of time the property has remained vacant as zoned is unknown.

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

The proposed use conforms to the Master Plan. The City-Wide Master Plan designates this property as Employment District.

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 is not necessary for the welfare of the public, but it will also not substantially or permanently injure the appropriate use, visual quality, or marketability of the 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 as long as all waste is property disposed of.

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 proposed use does not create a benefit for the public health, safety, or welfare, but denial of the special use permit would create a significant hardship for the landowner by preventing the landowner from operating the proposed facility.

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

This is not an issue.

PREVIOUS ACTIONS

The City Planning Commission approved the final plat "P and R" on November 9, 2009. The Unified Government Board of Commissioners approved a change of zone to MP-3 Planned Heavy Industrial District with the approval of Change of Zone Petition #2980 on December 9, 2009. On May 27, 2010 the Unified Government Board of Commissioners approved a change of zone to change restrictions.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 23, 2017. No one was in attendance and no opposition was expressed at the neighborhood meeting.

KEY ISSUES

Final Development Plan
Sanitary Sewers
Public Works Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2017-12, subject to:

Urban Planning and Land Use Comments:

- 1. Final development plan approval required before building permits are issued.**

Planned development district approval is a two-step process, approval of a preliminary development plan followed by approval of a final development

plan. A final development plan must be approved by the City Planning Commission before building permits are issued.

2. This property must connect to sanitary sewers if/when they become available in the area and support the creation of a benefit district for the provision of sanitary sewers.

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) The special use permit submittal requires complete final site engineering and construction level drawings and plans. Final plans shall include all applicable construction notes, details, and final engineering design in accordance with UG criteria and standards.
 - 2) Provide a PE sealed storm drainage memorandum with final plans to address existing and proposed drainage patterns, storm detention, and stormwater quality including MARC BMP manual worksheets, calculations, and proposed stormwater quality BMP's.
 - 3) Final plans shall provide paved (asphalt or concrete) drive aisles in the proposed trailer storage area.
 - 4) Provide an erosion control plan with final plans to show erosion control BMP types, locations, and construction sequence in accordance with UG criteria and standards.
 - 5) Final development plans and construction level drawings shall be reviewed and approved by UG prior to Planning Commission approval and construction permit acquisition.
 - 6) The UG is currently discussing public sanitary sewer that could serve the P & R subdivision area and this property. When a future/public sanitary sewer system is installed to serve this property, the sanitary sewer service for this facility shall be connected to the public sanitary sewer, and the proposed holding tank shall be abandoned/removed per UG and KDHE specifications and requirements.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Conservation District Comments:

1. There is one major soil type that was identified: Eudora-Urban land complex, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
2. This site could cause contamination to the river with oil, other chemical liquids and contaminated solids if allowed to flow off the property. Some sort of collection system is needed to be in place to collect water runoff from the site and prevent contamination from getting into the river directly.

3. If help is needed for ideas on controls, contact the Wyandotte County Conservation District for help.
4. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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-2017-12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Site Plan
Site Plan Detail
Site Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Special Use	Approval	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2017-12 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-2017-12**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 4:41:27

SPECIAL USE PERMIT #SP-2017-12 – DAVID ZENERE WITH KANSAS CITY PROPERTY DEVELOPMENT, LLC – SYNOPSIS:

Special Use Permit for an automotive repair shop at 6656 Inland Drive. *Detailed Outline of Requested Action:* This application has been submitted to develop a 4,800 square foot facility for service of the owner's fleet of trucks. The property was historically used for industrial purposes and is currently vacant.

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 April 10, 2017;
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 February 16, 2017; and
7. The Notices to property owners dated February 16, 2017 and March 6, 2017

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

Present in Support:

- ❖ Mr. Terry Uhl, Uhl Engineering, representing the applicant, 4121 West 83rd Street, Suite 156, Prairie Village, Kansas 66208

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 4:44:55 Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report. Also the staff is working on a sewer benefit district in this area. There was a case heard last month a little to the west of this property. This is the easternmost property that would be served by the sewer if that is able to happen.

Motion and Vote Starts: 4:45:22

On motion by Mr. Carson, seconded by Mr. Wing, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-12**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

- 1. Final development plan approval required before building permits are issued.**

Planned development district approval is a two-step process, approval of a preliminary development plan followed by approval of a final development plan. A final development plan must be approved by the City Planning Commission before building permits are issued.

- 2. This property must connect to sanitary sewers if/when they become available in the area and support the creation of a benefit district for the provision of sanitary sewers.**

Public Works Comments:

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

- 1) None**

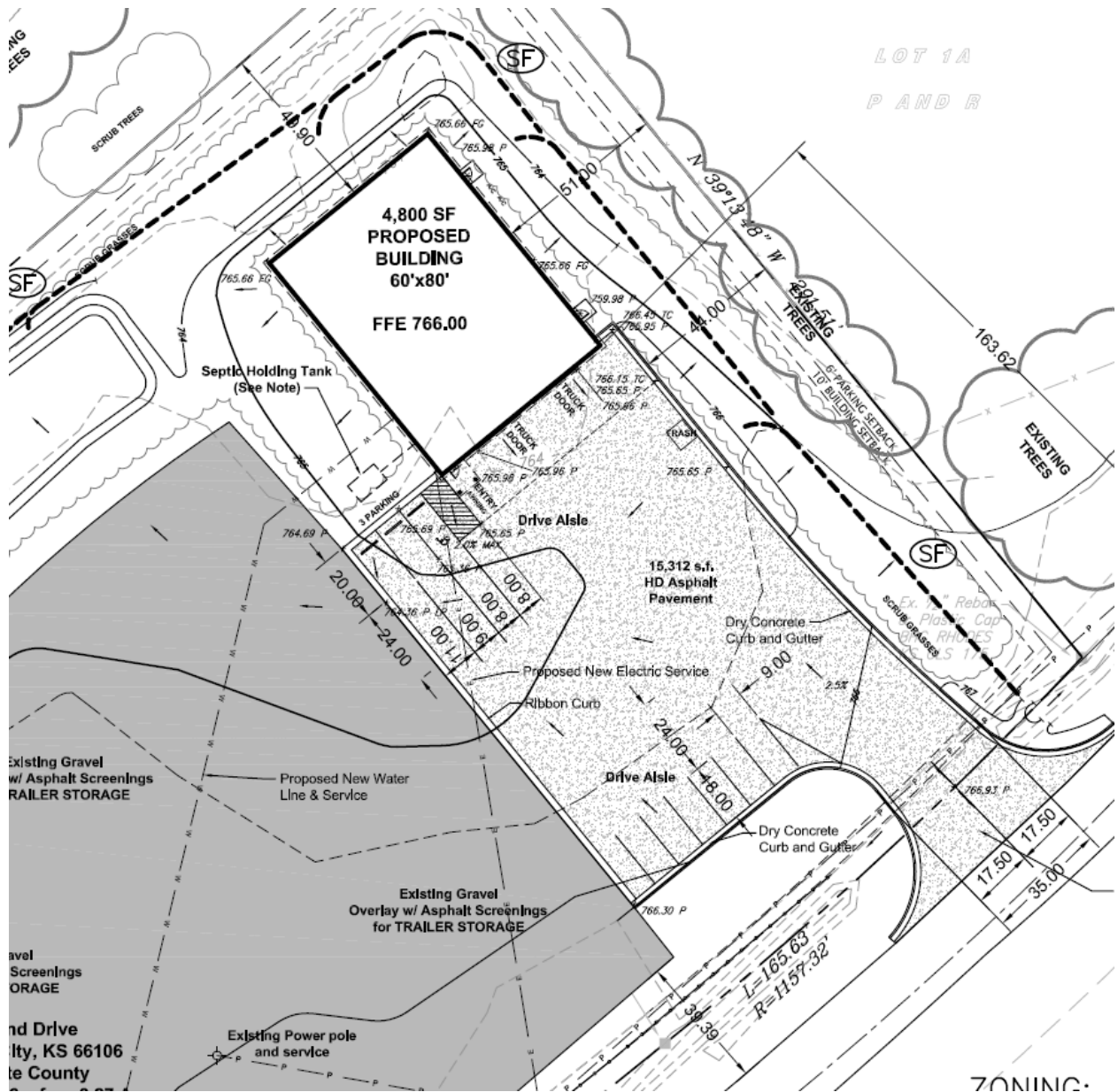
B) Items that are conditions of approval (stipulations):

- 1) The special use permit submittal requires complete final site engineering and construction level drawings and plans. Final plans shall include all applicable construction notes, details, and final engineering design in accordance with UG criteria and standards.**
- 2) Provide a PE sealed storm drainage memorandum with final plans to address existing and proposed drainage patterns, storm detention, and stormwater quality including MARC BMP manual worksheets, calculations, and proposed stormwater quality BMP's.**
- 3) Final plans shall provide paved (asphalt or concrete) drive aisles in the proposed trailer storage area.**

- 4) Provide an erosion control plan with final plans to show erosion control BMP types, locations, and construction sequence in accordance with UG criteria and standards.
 - 5) Final development plans and construction level drawings shall be reviewed and approved by UG prior to Planning Commission approval and construction permit acquisition.
 - 6) The UG is currently discussing public sanitary sewer that could serve the P & R subdivision area and this property. When a future/public sanitary sewer system is installed to serve this property, the sanitary sewer service for this facility shall be connected to the public sanitary sewer, and the proposed holding tank shall be abandoned/removed per UG and KDHE specifications and requirements.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Conservation District Comments:

1. There is one major soil type that was identified: Eudora-Urban land complex, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
2. This site could cause contamination to the river with oil, other chemical liquids and contaminated solids if allowed to flow off the property. Some sort of collection system is needed to be in place to collect water runoff from the site and prevent contamination from getting into the river directly.
3. If help is needed for ideas on controls, contact the Wyandotte County Conservation District for help.
4. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.





Building Elevations









UHL ENGINEERING, INC.

4121 West 83rd Street, Suite 156 • Prairie Village, Kansas 66208
(913) 385-2670 • Fax (913) 385-2671

www.uhlengineering.com

March 23, 2017

Zach Flanders AICP
Urban Planner | Department of Urban Planning and Land Use
Municipal Office Bldg. | Room 423 | 701 North 7th Street
Kansas City, Kansas 66101

**Z Force Preliminary Plan and SUP
SP-2017-12
Truck Servicing Building, 6656 Inland Drive**

Zach:

This letter is in response to the review comments forward March 22, 2017.

1. Parking

This proposed building requires 10 parking spaces. Sec. 27-470(f) states that in M-3 zoning parking shall be no less than one space for each 500 square feet of building area. Please revise the site plan to include 10 parking spaces, including 1 accessible space. Each automobile must be in a striped, designated parking space.

Comments: Ten space are shown, although the Owner anticipates that 2 people will use this facility periodically.

2. Drive and Parking Surfaces

All drive surfaces and parking areas must be paved with concrete or asphalt. All vehicles must be parking in a designated parking spot.

Comments: The drive, parking and maneuvering area is proposed in asphalt.

3. Landscaping and Screening

The existing gravel area must be brought to a finished grade and landscaped with turf. Sec. 27-470(h) states that all land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Please revise the site plan to conform to this standard.

Comments: The limits of the turf areas and impervious areas, respectively are shown on the plan.

Please provide a six-foot high architectural screen on the northeast side of the property that is adjacent to residentially zoned property. An architectural screen is defined as a wooden fence with masonry columns spaced every 32 feet on center. Sec. 270-470(h) states that a six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Please revise the site plan to include architectural screening.

Comments: The property at the east is not residential. A 3' screen is shown along the street.

4. Building Elevations

Please submit building elevations as part of the preliminary site plan. Section 27-212(25) states that building elevations must be included in a preliminary development plan: Preliminary architectural elevations of proposed structures and an initial list of proposed building materials.
Comments: The building elevations are included with this submittal.

5. Performance Standards

The development shall comply with the performance standards of the Heavy Industrial Zoning Districts, including: No use shall be permitted or so operated as to produce or emit:

- a. Smoke, dust, fly ash, gas or odorous emission not in compliance with Chapter 3.

Comments: None of these items are expected.

- b. Vibration or concussion perceptible without instruments at the property line.

Comments: None of these items are expected.

Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.

Comments: Excessive noise is not anticipated.

- c. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.

Comments: These items will not be created.

- d. No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Comments: These conditions are met in the proposed Preliminary Plan.

- e. All accessory materials and products such as lumber, steel and other metals and concrete products that have been previously used shall be totally screened from view from off the premises.

Comments: These items will not be present on the site.

- f. All uses involving storage, handling, use of sale of hazardous and highly flammable or explosive materials (group H occupancies as defined by the International Building Code as adopted and amended by the unified government) shall notify the building official prior to any such occupancy or any securing of unified government approval be it an occupational license, zoning approval, building permit, etc. The building official shall determine that all applicable requirements are met and may submit the use to the development review committee for review.

Comments: No hazardous materials will be stored/used on site.

6. Signs

All signs will require a sign permit and a separate review.

Comments: No signs will be erected.

7. Final development plan approval required before building permits are issued.

Planned development district approval is a two-step process, approval of a preliminary development plan followed by approval of a final development plan. You may submit a preliminary and final development plan concurrently at your own risk, or you must submit a final development plan for approval by the City Planning Commission after the preliminary development plan is approved by the Unified Government Board of Commissioners. The final development plan must be approved by the City Planning Commission before building permits are issued.

Comments: The Owner understands, and will direct us to prepare a Final Plan, after receiving verification that this use will be permitted.

8. Building must connect to sanitary sewers.

Comments: There are no sewers present. Pursuant to a directive from the Unified Government, a holding tank is proposed.

Public Works Comments:

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

1) The special use permit submittal requires complete final site engineering and construction level drawings. The drawings shall be revised to include all applicable construction notes, details, and final engineering design in accordance with UG criteria.

Comments: Pursuant to Rob Richardson's comment, "I am happy to put off the construction drawings to a later date, but it will require them to file a final plan review and have it reviewed by the Planning Commission", we will defer that requirement.

2) If the applicant wants to proceed with a preliminary development plan for this special use permit, a final development plan will be required. Please coordinate with Planning staff regarding the current application and proposed process, i.e., a final development plan will require approval by Planning Commission and Board of Commissioners.

Comments: The Owner understands, and will direct us to prepare a Final Plan, after receiving verification that this use will be permitted.

3) The UG is currently discussing public sanitary sewer that could serve the P & R subdivision area and this property. Further discussion with staff is required prior to a resubmittal.

Comments: Accordingly, we have a holding tank shown on the Preliminary Plan.

4) On the site plan, show dimensions from property lines to building, parking area, driveway entrance, entrance width, parking spaces, drive aisles, proposed contours, proposed drainage patterns, etc. Plans shall be stamped and sealed by a State of Kansas Professional Engineer.

Comments: Dimensions have been added.

5) On the site plan, indicate the net increase in impervious area (in SF) and total disturbed area (in SF and Acres).

Comments: This information has been added.

6) Indicate proposed finish floor elevation of building.

Comments: This information has been added.

7) Provide a PE sealed storm drainage memorandum addressing existing and proposed drainage patterns, storm detention, and stormwater quality.

Comments: Preliminary drainage & detention information is shown on the Preliminary Plan. The proposed area for stormwater detention and treatment is also shown.

8) Please explain whether or not the proposed use of minor repairs and servicing the Owner's truck fleet will involve wrecked vehicles or vehicles that potentially leak hazardous fluids. If so, the proposed storage or parking 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.

Comments: The Owner anticipates no conditions/activity that will potentially leak hazardous fluids.

9) Will the existing gravel pavement area be used for storage or yard area? If not, please explain proposed use.

Comments: Much of the existing gravel area will be covered with asphalt millings. From David Seitz on February 22, 2017: Asphalt millings can be used for storage or yard areas, but drive aisles shall be paved with asphalt or concrete.

10) The UG does not allow gravel pavement areas. Depending on proposed use, asphalt or concrete pavement may be required. Further discussion with staff is needed prior to a resubmittal.

Comments: Much of the existing gravel area will be covered with asphalt millings. From David Seitz on February 22, 2017: Asphalt millings can be used for storage or yard areas, but drive aisles shall be paved with asphalt or concrete.

11) Is the proposed transition between concrete and gravel a ribbon curb? Please provide a detail or indicate applicable reference and information regarding the proposed transition. Also, please indicate proposed curb where applicable.

Comments: a transition curb is proposed and will be flush with the pavement.

12) Provide proposed contours and indicate how the proposed entrance and parking area will drain. Currently, it appears that the parking area will drain to the building. Some spot elevations for top of curb and/or drainage arrows may be needed to demonstrate proposed drainage patterns.

Comments: Contours and flow arrows have been added.

13) On the site plan or an erosion control plan, show erosion control BMP types, locations, and construction sequence in accordance with UG criteria.

Comments: E&SC boundaries have been added. The area of the stormwater BMP is identified.

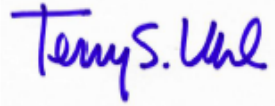
March 23, 2017
Zach Flanders AICP
Page 5

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

If you need additional information or clarification, please contact me directly at 913-385-2670.

Sincerely,
UHL ENGINEERING, INC.

A handwritten signature in blue ink that reads "Terry S. Uhl". The signature is written in a cursive style with a large, stylized 'T' and 'U'.



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: April 27, 2017
Re: Petition #SP-2017-18

GENERAL INFORMATION

Applicant:
Careen Blankenship

Status of Applicant:
Owner
Sweet Celebrations, LLC
12325 Bellerive Drive
Kansas City, KS 66109

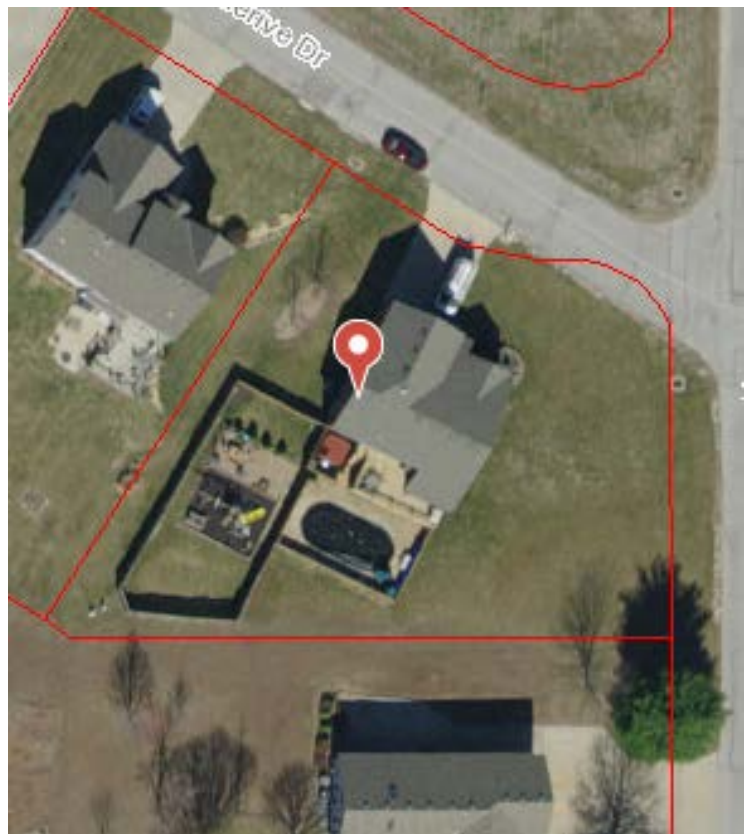
Requested Action:
Renewal of a special use permit
for home bakery business

Date of Application:
February 21, 2017

Purpose:
To operate a home based bakery
and catering business.

Property Location:
12325 Bellerive Drive

Existing Zoning:
R-1A Single Family District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District and R Rural Residence District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Single Family Homes
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Total Tract Size: .43 acre

Master Plan Designation: Low-Density Residential

Major Street Plan: The City-Wide Master Plan classifies Bellerive Drive as a local road.

Advertisement: The Wyandotte Echo – March 16, 2017
Letters to Property Owner – March 13, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Carreen Blankenship, owner of Sweet Celebrations, LLC is seeking renewal of a special use permit to continue operating as a home catering and bakery service. The applicant has a commercial kitchen that is USDA inspected in the sub-basement of the home and has been in operation over 10 years.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is low occupancy residential in character with a mix of residential, rural residential and agriculture zoning.

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 compatible with the surrounding area, given that customers are not arriving at the location on a frequent basis. If the operation primarily uses delivery of baked goods rather than customer pick-up at the home, there will be no issues with compatibility.

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

The property has been modified to be suitable for the use by adding a commercial kitchen that is USDA inspected in the sub-basement of the home.

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 should not be 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. It 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.*

This should not be an issue.

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

This should not be an issue.

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

This should not 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 would be no significant gain to the public health, safety and welfare from the denial of this special use permit. Denial of the special use permit would create a hardship for the applicant by forcing them to re-locate their business.

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

This should not be an issue.

PREVIOUS ACTIONS

Urban Planning and Land Use

- SP-2004-49, special use permit for home occupation
- SP-2007-7, special use permit for home occupation (renewal)
- SP-2012-8, special use permit for home occupation (renewal)

Business License

- The applicant has filed and maintained a current occupation tax application for this business activity since 2005.

NEIGHBORHOOD MEETING

The applicant is not required to hold a neighborhood meeting.

KEY ISSUES

- Ensuring there will be no increase in traffic flow to the property.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-18, subject to:

Urban Planning and Land Use Comments:

1. Is the business delivery or do customers come to the home to pick up ordered items?
2. How frequently are customers visiting the home? Where do they park?

Applicant Response: We deliver all of our products weekly and do not allow for any pick up of products. We are licensed as a manufacturing/processing plant with the State of Kansas and FDA. Our customers are restaurants and grocery stores in the greater Kansas City Metro and this requires we deliver our products directly to them.

3. The staff recommends approval for ten (10) 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-2017-18 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Letter from Applicant
Response Letter to Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Special Use	Approval	

STAFF CONTACT: **Kimberly Portillo**
kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2017-18 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-2017-18**, 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.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT #SP-2017-18 – CARREEN BLANKENSHIP WITH SWEET CELEBRATIONS, LLC - SYNOPSIS: Renewal of a Special Use Permit (#SP-2012-8) for a catering and bakery service at 12325 Bellerive Drive. *Detailed Outline of Requested Action:* Carreen Blankenship, owner of Sweet Celebrations, LLC is seeking renewal of a special use permit to continue operating as a home catering and bakery service. The applicant has a commercial kitchen that is USDA inspected in the sub-basement of the home and has been in operation over 10 years.

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.)

Recording Secretary Parker stated that Planning Commission Jones is participating via phone this evening.

“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 April 10, 2017;
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 notices to property owners; and
7. The publications in the Echo.

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.)

Motion and Vote Starts: 8:08

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL of the items on the Consent Agenda:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

- 1. Is the business delivery or do customers come to the home to pick up ordered items?**
- 2. How frequently are customers visiting the home? Where do they park?**

Applicant Response: We deliver all of our products weekly and do not allow for any pick up of products. We are licensed as a manufacturing/processing plant with the State of Kansas and FDA. Our customers are restaurants and grocery stores in the greater Kansas City Metro and this requires we deliver our products directly to them.

- 3. The staff recommends approval for ten (10) 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**



Figure 1. Aerial photograph of 12325 Bellerive Drive. Provided by UG Maps.



Figure 2. Zoning map showing area surrounding 12325 Bellerive Dr. Provided by UG Maps.

February 13, 2017

To Whom It May Concern:

This letter is in reference to my application/renewal for my Special Use Permit (Home Occupation). We have a commercial kitchen that is USDA inspected (license #106643) and City licensed (0590-00000-00123) in the sub-basement of our home. We have been in operation for 10 years. We wish to renew our Special Use Permit and to continue as we are. We don't currently have any plans to change our business model or to create any changes that would impact our Special Use Permit. We appreciate your thoughtful consideration in this matter.

Sincerely,



Carreen Blankenship
Sweet Celebrations, LLC
owner

Figure 3. Letter indicating business plan. Provided by the applicant.

March 27, 2017

Department of Planning & Land Use
Unified Government

Petition #SP-2017-18

To Whom It May Concern:

This is the response to the Staff Comments from the Special Use Petition #SP-2017-18.

We deliver all of our products weekly and do not allow for any pick up of products. We are licensed as a manufacturing/processing plant with the State of Kansas and FDA. Our customers are restaurants and grocery stores in the greater Kansas City Metro and this requires we deliver our products directly to them.

Thank you so much for your time and consideration.

Sincerely,

Carreen L. Blankenship
Sweet Celebrations LLC, DBA Olivia's Oven
owner

Figure 4. Letter in Response to Staff Comments. Provided by Applicant



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: April 27, 2017
Re: Petition #SP-2017-24

GENERAL INFORMATION

Applicant:
Hanif Lakhani

Status of Applicant:
Representative
Lisa Dube with Richard T. Bryant &
Associates
1102 Grand, Suite 804
Kansas City, MO 64106

Requested Action:
Approve Special Use Permit

Date of Application:
February 26, 2017

Purpose:
To operate a liquor store

Property Location:
6832 Kaw Drive

Existing Zoning:
M-2 General Industrial District



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

Existing Uses: **North:** Office and warehouse
South: Industrial business (across Kaw Drive)
East: Industrial business (across Kaw Drive)
West: Trucking business

Total Tract Size: 1.75 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Business Park.

Major Street Plan: The City-Wide Master Plan classifies Kaw Drive as a Class A Thoroughfare and Kansas Avenue as a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – March 16, 2017
Letters to Property Owner – March 13, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: None one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

Code Enforcement Issues: Cited – 8/15/16 - Improper storage of trash in dumpster on the property. Resolved – 9/2/16. Cited – 9/23/15 - Received complaint for trash, but upon reinspection no trash was found. Closed – 9/30/16.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Hanif Lakhani wants to continue to operate a liquor store at 6832 Kaw Drive. The property was a liquor store in 2007, however there was not a valid business license until the time of the last Special Use Permit at this location.

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 industrial based businesses ranging from office to warehousing. Further west on Kansas Avenue and north of North 68th Street are single family homes.

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

The zoning and uses of properties nearby are set out above. The proposed use is relatively compatible with them because the businesses that surround this property in question are industrial.

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 has been vacant since 2007, as that was the last valid business license at this location.

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 and will not 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.*

This is not applicable.

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

This is not applicable.

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

This is not applicable.

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 landowner is minimal. If this application was denied, the applicant would need to seek a new location to operate a liquor store.

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

This is not applicable.

PREVIOUS ACTIONS

SP-2014-83: Approval to operate a liquor store.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 27, 2017. There were two people present at the time, one of which was the applicant and the other was a neighbor. No opposition was expressed.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2017-24, subject to:

Urban Planning and Land Use Comments:

1. What are your hours of operation?

Applicant Response: House of operation 9 am – 11 pm: Mon thru Sat. Noon to 8 pm Sunday.

2. Have there been any incidents (KCKPD, Code Enforcement, Building Inspection, etc.) since you were last approved?

Applicant Response: No complaints to Applicant's knowledge.

3. Staff recommends approval for five (5) years.

Public Works Comments:

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-2017-24** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Aerial Photograph

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Special Use	Approval	

STAFF CONTACT: Kyle Kobe
kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-24** 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-2017-24, 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.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT #SP-2017-24 – HANIF LANKHANI WITH 32 HIGHWAY LIQUORS, LLC - SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-83) for a liquor store at 6832 Kaw Drive. *Detailed Outline of Requested Action:* The applicant, Hanif Lakhani wants to continue to operate a liquor store at 6832 Kaw Drive. The property was a liquor store in 2007, however there was not a valid business license until the time of the last Special Use Permit at this location.

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.)

Recording Secretary Parker stated that Planning Commission Jones is participating via phone this evening.

“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 April 10, 2017;
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 notices to property owners; and
7. The publications in the Echo.

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.)

Motion and Vote Starts: 8:08

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL of the items on the Consent Agenda:**

Carson	Aye
Childress	Aye
Connelly	Not Present

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. What are your hours of operation?

Applicant Response: House of operation 9 am – 11 pm: Mon thru Sat.
Noon to 8 pm Sunday.

2. Have there been any incidents (KCKPD, Code Enforcement, Building Inspection, etc.) since you were last approved?

Applicant Response: No complaints to Applicant's knowledge.

3. Staff recommends approval for five (5) years.

Public Works Comments:

None



Figure 1. Aerial photograph of 6832 Kaw Drive (provided by UG Maps).

Minutes of 32 Highway Liquors, LLC Neighborhood Meeting

Application Number: SP-2017-24

March 27, 2017

Meeting held at 6832 Kaw Drive, Kansas City, Kansas 66111

Meeting Called to Order at: 4:00 PM

In Attendance: Hanif Lakhani, Applicant

Barbara Kill-Neighbor

Applicant discusses need for renewal of Special Use Permit to operate a liquor store at the location. Applicant discusses business plan (Retail Liquor Store) and business hours.

Applicant opens up floor for questions/Comment:

Question Asked/ Comment Made By	Question Asked/ Comment Made	Answer/Response Given By	Answer/Response Given
Barbara Kill	How long have you been here? I didn't know you were here.	Hanif Lakhani	Have been here about 2 years.

Meeting Adjourned At: 4:30 PM

Minutes Taken By: Hanif Lakhani



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: April 27, 2017
Re: Petition #SP-2017-25

GENERAL INFORMATION

Applicant:
Jorge Salazar

Status of Applicant:
Owner
JIAJ, INC. Tapatio Mexican Grill
151 South 18th Street, Suite A,
Kansas City, KS 66102

Requested Action:
Renewal of Special Use Permit for live
entertainment

Date of Application:
February 24, 2017

Purpose:
Renewal of Special Use Permit for live music, DJ
and dancing in conjunction with an existing
restaurant

Property Location:
151 South 18th Street, Suite A

Existing Zoning:
CP-2 Planned General Business District



Existing Surrounding Zoning: **North:** CP-O Planned Nonretail Business District
South: CP-2 Planned General Business District
East: R-1(B) Single-Family Residential District
West: R-2 Two-Family Residential District

Existing Uses: **North:** Harvest America Corporation offices (non-profit)
South: Commercial businesses and Sun Fresh Market grocery store
East: Single family residences
West: Gas station and Subway

Total Tract Size: Parcel: 2.93 acres - Tenant space: 0.087 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Community Commercial.

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

Advertisement: Property Owner Letters – March 13, 2017
Wyandotte Echo – March 16, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Applicant, Jorge Salazar, would like to renew a previously approved Special Use Permit at 151 South 18th Street that adds live music, DJ, and dancing to the current Mexican restaurant.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is primarily comprised of commercial businesses. This is in the Prescott Plaza shopping center.

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. This facility is seeking a special use permit for live entertainment/music at the restaurant which is compatible with the surrounding commercial uses, but could potentially lead to issues with the residential areas nearby.

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 building has been configured for a variety of commercial uses, to include a restaurant. Removing the restrictions should not negatively impact 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*

During the review of the overall Prescott Plaza project, the developer designed the infrastructure to accommodate traffic for a business such as this.

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 to the public. The live music is purely supplemental to the Mexican restaurant environment. However, if properly managed it should not be detrimental to the surrounding uses.

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 is always the potential for live music to generate an excessive amount of noise. However, with proper management this should not be 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.*

There is little or no gain to the public health, safety and welfare. If denied the

owner would have to revert operations back to just being a restaurant.

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

Popular restaurants and live entertainment-type venues have the potential to draw a crowd to an area. However this location has a suitable amount of space for people to both park and gather.

PREVIOUS ACTIONS

SP-2015-2: Approval of Special Use Permit for live music, DJ and dancing.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 24, 2017. There were no people in attendance outside of those affiliated with the business.

KEY ISSUES

Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-25, subject to:

Urban Planning and Land Use Comments:

1. As is standard for all live entertainment SUPs, security will need to be provided by a dedicated individual who is serving in that role and that role alone. It is not permitted to have security provided by an employee who is also functioning in another capacity at that same time.

Applicant Response: Applicant will designate a Manager for the sole purpose of security for nights when live entertainment is occurring. The Manager will only be responsible for maintaining peace between patrons and guests. The Security Manager will keep all doors and windows closed during entertainment to decrease noise to neighbors. The Security Manager will maintain the parking lot area and ensure that the parking area is cleaned after patrons and guests have left premises. The Security Manager will be separate and apart from the General Manager on duty.

2. Based off your Business Plan, the DJ will stop on 11:00pm on Friday and Saturday. What will go on from 11:00 pm to close (2:00am)?

Applicant Response: The business typically shuts down at 11:00 pm since it is a restaurant. However, liquor laws allow the business to remain open

until 2:00 am. The restaurant sometimes remains open serving food and alcoholic beverages until 2:00 am. However, in accordance with the Special Use Permit agreements reached with the neighbors previously, live entertainment ceases and prerecorded music is played.

3. Have there been any incidents (neighbor complains, Police, Codes, etc.) at this location since the last permit was approved?

Applicant Response: The Applicant is not aware of any issues.

4. If approved, the Special Use Permit would be valid for two (2) years.

Applicant Response: The Applicant understands it is a 2 year permit.

Public Works Comments:

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-2017-25 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Aerial Map
Zoning Map
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Special Use	Approval	

STAFF CONTACT: Kyle Kobe
kkobe@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-25** 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-2017-25**, 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.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES

SPECIAL USE PERMIT #SP-2017-25 – JORGE SALAZAR/JIAJ, INC. – SYNOPSIS:

Renewal of a Special Use Permit (#SP-2015-2) for live entertainment in conjunction with existing restaurant at 151 South 18th Street. **Detailed Outline of Requested Action:** Applicant, Jorge Salazar, would like to renew a previously approved Special Use Permit at 151 South 18th Street that adds live music, DJ, and dancing to the current Mexican restaurant.

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.)

Recording Secretary Parker stated that Planning Commission Jones is participating via phone this evening.

"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 April 10, 2017;
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 notices to property owners; and
7. The publications in the Echo.

The Commission will vote to approve in one vote these items unless someone comes
#SP-2017-25 April 27, 2017

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.)

Motion and Vote Starts: 8:08

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL of the items on the Consent Agenda:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. **As is standard for all live entertainment SUPs, security will need to be provided by a dedicated individual who is serving in that role and that role alone. It is not permitted to have security provided by an employee who is also functioning in another capacity at that same time.**

Applicant Response: Applicant will designate a Manager for the sole purpose of security for nights when live entertainment is occurring. The Manger will only be responsible for maintaining peace between patrons and guests. The Security Manager will keep all doors and windows closed during entertainment to decrease noise to neighbors. The Security Manager will maintain the parking lot area and ensure that the parking area is cleaned after patrons and guests have left premises. The Security Manager will be separate and apart from the General Manager on duty.

2. **Based off your Business Plan, the DJ will stop on 11:00pm on Friday and Saturday. What will go on from 11:00 pm to close (2:00am)?**

Applicant Response: The business typically shuts down at 11:00 pm since it is a restaurant. However, liquor laws allow the business to remain open until 2:00 am. The restaurant sometimes remains open serving food and alcoholic beverages until 2:00 am. However, in accordance with the Special Use Permit agreements reached with the neighbors previously, live entertainment ceases and prerecorded music is played.

3. **Have there been any incidents (neighbor complains, Police, Codes, etc.) at this location since the last permit was approved?**

Applicant Response: The Applicant is not aware of any issues.

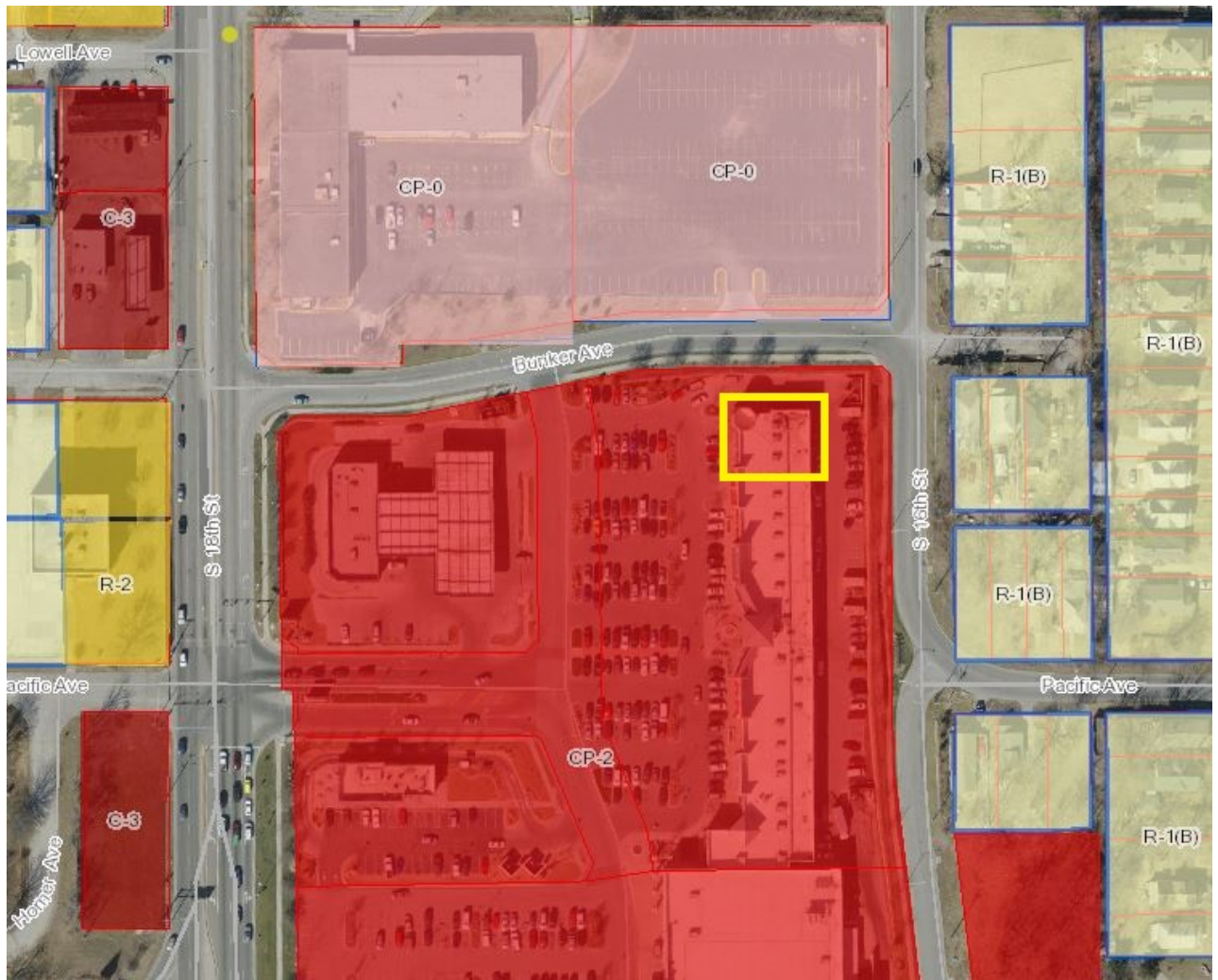
- 4. If approved, the Special Use Permit would be valid for two (2) years.**

Applicant Response: The Applicant understands it is a 2 year permit.

Public Works Comments:

None





Zoning Map

JIAJ, Inc. Neighborhood Meeting

Application Number: SP-2017-10

March 24, 2017

Meeting held at 151 S. 18th Street, Suite A, Kansas City, Kansas 66102

Meeting Called to Order at: 3:00 PM

In Attendance: Jorge Salazar, Applicant

Diana Salazar-Employee of Applicant

Feliciano- Employee of Applicant

Applicant discusses need for renewal of Special Use Permit to continues to provide live entertainment, dancing, and a D.J. Applicant discusses business plan and business hours.

Applicant opens up floor for questions/Comment:

Question Asked/ Comment Made By	Question Asked/ Comment Made	Answer/Response Given By	Answer/Response Given
None	None	None	None

Meeting Adjourned At: 3:45 PM-Applicant remained at location until business closed.

Minutes Taken By: Jorge Salazar



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: April 27, 2017
Re: Petition #A-2017-2

GENERAL INFORMATION

Applicant:
Darrell Walker

Status of Applicant:
Owner
1110 Shawnee Avenue
Kansas City, KS 66105

Requested Action:
Vacation of Alley

Date of Application:
January 29, 2017

Purpose:
Vacate the southern portion of the alley
between Custer Avenue and Shawnee
Avenue.

Property Location: Alley adjacent to
1110 Shawnee Avenue, between
Custer Avenue and Shawnee Avenue.



Existing Surrounding Zoning: **North:** R-2(B) Two Family District
South: R-2(B) Two Family District
East: R-2(B) Two Family District
West: R-2(B) Two Family District

Existing Uses: **North:** Single Family Homes
South: Vacant Parcels, Single Family Homes
East: Vacant Parcels
West: Single Family Homes

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

Major Street Plan: The City-Wide Master Plan classifies Shawnee Avenue as a local road.

Advertisement: The Wyandotte Echo – February 16, 2017
Letters to Property Owner – February 15, 2017, March 6, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Vacate alley between Custer Avenue and Shawnee Avenue for the purpose of closing off access with fences to prevent or mitigate crime and speeding vehicles.

City Ordinance Requirements: Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

1. **Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.**

This should not be an issue. The only development proposed at this time is a fence that would be able to swing open, which is a low impact addition to the alley.

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

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

Designed to meet City Code

d. Police

Police service provided District #333

e. Fire

Fire service provided by District 2

f. Transit

Kansas City ATA does not provide a nearby transit stop.

g. Schools

Kansas City, Kansas USD 500

- 3. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.**

The main street right of ways will not be affected by this vacation. However, the alley itself will not be easily accessible to the general public if approved. There are only two property owners adjacent to this alley (the applicant, who owns the majority of abutting land, and one other owner – both of which are in favor of this application). The east-west stretch of the alley would remain the same, as would the northern portion of the alley, so other residents will not have access blocked into and out of the alley.

- 4. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values. Buildings and streets are so arranged as to afford adequate light, open**

This should not be an issue. The applicant's reasoning for the application is his way of trying to improve the quality of the property and by extension the surrounding area.

5. **Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.**

Development patterns are already designed with due regard to topography.

6. **Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.**

This is not applicable.

7. **Vacation will not create utility conflicts.**

There are utility easements in the alley that would need to be kept in place.

KEY ISSUES

Utility Easement
Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Alley Vacation Application #A-2017-2, subject to **maintaining an easement over the alley and any further comment from Public Works after further discussions about what the vacation entails.**

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 **#A-2017-2** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Aerial Photo
Street View Photo
Applicant Letter 1
Applicant Letter 2
Support Letter from Armourdale Restoration Association
Support Petition from residents
Site photos provided by applicant
Fence example image

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#A-2017-2** 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:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#A-2017-2** 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.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 4:46:03

ALLEY VACATION #A-2017-2 – DARRELL WALKER – SYNOPSIS: Vacation of an alley at 1110 Shawnee Avenue. *Detailed Outline of Requested Action:* Vacate alley between Custer Avenue and Shawnee Avenue for the purpose of closing off access with fences to prevent or mitigate crime and speeding vehicles.

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 April 10, 2017;
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 February 16, 2017; and
7. The Notices to property owners dated February 15, 2017 and March 6, 2017

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

Present in Support:

- ❖ Mr. Darrell Walker, applicant, 1110 Shawnee Avenue, Kansas City, Kansas 66105

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 5:01:35 Planning Director Richardson stated that it would appear the comments from Public Works might have anticipated a much larger vacation than being discussed this evening. He stated that the staff recommends approval subject to maintaining an easement over the alley and any further comment from Public Works after further discussions about what the vacation really is.

Motion and Vote Starts: 5:02:15

On motion by Mr. Wing, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Alley Vacation #A-2017-2 subject to maintaining an easement over the alley and any further comment from Public Works after further discussions about what the vacation entails:**

Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman

Jones	Aye
Pauley	Aye
Rank	Not Present
Serda	Aye
Wing	Aye

Motion to recommend APPROVAL Passed: 8 to 0



Aerial Photo



View of the alley from Shawnee Avenue (Google street view)

Closing this section of the alley is a quality of life and safety issue. It is a fairway for crime, graffiti, gang activity, along with public drinking and loitering. Vehicles speed thru this section of the alley all day and all night. We have received damage throughout the years with vehicles hitting the house, replaced side fence and wall from a vehicle, and the countless times of graffiti damage.

Closing this section of the alley would not hinder the use of, there are two other outlets. This section does not service anyone's back entrance, yard or utilities.

I am a lifelong resident of Armourdale. The Walker family first moved here in 1927, at one time there were five Walker households, we are the remaining family. We are a family that takes pride in our community and take part in making it a liveable neighborhood. This would be another step towards safety and quality of life.

Judson Dees, our neighbor adjacent to us is ninety years old still gets out and mows and keeps his place tidy. He and his family has lived in their home since 1950. He also is in favor of this section of the alley to be closed for the safety of his home.

We will accept the responsibility and cost for closing off this section with gates and maintaining this area.

Your consideration would be greatly appreciated.

Sincerely, The Walker Family and the Dees Family

Darrell, Veronica, Ben and Sam Walker and Judson Dees

Kyle Kobe, Urban Planning and Land Use

Kim Ingham, Engineering

Planning Legal Description - All of a 15 foot alley between Block 7, Lot 10 and Block 7 Lot 6 through 9, Pacific Place a subdivision in the City of Kansas City, Wyandotte County, Kansas, located at approximately 1110 Shawnee Avenue, Kansas City, Kansas.

This is a T shaped alleyway, the north end on Custer Ave side will remain open for entry and exit. On the west end on the 12th St. side will remain open for entry and exit. The proposed section of alley to vacate the south end will not be in conflict with existing residents parking. Residents of this block will still have access to their parking areas in the rear of their properties via 12th St and or Custer Ave, creating a L shaped alleyway. This proposal will not restrict or eliminate access to anyone's property. Parcel map attached to show layout of the alleyway and section for vacation. There are no houses adjacent to the proposed section of the alley to be vacated the adjacent lots have been vacated for 20 - 30 years.

The proposed section of the alley does contain one sewer main manhole, unlocked chain link gates will be installed at the north end of this section the south end will remain open to accommodate the trucks to enter and service this section. Met with Kirk Roland Operations Superintendent with Water Pollution Control Dept., no conflict with their department as long as they have access, if needed.

Your considerations are greatly appreciated.

Thank you, The Walker Family and the Dees Family



Armourdale Renewal
Association
730 Osage Ave.
Kansas City, KS 66105

913-371-5696

Fax 913-621-2660

Email: armourdale730@gmail.com

www.armourdale730.com

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LEGAL COUNSEL

Shane Lillich

February 22, 2017

Janet Parker
Urban Planning and Land Use
701 North 7th Street
Kansas City, Kansas 66101

Dear Miss Parker,

My name is Dr. Tina Medina and I am the Executive Director of the Armourdale Renewal Association. It is my goal to really listen and get involved with the needs and concerns of the Armourdale Community and its residents.

I am in full support of the Walker and Dees Family proposal to close this section of the alley near their homes because it is a haven for criminal activity and this proposal is a proactive measure. In this day and age, it is imperative that we look at positive alternatives to combat crime and deter public drinking for the safety of our long term residents. There is a positive change occurring in Armourdale and this is a perfect example of us uniting together to make Armourdale safe again.

I would even offer to purchase a sign in which ARA as a neutral party could post so no attention is geared to the residents and there is no retaliation to anyone. Please understand that we need to keep our residents safe and that this alley is not a "club" or a "hangout" for public misuse anymore. This proposal would certainly enhance the quality of life in Armourdale at this time and it is ideas like this one that we desperately need for our residents.

Please give us your full cooperation and support to make Armourdale safer in regards to this matter. I can be reached anytime at (913) 371-5696. My commitment is real just as these two families are because if Armourdale is going to change in a positive manner, it takes team work and we need you on our team to help us.

Sincerely,

Dr. Tina Medina
Executive Director
Armourdale Renewal Association

February 23, 2017

Vacation Petition #VC-17403-00002

Dear City Planning Commission,

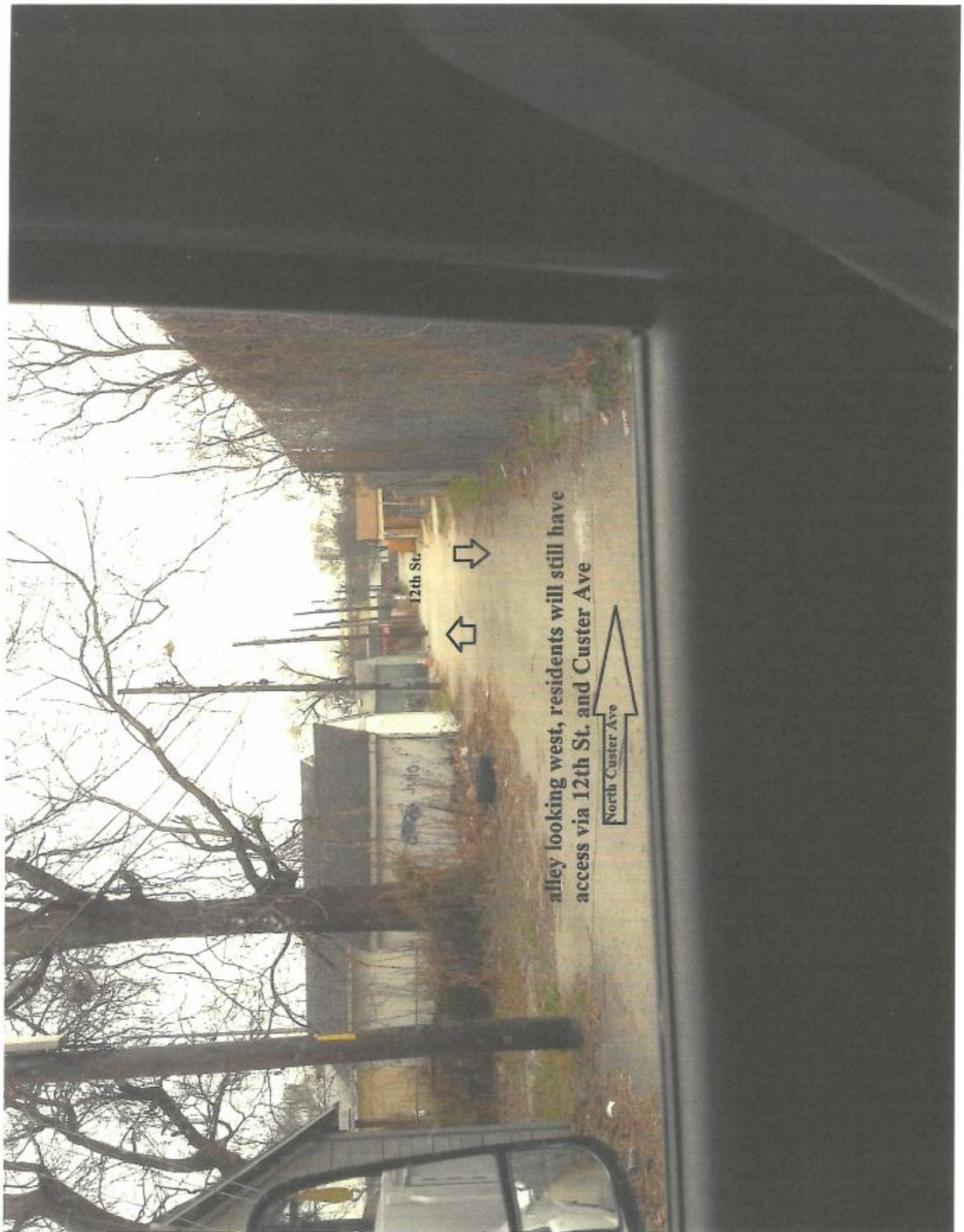
We, the neighbors of the Walker family and the Dees family and lifelong residents of Armourdale **greatly** support the proposed vacation of the south end section of the alley. This proposal would be a **positive** step towards a **safer** and **liveable** neighbor.

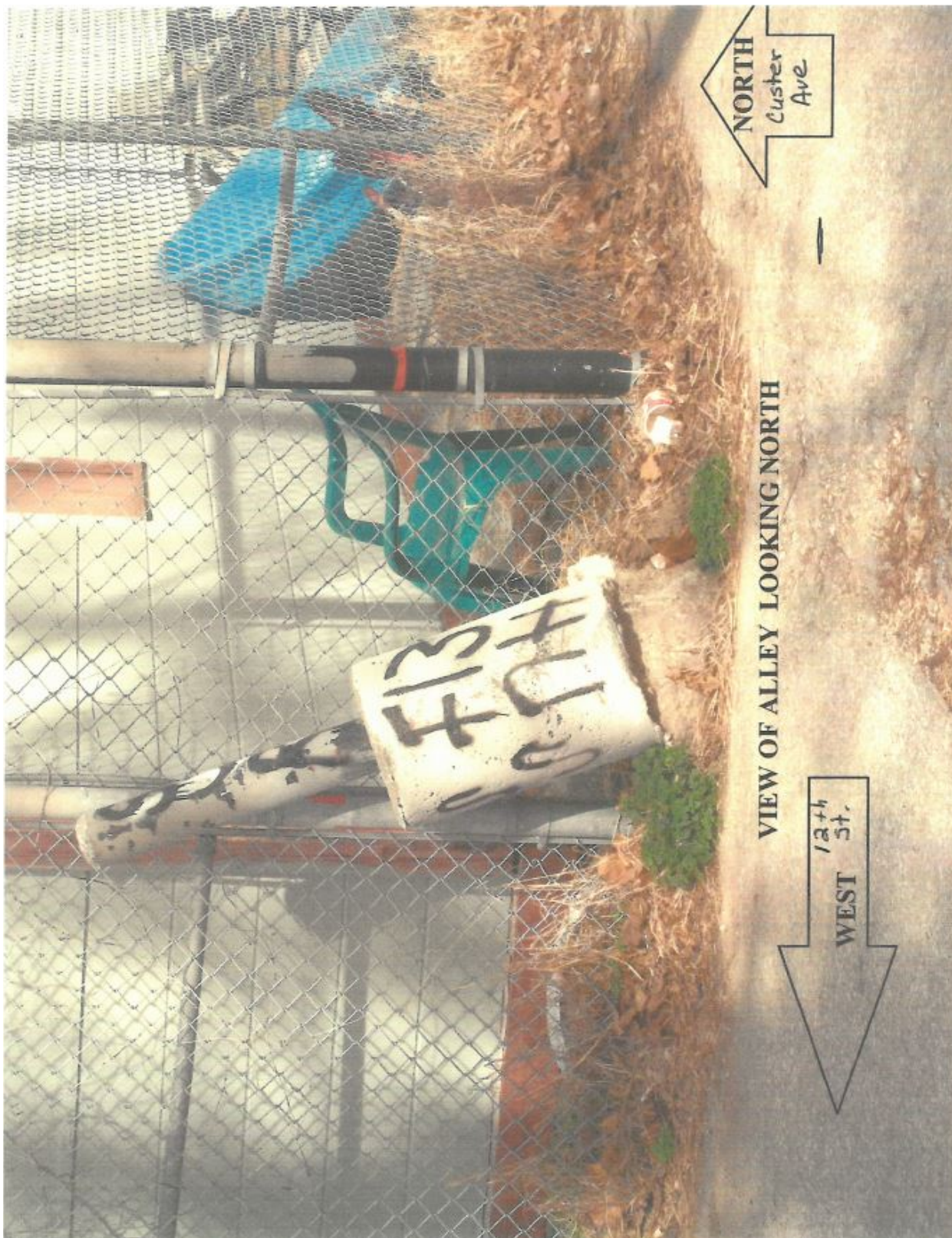
It is a fairway for crime, graffiti, gang and drug activity, along with public drinking and loitering. This kind of activities take part all day and all night, along with the vehicles that speed thru this section all hours of the day and night.

Thank you, your support will be greatly appreciated,

Jack & Betty Jennings
Leanne Kachner - Jeff Brown
Diana Rodriguez
Don Walthers
Diane Tilton
Patricia Rock
Lynn Poindester



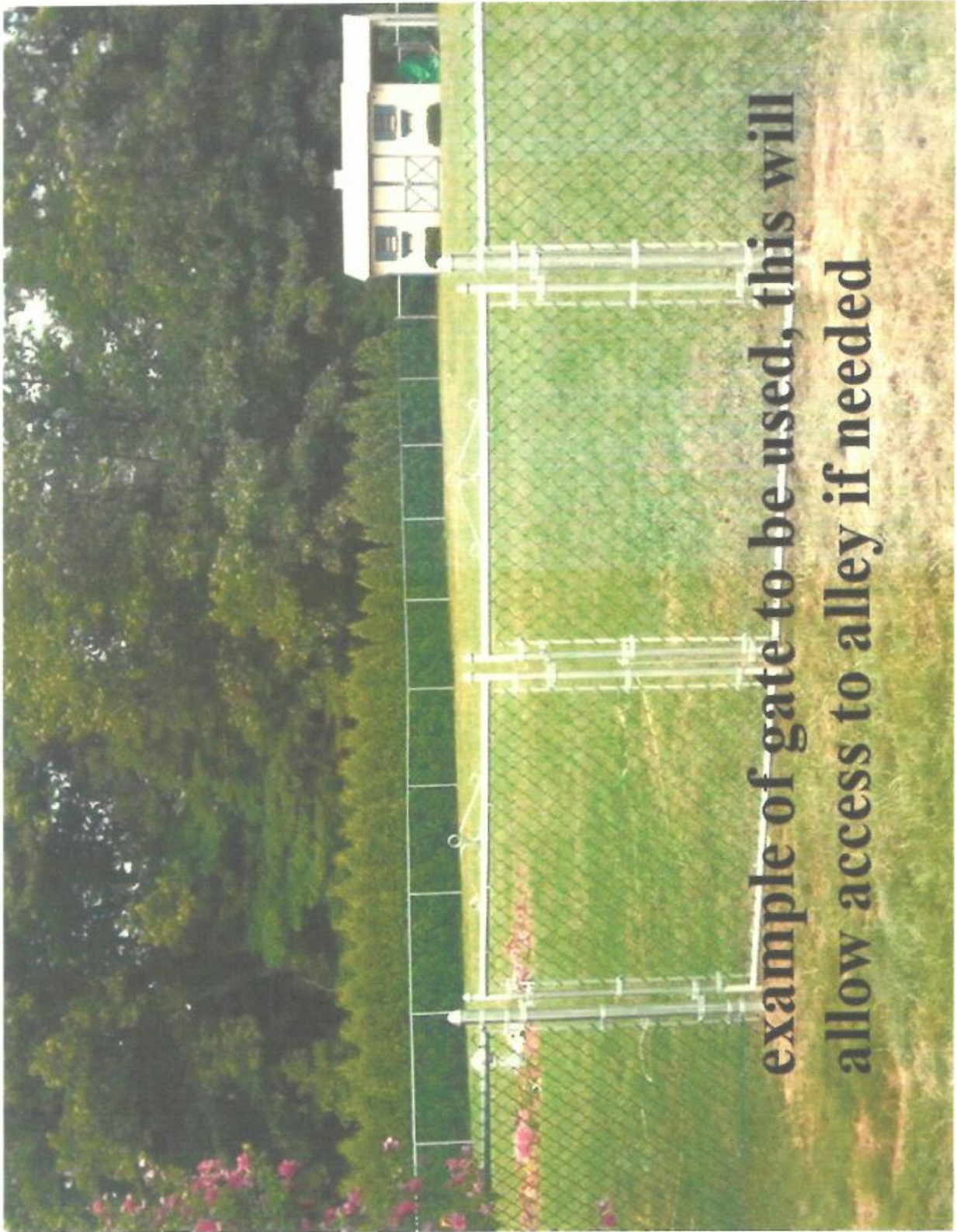






view of Mr Dees garage from alley







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: April 27, 2017
Re: Petition #PR-2017-13

GENERAL INFORMATION

Applicant:
Darryl Hawkins

Status of Applicant:
Representative
Innovative Design and Renovation
2 West 52nd Street
Kansas City, MO 64112

Requested Action:
Approval of Preliminary and Final
Plan Review

Date of Application:
February 25, 2017

Purpose:
An occupancy conversion from a radio station to a church

Property Location:
4121 Minnesota Avenue

Existing Zoning:
CP-1 Planned Limited Business District



Surrounding Zoning: **North:** CP-1 Planned Limited Business District
 South: R-1 Single Family and R-2 Two Family Districts
 East: RP-5 Planned Apartment District
 West: CP-1 Planned Limited Business District

Existing Uses: **North:** Price Chopper grocery store
 South: Undeveloped land
 East: Highland Park Cemetery
 West: Undeveloped land and Interstate 635

Total Tract Size: 4.66 acres

Master Plan Designation: The City-Wide Master Plan designates the property as Mixed Use.

Major Street Plan: The City-Wide Master Plan classifies 41st Street as a local road.

Advertisement: Property Owner Letters – March 13, 2017 and April 18, 2017
 Wyandotte Echo – Not Required

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Darryl Hawkins with Innovative Design and Renovation on behalf of Pastor Darlene Verser has applied for a preliminary and final plan review to convert a closed radio station to a church located at 4121 Minnesota Avenue on 4.66 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is a mixture of strip-center commercial development along State Avenue, but further south along 41st Street is relatively sparse. Highland Park Cemetery is to the east and there are vacant homes and undeveloped land to the south.

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

The proposed use will increase traffic to the site as the building is currently vacant, but not in a way that would adversely affect road capacity or create parking problems. There has not been a business operating at this location since the radio station closed many years ago.

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

The proposed use does not necessarily conform to the Master Plan in terms of building orientation and design, but the use is permitted.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Existing on site

d. *Police*

Police service is provided by the Midtown Patrol, District #442

e. *Fire*

Fire service is provided by Station #11 located at 31st and State Avenue

f. *Transit*

Kansas City ATA provides transit services about two blocks away along State Avenue, Route #101.

g. *Schools*

Kansas City, KS USD 500

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

With revisions, the applicant is capable of meeting applicable ordinances.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 25, 2017. According to the applicant, no one attended the meeting.

KEY ISSUES

Landscaping
Public Works comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2017-13, subject to:

Urban Planning and Land Use Comments:

1. The nine (9) new trees that are proposed to be planted along 41st Street shall be at least 2" caliper when planted.
 - a. Please specify the species.

Applicant Response: Acknowledged. A variety of junipers "evergreen" type of tree will be planted.

2. The parking lot island that is located adjacent to the northeast corner of the building needs to be curbed and landscaped in order to comply with the Commercial Design Guidelines. Staff added a comment on the site plan.

Applicant Response: Acknowledged. Parking lot islands are to be curbed and landscaped.

3. While black and white photographs have been submitted, what are the existing exterior materials? Please provide color photographs.

Applicant Response: Color photos are on my originals. We will provide color copies of those.

4. All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90 degree cutoff fixtures.

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 shows the existing sanitary sewer service line and existing nearby pump station.
 - 2) Coordination with Public Works is required to determine if the existing pump station is in service and workable. Public Works may need to get access inside the building.
 - 3) Depending on the results of Public Works field investigation, additional sanitary sewer improvements may be required.
 - 4) Construction plans shall meet UG standards and criteria, and 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 Conclusion:

The applicant has applied for a building permit to change the occupancy of the building from a radio station to a church. The conversion to a church requires a preliminary and final plan review. Staff supports this petition subject to the Public Works comments which shall be addressed during the building permitting process with the Development Review Committee (DRC).

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 #PR-2017-13 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	April 10, 2017	April 27, 2017
Preliminary and Approval		
Final Plan		

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2017-13** 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 #**PR-2017-13** 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.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 5:02:50

PLAN REVIEW APPLICATION #PR-2017-13 – DARRYL HAWKINS WITH INNOVATIVE DESIGN - SYNOPSIS: Preliminary and Final Plan Review for a new church at 4121 Minnesota Avenue **Detailed Outline of Requested Action:** The applicant, Darryl Hawkins with Innovative Design and Renovation on behalf of Pastor Darlene Verser has applied for a preliminary and final plan review to convert a closed radio station to a church located at 4121 Minnesota Avenue on 4.66 acres.

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 April 10, 2017;
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; and
6. The Notices to property owners dated March 13, 2017

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

Present in Support:

- ❖ Ms. Darlene Verser, Pastor, Christ Is The Answer Deliverance Center, 5041 Waverly, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 5:06:15 Planning Director Richardson stated that staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts: 5:06:20

On motion by Mr. Carson, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Plan Review Application #PR-2017-13:**

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

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

Urban Planning and Land Use Comments:

1. The nine (9) new trees that are proposed to be planted along 41st Street shall be at least 2" caliper when planted.
 - a. Please specify the species.

Applicant Response: Acknowledged. A variety of junipers "evergreen" type of tree will be planted.

2. The parking lot island that is located adjacent to the northeast corner of the building needs to be curbed and landscaped in order to comply with the Commercial Design Guidelines. Staff added a comment on the site plan.

Applicant Response: Acknowledged. Parking lot islands are to be curbed and landscaped.

3. While black and white photographs have been submitted, what are the existing exterior materials? Please provide color photographs.

Applicant Response: Color photos are on my originals. We will provide color copies of those.

4. All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90 degree cutoff fixtures.

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 shows the existing sanitary sewer service line and existing nearby pump station.
 - 2) Coordination with Public Works is required to determine if the existing pump station is in service and workable. Public Works may need to get access inside the building.
 - 3) Depending on the results of Public Works field investigation, additional sanitary sewer improvements may be required.
 - 4) Construction plans shall meet UG standards and criteria, and 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 Conclusion:

The applicant has applied for a building permit to change the occupancy of the building from a radio station to a church. The conversion to a church requires a preliminary and final plan review. Staff supports this petition subject to the Public Works comments which shall be addressed during the building permitting process with the Development Review Committee (DRC).

March 30th, 2017

Unified Government Principal Planner, Byron Toy (913-573-5757)
701 North 7th Street Suite 423
Kansas City, Kansas 66101

Re: Darlene's Church (4121 Minnesota Ave)
2017-13

Dear Byron:

Pursuant to your e-mail regarding comments on the above project, we respectfully offer the following response. Revisions will be made on the original sheet, clouded and dated. Copies of the revisions will be provided along with a PDF copy. The following are the 4 items from Public Works and the 4 comments from Byron Toy.

Byrons Comments:

- Item 1: Comment acknowledged. The 9 tree's will be minimum 2" caliper
- Item 2: Comment acknowledged. The species will be called out, a variety of Juniper "evergreen" type of tree.
- Item 3: Comment acknowledged. Parking lot islands are to be curbed and landscaped.
- Item 4: Comment acknowledged. Colored photographs are on my originals. We will provide color copies of those. No problem.

Public Works Comments:

- Item 1: Comment acknowledged. The Owner, Architect, Engineer and utility companies will be listed on the drawings. Including Kansas One Call, 811, or 1-800 dig safe.

- Item 2: Comment acknowledged. All work in the easements and public Right of Way's to comply with latest edition of the Technical Provisions and Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County.
- Item 3: Comment acknowledged. Provide UG node and location of all Sanitary Sewers, including the pump station.
- Item 4: Comment acknowledged. We plan to coordinate with Public Works on pump station. We will grant access to the building and understand that additional improvements may be required.

We hope the above items provide you with the information you need to recommend a conditional approval, if not, please feel free to call me at 816-531-2221.

Sincerely,

Darryl W. Hawkins, AIA, C.B.O., NCARB, SAME
Project Architect and Certified Building Official (#2748)

cc file
Darlene Verser

Minutes:

Application Number PR-2017-13

3/25/2017 625 Minnesota Ave. Kansas City, Kansas 66101

Meeting called to order at: 2:30 PM

Names of people in attendance:

Darlene Verser

Erick Verser

Introductions: None

Presentation: None, no one outside of the applications were in attendance.

Meeting adjourned at: 3:00 PM

Minutes taken by: _____

Darlene Verser
no one present accept Darlene Verser + Erick Verser

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: April 27, 2017

Re: **Change of Zone Petition #3128**
Special Use Permit Petition #SP-2016-99
Master Plan Amendment Petition #MP-2017-1

GENERAL INFORMATION

Applicant:
Nicholas Porto

Status of Applicant:
Representative
Paisano Auto Sales and
Service, Inc.
1600 Baltimore, S-200A
Kansas City, MO 64108

Requested Action:
Approval of a Special Use Permit, a Change of Zone from R-2(B) Two Family District to MP-2 General Industrial District, and a Master Plan Amendment from Residential to Light Industrial for an auto sales and repair business.



#SP-2016-99
COZ # 3128
#MP-2017-1

April 27, 2017

Date of Application: October 31, 2016

Purpose: The purpose of the application is to expand a parking lot for auto sales and repair service business.

Property Location: 1243 Scott Avenue

Existing Zoning: The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District.

Surrounding Zoning:	North:	M-2 General Industrial District
	South:	C-3 Commercial District and R-2(B) Two Family District
	East:	R-2(B) Two Family District
	West:	R-2(B) Two Family District

Existing Uses:	North:	Auto Service Business
	South:	Single Family Residential and Auto Sales Business
	East:	Single Family Residential
	West:	Vacant Land, Single Family Residential

Master Plan Designation: The Armourdale Master Plan designates this area as Residential.

Major Street Plan: The City-Wide Master Plan designates Scott Avenue as a local street.

Advertisement: The Wyandotte Echo – November 16, 2016
Letters to Property Owners – November 16, 2016, December 13, 2016, December 1, 2016, December 29, 2016, February 1, 2017, March 6, 2017 and April 18, 2017

Public Hearings: April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in opposition at the April 10, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a special use permit, a rezoning of a property from M-2 General Industrial District and R-2(B) Two Family District to MP-2 Planned General Industrial District, and a Master Plan Amendment from Residential to Light Industrial.

This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is

submitted in order to allow the business to improve and expand their parking lot onto this portion of the site.

The parcel currently has two zoning districts. The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District. This condition resulted from the consolidation of two residentially zoned lots with the lot zoned M-2 into what is now the larger combined lot, which occurred in September 2015. The applicant is requesting a special use permit, a rezoning, and a Master Plan Amendment in order to be able to use the entire parcel for an auto sales and repair business.

City Ordinance Requirements:

District Regulations: Sec. 27-452 – Sec. 27-472

Special Use Permits: Sec. 27-592 – Sec. 27-593

Commercial Development Guidelines Overlay District: Sec. 27-573 – Sec. 27-578

Comprehensive Plan or Plan Map Amendment: Sec. 27-213

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area north of Kansas Avenue in Armourdale includes a mix of heavy industrial, light industrial, commercial, and residential uses

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

This zoning could create compatibility issues with the single family residences to the east and south of the property. The single family house to the east of the property is owned by the applicant.

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 block this property is located on has both residential and industrial uses. This property is suitable for both residential uses and industrial uses, and removal of the restrictions could be detrimental to nearby residential property if adequate screening and landscaping measures are not put in place.

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

This property is not vacant. It was a metal plating business from 1973 to 2014 and is currently an auto sales and repair business.

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

This proposed use does not conform to the Armourdale Master Plan. The Armourdale Master Plan designates this area as Residential. A Master Plan

amendment is necessary prior to or in conjunction with rezoning and special use permit.

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

This use would not increase 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 proposed use is not necessary for the convenience and welfare of the public. However, it will allow this business to use the portion of the lot to enhance the operation of the business. The proposed use has the potential to injure the appropriate use, visual quality, or marketability of nearby residential and commercial property if adequate screening and landscaping measures are not put in place.

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

Noise, vibration, dust, and illumination could be a problem for nearby residential properties. This should be mitigated by stipulating that all work be performed inside an enclosed building, that all parking be paved, not gravel, and limiting the hours of operation.

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

Cars that are inoperable, salvage, or leaking are not allowed to be stored on the site, which mitigates the potential for environmental harm.

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

This is not an issue with this use.

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

a. *Water service*

Existing.

b. Sanitary sewer service

Existing

c. Storm water control

Existing

d. Police

Police service is provided by South Patrol, District #333

e. Fire

Fire service is provided by Station District #2

f. Transit

The KCATA 115 route provides transit service on Kansas Avenue

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

12. The economic impact of the proposed use on the community.

The proposed use will have minimal economic impact on the community.

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

The proposed use capable of meeting applicable ordinance requirements.

14. 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 be a hardship on the property owner and would not allow the owner to park cars on the portion of the property zoned R-2(b). The proposed use would not result in a gain to the public health, safety, and welfare unless the property is significantly enhanced with the commercial design guidelines.

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

This is not an issue with this use.

PREVIOUS ACTIONS

This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is submitted in order to allow the business to improve and expand their parking lot onto this portion of the site.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2016. There was one attendee at the meeting, and no opposition was expressed during the meeting. The meeting affidavit, meeting minutes, and sign in sheet are attached.

KEY ISSUES

1. Parking Setbacks
2. Parking Surface
3. Parking Dimensions
4. Screening of Parking
5. Landscaping Standards
6. Inoperable Vehicles
7. Sidewalks
8. Final Plan Review Required

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of **Master Plan Amendment #MP-2017-1, Change of Zone Application #3128 and Special Use Permit Application #SP-2016-99** as they are not in compliance with the City Ordinances and will not promote the public health, safety and welfare of the City of Kansas City, Kansas.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. **Parking Setbacks**
 - a. A fifteen (15) foot setback is required between parking areas and residential zoned property. Please revise the east parking setback.

- b. A six (6) foot setback is required between parking areas and any property line. Please revise the south parking setback, including the existing parking.

Staff Comment: The revised site plan meets these requirements.

2. **Parking Surface**

- a. The entire parking area must be paved with asphalt or concrete. Please indicate that all parking will be paved. Please show striping of the entire parking area including the existing parking. All cars must be in individually striped spaces.

Staff Comment: Revised site plan meets these requirements.

3. **Parking Dimensions**

- a. A ninety degree pattern double loaded parking aisle requires 60 ft. The current plan shows 50 ft. Please revise.

Staff Comments: The revised site plan meets the aisle width requirements. However, the parking layout must include hammerhead area(s) for backing and turning movements.

4. **Screening of Parking**

- a. The parking area must be screened on all sides that border a residential zoning district with architectural screening, which is defined as a six foot wooden fence with masonry columns every 32 feet on center. Please revise plans to show architectural screening on the east and south of the parking lot, including the existing parking. Upgrade the fence on the north side between the parking and street to architectural screening or provide continuous screening with walls, shrubs, or trees.

Staff Comment: The revised site plan meets these requirements

5. **Landscaping Standards**

- a. Eleven (11) trees are required to meet the area standards for the commercial design guidelines. MP-2 zoning requires one street tree for every 10,000 square feet of site area. The Commercial design guidelines require landscape requirements of the zoning district to be exceeded by 75% and that one tree be provided for every 30 feet of street frontage. Please revise the landscape plan.

Staff Comment: The revised preliminary development meets these requirements

6. **Inoperable Vehicles**

- a. Vehicles must not be inoperable, ruined, dismantled, or wrecked.

7. **Sidewalks**

- a. Sidewalks will be installed to code along the entire frontage of the property.

8. **Final Plan Review Required**

- a. Applicant must submit for a final plan review. The planning commission must approve the final plan prior to the special use permit going into effect or building permits being issued. This is a stipulation for approval of the special use permit.

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) Revise site plan and parking layout to include hammerhead area(s) for backing and turning movements.
 - 2) Final development plans and construction level drawings shall meet UG standards and criteria, and 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 Conclusion:

This application, which proposes a change of zone from residential to industrial, does not conform to the Armourdale Master Plan. The Armourdale Master Plan designates this area as residential. There are existing residences adjacent to this property to the east and south, and the expansion of industrial uses will further degrade the residential character of this area. The current situation was created by the property owner. In September of 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. The property owner did not apply for a change of zone at that time, and the zoning remains R-2(B) on the portion of the site that was consolidated into the current parcel. The property owner expanded the parking of the existing business into the portion of the site that is zoned R-2(B), which is a violation of the R-2(B) zoning regulations. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site, which prompted the change of zone, special use permit, and master plan amendment applications. Due to these factors, staff recommends denial of these petitions.

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 **DENIAL** of Petitions **#MP-2017-1**, **Change of Zone #3128** and **#SP-2016-99**, subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2017 City Planning Commission Minutes
Zoning Map
Aerial Photography
Site Plan
Site Plan Detail
Site Photos
Meeting Affidavit, Minutes, and Sign In Sheet

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2017	April 27, 2017
Change of Zone	Denial	
Special Permit	Denial	
Master Plan	Denial	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

#MP-2017-1

I move the Unified Government Board of Commissioners **DENY** Petition **#MP-2017-1**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2017-1**, 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. _____.

COZ #3128

I move the Unified Government Board of Commissioners **DENY** Petition **#3128**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3128** 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. _____.

#SP-2016-99

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2016-99**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2016-99** 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. _____.

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Recording Secretary Parker stated that the Consent Agenda is completed and the Commission will now move on to the Non-Consent Agenda **Starts: 9:08.**

CHANGE OF ZONE APPLICATION #3128 – NICHOLAS PORTO – SYNOPSIS:

Change of Zone from R-2(B) Two Family District to M-2 General Industrial District for auto sales and service at 1243 Scott Avenue.

SPECIAL USE PERMIT APPLICATION #SP-2016-99 – NICHOLAS PORTO –

SYNOPSIS: Special Use Permit for auto sales and service at 1243 Scott Avenue

MASTER PLAN AMENDMENT #MP-2017-1 – NICHOLAS PORTO – SYNOPSIS:

Master Plan Amendment from Residential to Light Industrial (Armourdale Master Plan) at 1243 Scott Avenue

Detailed Outline of Requested Action: The applicant is requesting a special use permit, a rezoning of a property from M-2 General Industrial District and R-2(B) Two Family District to MP-2 Planned General Industrial District, and a Master Plan Amendment from Residential to Light Industrial. This property was used as a metal plating business from 1973 until 2014. In July of 2015 the property received zoning approval for an auto sales and repair. In September, 2015 two residentially zoned lots were combined with the original parcel to create the current parcel. In July of 2016 the property received a code violation for vehicles parked on an unimproved surface on the R-2(B) portion of the site. This special use permit is submitted in order to allow the business to improve and expand their parking lot onto this portion of the site. The parcel currently has two zoning districts. The majority of the parcel is zoned M-2 General Industrial District. The eastern portion of the parcel is zoned R-2(B) Two Family District. This condition resulted from the consolidation of two residentially zoned lots with the lot zoned M-2 into what is now the larger combined lot, which occurred in September 2015. The applicant is requesting a special use permit, a rezoning, and a Master Plan Amendment in order to be able to use the entire parcel for auto sales and repair business.

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 April 10, 2017;
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 16, 2016; and
7. The Notices to property owners dated November 16, 2016, December 13, 2016, December 29, 2016, February 1, 2017 and March 6, 2017.

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

Present in Support:

- ❖ Mr. Nicholas Porto, 1600 Baltimore, Suite 200A, Kansas City, MO 64108
- ❖ Mr. Elder Cabrera, owner of the property, Paisano Auto Sales and Service, Inc., 1243 Scott Avenue, Kansas City, Kansas 66105

Present in Opposition:

- ❖ No one appeared in opposition.

Staff Recommendation Starts: 21:43 Planning Director Richardson stated that the neighborhood is a mix of different uses – some light industrial and some heavy industrial, lots of residential and lots of auto. The Master Plan designates this property for residential. He stated that one thing about Armourdale is when you have new industrial expansion adjacent to residential the homes adjacent to the expansion do not fare well for the future. He recently met with representatives from Armourdale Renewal concerning their desire to do a new master plan for Armourdale to enhance and protect the residential areas. The argument that parking is better than a vacant lot he is not sure holds any water. The current configuration of parking is that the applicant put down gravel with a chain link fence with some black mat. He is not sure that given the history with automotive uses that is better than a vacant lot with a couple of trees considering there are two residential homes next to it. He further stated that the staff recommendation at this time is for denial. In 2018 or 2019 they will do a new master plan (if it is funded) and he imagines the master plan will address issues like this and how they should be done and have public involvement because this is not the only area in Armourdale like this. There are many situations like this in Armourdale. In some cases in the past special use permits have been approved that had negative results. A few years ago in Armourdale a special use permit for an used oil recycling business was approved and it ended up leaving (under the cover of darkness) because of illnesses that happened adjacent to it. This proposal is not of that scale but the staff has legitimate concerns about heavy automotive uses adjacent to residential living. If they do these two lots he does not know what stops them from coming in and wanting to do the five (5) lots to the east or the two (2) lots to the west that would be adjacent to additional residential homes. This expansion is not contemplated in the master plan and the staff cannot see changing and approving the master plan for this use in this area at this time. The staff recommends denial of the master plan amendment, change of zone and special use permit.

Commission Questions Starts: 25:01

Motion and Vote Starts: 29:59

On motion by Dr. Serda, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Master Plan Amendment #MP-2017-1 as it is not in compliance with the City Ordinances and it will not promote the public health, safety and welfare of the City of Kansas City, Kansas:**

Carson	Aye
Childress	Aye

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

Motion to recommend DENIAL Passed: 8 to 0

On motion by Mr. Carson, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend DENIAL of Change of Zone Application #3128 for the reasons listed above:**

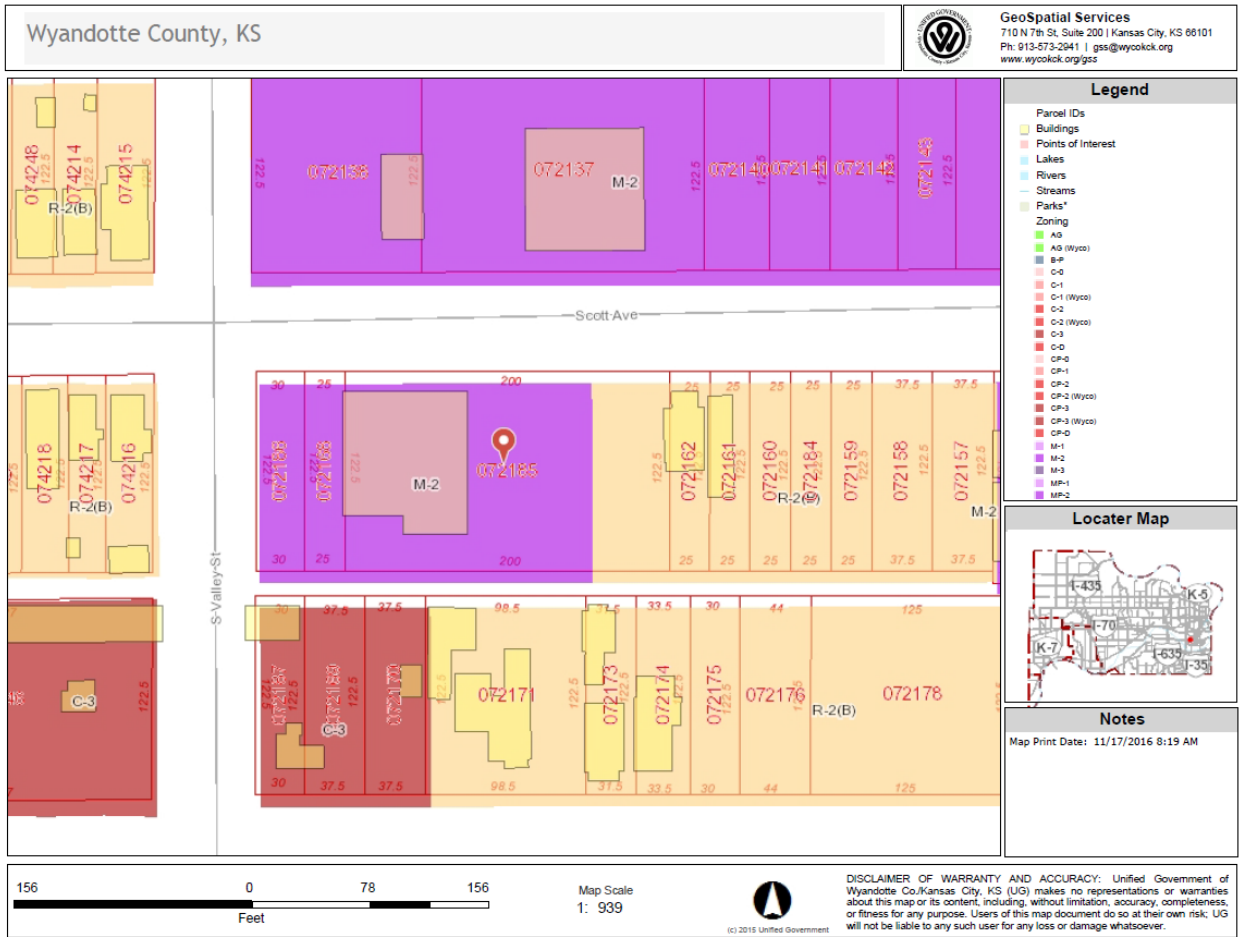
Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Serda	Aye
Wing	Aye

Motion to recommend DENIAL Passed: 8 to 0

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2016-99 for the reasons listed above:**

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

Motion to recommend DENIAL Passed: 8 to 0



Zoning Map



Aerial Photography Map

#SP-2016-99
 COZ # 3128
 #MP-2017-1

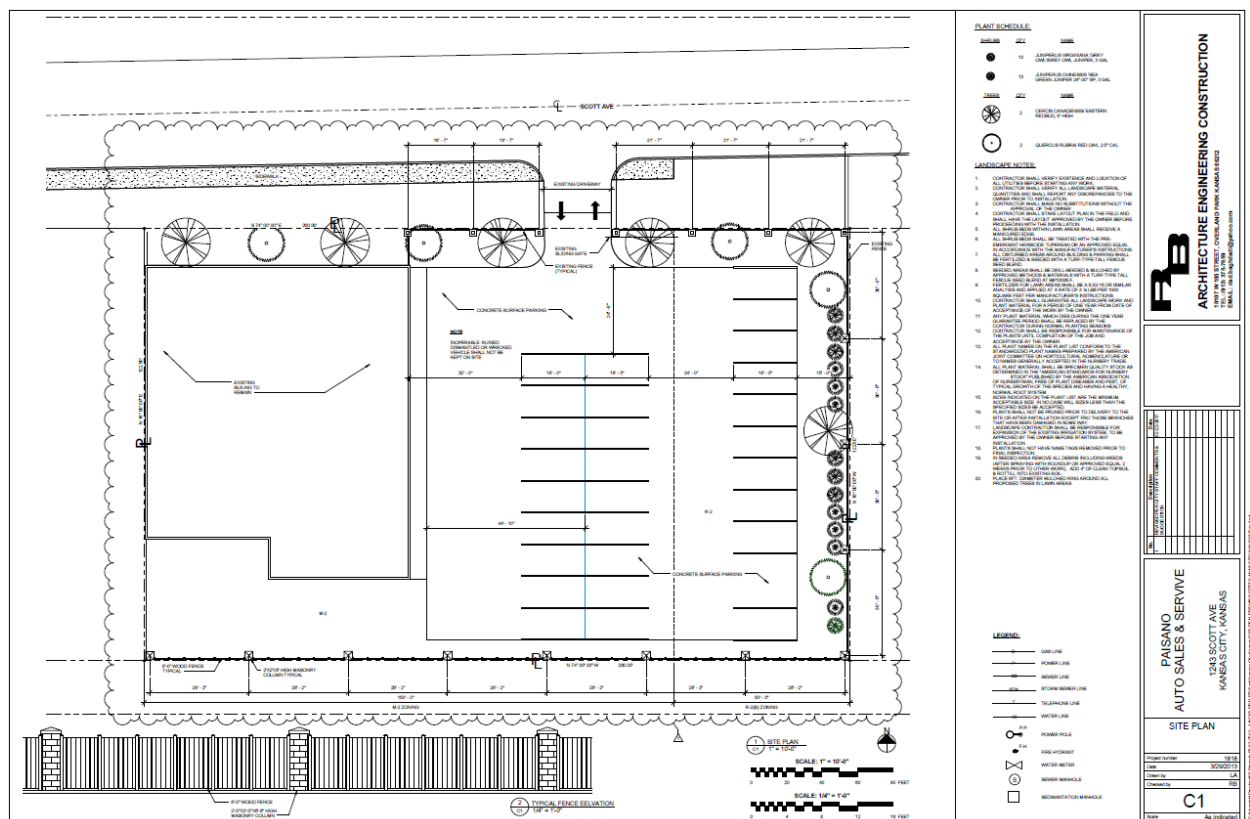
April 27, 2017





#SP-2016-99
COZ # 3128
#MP-2017-1

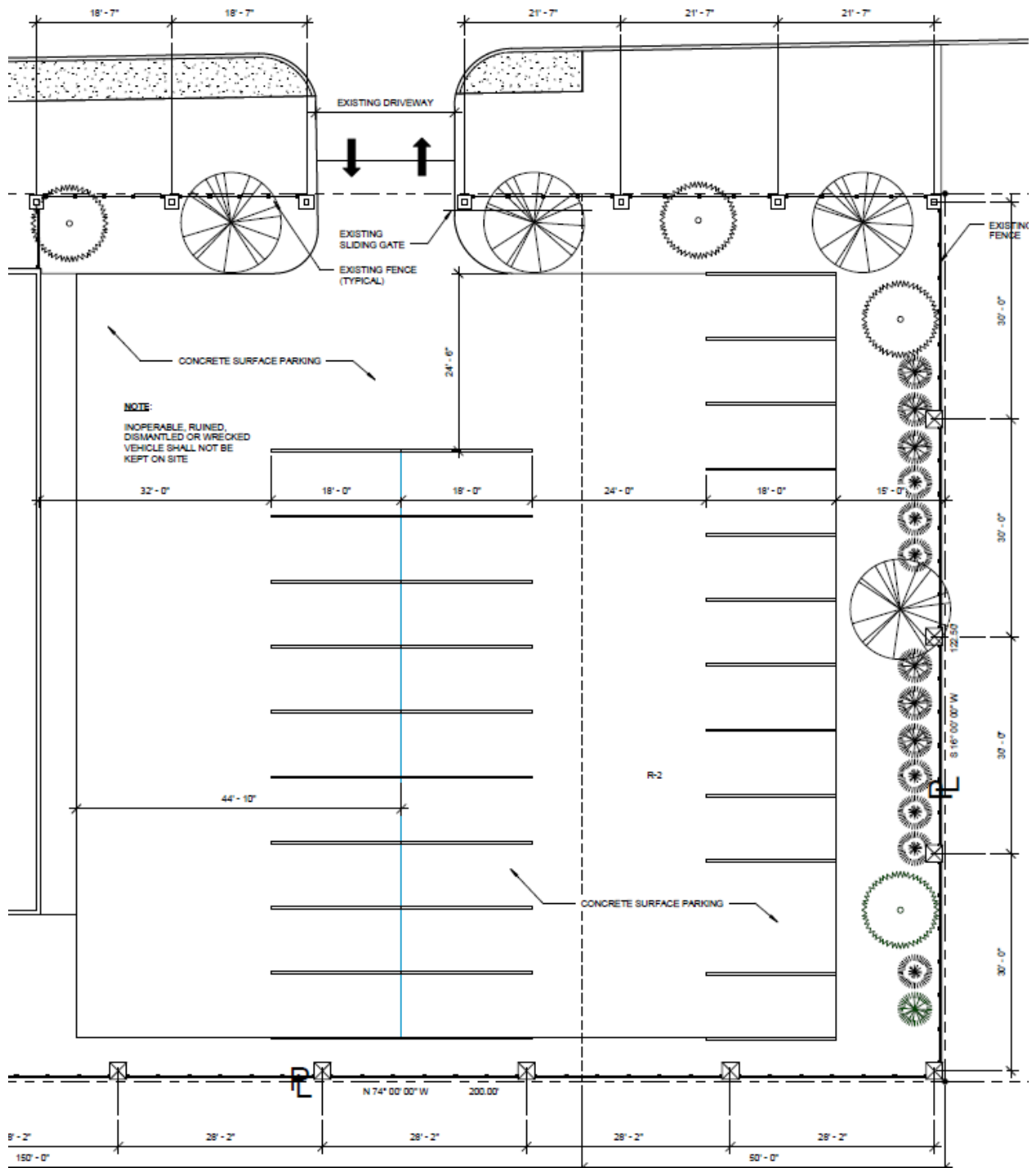
April 27, 2017



Site Plan

#SP-2016-99
COZ # 3128
#MP-2017-1

April 27, 2017



Site Plan (Detail)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF CLAY)

Comes now NICHOLAS J. PORTO, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2016-99.
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.



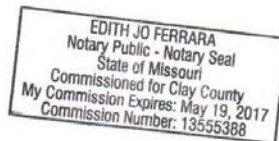
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29TH day of NOVEMBER

My commission expires 19TH of MAY, 20017



Notary Public



Application No. SP-2016-99
NEIGHBORHOOD MEETING
NOVEMBER 28, 2016 3:00 PM
1243 Scott Ave., Kansas City, KS 66105

SIGN IN SHEET

NAME	ADDRESS
Nicolas Novillo	15037 QUIVIRA Rd. Olathe, K66062

Application No. SP-2016-99

Date and Location of Meeting: November 28, 2016 – 1243 Scott Ave., Kansas City, KS 66105

Names of people in in attendance:

Nicholas Novello, owner of adjacent property
15037 Quivira Road
Olathe, Kansas 66062

Introductions:

The neighborhood meeting commenced at 3:00 PM. Nicholas Porto, attorney for Paisano Brothers, owners of the property located at 1243 Scott Ave., stated that the owners are applying for rezoning from R2B to M2, explained the nature of the project and that architectural plans for this project are being prepared by RB Architecture.

Before concluding the meeting, Mr. Novello, the only attendee, was given the opportunity to ask questions or share comments. His only comment was that he had no objection.

The meeting adjourned at 3:30 PM.

Minutes taken by Nicholas J. Porto



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: April 27, 2017
Re: Petition #SP-2016-80

GENERAL INFORMATION

Applicant:
Pamala Kukoyi

Status of Applicant:
Renter
1427 North 38th Street
Kansas City, KS 66102

Requested Action:
Special Use Permit to temporarily
keep three (3) storage containers
on property

Date of Application:
August 30, 2016

Purpose:
To utilize three (3) storage
container on property during
rehabilitation

Property Location:
1427 North 38th Street

Existing Zoning: C-1 Limited
Business and R-1 (B) Single Family Districts



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

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

Total Tract Size: .54 acre

Master Plan Designation: The City-Wide Master Plan designates this area for community commercial development.

Major Street Plan: Oakland Avenue is designated as a local street and North 38th Street is designated as a minor arterial.

Advertisement: The Wyandotte Echo – September 15, 2016
Letters to Property Owner – September 14, 2016, September 26, 2016, November 3, 2016, December 2, 2016, December 29, 2016, February 3, 2017, March 21, 2017 and April 18, 2017

Public Hearings: March 13, 2017, April 10, 2017 and April 27, 2017

Public Opposition: No one appeared in favor or opposition at the March 13, 2017 City Planning Commission meeting. At the April 10, 2017 City Planning Commission meeting there were two (2) neighbors that appeared in opposition.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Pamala Kukoyi, is requesting a Special Use Permit in order to keep three (3) storage containers on the property while it is rehabilitated. The property has split zoning with the western half as existing C-1 and the eastern half as R-1(B). The applicant if approved will also use the back half of the property to store items during construction.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is suburban in nature with light commercial development along North 38th Street.

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

The properties in the area are a mix of commercial and residential zoned properties. The use is compatible with the existing surrounding zoning.

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 foreseen to be a problem.

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

The property was previously used as a car lot.

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 create any problems for neighbors or produce significant traffic concerns.

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.*

Allowance of the temporary storage container is for the convenience of the property owner, however, by rehabilitating the building, an improvement to the visual quality and marketability to adjoining properties could be seen.

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 foreseen to be a problem.

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

This is not foreseen to be a problem.

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

This is not foreseen to be a problem.

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

Any future business will fill an empty store front that was previously used as a car lot. The applicant stated that she will rehab the building which will likely improve the roadside appeal of the property. The hardship is arguably minimal for the applicant to find a larger, properly zoned parcel and building.

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

This is not foreseen to be a problem.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 17, 2016; two (2) people were in attendance. Staff questions how the people within 200' of the property in question would know to attend the meeting at 6000 Leavenworth Road (see notice sent out by the applicant below) and the minutes of the meeting only record who attended (see attached.)

Date: September 12, 2016

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP-2016-80. The purpose of this:

(please use all that applies)
change of zone
special use permit

is for a _Special Use Permit

at the following address: _
1427 N 38th St, Kansas City, Kansas
66102

I/We are having a neighborhood meeting on Oct 17, 2016 at
5:30 p.m. at the following address

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

KEY ISSUES

Time frame
Neighborhood opposition

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **DENIAL** of Special Use Permit Application #SP-2017-80 **due to public opposition and the testimony concerning lack of upkeep of the property**

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 **DENIAL** of Petition #SP-2016-80 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 13, 2017 City Planning Commission Minutes
April 10, 2017 City Planning Commission Minutes
Aerial Image
Zoning Map
Applicant Photos
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 13, 2017	April 27, 2017
Special Use	Held Over April 10, 2017 Denial	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2016-80, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2016-80 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. _____.

MARCH 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing begins at 1:00 and 2:21

SPECIAL USE PERMIT #SP-2016-80 – PAMALA KUKOYI – SYNOPSIS: Special Use Permit for the Temporary Use of Land for storage trailers at 1427 North 38th Street. Detailed Outline of Requested Action: The applicant, Pamala Kukoyi, is requesting a Special Use Permit in order to keep a storage container on the property while it is rehabilitated. The property has split zoning with the western half as existing C-1 and the eastern half as R-1(B). The applicant if approved will also use the back half of the property to store items during construction.

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 March 13, 2017;
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, September 26, 2016, November 3, 2016, December 2, 2016, December 29, 2016, and February 3, 2017

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

Present in Support:

- ❖ No one appeared – the applicant was not present. NOTE: The application was called in regular order and then at the end of the meeting and the applicant was not present.

Present in Opposition:

- ❖ No one appeared

Staff Recommendation: Planning Director Richardson stated that the staff recommends that this application be held over for one month to allow the applicant to be present.

Motion and Vote begins at 2:21:48

On motion by Dr. Serda, seconded by Ms. Rank, the Planning Commission voted as follows to **HOLD OVER Special Use Permit #SP-2016-80 until the April 10, 2017 meeting for the applicant to be present:**

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

Motion to recommend APPROVAL Passed: 5 to 0

APRIL 10, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 3:01:20

SPECIAL USE PERMIT #SP-2016-80 – PAMALA KUKOYI – SYNOPSIS: Special Use Permit for the Temporary Use of Land for storage trailers at 1427 North 38th Street. Detailed Outline of Requested Action: The applicant, Pamala Kukoyi, is requesting a Special Use Permit in order to keep a storage container on the property while it is rehabilitated. The property has split zoning with the western half as existing C-1 and the eastern half as R-1(B). The applicant if approved will also use the back half of the property to store items during construction.

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 April 10, 2017;
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, September 26, 2016, November 3, 2016, December 2, 2016, December 29, 2016, February 3, 2017 and March 21, 2017.

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

Present in Support:

- ❖ Ms. Pamala Kukoyi, 1612 North 38th Street, Kansas City, Kansas

Present in Opposition:

- ❖ Ms. Lorraine Harris-Darby 3717 Oakland Avenue, Kansas City, Kansas 66102
- ❖ The lady at 3617 Oakland Avenue, Kansas City, Kansas was present but did not speak.

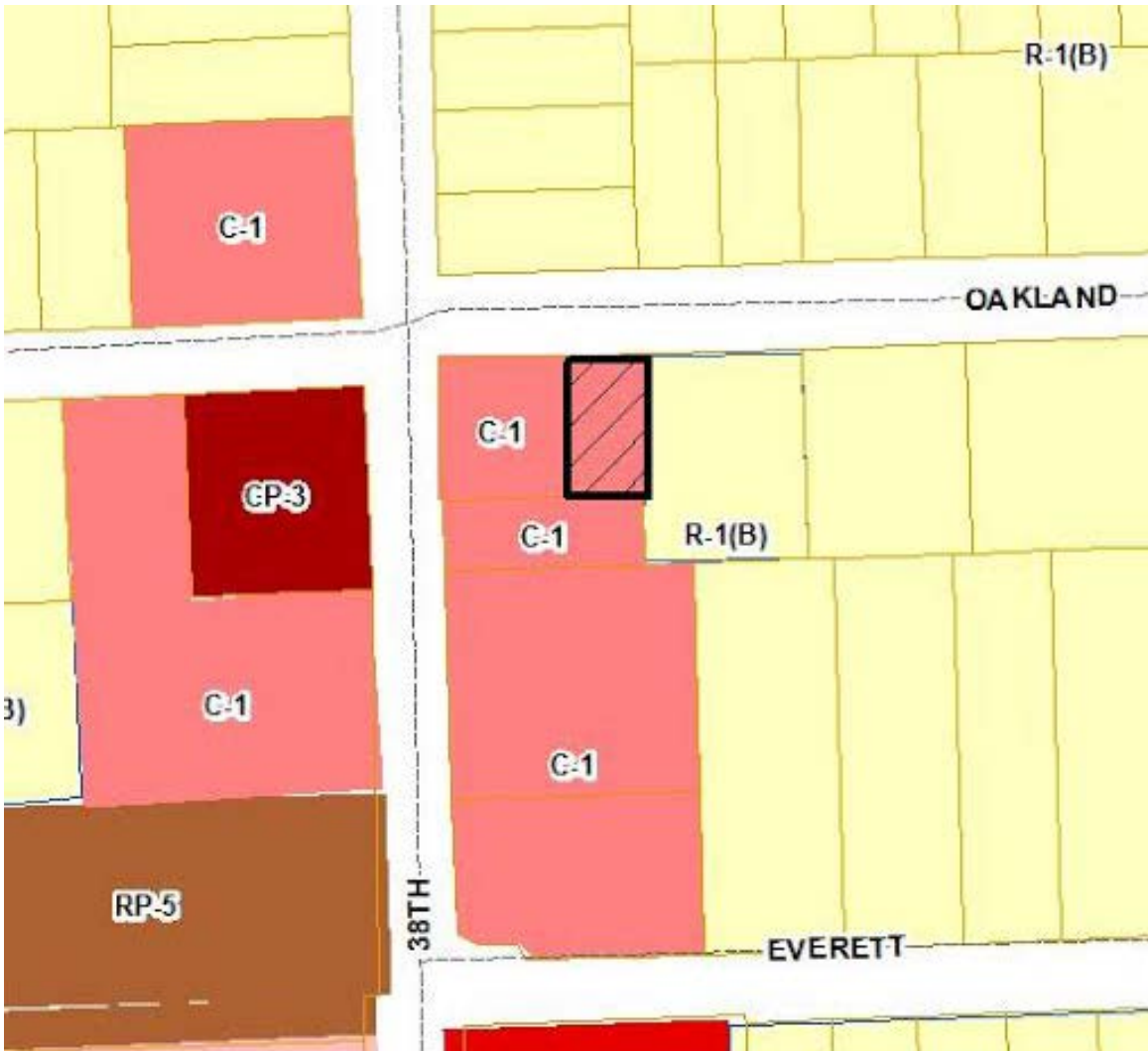
Staff Recommendation Starts: 3:18 Planning Director Richardson stated that as the Planning Commission may be aware sometimes when matters come from Code Enforcement there are issues with getting people to follow through with the zoning process. This applicant was sent a letter stating that she needed to appear and follow through with the process or their application would be withdrawn and turned them back over to Code Enforcement. Recording Secretary Parker stated that is correct and she talked with the applicant on the phone and found out that her mother had recently passed away and she was given additional time. Director Richardson stated that the applicant was not responsive before that letter went out so there has been some delay. These are semi-truck trailers; they are not containers. The recommendation for approval was based on no neighborhood opposition. Those trailers could be stored in an industrial location. The staff recommends denial.

Motion and Vote Starts: 3:23:10

On motion by Ms. Jones, seconded by Mr. Wing, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit #SP-2016-80 due to public opposition and the testimony concerning lack of upkeep of the property:**

Carson	Aye
Childress	No
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Rank	Not Present
Serda	Aye
Wing	Aye

Motion to recommend DENIAL Passed: 7 to 1





Name and Contact Information

SAMPLE MINUTES:

Application Number SP-2016-80

Date and Location: 10/17/2016 - 6100 Leavenworth RD

Meeting called to order at: 5:30pm - 6:00

Names of people in attendance:

Introductions:

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

Questions and answers (include the following):

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

Meeting adjourned at:

Minutes taken by: Lou Braswell

1) Joe Simmons
1) Braswell
1)
1)



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

April 12, 2017

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for: LOT 3A, LOT 4A AND TRACT I CENTRAL
INDUSTRIAL PARK PHASE 2.

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of LOT 3A, LOT 4A AND TRACT I CENTRAL INDUSTRIAL PARK PHASE 2, located at Kindleberger and Central Industrial Avenue and being developed by NORTHPOINT, LLC.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
Director of Engineering
/County Surveyor

Wayne Moody, P.E.
Interim County Engineer

Attachments



FINAL PLAT OF LOT 3A, LOT 4A AND TRACT I OF CENTRAL INDUSTRIAL PARK PHASE 2

A REPLAT OF LOT 3 CENTRAL INDUSTRIAL PARK
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

THE CITY OF KANSAS CITY, MISSOURI, BY AND THROUGH THE KANSAS CITY PLANNING COMMISSION, HAS REVIEWED THE PLAT OF LOT 3A, LOT 4A AND TRACT I OF CENTRAL INDUSTRIAL PARK, PHASE 2, AND HAS DETERMINED THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE KANSAS CITY PLANNING COMMISSION AND THE KANSAS CITY ZONING ORDINANCES. THE PLAT IS HEREBY APPROVED FOR RECORDATION.

THE PLAT OF LOT 3A, LOT 4A AND TRACT I OF CENTRAL INDUSTRIAL PARK, PHASE 2, WAS PREPARED BY THE KANSAS CITY PLANNING COMMISSION AND THE KANSAS CITY ZONING ORDINANCES. THE PLAT IS HEREBY APPROVED FOR RECORDATION.

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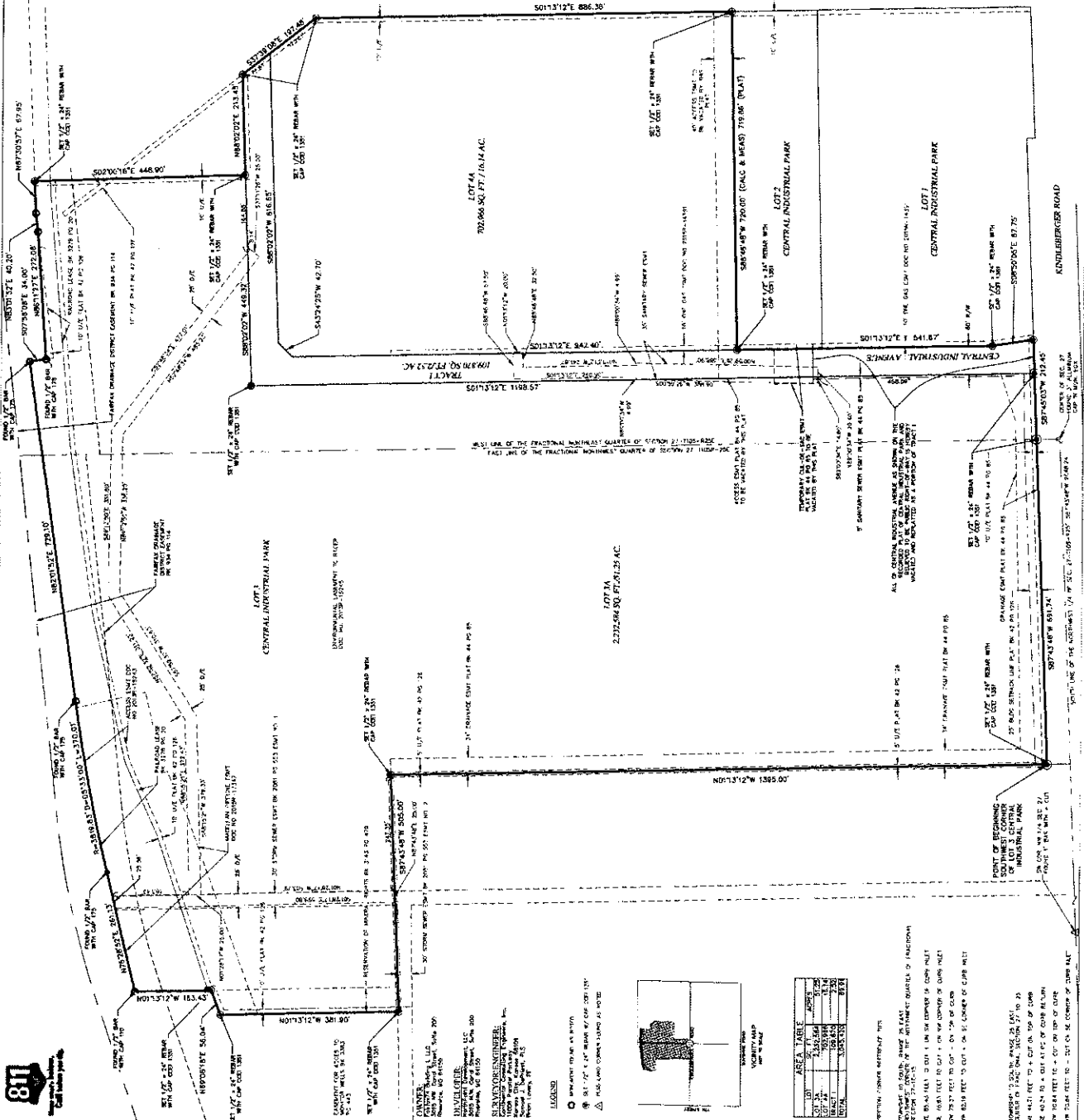
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LOT 1A
2.225444 AC
7.724123 AC
LOT 2A
7.724123 AC
LOT 3A
702.660 AC
LOT 4A
702.660 AC
TRACT I
10.984 AC
CENTRAL INDUSTRIAL PARK
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



Staff Request for Commission Action

Tracking No. 171099

Full Commission Meeting Date: 4/27/17

Committee:

Date of Standing Committee Action:
(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>
04/18/2017	Diana Jimenez	x5668	djimenez@wycokck.org	Commissioners' Office

Item Description:

Nomination for Boards and Commissions:

Paul Mose to City Planning Commission & Board of Zoning Appeals, 4/27/17 to 3/31/20, submitted by Commissioner Murguia

Action Requested:

4/27/17

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

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

REGULAR SESSION
THURSDAY, MARCH 23, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 23, 2017, with nine members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District and Mayor Pro-tem; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Philbrook, Commissioner Eighth District. Kane, Commissioner Fifth District, and Holland, Mayor/CEO, were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Joe Connor, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Wilba Miller, Community Development Director; and Captain William Wallace, Sergeant-at-Arms.

Mayor Pro-tem Walker called the meeting to order.

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

INVOCATION was given by Reverend Michael May (Ret.), St. Luke's Lutheran Church.

Mayor Pro-tem Walker asked Ms. Godsil if there were any revisions to the agenda. **Ms. Godsil, Deputy UG Clerk**, said yes, Mayor Pro-Tem. Under the Administrator's Agenda there is an announcement rescheduling the MARC (Mid-America Regional Council) presentation regarding the I-70/I-670 loop alternative study.

Mayor Pro-tem Walker said I'll note that there has been passed out for the Economic Development & Finance Standing Committee some additional information for next Monday's meeting. Those of you that are on that, be aware.

MAYOR'S AGENDA

Mayor Pro-tem Walker said our first order of business is the Mayor's Agenda. We have the presentation of the 2016 AAA Kansas Community Traffic Safety Silver Award. **Ms. Godsil, Deputy UG Clerk**, said I have been advised that that has been bumped to a Gold Award. **Mayor Pro-tem Walker** said alright, congratulations, it's been bumped to a Gold.

ITEM NO. 1 – 171058...PRESENTATION: 2016 AAA COMMUNITY TRAFFIC SAFETY SILVER AWARD

SYNOPSIS: Presentation of the 2016 AAA Community Traffic Safety Silver Award to the Kansas City, Kansas Police Department, presented by Robert Hamilton, KDOT Law Enforcement Liaison.

Robert Hamilton, KDOT Law Enforcement Liaison, said I was telling the Clerk earlier believe it or not, the computer messed up and totaled up the numbers wrong. I found out the day before yesterday that it should have been a Gold and not a Silver. I will be presenting them with a Silver Award tonight but will be changed as soon as I receive the new plaque.

I appreciate the opportunity to be here tonight to present this award to your Police Department. I am one of four law enforcement Liaisons across the state of Kansas. There are two retired state troopers and two retired sheriff's officers. I am retired from the Johnson County Sheriff's Office. The other sheriff officer and I always laugh at the two retired state troopers that always wanted to be cops but they had to settle for being a state trooper. We all four get along.

The four of us travel the state of Kansas and talk to our different law enforcement agencies. We pick out the agencies that we feel are going beyond what they need to for traffic safety.

Tonight, your Police Department is one of 25 police departments across the state of Kansas and one of a total of 32 law enforcement agencies that are receiving one of these awards. That may not sound very high, but they're one of over 300 law enforcement agencies across the state of Kansas. To me, that's a pretty good number.

We work with AAA on these awards, and they're being recognized for having a community-based traffic safety committee that identifies traffic safety problems and formulates

solutions. They are also recognized for having a departmental policy requiring the use of seat belts. Believe it or not in western Kansas, we still have law enforcement agencies that are not wearing seat belts in the patrol cars. We should feel privileged where we live.

They're recognized for assisting with both the Safe Routes to Schools Program and providing direction and control during the walking school bus. They're also heavily involved with a highly effective Kansas High School program called Safe Seat Belts are for Everyone. This program with this age group of kids, they're the highest percentage that we have in the state of Kansas right now for wearing their seat belts so they're doing an outstanding job. In education, they receive points for their Child Safety Seat Technician Certification classes, and the fitting stations that they operate and points towards their award for the Drive Wiseley Wyandotte.

Proof of their superior efforts is adult seat belt use is on the rise from 83% in 2013 to 85% now. Teen belt use has risen steadily from 44% to 86% in five years, that's a large leap. Like I say, this Safe Program is really helping us out. Child passenger seat use is also continuing to steadily rise; it's up to 88%. Fatalities dropped from 27% in 2012 to 17% in 2015. Then unfortunately our fatalities were sky high last year. As of Monday, we were 13% higher than we were at the same time last year so we're not on a very good track right now.

So, Mr. Mayor and City Council, I'd like to present the Kansas City Kansas Police Department with their Gold Award.

Action: Gold award was presented.

CONSENT AGENDA

Mayor Pro-tem Walker asked does any member of the commission or staff or citizen in attendance tonight wish to set aside an item on tonight's Consent Agenda. There were no set asides.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the Consent Agenda. Roll call was taken and there were eight "Ayes," Bynum, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook.

ITEM NO. 1 – 171056...NOMINATIONS: BOARDS AND COMMISSIONS

SYNOPSIS: Nominations for Boards & Commissions:

Wendy Baker to Advisory Commission on Human Relations & Disability Issues, 3/23/17 - 3/31/18, submitted by Mayor John McTaggart (City of Edwardsville)

Karen Greenwood to Advisory Commission on Human Relations & Disability Issues, 3/23/17 - 3/31/20, submitted by Commissioner Markley

Craig Howell to Self-Supported Municipal Improvement, 3/23/17 - 3/31/18, submitted by Commissioner Kane

Robert Scherzer to UG Park Board, 3/23/17 - 3/31/20, submitted by Commissioner McKiernan

Martin Zhang to Self-Supported Municipal Improvement, 3/23/17 - 3/31/20, submitted by Commissioner McKiernan

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook.

ITEM NO. 2 – MINUTES

SYNOPSIS: Minutes from special session of February 23, 2017.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to receive and file.** Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook.

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated March 2, 9, and 16, 2017.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to receive and file.** Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook.

PUBLIC HEARING AGENDA

No items

Mayor Pro-tem Walker said next we have three items under the Standing Committee Agenda. These were presented to the Administration & Human Services Standing Committee this past Monday and received a unanimous vote of approval to be fast tracked to tonight's meeting.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 171009... LEAD-BASED PAINT HAZARD CONTROL - SOAR

SYNOPSIS: Request authorization to submit a \$1.5M grant application for the HUD Lead-Based Paint Hazard Control Grant, submitted by Wilba Miller, Community Development Director. The 10% required match would be paid from CDBG funds. The UG would also request an additional \$150,000 in Healthy Homes Supplemental Grant funds. The grant period is for 36 months with three 12-month budget periods. On March 20, 2017, the Administration and Human Services Standing Committee, Co-chaired by Commissioner Murguia, voted unanimously to approve and forward to full commission.

Commissioner Murguia said there was unanimous approval on the grant requests. Is there a requirement of a public hearing on this? **Mayor Pro-Tem Walker** said no. **Commissioner Murguia** asked is it okay to make a motion to approve all three items or do I need to have individual motions for these items. **Ken Moore, Chief Legal Counsel**, said if your votes are the same with all three, you can do all three if you want to do that. **Commissioner Murguia** said I'd like to do all three.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were eight "Ayes," Bynum, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook.

ITEM NO. 2 – 171033...GRANT: CAMBRIDGE CONNECTOR STUDY

SYNOPSIS: Submission of a \$100,000 application to the Mid-America Regional Council for a Planning Sustainable Places Grant, submitted by Rob Richardson, Planning Director. The grant

is to further study the Cambridge Connector concept to connect I-35 and Cambridge with SW Blvd. and 31st St. There is a \$20,000 match (10,000 from UG, \$10,000 from KCMO). On March 20, 2017, the Administration and Human Services Standing Committee, Co-chaired by Commissioner Murguia, voted unanimously to approve and forward to full commission.

Action: Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook.

ITEM NO. 3 – 171034...GRANT: FISHER PARK & WEST 39TH ST. STUDY

SYNOPSIS: Submission of a \$168,000 application to the Mid-America Regional Council for a Planning Sustainable Places Grant, submitted by Rob Richardson, Planning Director. The grant is to further study the Fisher Park and West 39th St. Area to address a 39th Street transit turn around, Fisher Park, the BPU substation as well as develop a feasibility analysis for 39th Street between Adams and Minnie. There is a \$33,600 match. On March 20, 2017, the Administration and Human Services Standing Committee, Co-chaired by Commissioner Murguia, voted unanimously to approve and forward to full commission.

Action: Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 171078...ANNOUNCEMENT: RESCHEDULING OF PRESENTATION BY MARC (MID-AMERICA REGIONAL COUNCIL) ON THE I-70/I-670 LOOP ALTERNATIVE STUDY

Doug Bach, County Administrator, said the blue sheet we put in place tonight was to give you an update on where we were with the Mid-America Regional Council. They were going to come over today and offer a presentation about what was going on with the I-70/670 loop project that they’ve been working on. Essentially, this was a project where the city was looking at the

Broadway Bridge. MARC started to take a greater look at this project to understand if there were other alternatives that they wanted to look at across the downtown area as it pertains to connecting to Kansas.

We're all set to move forward with this as they're looking at the alternatives. However, MODOT came back with some changes to the city just recently and pushed them a little bit on where they're at with the current Broadway Bridge. In fact, they put some money to it, put some requirements of where they have to reach in 2019. It's changed the dynamic of what MARC has got to do with this study. They are going to go back and reevaluate where they're at and determine if they want to come back with a similar presentation or a little bit different, but it's really made an impact in where they were.

The timeliness is that it's changed. I just wanted to give that information to you. We're not offering a presentation or replacing it or explaining what they were doing. I just wanted to try to explain what changed in that equation and why we did not have that presentation this evening.

Action: Announcement was presented.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR HOLLAND
ADJOURNED THE MEETING AT 7:15 P.M.
MARCH 23, 2017**

mb

Bridgette D. Cobbins
Unified Government Clerk

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

PLANNING & ZONING SESSION
THURSDAY, MARCH 30, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 30, 2017, 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; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. Walters, Commissioner Seventh District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Melissa Mundt, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Rob Richardson, Director of Planning; Byron Toy and Jaime Farris, Planners; Janet Parker, Administrative Assistant, Planning; Emerick Cross, Commission Liaison; and Captain Robert Baumli, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend Tony Carter, Faith Community.

Mayor Holland asked if there were any revisions to tonight's agenda. There were no revisions.

PLANNING AND ZONING CONSENT AGENDA

Mayor Holland said I'll ask the Clerk to now read the statement followed by the items on the Planning and Zoning Consent agenda. **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 McKiernan** disclosed contact with proponents and opponents of Change of Zone Petition #3134

and proponents and opponents of Special Use Permit #SP-2017-9. **Commissioner Murguia** disclosed contact with opponents of Change of Zone Petition #3134. **Commissioner Markley** disclosed contact with opponents of Change of Zone Petition #3134. **Commissioner Bynum** disclosed contact with opponents of Change of Zone Petition #3134 and opponents and proponents of Special Use Permit #SP-2017-9. **Commissioner Townsend** disclosed receiving communications from proponents of Change of Zone Petition #3134. **Commissioner Kane** disclosed receiving communications from proponents of Change of Zone Petition #3134. **Commissioner Philbrook** disclosed receiving communications from proponents of Change of Zone Petition #3134 and proponents of Special Use Permit #SP-2017-11. **Commissioner Walker** disclosed receiving communications from proponents of Change of Zone Petition #3134. **Commissioner Johnson** disclosed receiving communications from proponents of Change of Zone Petition #3134.

Rob Richardson, Director of Planning, said Mayor, I think that all Commissioners received a communication from Special Use Permit #SP-2017-9 proponents. I don't know if everybody has received that in the mail yet, but it was sent.

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

Mayor Holland asked would anyone in attendance tonight, any member of the staff or any Commissioner like to set aside any item from the Consent Agenda. Any items not set aside will be voted on by a single vote. A woman in the audience asked to set-aside Change of Zone Petition #3134. A gentleman in the audience asked to set-aside Special Use Permit #SP-2017-9.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning and Zoning Consent Agenda, except the set-asides.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

March 30, 2017

ITEM NO. 1 – 171063...CHANGE OF ZONE PETITION #3134 – STEVEN S. SUDEKUM

Synopsis: Change of zone from R-1(B) Single Family District to R-2(B) Two Family District for the continuation of a duplex at 410 Sandusky, submitted by Robin Richardson, Director of Planning. The applicant expressed and staff verified that the property was used as a duplex from the 1920 US Census and after through the present day and wants to renovate the building and resume its use. The property has previously received rental licenses as a two-unit structure going as far back as 2000 when it was zoned RP-5 Planned Apartment District. The property is a legal non-conforming use and may continue regardless of action in this case. The property was zoned R-5 until 2000 which allowed homes to be divided. The property had a rental on and off license since 2000 as a duplex. There is some dispute in the neighborhood as to long-term and recent use as a duplex. The only evidence that would controvert the facts above would be an affidavit from a previous owner indicating that the two-family use was abandoned in favor of a single-family house.

Update: The Director of Planning met with the neighbors and the previous owner. While the conversation with the previous owner indicated he might have turned the structure back into one unit, he also pursued selling the unit as a duplex. It was not clear he intended to abandon the duplex use despite the letter he signed.

The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3134, subject to:

Urban Planning and Land Use Comments

1. The home was built in 1900 according to the appraiser's records. The property has been licensed as a duplex with the Rental License Department going back as far as 2000. The applicant believes that the house was originally constructed as a duplex due to the configuration of the units and the age of the dividing walls between the units. However, on Sanborn Maps, the property is shown as single-family through the 1950s. This is unusual as census data indicates it was a duplex in 1920.
2. This property was rezoned from RP-5 to R-1(B) on December 7, 2000, as part of a larger rezoning of property in Strawberry Hill from commercial, industrial, and apartment districts to the R-1(B) Single Family District (Petition #2592). The rezoning was approved by the

Board of Commissioners on September 28, 2000. As a home in R-5 zoning, it would have been legal to divide it into multiple units if it was not built as a duplex.

3. The lot is less than 50 feet wide and will also have to conform to the Narrow Lot Design guidelines in addition to the R-2(B) Two Family District requirements. The following outlines the relevant requirements.
4. Parking: The R-2(B) Two Family District requires two off-street parking spaces.
 - a. Please provide a preliminary development plan showing two off-street parking spaces.

Applicant Response: See attached Preliminary Parking Plan.

Staff Response: The parking must be constructed per code prior to a new rental license or final inspection certificate being issued.

5. Building Materials
 - a. For new structures, the Narrow Lot Design Guidelines require masonry materials of stone, brick, stucco, or cement board siding on all building types except accessory units. For this existing structure, repair and repainting of the existing metal siding will be required to adhere to this requirement. Replacement with cement board siding would also meet this requirement.

Applicant Response: See submitted email.

Public Works Comments: None.

Staff Conclusion

This property is an existing duplex. The property was downzoned from RP-5 to R-1(B) in the year 2000 as part of a larger downzoning of property in the Strawberry Hill Neighborhood. The staff review summary for the Strawberry Hill downzoning (Petition #2592) states that the goal of the rezoning was to “fit zoning and current use as closely as possible” and that “those who have legally converted in the past will be protected and allowed to continue but not expand.” It also states that “none of the changes proposed to this point would require any existing, legally established use to cease, now or in the future.” The staff report includes lists of properties that were “built as single family/converted to two family” and “built as two family and remain two family or in the midst of two family area” and states that these properties should be rezoned to R-2(B) Two Family zoning district. 410 Sandusky is not included on either of those lists. However, our records indicate that a rental license was obtained by the owner for a two-family

use before the downzoning with the approval of the then Director of Planning Steve Speise. The failure of this property to appear on either list appears to be an oversight or perhaps much like the current situation. It is difficult to tell in which category to place the property. The license was obtained March 6, 2000, and the downzoning was approved by the Board of Commissioners November 30, 2000. Staff has no evidence that any previous owner intended to abandon the two-family use at the structure. The structure has two units, two kitchens, etc. and has not been modified from its previous condition according to the applicant. Therefore, staff recommends approval of this rezoning to R-2(B) because the use was legally established before it was rezoned to R-1(B). The applicant has agreed to supply additional parking in the rear, keep the exterior of the building clean and in good condition, and intends to make improvements to the interior of the building. The owner is required to obtain a building permit for all improvements and rental license before renting to any tenants and is required to meet and stay in compliance with all applicable codes and regulations. This recommendation does not set any precedent for properties that were converted after the 2000 rezoning and will result in a better property than leaving it as a legal nonconforming use.

Update: Following a meeting with the neighbors and the previous owner, intent to abandon the use still cannot be established given he pursued selling the unit as a duplex.

Rob Richardson, Director of Planning, said the Planning Commission has recommended approval of the change of zone. The neighborhood group has filed a protest petition. As far as voting goes, that means it would take nine votes to approve. Denying it would be a change to the Planning Commission's recommendation which would take eight votes, or it could be sent back to the Planning Commission with six votes. I think that the applicant can explain the rest of his case.

Steven Sudekum, Petitioner, 4737 Canaan Lake Drive, said I've been an investor in this area since 2001 after moving to Russian Hill as a renter in 1999. Since renting, we have bought eight properties in this area, four of which I still own today. We are currently invested in several other properties in Wyandotte County as a mortgage holder. I've been a fulltime landlord for the last

five years or so. My education is from KU in architecture and structural engineering, but I have worked largely in IT.

The vision for this property, our vision for this property is we'd like this duplex property to become one of the many ways in which Strawberry Hill welcomes and accommodates new residents allowing them to try it before they buy it.

One of the ways that Strawberry Hill puts its best foot forward is saying look at how wonderful this area is. I would hope and expect that some of those who rent this property would eventually own a home here, start a business here, tell their friends about this place, take pictures from the front porch of the great views and post them on social media, etc. I want to share this property and grow interest in the area.

Perhaps the most important aspect of this application is the history of 410 Sandusky as a duplex property. It's my contention that the property is a duplex and has been a duplex for the majority of its history. My reasons for making this claim are one, recent history. The Unified Government shows that this property was licensed as a duplex on March 6, 2000. This may be the most important point; it was legally established as a duplex before the neighborhood was rezoned to single-family later in that same year. If you remember nothing else about what I say here tonight, please remember that. This was a legally, licensed duplex before this area was rezoned to single-family.

Secondly, we believe that 410 Sandusky has been a duplex for the majority of its life based on statements made at the neighborhood meeting by Elaine Grisnik held on January 30, 2017. Elaine occupied the second floor of the unit from the years 2000 through 2010 and said it had been a duplex since the 30s or the 40s. When I asked her how she knew that, she indicated that her grandmother had owned the house next door for many years and that her mother, the artist Mary Shawna Grisnik, grew up there plus her uncle rented a room across the street. When she moved in upstairs, the family talked about it. They told her it had been a duplex since the 30s or 40s.

Thirdly, we believe that 410 Sandusky has been a duplex for the majority of its life based on the 1920 census report for this block of Sandusky, which shows 410 Sandusky having two separate households. My wife Cynthia did the research and has a few words to say about her research.

March 30, 2017

Cynthia Sudekum, 4737 Canaan Lake Drive, said I'd like to speak for a moment about the historical research that I did with regard to 410 Sandusky. The purpose of my research was to find evidence that 410 Sandusky was built as a duplex or converted early in its life to a duplex. Based upon Elaine's comments that Steve mentioned previously, we knew that 410 Sandusky was a duplex in the 30s or 40s. My focus was to look prior to that time period to find the earliest data that I could.

My start was looking at the Sandborn Fire Insurance Maps which I found online, digital collection, the Spencer Library at the University of Kansas. What I did learn was where the fire hydrants were located in Strawberry Hill in the 1930s.

Finding that not to be very helpful, I called to speak with a research librarian at the Spencer Library at KU. She told me that I needed to keep in mind that the Sandborn Maps were made for a very specific use, the needs of the insurance industry and it was not going to help me figure out whether this property was a single-family home or a duplex.

She, as well as the librarian at the Kansas Historical Society, said there were better resources for my research including city directories, census data, and voting records. I was able to find 1920 census data listing two heads of households at 410 Sandusky. With that data, it established at least a 97 year history as a duplex and with that, I concluded my research.

Mr. Sudekum said lastly, we believe 410 Sandusky has been a duplex for the majority of its life based on the physical evidence of the structure itself. The structure just seems to be very naturally and intentionally divided into two separate residences. There are two front doors. The wall dividing the downstairs unit dining room from the upstairs unit entry is an original wall that dates back to at least the 1920s. It's made of lathe and plaster and the plastering includes hair, presumably horse hair. They stopped making plaster with horse hair in the 1920s so it predates that. That wall predates the 1920s, that dividing wall between the two units.

Also, regarding the physical aspects of the structure itself, there are currently two electric meters on the exterior of the home and there are two kitchens and have been for a very long time based on observations that we made.

So those are the reasons we firmly believe that 410 Sandusky is a duplex and has been a duplex for the majority of its life.

March 30, 2017

Since 2010 or 2011, the property has been non-compliant with Unified Government building codes due to one or more of the following known issues: busted sewer main, electrical issues primarily in the second upstairs unit, no running water until recently when I gave the former owner the money to have it fixed in the form of a down-payment which I allowed them to use for that purpose, frozen and busted water pipes, and no working furnace since at least 2010. This building has been in need of some serious attention for quite a while, and we would like to give it that attention and the investment that it needs.

Despite these issues, we bought the home as an investment because a) it has a great view. If you have not been by, please stop in. I'll be working on it one way or another, stop in, look off the front porch and it's fantastic. You probably know that already.

We also bought it as an investment because there are two units which has greater earning potential.

Lastly, we bought it because we believe in the area and have for a long time. We bought our first house on Strawberry Hill in 2004. As a duplex, a substantial renovation makes financial sense. As a single-family, it does not. Why is that? Cash flow is better with a duplex. For example, a one-bedroom at Casa Linda rents for \$575. You know where Casa Linda is on Splitlog probably. A two-bedroom there rents for \$675. Wouldn't you rather have two one-bedroom units, or like a duplex in this case, versus one two-bedroom unit?

Property values were mentioned as a concern in the neighborhood meeting. They thought that making 410 Sandusky into a single-family residence would be better for their property values than if it were to remain a duplex.

Blight and vacancy are an issue on this block of Sandusky. There are four vacant or uninhabitable houses on both sides of the block. 410, this property, 413, 418, and 422, not counting 410, which isn't far from it, two of these four properties look like they're about to fall down. Investments like that we are proposing would help stabilize property values.

Parking is certainly a major concern of the residents as it is for us. A vote yes tonight is a vote for another property on Strawberry Hill with off-street parking as stipulated by the staff. If we are required to make it a single-family residence, I don't believe there would be a requirement for off-street parking.

Regarding density, housing density, has been mentioned as an issue. As a single-family home, there would be no need for an upstairs kitchen, living or dining space. As a single-family,

I would convert those spaces to one or even two more bedrooms resulting in a four or five-bedroom home. As a duplex, there would be a one-bedroom one bath unit upstairs as there is now, and a two-bedroom one bath unit downstairs as there is now. With some reconfiguration, I might squeeze in a second bath downstairs making it a two-bedroom two bath downstairs. Oddly, as a single-family home, there would be higher density, more bedrooms that is, and more people than the current duplex arrangement. In the single-family scenario, we'd be without the off-street parking that could be stipulated under this application.

Mayor Holland opened the public hearing.

No one appeared in support.

The following appeared in opposition.

Justine Underwoods-Jones, 431 Ann Avenue, President of the Strawberry Hill Neighborhood Association, said a very important factor in determining what this property is, is the fact that it has not served as a duplex for at least the past 18 years, at least since 1999. The house does not have legal non-conforming use at this time. Tonight is about whether or not we're going to change the zoning of the property which would be a very permanent change to the housing situation.

Steve Sudekum purchased the house as a single-family so he knew that that was the way it was zoned whenever he purchased it. The owner's father checked with the city to see if it could be a duplex as Steve Sudekum's request and the city advised that it was a single-family house and that it could not be a duplex. He actually paid the owner, Chelsea, \$10,000 less because it is a single-family property. It's not financially hurting him. He's already received a \$10,000 windfall for this property being a single-family residence.

I have not heard anybody in this community be for this. We had 17 people attend our last hearing. As you've heard, we acquired a protest petition. We acquired 78.41% of surrounding real estate signatures. We were only required to acquire 20%. That demonstrates how passionately our community is about this.

We want to provide good, quality residences in our neighborhood. That is the most welcoming thing that we do. This house could be a two-story house or continue to be a two-

story house. The previous owner did open up the wall and lived in both the upstairs and downstairs. It has only served as a single-family property for nearly 20 years.

Our request to you is that you enter a motion to deny for the same reasons that Steve Sudekum opposed the multi-family dwelling on Lowell. We have those same concerns. The rear of the house doesn't allow the side yard or setback requirements for the two parking spaces he is proposing. That's a whole other issue. He does not have a variance for that.

The housing density. There are plenty of vacant houses if he wants more than one rental. We want to encourage investors to purchase more property and not just cram as many units as possible into one. Our request to you as the Commissioners is to look at this side of the community. Please enter a motion to deny.

Brianna Denney, 411 Sandusky, said I live right across the street. My biggest concern and our community's biggest concern is that it's going to set a precedent. The property was not on the list of multi-family dwellings that were grandfathered in in 2000 during that 2000 change. If the previous owner had wanted to put it on there, he could have. He had the opportunity and he didn't.

If this is approved, it could set that precedent to say to others, you didn't have to be grandfathered in. You could just install a kitchen on the second floor. All of our homes that are two-story are set up as multi-generational families. My house has the stairs to the side so that two families could have lived in it. When Chelsea's family was done having it as multi-family, they removed the kitchenette from the second floor. So showing that it used to be previously used like that, that's just because this is an old neighborhood of rich heritage of multi-generations.

The concern being as well that unlike the legal non-conforming use, a zoning change transfers to the next owner. A developer could apply to rezone houses here just to sell them at a high price to investors. We are trying to make our community appealing to people that want to live here, not potential absentee landlords.

I've been across this property for six months since it was sold. Bill used to live there. Nobody lives there now. We thought somebody was in there at one point and it turned out to be a squatter. He hasn't come back in the last six months of owning it. That, to me, is a very concerning element.

We don't have blight. He's talked about the blight. The first one at 422, I believe, that's vacant. They refuse to sell it. The 413 next to my house, he refuses to sell that. People have shown interest in our street. They want to move in. It's just they don't want to sell. That's been our problem.

Callie Brinton, 421 Sandusky, said I've lived there for 13 years. I'm not going to talk about the zoning because I want to talk about the parking. If he does a duplex, he's going to dump at least four more cars on that street. We do not have room for four cars. We are already crowded enough. What we want our neighborhood to be—it is a nice neighborhood. We want it to stay that way. We just wish we didn't have landlords there.

Micah Soyland, 411 Sandusky, said I just wanted to point out that it's a laundry list of code violations from his other properties in Strawberry Hill. Just as furthermore evidence, Bri had mentioned he hasn't been back to that property in the past six months of ownership. I think it was required open houses for this building permit change, but other than that, there's like junk on the front porch. As far as I know, he hasn't changed the locks and that's why there was possibly a squatter living in it as indicated by the next door neighbor.

Nathan Alfermann, 431 Ann Avenue, said Justine eluded to an opposition letter that Steve Sudekum wrote in response to non-compliance for a triplex in this area and it read: I'm writing you in response to a letter to me dated on October 11, 2005, to let you know that I do object to the continuation of a single extra dwelling unit making a total of three dwelling units. At the subject address, neighborhood housing density and parking are among my concerns. I've heard firsthand accounts of subject property that claims as many as ten people crammed into a two-bedroom apartment which supports my own personal, more distant observation. I estimate that the house houses nearly 20 adults at this time. Yes, I object to the third unit and a lot more with regard to this property.

Dragutin Misic, 612 Elizabeth, said the point I'd like to make is more of a broader point than this issue that I'm going to talk about. I attended the first Planning meeting here January 30. At that point, according to the public record of the Wyandotte County Treasurer's Office, the

property taxes had not been paid on this property here. There was maybe \$5 or \$6 in penalties, fees, what have you that accumulated. When I returned for the second meeting, the property taxes had been paid. What I'd like to do is encourage you to have some kind of an ordinance, or if you can't do an ordinance, at least some kind of best practice where before someone can come to the Planning Commission, at least get paid up on your taxes without having to be prodded to do so.

Thomas Alonzo, 507 N. Thompson, said basically the concerns I have is there's a lot of obsolete inventory in our neighborhood anyway as far as properties. If we're going to start cutting up other single-family homes into duplexes, this kind of exasperates what we already have. We do have a nice neighborhood. We do have people that like to live there, and it's been able to maintain its character. I've been there 25 years. I'd hate to see another single-family home cut up into a duplex. You have all of these young people that have moved into our neighborhood too which is something that we need in order to maintain livable and viable neighborhoods. I ask that you all take that into serious consideration tonight.

No one else appeared.

Mayor Holland asked if you are here in opposition and you would like to stand to show that you're in opposition I'd invite you to do so. (Some people stood up in opposition.)

Mr. Sudekum asked if any of the comments peaked any particular interest or questions on your behalf and if you would like to ask me a question about any of them because I'm prepared to answer them.

Mayor Holland said what I would suggest is you make a summative comment and then as we close the public hearing, if the commissioners have a question directly for you, they will direct it to you at that time.

Mr. Sudekum said regarding the laundry list of code violations that Micah presented. I have that list here. I got it from staff prior to this meeting so I assume it's the same list. I spoke with Rich Felix today. I said I'd like to get some detail on this laundry list of code violations. He's

like what are you doing in here. He said I don't even remember the last time I wrote you up. It was December 21, 2016. That was when the tenant's sister strung laundry on the front porch, which is a code violation. I got the notice. I called the tenant and said hey, you can't string laundry on the front porch. She said we'll never do it again, sorry.

There were other violations like trash cans not removed in a timely fashion or put out too early. I know I got some of those. I really would relish the opportunity to dive deeper into this list. I tried to do that today when I spoke with Rich, but he said that I had to file some paperwork to get duplicate copies of the code violation so I can't address each and every one of them.

There was another one at 512 Ohio. The garage is at an intersection of two alleys. When people turn that corner, they would hit the garage and break those asbestos shingles that we all know so well here in Wyandotte County. I was required to repair those, things like that; I mean stuff that just happens. Characterizing me as someone who doesn't take good care of his properties is, I think, a real stretch.

The taxes. I bought the house, taxes were paid. When you buy a house, you go through closing, taxes get paid. I didn't get the notice, it went to the house and so I paid it. When they brought it to my attention that it wasn't paid, it was just an oversight. I did pay the taxes when I became aware that they were past due. If you look at my history, I don't have a problem paying my taxes. It doesn't happen except in a rare occasion as it did in this case, which I apologize for.

We have a three-unit rental property on Lowell. It was a different situation entirely. It had no history as a three-family unit. I'm baffled by their contention that this has not been a legal duplex in the last 20 years or whatever the number was. If you read staff's report, it definitely says. It was approved for use as a duplex on March 6, 2000, and it operated as a duplex until 2010 when it was sold to Bill and then Bill sold it to his daughter Chelsea who I bought it from. Bill only owned it for like two months. It was mostly just Chelsea who owned it in the remaining period since 2010.

I have not spent money or time on the house pending the outcome of this hearing. If it's a single-family, there are certain actions that I would take. I would do the minimum because the cash flow will not be what it is as a duplex. If it's a duplex, I can do a more robust renovation. I'm waiting to see what happens. I have stopped by. There was one evening some homeless guy squatted on the front porch. As far as anyone entering the property, no. I have the doors barred

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and there was no entry into the home I guarantee you although I did see his attempt to get in and I found his sleeping gear on the front porch and I removed it.

The whole idea of it having been a single family, I addressed that in my original comments. I'm not going to go through that again.

Mayor Holland closed the public hearing.

Commissioner McKiernan said there have been a lot of issues that have come up here and a lot of them are peripheral. I think we have to remember that regardless of the configuration of this building, the case that is before us is about zoning and that's what we're going to make a decision on is about that zoning.

Mr. Sudekum, I want to say that I do appreciate very much the investment that you are making in my district. As a matter of fact, I think you were the very first person after I was elected that I stood on the street and we collectively solved a problem together. I've seen your properties and I appreciate the investments that you are making. I hope that doesn't ring hollow in just a moment because as I look at this, I am not inclined to promote or to vote for a change in zone on this parcel and I'll tell you why.

In 2000, the neighborhood group got together and they promoted a broad rezoning of all the parcels or the majority of parcels on several square blocks of Strawberry Hill down to R-1(B) that is single-family. They wanted to promote single-family occupancy, now not necessarily single-family ownership, because certainly there are a lot of rental properties in the Strawberry Hill area and that's part of what makes it very robust is the number of renters who are there. The neighborhood group wanted to promote single-family occupancy. They brought the work to the Planning and Zoning Department who worked the ordinance that would be necessary to do that.

The Planning and Zoning Department brought that petition to the Planning and Zoning Commission who approved the broad rezoning down to single-family. That then came to the Unified Government Commission which affirmed the Planning Commission's decision to broadly rezone to R-1(B) and it was executed.

Now it's my understanding that there were allowances made at that time for properties not so configured as single-family. If I look back at history, I think, personally, regardless of what anybody else thinks, I think we need to respect the efforts of the neighborhood group at that

time, many of whom are still in the neighborhood group in the neighborhood today. I think we need to respect the decisions of the Planning and Zoning and the Unified Government Commission in making the broad rezoning across Strawberry Hill.

I'm not in favor of parcel by parcel rezoning for a number of reasons that I won't get into, but I'm just not in favor of parcel by parcel rezoning and I'm really not in favor. I understand. I've seen pictures of this property and I understand its configuration. I am not, and you can bold face and capitalize and underline that, I am not in favor of people splitting single-family homes into multiple dwelling units. I could take you on a tour within two square blocks of City Hall and I bet we could find a dozen so configured. I do not believe that's in the best interest of the neighborhood nor is it in the best interest of my district for that to occur.

I understand this is not what's happening in this case, but I keep coming back to I don't want to set a precedent that I worry could lead to a domino effect where there's hangers on. Well wait a minute, he got to do it, why don't I get to do it and we're back here with rezonings all the time. Rob, did we, the Unified Government, communicate to Mr. Sudekum that the zoning was R-1(B) at the time of purchase?

Mr. Richardson said I believe the zoning was indicated to him. I'm not sure who spoke with him so I'm not sure the nature of the precise conversation. I wasn't part of that discussion. **Commissioner McKiernan** said the neighborhood group said that he was told that the house was single-family. Did we communicate that to him? **Mr. Richardson** said by zoning, yes, but like I said, I'm not sure of the nature of that conversation because it wasn't with me and that's actually by code and my determination to make. I was not asked.

Commissioner McKiernan said regardless of how this particular structure ends up being configured, I am not in favor of changing the zone to anything other than it is now for all the reasons that I've given.

Commissioner McKiernan said I do want to go back and address—there's a lot of peripheral comments floating around here about parking. I think you made a great point. If you had two units with one person each, that's quite a different animal than a single unit with my six person family where I grew up were all six of us had a car and we could park on the street. The configuration of the building itself is not necessarily a driver of population density or parking

density. We have to just accept that fact that it is not a driver of that because it can go either way with either configuration.

There's been concern expressed about landlords and certainly I think a lot of us who had especially urban districts have concerns about landlords who are not present and who don't take care of their properties and don't manage their rental properties. That's a separate issue. That's not a Planning and Zoning issue. That's an issue that we need to address separately from it, although it does affect the quality of life in neighborhoods. There's no doubt about it.

Code violations. I'm glad you brought up the fact because I looked at that list of code violations. I have to say when I look at it, a lot of those look like they were tenant caused/landlord solved. We have to understand that when there are rental properties, a lot of times the landlord will get the violation notice for something that he or she was unaware of and then go fixes it and then everything is fine. I noticed one of them was for graffiti. I have code violations for graffiti because I had a white garage door that is a lovely target for painting. You can't necessarily always attribute that to the property owner.

Finally, the issue of taxes. I noticed, Rob, on tonight's agenda it is not on here. Usually, we have a disclaimer at the end of our agenda that says that the current status of payment of taxes cannot be or entered into the factor that decides how we decide a Planning and Zoning case. We love the fact that you paid the taxes, we love the fact that everybody pays taxes. I made the comment that those of you who don't and then want to come and have us work for you to do something, I find that kind of ironic, but certainly the payment or non-payment of taxes cannot be considered in a Planning and Zoning case.

Action: Commission McKiernan made a motion, seconded by Commissioner Kane, to maintain the zoning as R-1(B), which would overturn the Planning Commission's recommendation.

Commissioner Kane said there are probably half a dozen books, several of them about Strawberry Hill. In the 30s and 40s, it was common for multiple families to live in a unit. In fact, my mother and father-in-law lived in a three-bedroom unit on top with one kitchen and a grocery store below it. The reason they did that was because that's what was going on at those times. Those times are over. This is our old stomping grounds. We're very familiar with this

area. To see the young folks move back down, back in, we appreciate that. I support Commissioner McKiernan.

Commissioner Townsend said I have been moved by listening to the comments of the neighborhood group. I've read all of this. I got a different feeling from the testimony tonight about what is happening in that area and what the homeowners/residents want to say and how they want their neighborhood to be.

I'd like to have someone from staff address comments that I saw in the notes in this. It said the property is a legal non-conforming use and may continue regardless of action in this case. Are we saying that if this is overturned that the applicant can still do what he wants? Can we clarify that? **Mr. Richardson** said under my review and direction, staff found in writing that the use was legally established prior to the rezoning. We did this both on February 10 and March 10 through published staff reports in 2017.

We did some amount of research in between those two dates to determine the validity of the claim of abandonment of use. That claim turned out to be false as the previous owner and a representative attempted to sell the property as a duplex. If agreed parties don't agree with that decision, they can file a petition with the Board of Zoning Appeals to challenge that decision which is the authority to make that decision is granted to me in the code. They would have 30 days to file that appeal from March 10.

Commissioner Walker said so it's clear to the neighborhood group, you're saying they need to appeal to the Board of Zoning Appeals. Your decision with this is a non-forming use. **Mr. Richardson** said correct. It might be that the owner is pursuing this for other reasons. Insurance companies and mortgage holders have been burned literally on legal non-conforming uses because a legal non-conforming use, if it were to be destroyed, can't be rebuilt and then they have an insurance claim or a mortgage that can't fulfill the obligations that were made under it. I don't know if that's why he's doing that, but I know we've had several other folks talk to us in that kind of situation. That's why we would pursue a path where it looks like they can do the same thing either way.

Mayor Holland said I just want to clarify that. What we're voting on today, and the only thing we're voting on today, is the zoning issue of this property. We're not voting on the use of this property. We're only voting on the zoning of this property, is that correct? **Mr. Richardson** said correct. **Mayor Holland** said and then whatever the use is ultimately, according to your legal authority as under the code, its legal non-conforming. If the community disagrees with that, they would have to file a grievance with the Appeals Board. **Mr. Richardson** said they would file it with the Board of Zoning Appeals. If they didn't like that, they would file with the District Court.

Mayor Holland said the only thing that we're deciding tonight is not on the usage, it's only on the zoning. The motion we have is to not do a spot zoning to drop R-2 in this, but to leave it all R-1 as it is in the rest of the neighborhood, is that correct? **Mr. Richardson** said that's correct.

Commissioner Townsend said the only other thing I would say, Mayor, is that, Mr. Sudekum, you said you wanted to purchase the house so that people coming into the area could appreciate it. I'm paraphrasing, but I wrote down "try it before they buy it." I would still think that the desires of the neighborhood group could be recognized and your desire to have people come and try it could still be achieved as a property owner and with the single-family configuration. It may not be the monetary action you thought it would be, but it still seems like that could be achieved. Someone could get an opportunity to appreciate the Strawberry Hill community.

Commissioner Bynum said I just have a question. I want to understand a yes or no vote means what on this action? **Mayor Holland** said I was going to review that just before we voted. Normally, it's recommended for approval. It would take six votes to agree with that and eight votes to overturn it. Because there is a valid protest petition, it makes it more difficult to approve it. It would take nine votes to approve it instead of six. It would take eight votes to deny it. If we can't reach that consensus, it would take six votes to send it back to Planning and Zoning. It's going to take a consensus of this group to do anything, and it's going to take a majority to send it back. Does that make sense?

A vote yes, this is recommended for approval, so we need to be clear about this because it's backwards. It's our backwards voting. If you vote yes, you agree with Planning and Zoning

to approve this. The motion is to deny. You're voting on the motion. We've done this many times and we play this game each time. Just enjoy it. This is how we have to do it. We're going to get this right once. The motion was to deny. If you vote yes for that motion, it takes eight votes. It takes eight votes to follow Commissioner McKiernan's motion to deny. That's what we're voting on. If we don't get that, then we can talk about other options.

Roll call was taken on the motion to deny Change of Zone Petition #3134 and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

Mayor Holland said it has not been approved for zoning. It remains R-1 like rest of the neighborhood.

ITEM NO. 2 – 171064...CHANGE OF ZONE PETITION #3135 – DAVID GFELLER WITH MRJT&G, LLC

Synopsis: Change of zone from R-1 Single Family District to R-2 Two Family District for the continuation of a duplex at 519 Sandusky Avenue, submitted by Robin Richardson, Director of Planning. The applicant is seeking the rezoning to allow for the continued use of a duplex. It is likely that the house was originally constructed as a single family house due to the design of the house and historic census records. The 1910 Census record shows a single family living there with a boarder. If there were two units at that time, it would have been recorded as such with two heads of household. The property was converted from a single family house into a duplex with a basement unit. This was likely an illegal conversion; there are no building permits on record, and a rental license was never obtained for either unit. In June 2008, the owner came to the Rental License Office and filled out a form stating that the house was not a rental and that it was owner occupied. There is no record of this structure ever being a legal two-unit structure. The Planning Commission voted 5 to 0 to recommend denial of Change of Zone Application #3135 for the reasons outlined in the staff report.

Urban Planning and Land Use Comments

1. Documentation of conversion to duplex.

Please provide documentation that this was a legal conversion to a duplex. This could include permits or licenses that were obtained. Any information about the history of this property, such as when it was originally converted would be helpful.

2. Paved parking area.

All parking areas must be paved with concrete or asphalt. The parking must be constructed per code prior to a new rental license or final inspection certificate being issued.

Staff Conclusion

It is likely that this house was originally constructed as a single family house due to the design of the house and historic census records. The 1910 Census record shows a single family living there with a boarder. If there were two units at that time, it would have been recorded as such with two heads of household. The property was converted from a single family house into a duplex with a basement unit. This was likely an illegal conversion; there are no building permits on record, and a rental license was never obtained for either unit. In June 2008, the owner came to the Rental License Office and filled out a form stating that the house was not a rental and that it was owner occupied. There is no record of this structure ever being a legal two-unit structure.

The property was downzoned from RP-5 to R-1(B) in the year 2000 as part of a larger downzoning of property in the Strawberry Hill Neighborhood. We have no evidence that the house was operated as a legal duplex before the rezoning. Therefore, staff recommends denial of the rezoning.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Change of Zone Petition #3135. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171065...SPECIAL USE PERMIT APPLICATION #SP-2016-61 – PATRICK JOYCE WITH BHC RHODES

Synopsis: Special use permit for a fill site at 626 North 47th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to raise the site approximately 25-30 feet and resurface with asphalt millings in order to make the site accessible for storage use. The

Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2016-61, subject to:

Urban Planning and Land Use Comments

1. How much earthen fill is being brought onto the site?

Applicant Response: The site requires 85,621.93 cubic yards of earthen fill to be brought onto the site.

2. Where is the earthen fill being brought from?

Applicant Response: Fill will be obtained from a variety of sources not yet fully determined.

Staff Response: The sites where fill is being excavated in Kansas City, Kansas, shall have a valid special use permit or active building permit and hauling permit.

3. How long do you believe it will take to achieve the final grades necessary for future storage?

Staff has concerns about this becoming a long-term filling operation.

Applicant Response: The fill operation will be completed in two years.

4. How many daily truck trips are anticipated?

Applicant Response: Truck trips can only be estimated at this time. Due to limited maneuvering space for trucks, we anticipate 24 trucks per day based on time required to enter the site, dump material, and maneuver out of the site prior to the next vehicle entry. This number may be further reduced by truck availability and distance from borrow site to project site.

5. Proposed hours of operation? Staff's suggestion would be from 8:00 AM to 5:00 PM, Monday through Friday.

Applicant Response: 8:00 AM to 5:00 PM is an acceptable hour of operation to the owner as that also mirrors the business' operating hours.

6. Submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required.

Applicant Response: This is understood. An agreement is currently being drafted for city review.

Staff Response: A letter has been submitted and is attached herein.

7. As you can see on the map, this area is undermined as a result of the Tobin mine. Provide a geotechnical report for the site.

Applicant Response: A geotechnical report is investigating the proximity of the Tobin mine and the impact of fill placement over the mine.

Staff Response: A geotechnical report has been reviewed and approved by Planning Engineering.

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 grading and disturbed area that occurred at 626 North 47th Street, without a grading permit shall be restored and seeded in accordance with UG criteria and standards, including installation of temporary erosion control devices to prevent soil and sediment transport downstream of the disturbed area(s). This shall be completed no later than April 15, 2017 per the Winfred Anderson letter agreement to the UG dated January 19, 2017.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Staff Conclusion

The applicant has worked with staff to address engineering concerns and the undermining issues that exist on site. Kristofer Finger with Public Works inspected the property on February 9, 2017, to check the conditions of the barrels on the property and indicated that there was no discharge. The barrels are filled with sand and used for road barriers. Subject to approval, staff stipulates the following (including the aforementioned stipulations):

1. This special use permit shall be valid for two years.
2. A grading permit shall be issued by Building Inspection during DRC prior to earthen material being brought onto the site.
3. Hours of operation shall be Monday through Friday, 8:00 AM – 5:00 PM.
4. Repair any damage that occurs to adjacent property owners, curbs, sidewalks and utilities.

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5. Control dust plumes by watering the site and remove dirt and debris from the right-of-way on a daily basis.
6. If issues arise with adjacent property owners and are brought to staff's attention during the term, this special use permit can be submitted to the Unified Government Board of Commissioners for revocation.
7. The disturbed and grading area that occurred at 626 North 47th Street, without a grading permit, shall be restored and seeded in accordance with UG criteria and standards, including installation of temporary erosion control devices to prevent soil and sediment transport downstream of the disturbed area(s). This shall be completed no later than April 15, 2017, per the Winfred Anderson letter agreement to the UG dated January 19, 2017.
8. Provide a copy of a signed, executed, and recorded easement for the storm sewer line across the property. The easement shall be in alignment with the centerline of the proposed concrete box culvert. The easement documents shall include an exhibit showing property lines, proposed box culvert and applicable easement dedication. Planning Engineering will not release their approval for the grading permit at DRC until the document is submitted.
9. Compliance with the paving ordinance.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-61 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 2 -171066...SPECIAL USE PERMIT APPLICATION #SP-2016-94 – VITALIY SAYARKOV WITH UNION FUND EXCHANGE GROUP

Synopsis: Special use permit for trucking and trailer sales at 1403 Fairfax Trafficway, Suite 500, submitted by Robin Richardson, Director of Planning. The applicant seeks to operate a truck and trailer sales business in a part of the Kaw Point Industrial center. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2016-94, subject to:

Urban Planning and Land Use Comments

1. Parking of inventory (proposed: 20 trailers and 10 trucks) must be limited to parking spaces included with the applicant's lease at 1403 Fairfax Trafficway
2. Displays must be neat, clean and orderly.
3. The special use permit is valid for two years.

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 existing spaces to be utilized for truck and trailer parking shall be allocated for this business and not part of another business' allotment of parking spaces.
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 Special Use Permit Application #SP-2016-94 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 3 – 171067...SPECIAL USE PERMIT APPLICATION #SP-2017-4 – KEVIN BOWMAN WITH BEST DRIVE LLC

Synopsis: Special use permit for a commercial truck tire center at 3140 South 28th Street, submitted by Robin Richardson, Director of Planning. The applicant seeks to operate a commercial truck tire center. Services provided would include mounting, dismounting, balancing, and alignment of tires. This property was previously a Budweiser Distribution Center. The site includes area in Wyandotte County and the City of Mission, Kansas in Johnson County. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-4, subject to:

Urban Planning and Land Use Comments

1. Landscape Requirements

A total of 30 trees are required to meet the landscape requirements. The M-2 zoning requires one tree for every 10,000 square feet of site area. The commercial design guidelines require that this be exceeded by at least 75%, and that the site provide one tree for every 30 feet of street frontage. With an area of 46,872 square feet and 650.46 feet of street frontage in Wyandotte County, this site requires 30 trees.

Staff Comment: The Landscape Plan is showing a total of 30 trees.

2. Intergovernmental Agreement

This site includes area in Wyandotte County/Kansas City, KS and the City of Mission, Kansas in Johnson County. An intergovernmental agreement is necessary to allow the Unified Government to regulate land use on the entire site. The special use permit is contingent upon the approval of an intergovernmental agreement between the Unified Government and the City of Mission, Kansas.

3. Signs

The applicant must submit a sign permit application for all signs. All signs will undergo a separate review process.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-4 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 4 – 171068...SPECIAL USE PERMIT APPLICATION #SP-2017-9 – WILLIE FIELDS WITH SILVUR DOLLA ENTERPRISE, LLC

Synopsis: Renewal of a special use permit (#SP-2016-15) for a drinking establishment and live entertainment at 16 North James Street and off-site parking at 2, 4, 12 and 16 North James Street, submitted by Robin Richardson. The applicant wants to renew a special use permit for a drinking establishment/restaurant (50% food) with live entertainment. The Planning

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Commission voted 5 to 0 to recommend denial of Special Use Permit #SP-2017-9 based on the comments from the KCKPD and Planning Department.

Urban Planning and Land Use Comments

1. How has your security plan evolved in the last year?

Applicant Response: We no longer have the KCKPD, we have armed security in the front and back of the building when we have big events for the nightlife. We are adding 16 additional interior and exterior cameras to the 16 cameras we already have. Security remains the same inside during nightlife, this is a part of the success we have in the inside of Wave Lounge and Grill.

2. Per Business License: Business has filed and maintained current status for the occupation tax and the alcohol and entertainment regulatory licenses.

Applicant Response: To my knowledge, we are current with filings maintaining the occupation, alcohol and entertainment licenses.

3. KCKPD East Patrol provided a memorandum regarding the establishment. Please see in the attachments.

Staff Response: The applicant provided a response letter replies to the dates and incidences as stated by KCKPD East Patrol. Please see the attachments.

4. Please provide all video from club security cameras for the morning of February 5, 2017.

Staff Response: The applicant provided video to KCKPD East Patrol.

5. Please explain the DJ (employed by the club) inciting violence against police officers attempting to assist a shooting victim.

Applicant Response: I cannot speak on what was said because I did not hear it.

I can only speak on what I heard and there was no DJ present at the time. The only thing I heard was the artist saying he wasn't leaving until the shooting victim was ok.

Public Works Comments: None.

Staff Conclusion

A shooting occurred on February 5, 2017, at 1:40 AM. KCKPD East Patrol provided a memorandum detailing all of the service calls during the last year, in addition to giving a

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detailed account of the incident on February 5, 2017. Staff cannot recommend approval of this special use permit renewal given that issues have continued to occur based on the KCKPD East Patrol memorandums.

Rob Richardson, Director of Planning, said this case has been recommended by the Planning Commission for denial in a unanimous fashion. It was pointed out that the typical tax statement that is in your packet was not there. I would note that this facility owes somewhere in the neighborhood of \$32,000, \$33,000 in taxes back to 2014. That was not included in your packet. As Commissioner McKiernan said, that is not a factor to be considered in a vote on a zoning case.

Mayor Holland said the issue is a renewal of a special use permit for a drinking establishment and live entertainment. Can you give us the background? When was this granted? **Mr. Richardson** said the SUP for this term was granted approximately one year ago. **Mayor Holland** said okay, and it was given for one year. **Mr. Richardson** said correct. **Mayor Holland** said and there was an issue that came up about six months ago, nine months ago where there was a discussion of repealing it. **Mr. Richardson** said that's correct. There was a shooting incident there and this body voted to allow it to continue and then promises of more significant security operations. **Mayor Holland** said and then it's before us now for renewal. The recommendation is for denial. **Mr. Richardson** said correct.

Willie Fields, 5716 NE Maybrook Drive, Lee's Summit, MO, said tonight I'm here to talk about the Wave Lounge & Grill. I've been dealing with Wave Lounge & Grill since 2014 and back and forth with you guys probably three to four times a year. Just got approved last year even though we had the building we was working on it. Spent almost over \$80,000 just for remodeling to get the place going. I spent \$12,000 on permits. I had to pull and get done because the last tenant had the building. He didn't never get them pulled so I was stuck with all of the responsibilities.

From the beginning I was accused of being a felon and everything. We worked through that and got approved last year in March. February 28 we got approved. As soon as we got approved, vandalism started happening and everything. We were opened. We had KCKPD

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there. We worked with them with training. They helped train my security, everything was good and they got pulled because they said I didn't have the proper paperwork to run an establishment. I got tickets. I went to court for them. They got thrown out because the judge seen that it was no fault on my hand so they got thrown out.

We started working with the sheriffs. We worked with them for like three weeks. We had to leave a gate open. You guys heard about this for the fire codes. When we were letting out, some guys ran through the gate, shot someone in the leg. We came for a hearing in May and you guys delayed it for 30 days so we could get with the Community Policing and the KCK Police Department. I worked with them. They came back and said I did a wonderful job working with them. Everything was on point on my end. I shook their hand. They shook my hand here and said they had my back for anything.

At this time, we had no police, we had no sheriffs working there. We were three months in, no problems. I had concerts. We saw the crowd that was there for the shooting so we changed everything. We started doing Latino concerts. We just trying to do like the House of Blues. We we're doing Latino concerts, African concerts, we did every type of concert. We didn't do no hardcore hip/hop. We didn't do nothing. We just catered to the older crowd. We had two-steppin'. We had upscale Fridays for the older crowd, old school concerts, it was beautiful. We were 11 months in, no problems, no police, nothing. We doing good. Our food sales going up because of the crowds we got.

We just talking about as far as nightlife. This is on Fridays and Saturdays. No one is talking about the weekdays when we having these events, happy hours, we doing all college happy hours all through the day. No one talking about that. It seems like the concern is the nightlife. Like I said, it wasn't every week we having a concert. It just multiples; whoever book them through the venue.

We had a Kansas City Chiefs there had their birthday parties. Everything was running smooth. We tightened up the security in the inside, no problems. Since we've been running since March, we probably only had three incidents in the inside. Not no big fights, nothing. We, I obeyed all the laws. People come down hard on me because I'm obeying the laws.

This place has been raided so many times by KCK Police, by the Alcohol Department, and they find nothing, nothing. They leave this place and find nothing. They will pat me on the back and be like you're doing good. They raided.

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I seen in the report they had 30 police officers out there with the shooting. That's how many they have when they come to raid my spot. I haven't did nothing wrong. Never disrespect. No one worked for Wyandotte government. I never disrespect the police. They come in. I give them water, I give them food, anything they want when they visit. I never disrespect nobody. Gave them reasons to treat me like I'm a criminal. Was like they trying to find something on me so they can have something to talk about to say I'm a bad person. The business we running has been running smooth.

The night of the shooting, the second shooting, it was outside. It was in the parking lot. I hired security to run the outside parking lot. It was four KCK police cars out there that night. My guy, he called me. We was like—it was 1:00—he was like, do you think we should call for more so I called more cars to the parking lot. I was like cool. He called me back and he was like there's a lot of KCK police out here. I think we be good. I looked at the clock and it was 1:30. I was like yeah, we going to let out it 30 minutes. We didn't call for no back up. He normally calls on other cars to secure the parking lot because we only had one that night. Normally I have two when we have events. This event started so late. We didn't even promote it at all that day because I was at a funeral that day and I didn't want to promote it, so we never promote it at all that day.

At 1:40 there was an altercation. We walked a guy out. We walked him out. My guy walked him to his car. The guy was cool. No fighting. We didn't spray him with mace. We didn't telephone, we didn't do nothing. He left. My management told him just go home; we're about to let out anyway. He walked him out. He thought he was walking out. He drove his car. On his way out, he just started shooting, randomly shooting, and he hit a young lady in the back that was out on the patio smoking a cigarette.

My staff, my security and her family that was there they picked her up, brought her in. My security stayed with her, hold her back so the blood don't come out. We got everybody out except for the artist. Everybody in the building was my staff and her family. The artist, we sent him upstairs because he didn't really want to leave until he knew that the woman was okay, so he stayed in there.

The police, they come do their job. They keep telling him he had to leave so they talking back and forth. Anything other than that, I don't know what they was talking about because we

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were worried about saving this young lady's life that got shot outside that we brought in. From that day, we just been working around.

Before this incident happened, we had so many Stop the Violence concerts there, reached out to the city, they never show up, never come help us, they never support it. Nothing we did. I don't know if it's because minorities, there's blacks there, I don't know. Every concert I had, I reached out to KCK and asked how I can get some extra assistance. Never. They deny me every time. They said no. I'm friends with a lot of KCK police because I've developed a relationship with these guys because that's how I want to be. They deny every time. They was like man, they say we can't work down there. I'm like why?

We drove around in Kansas and we took pictures of clubs that got police there. I reached out to Austin Bar & Grill where the three people got shot in Olathe. They told me how wonderful the police worked with them after the shooting. I reached out to Olathe Police Department and ran down our new safety measures we wanted to do. They told me they sound great, it should work out great.

Talking with Rob Richardson and all of them, they just don't want to set no plan for us. Do I think we could secure this place without the police? Yes, all we need is just cars in each lot. It's simple, and don't cater to that crowd.

We already have—the beginning of the year, the guy that manages my spot, everything going cool. I got my whole family in this. Everybody was like they going to dedicate their time to this. We was going to change the name, still going to change the name and everything because we get tired and to get stuck called Club Wave because it's a lounge and grill. We was going to change the hours that we have, the type of concert that brings that type of crowd. We was going to do it earlier like 7 and end it like at 10 or 12 so it don't go through the night. It's just a lot of things we feel we can change.

I understand the concern of the KCK police because that's the same—I don't want nobody to get hurt, nobody to get killed on my hands. I don't like to see that at all. When I watch the news and see other stuff going on out of town, I don't want to open at night. It's just different. We don't just need the special use for the nightlife. We can do without the nightlife. We need the special use for our happy hours, for our upscale crowds. We have a wedding reserved and already booked. We got to give people money back. We got baby showers. We do all of that.

We've done had four kids birthday parties there. This is the stuff that people not looking for. They're not watching it. They're just watching one thing, the nightlife. That's only two days a week and it's over.

We added an ID scanner so when people come in, they scan their ID so they can feel like if we know they do something wrong, we got their information and can give it to the police. I don't have no problem giving the police nothing. Everything that happens there, I give it to them right away. We give it to them right there on the spot. They come in there and want video surveillance, boom, they get it. We don't hide nothing and don't have nothing to hide. We've been running this business by every law in Wyandotte and I'm just tired. There's just a lot of harassment with no help. Everybody says they don't it, but what they doing to help us. I would love to work with the KCK Police Department if they're willing to do that.

Adam Krause, 16 N. James St., Attorney for Mr. Fields, said I just have a couple of things to add. I've known Mr. Fields now for three years and we haven't hid anything since the last event. The second that this happened, I believe it was the next day, we emailed Commissioner McKiernan and said hey look, this happened, this happened. It's not something that we wanted at all.

He has a list, if you guys look through the pamphlet and look at the security measures that he is going to implement and the stuff that he implemented before was unbelievable. He spent close to \$10,000 in security.

When you have someone in a bar or whatever, a lounge or something like that that's causing problems, what do you do? You kick them out. Everyone's been to a restaurant or a place like that and that's what happens and that's what they did. That's what you're exactly supposed to do. You remove them from the facility and what do you do? Do you drive their car home? You can't do that. You just can't do that.

I think that's the big problem here is that the stuff that he was supposed to do, he did. Now he's still going to implement this many more security measures, which is great. That's what you want is a safe, entertaining spot for everyone to go.

We did have a meeting with Rob. We asked him—we unilaterally went out to him and we said, hey look, what are some things that we could change. Rob, you said, I don't think there's any other safety thing that you could add. We went out to the police station and we said

the same thing. I don't think there's any other security thing that you could change. Obviously, they think it's safe enough. They had no other ideas.

We came up with a list of ideas. We also reached out to Olathe to see what ideas they have. We went to a different district, to a different police force just to see other things that we could add.

I think that the stuff that Willie has done is quite remarkable. When he put this book together, I had no idea that all of the events that he was doing when he says African Night, it's really international night. It's a melting pot of cultures that come. It's really cool. You guys should go. I think it's Friday night.

But what I'm saying is, what he said he was going to do last time, the security implementation that you guys wanted him to do, he did. He put up the security cameras that were inside there. When the event happened, we came forth and told you. We just want to get better. Instead of denial, if you won't approve it tonight, in the alternative, please suggest stuff that we could do better because he does it. Clearly, he does it. He had a list last time and he did it. We just want to work with you all.

Mayor Holland opened up the public hearing.

The following appeared in support.

James Conley, 4800 Richmond Avenue, said I'm on the Planning and Zoning Commission, most of you might know. I voted to deny this. In my clear heart thinking about it, I had to come to a conclusion because the biggest influence on me was when the Chief said there was nothing that the Kansas City, Kansas Police Department could do to help him to make this safe. I went home and I thought about that. You can't protect when people want to do something. That's another person.

Everything that's happened, happened outside the club. We had shootings, someone's house got broke into, police officers been shot at. Some things that some people just can't—you can't do.

It seems like he's taken all the measures that he needs to take. He has a big investment in what we call the northeast area. Either the club or the building could be empty and all I'm

saying is that I think we should give him an opportunity because you can't, him being the owner, there's nothing he can do for other people's thought process.

Before he even opened the building, there was a bunch of people down by the red light and done knocked one of the lights out and that was before he even petitioned to open the building. I called the police. When people do things, it has nothing to do with him or the establishment. I ask the Commission to approve for him to have this permit.

James Johnson, 6300 N. Vailes, Gladstone, MO, said I'm the Manager of Wave Lounge and Grill. I actually put in my resignation from my employment to start working full time down there with him. My last day for work is actually May 6 coming up. I was going to be down there full time working, making sure we're doing everything we can to make this building safe and make sure people are having a good time, providing good food. I'm in front of you for a second time this year because the same thing last year, Mr. Richardson's complete disregard for ethics, moral, and the measures that he would take to prevent somebody from having a successful business.

Mayor Holland said, sir, we would ask that accusations about our staff are not appropriate at this specific place. If you do have concerns about the behavior of our staff, I think there is another way to handle that, but making disparaging comments about our staff is not appropriate.

Mr. Johnson stated I'm just speaking off of the experience I've had with Mr. Richardson. I'm going to go forward and leave that alone. **Mayor Holland** said I would appreciate that. That would be better.

Mr. Johnson said the next thing, my concern is we're constantly asking for assistance from KCK police to come and assist us. Like Willie said, when we do that, they're told no. Our number one thing is the safety of the people, safety of ourselves. It's been proven in several case studies that the presence of an officer, whether off-duty or on-duty detours criminals from doing things. It's really troubling that when we are attempting to reach out and work with KCK police that we are continuing to be denied that help. We want the community to be safe. I had a couple of other things I wanted to say. I'll leave it at that. We just ask that the KCK Police Department do like they told they were going to do last year when we we're here, work with us.

Steve Spencer said I'm back. I and my wife own the building in the center where the gray shadow is, we own that building. All of these folks here that you've seen and heard from and some you haven't, I've met and I like. No one has ever attacked me, threatened me, harmed me, or done anything else I didn't like. That's the people that you see here trying to do this business.

Something is wrong here, I don't know it is or why it is, but it doesn't pass the smell test. You guys give this man a break. He's really busting his hump. He's really trying to make a business. I like it. He's my neighbor. I'd like to see him stay there. Whatever you do, I can't tell you what to do nor do I know what you're going to do, but I don't think you're playing fair with this man. He is really doing a great effort to make his job, to make this lounge function.

I've been over there; I've had drinks with him. I don't have a problem and I don't believe that what you've been told by a number of other people is fully accurate or true. I think you should really consider what you're about to do. Give the guy a break because he deserves it.

Troy Campbell, 8424 Highland Ave., Kansas City, MO, said I'm the maintenance and building director of Wave Lounge and Grill. Wave and Lounge Grill is compliant with all building, fire, and life safety codes. I have devoted all of my life presently to helping Mr. Fields turn this property around from it's past into an attractive and a refined place where local residents can gather and enjoy themselves in a safe environment. We completed all of our safety recommendations made by the KCK Police Department. As we have operated as a lounge and grill successfully from March 2016 to the present without much, if any assistance, from law enforcement, but with private armed security inside and outside the property. We would like the opportunity to continue our business with our security plan and would appreciate any recommendations or comments from the Police Department.

Leanna Fields said Willie Fields is my brother. I help him out doing his nightlife which is different for me, but it's not as bad. It's exciting and fun. I actually feel safe and the people who come feel safe.

When we first started in November when they would see the KCK police outside, they really liked that because they said it was new and different. When they go out, they wouldn't see nothing like that. By me being out there in the nightlife, it was different for me too.

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My brother put a bunch of time and a bunch of money to make his business be successful. It really looks nice. I think he did a real good job. Like he said, our special use is not for nightlife, it's for happy hours, birthday parties, karaoke, retirement parties, all of that. I would really like for him to keep it because we still got the post office wanting to have their parties and we still have other retirement parties and class reunions. It's not really about the nightlife. We do stuff in the daytime.

No one else appeared in favor.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Mayor Holland said I do want to ask a question of staff. Is the application for this renewal a special use permit? Is it only for daytime events or does the application include evening events?

Mr. Richardson said, Mr. Mayor, the application is for a drinking establishment. It's a combined special use permit for a drinking establishment and live entertainment. Previously, their hours of operation in their business plan indicated there would be nighttime concerts, etc. I don't know if they're changing that. I didn't get a copy of what you all got so I don't know what their current proposal would be.

Mayor Holland said I guess that's my question. If I'm correct, the problems have been with the nightlife. Is that right? Is the applicant stipulating in your application that you'll no longer do the nightlife and you're only applying for the music and drinking establishment during the day? I guess that's my question because I've heard some people say that you said the special use permit is not even about the nightlife, it's just about all the other events that you're doing. Are you stipulating that you would no longer have nightlife concerts?

Mr. Fields said yes, like with the nightlife, we could end that early. Our license is to 2 in the morning for drinking. The concerts, most of the things go on nightlife is parties. What we're saying, we could stop that early and end it at 12. We don't have nightlife every weekend. We don't have it every Friday or Saturday. It's just when a promoter wants to promote a party or someone wants to book a concert at the venue. Like I'm saying in my packet, anybody promote

anything on the nightlife or a concert, I can reach out to the KCK police and we could go over it and they would know it's going to happen and we all could work that night together. It's not every weekend.

Mayor Holland said just to clarify. You're application does request to continue to do the nightlife issue? **Mr. Fields** said it's not as often. **Mayor Holland** said I just wanted to clarify.

Commissioner Walker said I've been waiting to hear something about a pattern or a pervasive clientele of crime. All I've heard here tonight is one guy, which could be any bar, could be the bar I go to after these meetings, gets mad and shots a gun because he got thrown out of the bar. **Mayor Holland** said would you like to hear from the Police Department? **Commissioner Walker** said well they had an opportunity to speak and they didn't. **Mayor Holland** said I would say we would invite the police to speak. **Commissioner Walker** said the hearing is closed isn't it, Mayor? **Mayor Holland** said they're our staff. We can ask our staff to answer any questions we want. **Commissioner Walker** said on the record I'm going to object at this point to that. They had a chance. I've been waiting all evening for this. What is the reason for this? The whole reason that is on the record at this point is that one guy who got thrown out of the bar shot a gun that hit somebody on the balcony. I have to tell you, I was expecting to hear a lot more concrete information than this.

Doug Bach, County Administrator, said, Mayor, I was going to request and staff is waiting probably for that to come forward. I wanted the Police Department to put a statement forward to Planning and Zoning as this went through. I'd ask Chief Zeigler or one of his representatives to come forward at this time and offer your account of the evening or incidents you've had throughout the year with this facility.

Terry Zeigler, Police Chief, said I'm not going to go over the incident that happened in March 2016. I will tell you that the first shooting incident that happened down at the club there were Wyandotte County Sheriff deputies working off-duty there at the time of that incident. The following night, which was March 20, there was an individual who was being escorted out by a Wyandotte County Sheriff Deputy. The individual turned, swung on the deputy and the officer called for immediate assistance and we dumped about nine units down there to go down and help

the deputy out. They've had law enforcement presence down there, but that hasn't had any impact on the crowd.

The most recent shooting happened on February 5, 2017. We know that the club draws a crowd down there unlike what you're being told tonight. East Patrol, who Major Anderson is the Commander over, they have units that go down there and patrol the west bottoms area when the club is open to make sure everything is okay.

On February 5, 2017, our officers were in the area. They were parked across the street from the club. A marked unit parked across the street from the club. The officers heard shots fired. The officers get on the radio and ask for assistance because they have a shooting at the club.

The officers see people coming out, feared that there was an active shooter inside the building, they started trying to make their way in. As they came into the building, they see an individual who appeared to have a gunshot wound to his hand, but because of the crowd, they weren't able to make contact with him. They make their way; they find a female that's been shot in the chest and leg.

The officers start arriving on the scene. The scene was not as calm as Mr. Fields says. When the officers got inside, an officer was trying to protect the victim so she didn't get stepped on or walked over. An individual in the club, an unknown male, grabbed the baton from the officer, tried to take it away, swung on the officer but disappeared back in the crowd.

As officers were coming into the bar and trying to protect the female victim who was laying on floor, the entertainment that night, Chief Keef, who was I guess performing, he wasn't a DJ, got on the microphone and started yelling F the police, F the police. At that point, the crowd began throwing beer bottles and chairs at our officers. We dumped 33 officers on the scene and it was a near riot situation is what I was informed of the next night. We took every police unit in our city to go down and gain control of that shooting scene.

We have reached out to Mr. Fields. I talked to Col. Garner. I received a copy of an email that was sent by Adam Krause to Janet Parker, and it reads: Man, can't believe the Chief of Police can't think of one single recommendation to make the place safer. Maybe that is why the crime in KCK is high. Well, I went and talked to Col. Garner and Col. Garner told me tonight that him and Captain Hallmark, who is in charge of Community Policing, have went down and

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met with Mr. Fields in June of last year and made several recommendations under the CPTED Program, Crime Prevention Through Environment Design and they gave that to Mr. Fields.

The Police Department is not capable of parking a marked unit there during their events on the weekends. We patrol the entire city. If the individuals coming to the club aren't respecting the law enforcement officers that are working there, staging outside, and the streets and the parking lots across, I don't know what other recommendation that the Police Department could come forward with that would make this a safe venue for people to gather at. I think that we have demonstrated our commitment to have a police presence. Our response times going down and taking control of the scene.

The last shooting, we experienced violence against our officers. That is why when Rob asked me to come and talk about this, my recommendation to Rob was that the special use permit not be renewed. I still stand behind that recommendation.

We talked to four business owners down there. We talked to Brown National Lease, Asner Iron & Metal Company, Kansas City Freightliner, and Ryder Truck Rentals. They were not supportive of renewing the special use permit. We did that after the last shooting. We've sent Community Policing down there to get a pulse of the businesses in the area because we think it's important that if you're a business owner, that you also are a good community partner with your surrounding companies. Two of these companies, one had canceled their second shift because they felt that it jeopardized their employee's safety. Based on that, I still stand behind the recommendation that I made to the zoning committee that the special use permit not be renewed for Club Wave.

Commissioner Townsend said, Chief, if you don't mind just while you're up there, I have some questions. I'll start with you since you're up there. I do recall when Lt. Col. Garner and I think Officer Hallmark were here on or about 2/26/16 when the Commission passed this and there were recommendations made. Has Mr. Fields complied with those recommendations? **Chief Zeigler** said to my knowledge, we have not done like a follow-up inspection. Typically, we do the CPTED and we tell the property owners this is what would help improve or make a safer environment and we leave it up to them to take those recommendations and implement them, so I couldn't answer that.

Commissioner Townsend said my understanding from the reading of the packet is that KCK police, even if you're off duty, are not allowed to work security there. Is that correct? **Chief Zeigler** said that's correct. I believe the Sheriff's Department has pulled their off duty down there. For nightclubs, the only way we let officers work off duty at nightclubs is they work in the parking lot. For this, because of the issues that we've had at the club, I have not approved off duty employment at this location. We are putting units down there patrolling that area, doing spot checks during the hours that it's operating. Like I said, the night that this last shooting occurred, we had a unit parked across the street and it's not a detourant.

Commissioner Townsend said here's my take of what I'm hearing. I understand the safety of our officers is important, safety of those people in the community that their sworn to protect is important. What I'm hearing from Mr. Fields, as an applicant, is the desire to work with the police and I'm just wondering why it wouldn't be more helpful in a proactive way to allow KCK off duty rather than we have to react after something's happened.

I tend to feel like Commissioner Walker, out of 365 days, the report, and I only consider what happened after 2/26/16 when this Commission gave the application or granted it. You've got about 14 or 15 incidents which are disputed out of 365 days. I'd like to have Mr. Fields talk about how many of those days he's actually working and having something there.

I was pleased to hear that there are other things beside this nightlife. I want to hear from Mr. Fields what he is actually describing as nightlife. Thank you, Chief. What's happening a couple of days a week? Are you just not having concerts every weekend or what's just going on the weekends normally?

Mr. Fields stated I did a packet. I'm sorry, I gave you guys a packet because I couldn't really talk to you guys. We only do three events a month on the weekend. That's the flier, that's the events. If somebody calls me and says we want to do a party at your venue. It's only like two or three. If it's not to our standard, if it's not college or it's not the upscale, we don't do it. The Chief was there that day. He just wanted to stop in the club. We didn't promote that. He just stopped in the club. That night, it just got out that he was there. No one would have even known he was there. When we see those guys, that's not the type of people we normally get.

Commissioner Townsend said I'm glad you clarified that because I was going to say, our Chief stopped in. You're talking about this—**Mr. Fields** said the artist, I'm sorry, the artist,

yes. **Commissioner Townsend** said okay, because he's on my Pandora list so I didn't know he was. I hope you don't have artists there who would be inciting the public to disrespect law enforcement. **Mr. Fields** said, no. We have cameras in there for that night. I'm sorry. I'm not calling the officers a liar, none of that, we had cameras in there that night. They can go look at the cameras now.

When the event—it happened on the patio upstairs so the people ran in and they ran out. By the time the police was there, even made their way into the building, everyone was gone.

Commissioner Townsend said well clearly there's differences of the facts. What I want to look at is the overall activity because this is seen as serious. **Mr. Fields** said I encourage everybody on my staff whatever they want, don't disrespect the police if they ask you something. My staff don't do that.

Commissioner Townsend said getting back to the nightlife. You only have three events during the weekend in a month? **Mr. Fields** said yes. That's all we've been having. We call them rant parties. The older crowd, they don't stay out. People who come see Surface and all of that, they don't stay out that late. They leave like 12:00 or 1:30.

Commissioner Townsend asked how would changing your hours impact who you have there and the kind of crowd that you have there. Would you consider—this is what I'm trying to understand, not having those types of events there or as many? **Mr. Fields** said we can do without the hardcore artists. We're done because we were successful for 11 months without them. Like I said, he just stopped there. We could have a full house with just the Chiefs players. People come see the Chiefs all the time. We had KU in there. We had a full house with them. We don't need no concert, but we need the host, the DJ, we need that. If we don't have that, then we'll have the police and them raiding my spot harassing me like I'm not supposed to have this, so we need that. We can't make it off no jukebox. We need that. We don't want that taken away from us.

Commissioner Townsend said I'm just trying to understand what types of events you're having would you consider. Would you consider fewer of those? **Mr. Fields** said yes. **Commissioner Townsend** said and earlier, I think that's what the Mayor was getting at. I wasn't quite clear on what you were asking for. I just saw the packet that we got in our books tonight. **Mr. Fields** said yes.

Mr. Krause said some of the events that I was made aware of that I didn't even know is that not only is he doing some catering events and things like that, I think getting rid of the entire nightlife would be constructive. For this special use permit, it's for live entertainment until 2:00 AM is what this is for. Right?

The big events like Keef Chief and some of the other people that are out there are once in a blue moon. We're talking like an artist like probably comes in once a month. The big entertainment artists that draw very large crowds like that come in once a month. I can't remember what the occupancy of the building is, I think it's over a 1,000. Those are the only events that it hits that number are the ones that draw people from not just the Kansas City area, but from other places as well.

I hope that's a little bit more of a direct answer of this, but there's other things that he does. The happy hours, he's open for lunch occasionally. I know Steve Spencer over there has been there for a couple of the ribs and things like that. I don't think you get rid of the nightlife just saying, okay, you're only going to be open until 5:00 or 6:00. That would not be good for business at all. I don't know if that answers your question at all. Ask one more time and I promise I'll get it.

Commissioner Townsend asked if you do not have an event there, what type of nightlife is there. People could just come in and listen to music? **Mr. Krause** said yes, but they can't dance. This live entertainment is something that I learned. Mr. Richardson told me if you hook up an IPOD, an auxiliary cord and you press play on your new favorite play list or spotify and a diffuse is not on it, you can't do that. If people start dancing and things like that, boom, you're getting raided by the police. I mean that's what's going to happen. Mr. Richardson made it very clear that a play list—I really think that's what I understood, if there's a play list, if someone's pressing it and you start dancing, if you don't have a special use permit, you can't do that. **Mayor Holland** said because that qualifies as a DJ. Is that right? **Mr. Krause** said, correct. I was trying to get the clarification of what a DJ is and isn't. If you put coins in a jukebox, that is not a DJ. However, if people start dancing after you put coins in the jukebox, it is. I don't think I've mistaken that, but that is the clarification. That's what would be the bad thing about not having this. The fact that if you have music and people start dancing then you need a special use permit for that.

Commissioner Bynum said I'm trying really hard to understand. After tonight's meeting, if I wanted to go have a beverage, could I come over and you're open? **Mr. Fields** said yes. **Commissioner Bynum** said and you'd serve me a beverage. **Mr. Fields** said we don't open late on Thursdays. **Commissioner Bynum** said you're not open tonight. **Mr. Fields** so no, ma'am.

Commissioner Bynum asked are you an event hall that people rent to use your facility; people rent your event hall to have a wedding reception. **Mr. Fields** said yes, ma'am. **Commissioner Bynum** said the request is for a special use permit for live entertainment and drinking establishment. Are you a bar? **Mr. Fields** said yes, ma'am.

Commissioner Bynum asked did I understand you to say that you didn't know that the artist Keef Chief was coming. **Mr. Fields** said he called us that day. He reached out. I have a booking agent. I book big concerts. He called that day because he was in Lawrence. He had a sold out show in Lawrence, KS.

Commissioner Bynum said I'm a 54-year-old white lady. The way I probably consume entertainment might be different. I'm just trying to understand and hope you can appreciate that. What I'm trying to wrap my head around is whether you're an event hall or you're an eating and drinking establishment. I feel like those are two different things. I don't know what I'm being asked to approve or deny for one thing. \

Here's the question I really want to get at. This is the most important question for me. On Saturday night into Sunday morning February 5th, a shooting occurred at your establishment or near your establishment. I would like to know after that day what did you, as the owner, do different than you were doing prior all the days before. **Mr. Fields** said after that day, we had a big Superbowl party planned for the next day. I couldn't have no Superbowl party knowing this girl got shot. I was with her family the next day. I canceled all the events. We didn't do nothing; promote nothing.

I got with my security team and we watched the video, the incident or the shooting. We watched that for two days to try to figure out what we could have done better. We didn't have a car over there at that time. All our security outside was on feet and then KCK was across the street.

When we look at the video, we see why the KCK didn't see the shooting because his bus was right in front of the parking lot. We was trying to figure out why they couldn't hear because

our guy heard it. Our guy in the back, he heard it. He picked up—the guy was on foot and they came around. The guy was already—

Commissioner Bynum asked after that day. **Mr. Fields** said yes. We put more cameras up. **Commissioner Bynum** asked what have you done differently, as the owner of the establishment, as the result of that incident that occurred on February 5. **Mr. Fields** said I put a guy in the camera room to watch the camera while the business operates the whole night. We open up two times but we didn't open up none in March. I put a guy in the camera room and he watched the camera for the next event. We had a concert already booked on the 11th, a week after, so we had to go through with that concert. For that concert, we had security on the side parking lot with a car, one in the back, and one on the other side of the parking lot.

Commissioner Bynum said I'm so sorry to interrupt you. I'm trying to get clarity. For the balance of February and during the month of March, how many days would you say you've been open for business? **Mr. Fields** said we haven't been open. We got 16 more cameras for inside and outside. Like I said, we got the ID scanner now. It scans your ID and gives us the memory to hold your information so if anything happens, we can have that the same day. It clicks with the camera so we can know it's you. If the police needs you, they can go that night to get you or find you. We put more exit signs because we saw that night people was running. They didn't know where do go that night so we put more evacuation signs up so people can know. We just been putting signs all around the building with more—you on camera so people can see as soon as they pull in the parking lot, big signs that there are cameras out there.

Commissioner McKiernan said, Mr. Fields, I advocated for you when you were here last time. I told you and I was genuine in telling you I want to see a young entrepreneur be successful in our community. I want to see a young entrepreneur bring something that is of value to people who either live in our community or come to our community. I made the motion last time to continue your special use permit, but I have to tell you tonight, I'm genuinely torn about this. How many second chances do there have to be or are there going to be.

Even though I advocated for you, I don't want something in my district that represents a danger to people who live or visit my district. I can't abide that. We want to minimize dangers to our residents or people who visit. I will not abide a situation where the patrons of an

establishment are openly hostile to our Police Department when they arrive to control a situation, even though it was not started necessarily by the patrons who were remaining in that club. I cannot abide being openly hostile.

I'm still mowing this over. I want to see you succeed, but I have some serious reservations about how many times we say, okay, just one more before we put a stop to it.

Commissioner Johnson said, Mr. Fields, I want to commend you for the work that you've done and the investment that you put into the facility. You've done a great job, I think, in putting monies into and investing into this facility.

I'm concerned about crime. Crime is all around us. I live in the district that is a constant challenge for us. We're continuing to try to find ways to detour that.

When I look at this situation, the two things that I see when I see the things that have occurred, the two incidents in particular, they seem to have occurred after midnight. I think I saw one at 1:30 or something and one after 2:00. I'm just kind of mulling over it in lieu of keeping the special use permit, what can we negotiate? What can we come to an agreement on? In other words, maybe closing at midnight versus whatever time it is right now. Those are things that would be considered.

There's been discussion about some opponents that have brought up that have said they would like for this to be denied. They did not show up tonight. I understand that, but if they were that concerned, I would have thought I would have seen them.

I would like to see you continue to have this establishment open. I am concerned about any crime that happens and anybody that gets shot. It seems to me that you are genuinely trying to do the things that have been asked of you in seeking ways to detour these types of things from happening. I don't know how you can prevent this entirely because if you have nightlife, it seems to increase the probability that those types of things will happen, particularly with younger crowds. I guess I'm removed from that group from the shade of my hair. I'm not going to confess my age as somebody else has tonight.

I think as a young, African American man who has invested money into a business, and it seems to me that you're doing the best that you can by all indications to run a legitimate establishment, I'm asking that we try to find some middle ground tonight that would allow him to keep this special use permit.

Mayor Holland said one option I would suggest to the Commission that if hearing the concerns that we've heard today, hearing the report that we've heard tonight, one option would be to send it back to Planning and Zoning and ask them to put some stipulations in the special use permit that might be more in keeping with this Commission is willing to do. If there were specific specifications put in a special use permit for this group to consider, that would be an option or we could try to adjudicate that tonight.

If we did put specifications in it, in order to override the vote, it would require eight votes. It would take six votes to send it back. It would take six votes to accept the denial. It would take eight votes to add stipulations to it. If this body is not of one mind, then it would take sending it back to the Planning and Zoning would give them a chance to work with Planning and Zoning to come up with some stipulations that would be acceptable. Just in terms of the lay of the land where we are, I would put that out.

Commissioner Townsend said a couple of things for clarification and recommendation. I think I guess I was of the same mindset as the Mayor to send it back for thoughtful reconsideration of some things. Here's what I would offer.

Are there metal detectors there that are used? I heard a lot about cameras tonight, but I think one of these events that I saw occurred in the club aside from the outside. Are your patrons screened through metal detectors when they go in? **Mr. Fields** said yes, ma'am. They have wands at the door, metal detector wands, and they check them.

Commissioner Townsend said the other were just recommendations that need to be considered. Have you made any outreach efforts to the other businesses in the area, the ones who expressed concerns about safety? Have you actually spoken with them? **Mr. Fields** said yes, I talked to all of them. One of the guys they wrote on there, he's a good friend. I talk to him all the time. He was going to write a letter. When I seen that, I went to all of them, but what they was being told, they was being told that a murder happened there and I was reopening. They didn't say I was renewing. They was told of the past that had nothing to do with me. Yeah, when you hearing that, it sounds real bad. I asked them did they know I was operating for 11 months with no incident. They was like, no, we didn't hear nothing. I got that all on tape and written.

Mr. Krause said I spoke to Mr. Asner, which is one of the four, personally. I almost thought about getting an affidavit for what he was going to say, but I talked to him personally. He said, no, I don't want him shut down, he's a good guy. I was like what about this whole deal. They're like, well, the way they presented it to me anyone would have signed the piece of paper. He was like, I don't want violence here and neither do we. I talked to him and he was like no, I don't want it shut down at all.

I believe the other guy, if I recall, they said he shut down his nightshift or something like that. I can't remember his name, but again this is hearsay, but he shut it down many moons ago even before he was opened. He shut it down a while ago. He didn't even know this place was open.

The four statements, I only talked to one and I talked to Chad Olman who is a neighbor that owns property nearby. He said he talked to the guy and he goes no, I didn't even know he was open. I had no clue. That's where the facts get a little swayed a little bit sometimes on these ones. I'd be happy next time to get Mr. Asner to sign something if you guys want me to. I don't think he'd end up coming here because he didn't want to.

Commissioner Townsend said, well, the only other things based on what I heard tonight that I would recommend if this is going to be considered at another time or even now, is that you're going to have to take, I think, more of a direction or specific inquiry about vetting the acts that you bring in and maybe reducing the number of live acts. I believe also maybe that the time that this thing ends because I saw that pattern as well as been mentioned a couple of times that these major problems occur 2:00 in the morning. Vetting these acts, maybe reducing the number of these live events and really watching the demographics of who's coming in there, who's going to be there.

Commissioner Kane said what I'd like to do is send it back to Planning and Zoning. When we send it back to Planning and Zoning that we have our Police Department involved on the changes that need to be made. The reason I say that is because everybody has to be involved. You have to know what they expect and they have to know what they expect. I think it would be a cleaner way to do that than just to reject it now or give them a time limit now because maybe they can work this out.

Action: Commissioner Kane made a motion, seconded by Commissioner Philbrook, to send Special Use Permit Application #SP-2017-9 back to Planning and Zoning for reasons stated above.

Commissioner Walker said, Mr. Fields, I want to be clear. The events and incidents occur in all bars. I used to own a bar, part owner. I certainly didn't draw a thousand people to my bar, but there were incidents from time to time, fortunately, none involving shooting.

I think that one thing I want to be clear, and you should understand that, and I think it echoes what Commissioner McKiernan said, I've known Chief Zeigler since he was a patrolman. He stands up and says what occurred. If it's not accurate, it's because he's been given inaccurate information. He has a very high credibility, I believe, with most if not all the commissioners. I don't want my officers—we went through two officers of our own and almost a third from the deputy sheriff last year having to constantly deal with problems in your establishment or outside of your establishment which anyone is killed, but another policeman killed.

You are the one that I'm looking to to be responsible for who you let in there. Having been a bar owner, I knew who my customers were. I knew who my crowd was. I knew who, well, I wasn't exactly drawing the under 25 crowd to our bar. I have to tell you, it was pretty easy to tell who was going to be a problem because they've been drinking all evening and who wasn't, who might have not had good purposes.

I guess what I'm saying to you is, I'm going to vote to go ahead and send this back. I want to see a structured solution that we can live with, that you can live with; but at some point if things just keep happening, I don't know where else to look but to you because you're the owner. You've got to stand up and take it. You got to be the responsible party all the way.

Mayor Holland said a motion is in front of us. It does take six votes to send it back to Planning and Zoning. I think some direction has been given to the applicant. I would encourage you to meet with staff, meet with the police, and craft a special use permit with stipulations that you feel like Planning and Zoning would support and that this Board would support. I think you'll have that opportunity to do that.

Mr. Krause said just two quick questions. I don't want to take up any more time. One, is it okay if we just come up with an agreement on the data afterwards? **Mr. Richardson** said we have to say it in a meeting. We're going to have to notice it so we have to say what day it's going back to the Planning Commission. **Mayor Holland** asked what's that date. **Mr. Richardson** said we're trying to figure out when he and I can both be here. **Mayor Holland** said I think we have to stipulate it in the motion the date that it will be coming back.

The other thing while you guys are looking at the date, I will just say making disparaging comments about our staff and our police are not the path to a special use permit. I'll make that very clear.

Mr. Richardson said we can do April 10. The gentleman that objected to my ethics, I'm going to provide him my card with the Ethics Administrator's website so he can file that complaint. **Mayor Holland** said thank you. I expect that we won't hear about that again.

Mr. Krause said I just had one quick question. I just want to see who's going to be all at the meeting. It's the police, Byron Toy, Rob Richardson, your entire team, or who? I want to have a meeting spot to make sure we got this all clear. **Mayor Holland** said that we can work out after the vote.

Roll call was taken on the motion to send #SP-2017-9 back to the April 10th Planning and Zoning meeting and there were eight "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Philbrook; and one "No," Murguia.

ITEM NO. 5 – 171069...SPECIAL USE PERMIT APPLICATION #SP-2017-11 – CLIFFORD DALE, JR. WTH MASON JAR, LLC

Synopsis: Special use permit for live entertainment at 941 North 74th Drive, submitted by Robin Richardson, Director of Planning. The applicant wants to conduct live entertainment events, specifically outside within the fenced area on the east side of the building in conjunction with a restaurant. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-11, subject to:

Urban Planning and Land Use Comments

Live Entertainment

1. What types of live entertainment will you host?

Applicant Response: Our live entertainment will be small bands.

2. How many people do you anticipate attending an event?

Applicant Response: Attendance should be less than 100 attendees.

Hours of Operation

1. What days will the business be open?

Applicant Response: The Mason Jar will be open every day.

2. What will be the hours of operation?

Applicant Response: Our regular business hours are Sunday through Thursday, 11:00 AM to 10:00 PM and Friday through Saturday, 11:00 AM to 12:00 AM. Live entertainment will usually be 7:00 PM to 11:00 PM and no later.

Safety and Security

1. Do you intend to provide on-site security during an event? If so, what is your plan? How does your plan meet code required security requirements?

Applicant Response: Our normal business requires no security. We do not expect our small outdoor events to draw sufficient crowds to warrant additional security, but if they do, we will hire off-duty KCK/UG police officers in sufficient numbers to deal with additional people in attendance.

Staff Response: Per Sec. 4-104(f)(1-2) For any number of persons present within the building numbering from 1 to 125, zero licensed security officers are required. If the total is 125 to 200, two licensed security officers are required.

Noise Concerns

1. Within the building, doors and windows shall remain closed when entertainment is provided in order to mitigate noise.
2. How do you intend to mitigate noise when you propose to have events outside? While 800 feet away, there are residences that may be affected by live music outdoors.

Applicant Response: We do not believe our entertainment will be aggressive enough to be a nuisance to the residences to the west. The wind is generally from the north or south which will be driving the noise away from the apartments.

Parking

1. Please provide a scaled floor plan, including outdoor staging and seating area so staff can determine if there is enough parking on the property. The parking ratio for live entertainment is 1 space for every 50 square feet of seating area, plus 1 space for every 200 square feet of remaining floor area.

Applicant Response: We have attached a scaled plan of the entire property for reference and one scaled plan for each of three possible entertainment stage settings.

2. Please provide a scaled site plan so staff can determine if there are enough parking spaces on site based on your floor plan.

Applicant Response: We have 108 parking spaces now. The current restaurant seating area and remaining floor area require a total of 55 spaces, leaving 53 that could be allocated to additional patrons brought in by an entertainment event. None of the 3 possible plans for outdoor seating and entertainment would push parking requirements beyond what we have.

Staff Response: The applicant provided a table showing the number of spaces required based on the outside seating area. There is enough parking for the existing restaurant and any live event per the given scenarios.

Business License

This business has filed the occupation tax application with our office and is current for the restaurant. They have also filed and are current for the alcohol license. They have been in contact with our office and have submitted annual entertainment license application pending approval of this special use permit.

Public Works Comments: None.

Staff Conclusion

The applicant has answered all of staff's questions and has committed to keeping their live entertainment hours from 7:00 PM to 11:00 PM, with the business closing on Friday and Saturday at 12:00 AM. Since the business closes at 10:00 PM on Monday through Thursday, live events shall conclude at 10:00 PM on those days.

Staff recommends approval subject to the following (including the aforementioned stipulations):

1. This special use permit shall be approved for two years.
2. Two licensed security officers shall be provided if the attendance is between 125 – 200 people and for gatherings in excess of 250 people, two additional security officers for each 100 persons.
3. If an event is held inside, doors and windows shall remain closed at all times.
4. Trash and debris (cans, bottles, cups, wrappers, etc.) commonly associated with a crowd shall be picked up immediately after the event and disposed of properly.
5. Finish applying for and be up to date on your annual entertainment license with Business Licensing prior to hosting any live events.
6. If issues arise with adjacent property owners and are brought to staff's attention during the term, this special use permit can be submitted to the Unified Government Board of Commissioners for revocation.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-11 for two years, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 6 – 171059...SPECIAL USE PERMIT APPLICATION#SP-2017-13 – DENNIS ZOLOTOR WITH SAFE AND SOUND CONSULTANTS

Synopsis: Renewal of a special use permit (#SP-2011-30) for an in-home safety business (internet and in-person sales of firearms and supplies) and consulting services providing safety, security and firearms training at 3136 South 73rd Terrace, submitted by Robin Richardson,

Director of Planning. The applicant is seeking renewal of a special use permit for an internet safety, security, and environmental health consulting and firearms sale business out of his home. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-13, subject to:

Urban Planning and Land Use Comments

Below are the stipulations from the original special use permit approval. Staff asked the applicant to respond and give an update for all of these points.

Proof of compliance with original stipulations. The applicant shall have:

1. No signs.

Applicant Response: There are no signs of the property or on my vehicles advertising the business.

2. No employees other than members of the immediate family residing on the premises.

Applicant Response: There are no employees of the business other than Dennis Zolotor.

3. No more than two clients at any one time.

Applicant Response: There have been no more than two clients at any one time.

4. Hours of operation being Monday through Friday from 6:00 PM – 9:00 PM and Saturday and Sunday from 10:00 AM – 6:00 PM.

Applicant Response: These are still the hours of operation.

5. Ammunition on the premises shall be limited to the amount that is for the applicant's personal use only.

Applicant Response: This is still the case.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-13 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

March 30, 2017

ITEM NO. 7 – 171070...SPECIAL USE PERMIT APPLICATION #SP-2017-14 – REGINA COMPERNOLLE

Synopsis: Special use permit for an organic You Pick blueberry operation with small classes on sustainable, regenerative farming and soil building and native plant identification, cultivation and uses at 4141 Joyce Drive, submitted by Robin Richardson, Director of Planning. The applicant wants a special use permit in order to operate an organic You-Pick blueberry operation and host small classes on sustainable, regenerative farming and soil building and native plant identification, cultivation and uses on 14.1 acres. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-14, subject to:

Urban Planning and Land Use Comments

1. The letter indicates that the classes will consist of ten people. Where will they park once they arrive on site? Please provide a site plan that shows the available parking on the property.

Applicant Response: We have ample parking for 12 cars in the driveway and more parking in the field for classes that take place there. We have approximately 200 feet of gravel circle driveway with additional parking spaces around the driveway that are also gravel, which will accommodate 7 cars.

2. The letter states that classes will be held on Saturdays during fair weather months. What time do you intend to begin and end your classes?

Applicant Response: The classes would be one or two Saturdays a month between 10:00 AM – 5:00 PM and occasionally Monday evening from 7:00 PM – 9:00 PM.

3. Per Business License Department:

- a. If approved, the applicant would have agricultural exemption on paying occupational tax for the you-pick blueberry operation, though they would still need to file as an exempt entity. If there are fees charged for the class operations, occupation tax application would need to be filed for that activity.

Public Works Comments: None.

Staff Conclusion

The applicant has addressed staff's comments pertaining to the proposed You-pick blueberry operation and small horticulture classes within the home. Given the site's rural setting and the home's proximity on the parcel to neighbors, the proposed use should have a minimal impact on adjacent properties. Staff approves this petition as presented subject to the following stipulations:

1. This special use permit shall be valid for two years.
2. Contact the Business License Department to complete the occupation tax application and pay any associated fees.
3. Participants in the You-Pick blueberry operation and/or horticulture classes shall park in the driveway.
4. Individuals who partake in the You-Pick blueberries shall be by appointment only. They must call ahead and schedule a time to come to the property.
5. Horticulture classes shall be offered twice a month on Saturday and Monday from 10:00 AM – 5:00 PM and 7:00 PM – 9:00 PM, respectively.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-14 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 8 – 171060...SPECIAL USE PERMIT APPLICATION #SP-2017-15 – DR. KELLY MATHER WITH USD 500

Synopsis: Renewal of a special use permit (#SP-2015-34) for two modular classrooms at 641 North 57th Street, submitted by Robin Richardson, Director of Planning. USD 500 wants to continue use of two modular classrooms at Lindbergh Elementary School. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-15, subject to:

Urban Planning and Land Use Comments

1. The application submitted states under Additional Information that “One modular classroom is located north of the staff parking which has minimal activity throughout the day. The public parking is located on the east side (opposite site) of the existing school building. Access to this modular classroom is across the hard surface playground.” This exact wording is also used on #SP-2017-17 application for modular units at 1610 N. 8th St. and #SP-2017-16 application for modular units at 4820 Oakland Avenue. Please clarify which location this description is for and update the alternate descriptions.
2. Will the modular units remain in the same location as currently placed?
Applicant Response: The two modular classrooms will remain in their existing locations.
3. This type of special use permit; temporary use of land for commercial or industrial purposes is valid for two years; what is the current timeframe for the modular classroom unit?
Applicant Response: While it is the desire to replace these modular classrooms with permanent structures, funding is not currently available to do so, so he intent is to leave the modular units in place for the time being.

Public Works Comments: None.

Conservation District Comments

1. There are three major soil types that were identified: Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 18 to 30 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
2. This site should have no problems. The area is all paved so soil erosion is not a concern. Concentrated flows off the paved areas need to be checked to ensure that gully erosion is not becoming a problem.
3. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Staff Conclusion

The applicant has addressed staff's comments clarifying location and access to the modular units. Considering that the site has previously had no issue with use of the modular units, the proposed

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use should have a minimal impact on adjacent properties. Continuing to allow use of the modular units will help to prevent overcrowding in classrooms. Staff approves this petition for a special use permit lasting two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-15 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 9 – 171061...SPECIAL USE PERMIT APPLICATION #SP-2017-16 – DR. KELLI MATHER WITH USD 500

Synopsis: Renewal of a special use permit (#SP-2014-35) for a modular classroom for Eugene Ware at 4820 Oakland Avenue, submitted by Robin Richardson, Director of Planning. USD 500 wants to continue use of two modular classrooms at Eugene Ware Elementary School. One modular classroom is located north of the staff parking which has minimal activity throughout the day. Access to the second modular classroom is across a hard surface playground. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-16, subject to:

Urban Planning and Land Use Comments

1. The application submitted states under Additional Information that “One modular classroom is located north of the staff parking which has minimal activity throughout the day. The public parking is located on the east side (opposite site) of the existing school building. Access to this modular classroom is across the hard surface playground.” This exact wording is also used on SP-2017-17 application for modular units at 1610 N. 8th St and SP-2017-15 application for modular units at 641 N. 57th St. Please clarify which location this description is for and update the alternate descriptions.

Applicant Response: Two modular classrooms are located on the west and northwest of the existing school. Access to the modular classrooms is across hard surface play areas.

2. Will the location of the modular units remain the same?

Applicant Response: The two modular classrooms will remain in their existing locations.

3. This type of special use permit, temporary use of land for commercial or industrial purposes is valid for two years; what is the current timeframe for use of the modular classroom unit?

Applicant Response: While it is the desire to replace these modular classrooms with permanent structures, funding is not currently available to do so, so the intent is to leave the modular units in place for the time being.

Public Works Comments: None.

Conservation District Comments

1. There are two major soil types that were identified: Lagoda silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
2. There should not be any problems with this site as long as concentrated flows off of the modular classrooms is controlled. Gully erosion can be a problem is left uncontrolled.

Staff Conclusion

The applicant has addressed staff's comments clarifying location and access to the modular units. Considering that the site has previously had no issue with use of the modular units, the proposed use should have a minimal impact on adjacent properties. Continuing to allow use of the modular units will help to prevent overcrowding in classrooms. Staff recommends approval of this petition for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-16 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 10 – 171062...SPECIAL USE PERMIT #SP-2017-17 – DR. KELLI MATHER WITH USD 500

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Synopsis: Renewal of special use permits (#SP-2014-52 and #SP-2015-33 combines these two special use permits) for two modular classrooms at Sumner Academy, submitted by Robin Richardson, Director of Planning. USD 500 wants to continue use of two modular classrooms at Sumner Academy. There are currently two units on site located to the north of the existing building. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2017-17, subject to:

Urban Planning and Land Use Comments

1. The application submitted states under Additional Information that “One modular classroom is located north of the staff parking which has minimal activity throughout the day. The public parking is located on the east side (opposite site) of the existing school building. Access to this modular classroom is across the hard surface playground.” This exact wording is also used on #SP-2017-16 application for modular units at 4820 Oakland Ave. and #SP-2017-15 application for modular units at 641 N. 57th St. Please clarify which location this description is for and update the alternate descriptions.

Applicant Response: Two modular classrooms are located northwest of the existing school. Access to the modular classrooms is across hard surface walkways.

2. Will the modular units remain in the same location or will they be moved?

Applicant Response: The two modular classrooms will remain in their existing locations.

3. This type of special use permit, temporary use of land for commercial or industrial purposes is valid for two years; what is the current timeframe for use of the modular classroom unit?

Applicant Response: While it is the desire to replace these modular classrooms with permanent structures, funding is not currently available to do so, so the intent is to leave the modular units in place for the time being.

Public Works Comments: None.

Conservation District Comments

1. There are two major soil types that were identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.

2. This site has a problem on the northwest corner of the paved area. This area has concentrated flows off the paved area that is causing gully erosion. This will continue to get worse as time goes on and can be a hazard to the kids. A collection system is needed to collect and carry the water safely down slope.
3. In time this will also cause a siltation problem on the street if not addressed.

Staff Conclusion

The applicant has addressed staff's comments clarifying location and access to the modular units. Considering that the site has previously had no issue with use of the modular units, the proposed use should have a minimal impact on adjacent properties. Continuing to allow use of the modular units will help to prevent overcrowding in classrooms. Staff recommends approval of this petition as presented subject to the following conditions:

1. This special use permit shall be valid for two years.
2. In reference to comments from Conservation District, a collection system will be put in place to collect and carry the water safely down slope on the northwest corner, where concentrated flows off the paved area have caused gully erosion with potential to be a hazard to the kids.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-17 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

VACATION APPLICATION

ITEM NO. 1 – 171071...VACATION APPLICATION #A-2017-1- JAMES D. DAVIS WITH ICON ARCHITECTURE

Synopsis: Vacation of an alley at 14 South 7th Street Trafficway

AND

PLAN REVIEW APPLICATION ITEM NO. 3 - 171072...PLAN REVIEW APPLICATION #PR-2017-12 – JAMES D. DAVIS WITH ICON ARCHITECTURE

Synopsis: Preliminary plan review for renovation and expansion of the Bethel Neighborhood Center at 14 S. 7th Street Trafficway, submitted by Robin Richardson, Director of Planning. The applicant is seeking approval to vacate a portion of an alley and a preliminary plan in order to renovate and expand the Bethel Neighborhood Center to facilitate the growth and sustainability of an important community institution. The Planning Commission voted 5 to 0 to recommend approval of Alley Vacation Application #A-2017-1 and Preliminary and Final Plan Review Application #PR-2017-12, subject to:

Urban Planning and Land Use Comments

1. Please provide color elevations with dimensions and materials denoted on each façade.
2. Trash enclosure must meet commercial design guidelines for materials and screening (Sec. 27-576 g).
3. All signage requires sign permitting and standard sign permit review processing. Signage must conform to Sec. 27-720.
4. Subject to approval of the vacation, a \$50 ordinance publication fee is due immediately following the Unified Government Board of Commissioners meeting. The alley will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

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):
 - a. Prior to executing and recording the vacation of alley right-of-way, please obtain County Surveyor approval of the alley vacation documents and exhibit.
 - b. Provide a copy with book and page number of the executed and recorded alley vacation documents and exhibit prior to final plan approval of the related project.
 - c. Provide a cross-access easement or a final plat with applicable easement dedication for the public alleyway between the remaining public north south alley and the proposed one-way exit onto 7th Street. The easement and/or final plat shall be provided prior to final plan approval.

- d. The proposed driveway entrance and exit at 7th Street Trafficway will require a KDOT access and right-of-way permit. Provide KDOT approval and permit, prior to final plan approval.
 - e. Retaining walls with 3.5' height and taller or unique loading conditions require PE sealed calculations and drawings prior to final engineering approval.
 - f. Final development plans will have to be approved before going to Planning Commission with approval to obtain construction permits. This will include final engineering, calculations, and complete drawings with construction notes and details.
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 Vacation Application #A-2017-1 AND Plan Review Application #PR-2017-12, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 171073...PLAN REVIEW APPLICATION #PR-2017-7 – JONATHAN STITES WITH SEEFRIED PROPERTIES

Synopsis: Preliminary and final plan review for a right-in/right-out along the Turner Diagonal south of Riverview Avenue at 6925 Riverview Avenue, submitted by Robin Richardson, Director of Planning. The representative, David Lotz, P.E. with Continental Consulting Engineers, Inc., on behalf of the applicant, wants to build a right-in/right-out along Turner Diagonal south of Riverview Avenue to relieve the anticipated volume of traffic along Riverview Avenue. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application #PR-2017-7, subject to:

Urban Planning and Land Use Comments

- 1. The Riverview Avenue interchange shall be constructed prior to the issuance of a Certificate of Occupancy, including a TCO for the building on the property.

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):
 - a. Provide PE sealed traffic study and plan revisions in accordance with Public Works comments.
 - b. The proposed Right-in/Right-out access road shall be private, owned and maintained by the owner of the Turner Commerce Center project. Provide written documentation/agreement to show this road is/will be privately owned.
 - c. Provide either confirmation that the Unified Government has access control where the proposed Right-in/Right-out connects with Turner Diagonal or access approval from KDOT. Recent discussions and coordination with KDOT indicates that KDOT plans to transfer right-of-way and access control to the Unified Government via Quitclaim deed. Provide a copy of signed documentation and/or Quitclaim deed from KDOT, which is required prior to final engineering approval and construction authorization.
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 Plan Review Application #PR-2017-7, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 2 – 171074...PLAN REVIEW PETITION #PR-2017-11 TOM EGAN WITH PARKWAY PROPERTIES

Synopsis: Preliminary plan review for a manufacturing facility at 1935 South 70th Street, submitted by Robin Richardson, Director of Planning. This application has been submitted to develop a facility for manufacturing concrete products on site. The property was historically used as an aggregate mining, storage, and crushing operation. Currently, the lot is vacant. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application #PR-2017-11, subject to:

Urban Planning and Land Use Comments

1. Parking Standards

This use requires 45 parking spaces. Sec. 27-470(f) states that in M-3 zoning, parking shall be no less than one space for each 500 square feet of building area. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Please revise the site plan to include 45 parking spaces.

Applicant Response: Per discussion with UG staff, the building area shown has been corrected to the actual 14,942, which requires 30 parking spaces. We have provided the required 30 spaces on the revised site plan.

2. Drive Surfaces

All drive surfaces must be paved with concrete or asphalt. Please confirm that you will not be driving on the asphalt millings area.

Applicant Response: We have corrected the plans to show all drive surfaces are paved with concrete.

3. Landscaping and Screening

Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Please revise the site plan to include a six-foot high architectural screening fence along the east side of the property.

Applicant Response: We are seeking a variance to this requirement due to the zoned properties along the rear and side are not active residential areas.

Staff Response: Because the screening is a requirement of the M-3 zoning district, the applicant will need to file a zoning variance application in order to not provide screening between the property and the property zoned R-1. The applicant must have the variance approved before the final plan review is approved in order to not provide architectural screening along this property line.

4. Performance Standards

The development shall comply with the performance standards of the Heavy Industrial Zoning Districts, including:

- a. No use shall be permitted or so operated as to produce or emit:

- b. Smoke, dust, fly ash, gas or odorous emission not in compliance with Chapter 3.
- c. Vibration or concussion perceptible without instruments at the property line
- d. Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
- e. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
- f. No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.
- g. All accessory materials and products such as lumber, steel and other metals and concrete products that have been previously used shall be totally screened from view from off the premises.
- h. All uses involving storage, handling, use of sale of hazardous and highly flammable or explosive materials (group H occupancies as defined by the International Building Code as adopted and amended by the unified government) shall notify the building official prior to any such occupancy or any securing of unified government approval be it an occupational license, zoning approval, building permit, etc. The building official shall determine that all applicable requirements are met and may submit the use to the development review committee for review.

Applicant Response: We acknowledge that this development will comply with the performance standards of the Heavy Industrial Zoning District.

5. Signs

All signs will require a sign permit and a separate review.

Applicant Response: We acknowledge the signage requirements.

6. Final Plan Review

The applicant will need to submit an application for a final plan review. The final plan review will need to be approved by the City Planning Commission before building permits are issued.

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):
 - a. A signed, executed, and recorded easement for the proposed storm sewer line across the adjacent property shall be provided prior to final plan approval.
 - b. A potential sanitary sewer benefit district is being considered and evaluated to serve this property and other properties along Inland Drive, north of Holiday Drive. A sewer benefit district will require KDHE review and approval. On-going coordination and discussion with the UG will be required during this process.
 - c. Due to the timeframe, feasibility, and other factors regarding a sanitary sewer benefit district, an interim, temporary method of handling wastewater shall be determined prior to final plan approval. The temporary method may consist of a holding tank or a private on-site wastewater system, which will require KDHE review and approval.
 - d. Plans for the proposed sanitary sewer system shall be reviewed and approved by KDHE and the UG, prior to construction permit acquisition.
 - e. Final development plans will have to be approved before going to Planning Commission with approval to obtain construction permits. This will include final engineering, calculations, and complete drawings with construction notes and details.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Conservation District Comments

1. There is one major soil type that was identified: Knox silt loam, 12 to 18 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
2. This site has some issues with soil erosion. As this site was developed, the top soil was not saved to be spread over the top again. Now it is hard to get a good seeding established. Much of the parking has curbs with intakes that carry the water directly to the stream. This is good and bad. It is good that erosion is controlled and there are no gullies. But it is bad when chemicals are spilled or salt is used. This goes directly into the stream when we have a rain event.

3. There is a part of the upper parking that flows off the end of the parking lot and is uncontrolled from there. It will cause gullies to form and contaminate the stream with silt.
4. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2017-11, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook.

ITEM NO. 3 - 171072...PLAN REVIEW APPLICATION #PR-2017-12 – JAMES D. DAVIS WITH ICON ARCHITECTURE

Synopsis: Preliminary plan review for renovation and expansion of the Bethel Neighborhood Center at 14 S. 7th Street Trafficway, submitted by Robin Richardson, Director of Planning.

Action: This item was previously heard and approved with Vacation Application #A-2017-1.

PLANNING AND ZONING NON-CONSENT AGENDA
SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 171075...SPECIAL USE PERMIT #SP-2016-46 – CHRISTOPHER MCCALL – REVOCATION

Synopsis: Revocation of a special use permit for a rooming house at 616 South 10th Street (approved on June 30, 2016 for one year), submitted by Robin Richardson, Director of Planning. Mr. McCall requested and was granted a special use permit on June 30, 2016, in order to operate a rooming house with five units at 616 South 10th Street. This property has had a KCK rental license since 1994 and a non-conforming use permit was approved for ten years in 2007 for a prior owner. Revocation is requested by the Department of Agriculture.

Key Issues

Inspection Reports from Kansas Department of Agriculture, Division of Food Safety and

Lodging

Violation of Conditions of Approval

Stipulations of initial approval

Urban Planning and Land Use Comments

Staff still has some concerns over parking on the site as well as neighborhood opposition. It is important that residents of boarding houses and other such housing have options for safe, quality, affordable residences. If renovated in a high-quality manner, this boarding house could meet that need for a number of local residents. Any approval should be subject to:

1. The permit would be for one year, provisionally.
2. The commitments to the neighbors in the letter (below) and any commitments made by the applicant before the Planning Commission.

Public Works Comments: None.

Rob Richardson, Director of Planning, said we received a request from the state of Kansas regarding the rooming house on South 10th Street, I believe 616 S. 10th St., related to unsanitary and unsafe conditions. They requested of my staff that we bring this forward for revocation of the special use permit for a rooming house under those conditions.

I, personally, have done a drive by observation. There are three windows that are missing, covered with some cloth material on the home and the detached garage has part of the roof missing. Interestingly, on the State of Kansas side, which gives both Mr. Moore and I a pause, is that they entered a room thinking there was a dead body in there. It turned out to be rodents and rodent fecal matter creating a stench, but since someone was living there, they decided to let them live there and issued a license and required them to have an inspection before someone else would occupy that space.

We would like this to be sent to the Planning Commission so that we can initiate code enforcement actions and see if we can't rectify the situation through code enforcement. It will be

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up for renewal shortly. At any rate, I believe, Ken, if I said that accurately on how to address that.

Mayor Holland said we still need to open up the public hearing if I'm correct. **Mr. Richardson** said I believe so. **Mayor Holland** said I'm just asking a legal question, not for opinion, but thank you for your opinion. It is noted. We're going to stick with the Legal opinion on this.

Ken Moore, Chief Counsel, said the concern that I have with this is that this is being done on a complaint issued by the state. However, they're not present to present their evidence. All we have is essentially hearsay information and no direct evidence of our own. Given the gravity and the nature of this, essentially it's defamation of this person's use of their property. You're evicting his five or six tenants and essentially shutting him down. In light of the state going ahead and then issuing the license after they made their inspection, I'm extremely hesitant for us to make a decision based on their information to us without them being here firsthand saying what their inspection was.

Mayor Holland said so in terms of the legal proceedings, this is on our agenda tonight. Typically on a Planning and Zoning issue, we need to open up a public hearing if it appears on our agenda. If it's improperly placed on our agenda based on the state not being here, one, does it take a motion to move it to Planning and Zoning or do we simply blue sheet it off the agenda and let it end up on the Planning and Zoning where it belongs, or do we need to open a public hearing and let people speak if they would like to and then take a motion to defer. I just want to do this right because as you said, we're talking about someone's business and there are legal implications of doing this right. I'll follow your advice, sir.

Mr. Moore said I think it'd be best under these circumstances just to remove it from this agenda and refer it to the Planning Commission and let them initiate the process of a revocation. **Mayor Holland** said under legal counsel, I have the authority to remove this item as a blue sheet. I will remove this item from the agenda and will refer it to the Planning and Zoning agenda to deal with it in that arena, determining that this was an improper placement on our agenda tonight.

Action: **Removed from the agenda and referred to Planning and Zoning.**

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**MAYOR HOLLAND
ADJOURNED THE MEETING AT 9:20 PM
March 30, 2017**

Bridgette D. Cobbins
Unified Government Clerk

tk

March 30, 2017

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

SPECIAL SESSION, THURSDAY, MARCH 30, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, March 30, 2017, with nine members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District (arrived at 5:35 p.m.); and Holland, Mayor/CEO, presiding. Townsend, Commissioner First District; and Walters, Commissioner Seventh District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Wendy Green, Assistant Counsel; Gordon Criswell and Melissa Mundt, Assistant County Administrators; Bridgette Cobbins, Unified Government Clerk; Tib Laughlin, Director of General Services; Jenna Hillyer, Vista Intern; Kathleen VonAchen, Chief Financial Officer; and Detective Steven Smith, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, March 30, 2017, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, for an update on SOAR (Stabilization, Occupation and Revitalization).

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.

Doug Bach, County Administrator, said just a couple of points. We do have new microphones for this conference room. As we start each meeting when we turn the system on—as you were all here before, this overall system was not on but your microphones were turned on so at the point that they turned it on then it lights up the whole area. You do have the individual ability to shut it on and off in front of you. You can see the red light means it's off, green light is on and as you can see from where I'm talking now this microphone is picking me up fine so it's better to leave it like it is there, don't bring it up in front of your face. Just so you know you don't have to bring it over right in front of you. If you do leave it in green, they are very sensitive microphones and probably if your neighbor has their microphone on and you are saying something or whispering, it will probably get picked up by our system as well.

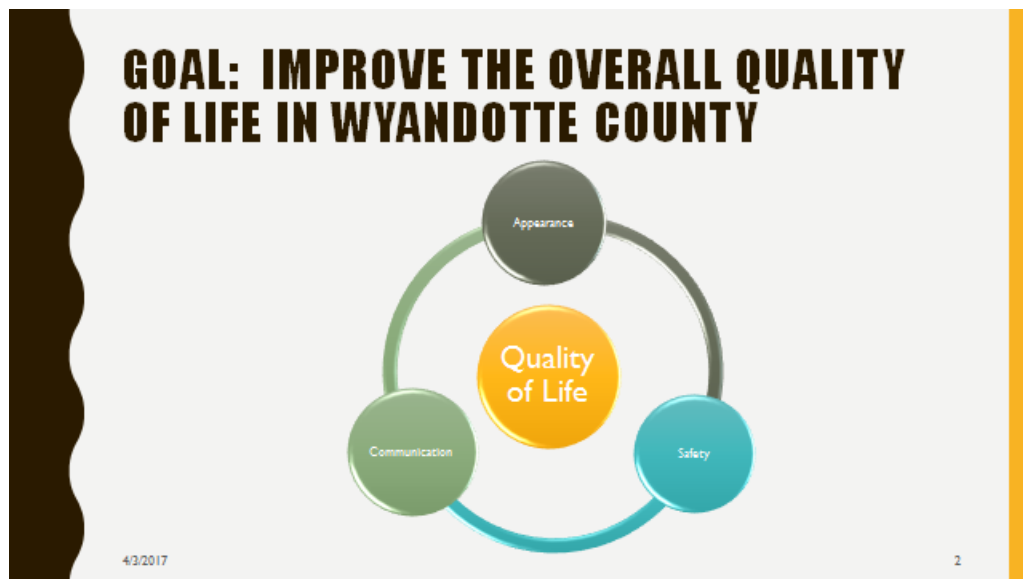


Mr. Bach said tonight the objective and this really comes from our budget initiative from last summer which was put forth which the Commission has funded as a high priority to go after the elimination of blight in our community. That has really been tagged line with our SOAR Initiative that we're going out and doing many different things to combat this issue in our community. Members of our SOAR team are here this evening lead by Melissa Mundt, Asst. County Administrator, so I will turn this over to her and her team who are going to take us through the setup and presentation for this.

Melissa Mundt, Assistant County Administrator, said this is our first quarterly update of our first year of five years of our SOAR Plan so pretty big stuff here. Back on January 5th we presented to you about 196 different performance management items that we were going to complete throughout the course of this year so the update tonight will focus on where we have gotten in the first quarter and it will preview what we will be doing in the second quarter. That is the format of the presentation. I will not be reading verbatim from these slides. There is a lot of information on them, but I wanted you to be able to have it to take away to talk about with constituents that have questions or business owners, etc. We will go ahead and dive into this and Tib is going to be talking as well later on.

I also want to acknowledge Jenna Hillyer who is our VISTA Intern who is assigned to Tib and I just to work on SOAR and so invaluable. I've had a little bout of illness and have been out and she has been here helping Tib and I keep things moving. It's just real awesome to have her.

I also want to recognize that Tib and I just got back from the What Works Cities Summit with Mayor Bloomberg out in New York City and they were instrumental in us getting to those 196 items on January 5th. We received a ton of praise for our efforts out there around performance management and they are just really thrilled about what we are doing. I just wanted to let you know that the UG is getting some great reviews by the Bloomberg Foundation.

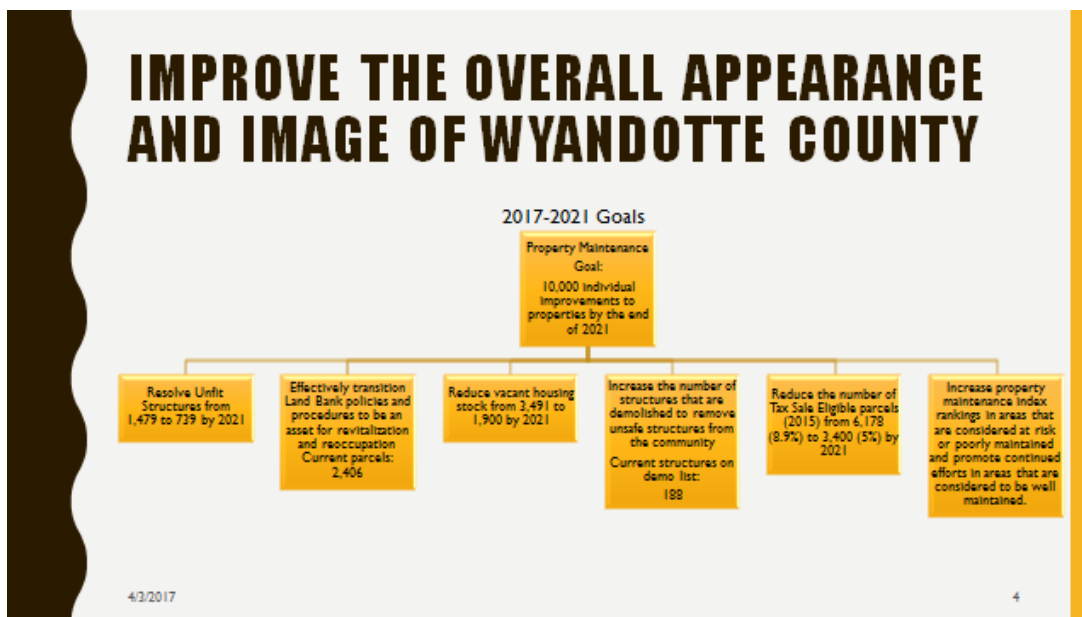


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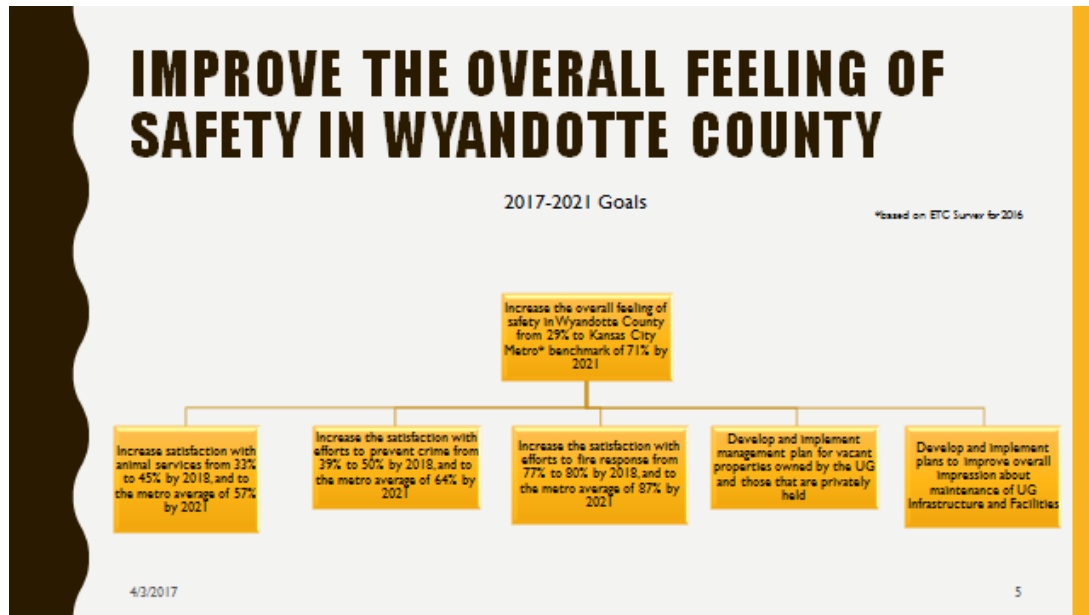
Our overarching themes of everything we're going to be talking about, just as a reminder again is appearance, safety, communication to get to better quality of life in Wyandotte County.



Here's our first quarterly update.



Just as a reminder, our goal is 10,000 individual improvements to properties by the end of 2021.



That we want to increase the feeling of safety among our residents from 29% to the Kansas City Metro benchmark average for 2016 of 71%.



Here is what we've been doing.

March 30, 2017

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

PROPERTY MAINTENANCE AND ZONING

- Amend NRC standard operating procedure for all weed complaints to immediately go into abatement process to reduce the length of time from complaint call to actual abatement for mowing private parcels to 16 days. Currently it can be up to 8 weeks.
 - Due March 31, 2017
 - New program was presented to the Standing Committee on March 20, 2017 and program is being implemented by PublicWorks. NRC is adjusting its procedures to match.
 - An update compliance on will be submitted as part of 2nd quarter update

4/3/2017

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We told you back on January 5th that we were going to change how we were doing compliance related to mowing. Weeds, as we're calling here, from 8 weeks to 16 days. That was implemented and that was presented as part of the information back on March 20th and we will provide an update on how we're doing with that turnaround time to you at the end of the 2nd quarter.

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

PROPERTY MAINTENANCE AND ZONING

- Amend standard operating procedures for all trash/debris/junk complaints to immediately go into abatement process, remove two week notice before beginning process
 - Due February 1, 2017
 - Implemented by NRC on February 1, 2017 and standard operating procedures adjusted for enforcement.

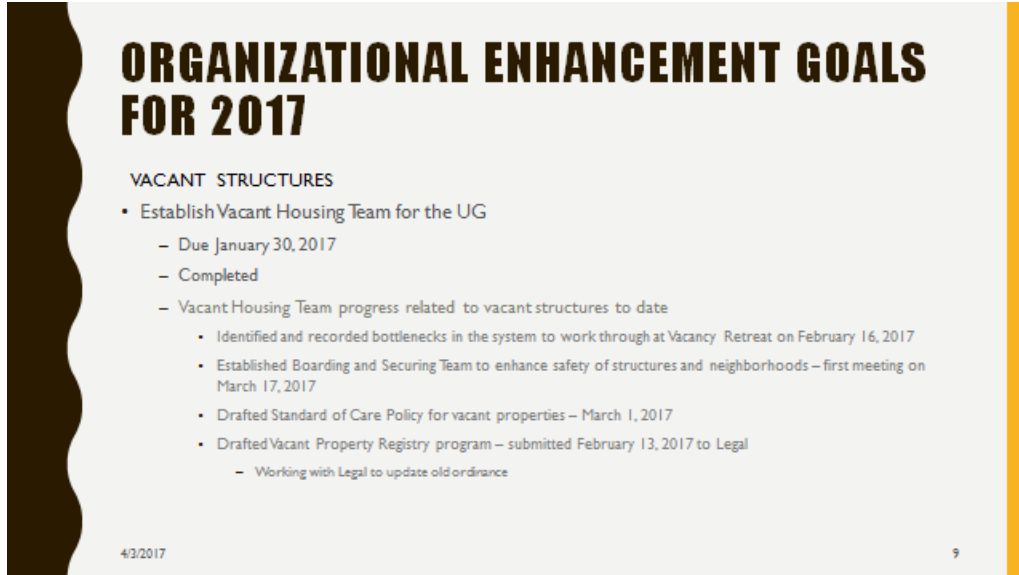
4/3/2017

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We also amended our internal procedures for how we notice trash, junk and debris. We were giving a two week notice and then giving them another two weeks to comply after they didn't

March 30, 2017

comply with the two weeks' notice. We're down to two weeks and you better get it cleaned up and they've changed their operating standards internally for that.



ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

VACANT STRUCTURES

- Establish Vacant Housing Team for the UG
 - Due January 30, 2017
 - Completed
 - Vacant Housing Team progress related to vacant structures to date
 - Identified and recorded bottlenecks in the system to work through at Vacancy Retreat on February 16, 2017
 - Established Boarding and Securing Team to enhance safety of structures and neighborhoods – first meeting on March 17, 2017
 - Drafted Standard of Care Policy for vacant properties – March 1, 2017
 - Drafted Vacant Property Registry program – submitted February 13, 2017 to Legal
 - Working with Legal to update old ordinance

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On the vacant structure side, we had a goal by January 30th to implement a Vacant Housing Team. That was done and underneath there is the list of items that we have been working on since. Our Vacant Housing Team to date has identified and recorded bottlenecks in our system at a retreat on February 16th. We established a Boarding and Securing Team for vacant—they are just starting their work. We drafted a Standard of Care Policy for how we intend to maintain UG controlled vacant properties and we're also in the process of updating an old ordinance that we found that we've had on vacant housing registry. That is progressing nicely as well and so you will be seeing a lot more on that in the coming weeks.

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

UNFIT STRUCTURES

- Reaffirm process to "flag" historical landmarks to prevent demolition, prevent building in floodplains, and share commercial code enforcement activities
 - Due March 1, 2017
 - Done

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On the unfit structures side we just wanted to make sure that the correct flags were in our system related to historical homes and structures so that we weren't tearing down things that we probably shouldn't.

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

RENTERS AND LANDLORDS

- Develop and provide an education brochure to landlords at their annual renew or new sign up for the rental registry
 - Due March 30, 2017
 - Draft is being circulated to local landlords and tenants to receive comments before finalizing the document for distribution.
 - Final version will be ready for distribution on April 6, 2017



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On the side of renters and landlords we have completed a draft of our educational brochure and we're having user's review it right now and the final version should be ready by NRC on April 6th.

March 30, 2017

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

COMMUNITY DEVELOPMENT

- Apply for lead based paint grant through HUD to assist in remediation in older neighborhoods
 - Due March 30, 2017
 - Community Development collaborated with Health Department on grant application
 - Requested \$1.5 million dollars in addition to the Healthy Homes supplement funds of \$150,000 for 3 years
 - Request matching funds of 10% (\$150,000) from Standing Committee on March 20, 2017
 - Submitted on March 23, 2014

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In the area of Community Development we have quite a bit going on. You've seen quite a few presentations on this. I'm not going to go into any detail but the lead based paint grant was submitted on March 23rd and that was done in coordination between the Health Department and Community Development. If we are lucky enough to receive it, we will start working on remediating lead in our residential properties in the community.

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

COMMUNITY DEVELOPMENT

- Work with the University of Kansas Planning Department to analyze data and select an area for the HUD NRSA program in areas deemed in need of intensive intervention to revitalize the neighborhood.
 - Draft report received March 30, 2017 from University of Kansas Urban Planning Graduate Students
 - Staff will review KU data in order to best establish the area
 - Public meetings will be scheduled in the area selected in 2nd quarter
 - Due to HUD August 1, 2017

Analysis of Census Tracts for Inclusion in Neighborhood Revitalization Strategy Area Application in Kansas City, Kansas



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Additionally, we talked back in January about developing our first ever NRSA. We have tried to do these in the past and were not successful. Apparently we tried to do five at one time at some point. We are trying to do one and while I was sitting there updating this afternoon a message

March 30, 2017

came through from the University of Kansas Graduate Students who are working on our data to help give us a review of where we should be working and that was just submitted. I have not had a chance to look at it but that is the front of what was said to me so we will be reviewing that over the coming weeks and during the 2nd quarter there will be a series of public meetings held within that area that is chosen. Of course the request to establish that will go with our five year plan that we turn in August 1 so you will be seeing much more about that.

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

COMMUNITY DEVELOPMENT

- Implement live application of ENCODE
 - Due on March 30, 2017
 - Application went live before March 3, 2017
- Initiate North East Master Plan
 - Due on March 30, 2017
 - RFP sent out on March 17, 2017
 - RFP due on April 13, 2017
 - Consultant selection on April 27, 2017



4/3/2017
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Additionally, in the same area, we did get the ENCODE application live before March 30th. I'm not quite sure exactly what date it went live but it was due March 30th so we met that date. We also have an initiated the North East Master Plan for those of you who have been working on that with us. It was sent out on March 17th and it is due back in on April 13th and the consultant will be selected by the end of April.

IMPROVING OVERALL FEELING OF SAFETY IN WYANDOTTE CO.

INCREASE THE OVERALL FEELING OF SAFETY IN WYANDOTTE COUNTY FROM 29% TO KANSAS CITY METRO* BENCHMARK OF 71% BY 2021

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ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

Mowing and Landscaping

- Develop processes and procedures for efficient and effective mowing practices within the Unified Government; Develop tiered mowing program to allocate resources to the highest priority mowing (such as residential lots with adjacent neighbors, parks and ROW); Fully integrate the mowing process into Lucy; Complete a GIS enabled dataset of all mowing by category (ROW, Parks, Land bank, etc.) and place in the data portal
 - Due March 31, 2017
 - New program presented to Standing Committee on March 20, 2017.
 - Program is being implemented through Lucy
 - Writes work orders
 - Track completion rates
 - Track lot mowing costs and equipment usage
 - System went live with a dashboard for staff on March 30, 2017
 - Training the first week of April 2017 for Parks and Recreation which will be managing the program

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In the area of safety, which is our other key focus area, you received a very valuable update is my understanding at Standing Committee for those of you who are on the Public Works & Safety Standing Committee about our mowing program. That is definitely underway and here on this slide is an example of the work order documents that we will have now. Actually today the dashboard went live according to Brandon which is very exciting and next week the Parks & Recreation Department will be trained on the management of that system.

March 30, 2017

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

Mowing and Landscaping – cont.

- Develop processes and procedures for efficient and effective mowing practices within the Unified Government: Develop tiered mowing program to allocate resources to the highest priority mowing (such as residential lots with adjacent neighbors, parks and ROW); Fully integrate the mowing process into Lucity; Complete a GIS enabled dataset of all mowing by category (ROW, Parks, Land bank, etc.) and place in the data portal
 - Due March 31, 2017
 - RFP is being developed for broad leaf control spray on land bank and UG owned lots
 - Spraying will be conducted 2 times in this growing season
 - Land bank spraying and vacant lot spraying is new mowing program

4/4/2017

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Also, here on this slide, just a few other things related to mowing as well. The RFP is being developed for our broadleaf or weed control program for Land Bank and UG owned lots. This is something that wasn't a part of what we brought you on January 5th, but as we started doing our work we realized it was going to be a lot easier to maintain lots if we didn't have as many weeds and I was glad our staff brought that forward. There will be two times a year they do that during the burn season, and as I said, it's a new program.

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

Mowing and Landscaping

- Develop and implement spraying programs for high priority (regional and local) parks in 2017
 - Due March 31, 2017
 - Two to three sprays per growing season
 - Initial spraying of parks to begin on April 3, 2017
 - Median and ROW spraying is underway for 2017
- Reassess watering program to increase beautification of UG Parks and Medians
 - Due March 31, 2017
 - Staff has not been able to work on this item. An updated will be provided 2nd quarter

4/4/2017

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Additionally, just as a reminder, we do also have our other spraying program we started, I believe, a year ago. The initial spraying of parks will begin Monday and ROW median spraying

March 30, 2017

is underway as of, I believe, today or this week. The other item—we didn't meet some of these in yellow or are things that we are working on or things we didn't get done just as a headline item. Some of your copies I believe are in color. Staff did not get to reassessing how we're watering in medians and parks so we will be providing you an update on that in the 2nd quarter. We had a little bit on our plate I think.



Another area we're looking at, this is kind of caught up in some of the other stuff we're doing, but this is collecting data on rental housing fires just kind of knowing that there is all this stuff that's been going through at the State level and trying to kind of get better documentation to share with Mike Taylor. We will get to this and Fire is aware of it. It's just a lot of systems that's used for extracting data.

ORGANIZATIONAL ENHANCEMENT GOALS FOR 2017

GRAFFITI and VANDALISM

- Formalize process to collect data pertaining costs and incidents of graffiti and vandalism to be able to report for 2017
 - Due February 1, 2017
 - Completed on February 8, 2017
 - Parks staff have been set up into the Lucy system and trained on how to enter data for the Parks.
 - Public Works has tracks this information in MAUWI since 2003
 - Next steps is to examine moving Public Works into Lucy
 - Examine efficiency of internal processes related to graffiti and vandalism abatement
 - Consider public awareness campaign around graffiti and prevention for 2018

	February	2017 Year To Date	Year 2016
Cost Projects	47	111	11,796
Public Area	2	2	1,048
Public Area	26	11	1,048
Public Area	2	2	11
Cost Projects	2	2	111
Cost Projects	11	107	10,675

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In the area of graffiti and vandalism we wanted to start to be able to quantify what was going on in this area and we have some more work to do here, but staff has trained up Parks to be able to enter into the Lucy, but then I discovered that Public Works was putting it into MAUWI so I'm seeing some process issues there and I'm seeing some possibilities for double counting or lack of counting. We're going to look through that and then out of this comes the question if we need some kind of public awareness campaign or prevention program that we might look at a 2018 goal. That's kind of how we're thinking of stuff as we go through it.

IMPROVING COMMUNICATION IN WYANDOTTE CO.

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Communication, that's the third prong. We want to talk about what we've done so far because we know in our resident survey we have not hit the mark on that in the last couple of years.



One of the things we looked at was big data, open data, that we've been all trying to do well is actually creating a physical map of what we're doing with our mowing operations. It is underdevelopment. I was given a pretty early number on it and I said can I give you in the 2nd quarter and they said yes. They were thankful, but this is a version of what you would be able to see and then click on each of those different parcels and get the status on that property. Actually

I believe it's going to be highlighted by the level of mowing treatment it receives from a color perspective. It's very nice to kind of help you if you need to answer questions for your residents.

COMMUNICATIONS GOALS FOR 2017

COMMUNICATION -

- Develop an article that discuss types of property maintenance abatement violations and the enhanced process to be utilized to bring compliance for the Citizen Newsletter
 - Due January 30, 2017
 - Information received to Administration by January 31, 2017 and drafted for newsletter and sent to Communication Division on or before February 10, 2017
 - Shared in ENews on February 14, 2017
 - Submitted for the Citizen Newsletter on or before February 10, 2017
 - Not been published as of today



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The other area of communication that we've been working really hard in is trying to let people know about property maintenance. We have a little bit of a hang-up because our newsletter has not gone out yet so we're hoping that gets out on the streets real soon, but we have drafted all the communications and started sharing it in the ENews and of course it's getting read and shared and so on and so forth. This particular one was on the property maintenance side. You know just the changes we were doing about we're not giving you four weeks to get around to this now, you've got to.

COMMUNICATIONS GOALS FOR 2017

COMMUNICATION -

- Provide at least one article for the Citizen Newsletter on rental licensing outlining benefits for tenants
 - Due January 31, 2017
 - Information received to Administration by January 31, 2017 and drafted for newsletter and sent to Communication Division on or before February 10, 2017
 - Shared in Enews on February 14, 2017
 - **Citizen Newsletter has not been sent out**



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Also, in the area of trying to communicate more with the *Citizen Newsletter* we have drafted articles on rental licensing the benefits trying to educate our tenants about looking to rent those types of properties that actually are registered rentals as opposed to getting in the ones that aren't and then they have issues and they have nowhere to go. That was out in the ENews, but has not been put in the newsletter.

COMMUNICATIONS GOALS FOR 2017

COMMUNICATION -

- Communicate via the Citizen Newsletter about various **pet adoption programs**, registration requirements and options, and the new the Pet Detective program. Newsletter/Enews/Social Media
 - Due **January 31, 2017** and September 30, 2017
 - The following has been published to date:
 - The Pet Adoption article was posted:
 - 4 times in the ENews
 - 1 time on Nextdoor
 - 3 times on Facebook

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We are also trying to help with our pet issues that we have in the community and advertising our pet adoption program is one of the first things we did. We also have some other things that we will be doing this year about our licensing requirements and options as well as our new Pet

Detective Program to try to help make people understand about our enhancements in Animal Services.

COMMUNICATIONS GOALS FOR 2017

COMMUNICATION -

- Develop and implement a publicity strategy for ENCODE
 - Due March 30, 2017
 - Published in Enews March 22 and March 29, 2017
- Presented to the following community groups:
 - Downtown Kansas City Rotary – February 7, 2017
 - Dots Agency - February 10, 2017
 - Village West Rotary Club – March 2, 2017
 - Rosedale Development Association – March 15, 2017



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I mentioned ENCODE earlier, but we have started our publicity on that and additionally our staff, Tib, myself and Jenna; have been out on road shows talking to different community groups. This is the list where we have been so far and we are happy, happy, happy to go to others so if you've got some ideas, please let us know and we will come with an exciting presentation. I realize we missed one. We were at Commissioner Townsend's District 1 event and we will be upcoming at Commissioner Philbrook's district event.

March 30, 2017



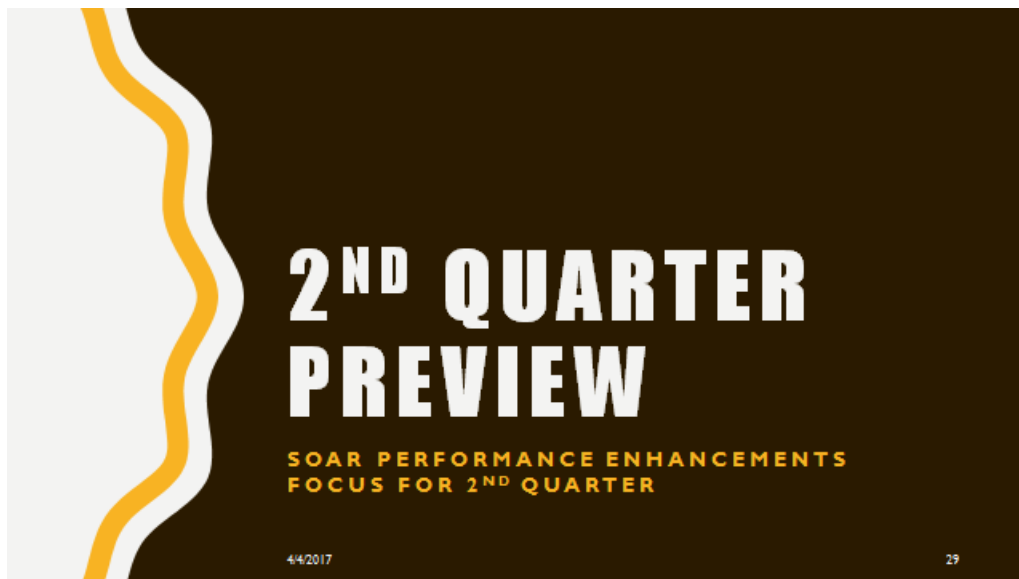
COMMUNICATIONS GOALS FOR 2017

COMMUNICATION -

- Produce two communication pieces annual for distribution through the UG Communications Division that educates property owners about the requirement to pay taxes annually and the consequences
 - Due January 31, 2017
 - Not completed as of 3/30/17
- Communicate success stories against crime with the community through the Citizen Newsletter, Enews and social media.
 - Due January 31, 2017
 - Nothing provided to date

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A couple other items that we didn't get to but we will be getting to is we will be talking to folks about kind of their responsibility of paying taxes. We feel like if we're going to work harder on collecting them, we should help them to understand why. Also, some information on what we're doing here fighting crime because we are doing a lot and we feel that it will help people feel safer if they know what we're doing.



2ND QUARTER PREVIEW

SOAR PERFORMANCE ENHANCEMENTS
FOCUS FOR 2ND QUARTER

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This is where I'm going to hand this over to Tib. This is our preview of the 2nd Quarter and what is exciting to come.

March 30, 2017

2ND QUARTER WORK

- Effectively transition Land Bank policies and procedures to be an asset for revitalization and reoccupation

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Tib Laughlin, Director of General Services, said apparently in the 2nd quarter we're going to successfully transition the Land Bank policies and procedures to be assets for revitalization and reoccupation which is awesome because we have done what we promised.



THE ROAD TO VACANCY AND BEYOND

The UG has doubled the capacity of the Tax Sale from 1,000 to 2,000 parcels a year.

What is the next step to reverse the decades long slide that has lead to:

- 6,500 Tax Sale Eligibles,
- 4,300 Vacant Structures and
- Hundreds of houses in need of Demolition

What do we do to move forward?

Last summer we promised that we were going to double the capacity of the tax sale and we have succeeded in doubling the capacity of the tax sale. By the December sale we had it up by about 50%. By the April sale we will be on target to hit 2,100 parcels through the tax sale by the end of the year and so we have succeeded already and on track to double that. Our issue becomes as

we start digging deeper into these 6,500 tax sale eligibles and as we start targeting these vacants and finding more demo worthy homes, it's what do we do to move forward?



I thought a little discussion on the topic of how a home goes from being a home to a propertunity which may sound great, but that's actually a negative trajectory that we really don't want to see happen. Something happens in that first year and a house starts to fall into neglect, that is really the point we need to be intervening, but we are nowhere close to running a case management type program. That very first time you miss your tax payment something has changed. Maybe your mortgage just got paid off so you're not in the habit. That may be a training issue, maybe your dead, maybe you've retired and gone to Hawaii, maybe Aunt Ethel now owns the house and no one knows, but something has changed and that is where we need to be intervening in finding out what's changed so we can either provide you the assistance that you need or that we can take the house off your hands and get it to someone who will love it. Many of these people are living in Wisconsin, just inherited a house they can't sell. They've talked to realtors who won't touch a house that's less than \$10,000 so they're just stuck with this thing. They don't know they have any options. We, however, have experience that some of these people would just outright give these houses to what they think is the government even if it happens to be a UG employee, not the government itself.

For one to three years at a minimum while a house is becoming tax sale eligible it sits and we rack up code complaints, we rack up neighbor complaints; we rack up complaints from

commissioners now and then. I know it's rare, but it happens. In year four now it has been sitting empty and neglected for at least four years and now its tax sale eligible. Now in a mysterious way it gets selected to be in the tax sale at some point. Maybe it gets in, maybe it doesn't get in. Remember, there are 6,500 of these. There have been less than 1,000 slots a year to get in and now there are 2,000 slots; we still can't get all 6,500 in a year. In the old days it was purely random based on the math of what has the highest sale value compared to the lowest tax value so that there is going to be the biggest spread, it's likely to sell. In our modern world that's driven by requests and we try and make people's requests all the primary requests that needs a property because they've got a developer, that's a primary request. When Codes brings us a parcel because they have endless complaints and they cannot resolve this case and they want this out of the hands of the individual, right at the top of the list. When a commissioner brings us a complaint, when a citizen brings us a complaint, whether the citizen wants to buy it themselves or is just hoping that by pushing it into the sale it will be sold and someone else will take over we take that and we put it on the list. It's now our policy that those complaints, those requests are what drive our first choice, not being math of what's most likely to sell. Then we fall back on picking off the outliers because I get tired of hearing about houses we've had with no taxes paid in 35 years and so I want to block off all those outliers so we don't have to hear that. The outliers have to go because it's always going to be outliers people talk about. Nobody is going to talk about the average; it's always the outlier if we take those away. So, now we finally get houses, these propertunities to the sale and one of two things happens in every case. It sales or it doesn't sale.



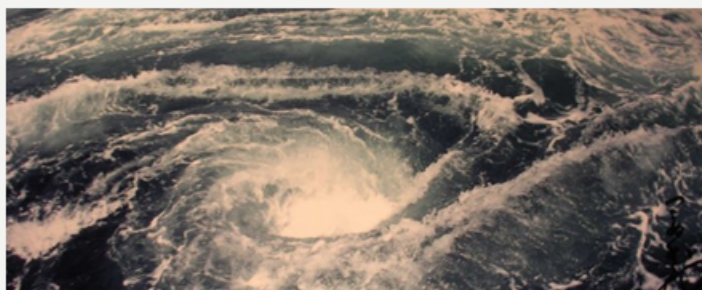
Now on the road to the sale because people are getting the word that we are actually serious about this we are seeing an upswing in the number of people that come in with their check and just gives us a check for the whole thing and redeem their property. We're seeing an upswing in the number of people who get on a payment plan. We will have more details on those numbers after the April tax sale when we have a second point of data to work from. At the actual sale one of two things happens. It sales or it doesn't sale. If it sales, that's great, we recognize some revenue and then we roll the dice and maybe we get a good neighbor and maybe we get a bad actor and it stays just exactly like it was because in the tax sale there is very little in the way of quality control. At the moment the only prerequisite to register for the tax sale is that you not be delinquent on your own taxes. That's our only qualifier so if you happen to be delinquent on your own taxes but your wife isn't or cousin isn't, it's not that hard to get past us. We try but we're going to be bringing forward some suggestions like if you have an excessive number of code complaints outstanding, that you not be allowed to buy at the tax sale either; some quality control but there are limits. Wendy, as wonderful as she is, tells me there are limits to what we can do to quality control who buys at the tax sale. It's always going to be a roll of the dice.

On the other side if it's a no sale, only one of two things can happen. Either we move it to the Land Bank to do something with it or we shove it back and it just sits there in blighted vacancy purgatory forever. **Ms. Mundt** said it was about 1:30 when we picked the icon for the no sale purgatory.

Mayor Holland said I have a question theologically, are there flames in purgatory? **Mr. Laughlin** said not necessarily. In some cultures purgatory is a wet place like a giant whirlpool (inaudible due to laughing). We're willing to work with any end of the spectrum and any religious view on what purgatory might be. Literally, people have come to us; Code Enforcement has come to us, you have come to us; there is a problem. We have put it in the tax sale and now if all we do is push it back, it's just going to continue being the same problem. The same person owns it, nothing has changed. It is an exercise in futility.

Commissioner Bynum asked are we going to try to capture that same kind of data if they redeem and just go right back. **Mr. Laughlin** said yes we are talking about how we track the outcomes for redemptions and payment plans. It's a much harder job because now we're talking about tracking literally thousands of people with only the added feature of they went through the tax sale process. If we can work that out, those people should be on a very short list to make sure that at the end of three years they are right back in the sale, but when they come in and simply write us a check that ties our hands on this front.

**IF WE IGNORE THE NO SALES THEY
JUST KEEP CHURNING**



Today's presentation doesn't address all the possibilities. It is really only addressing those that become tax sale eligible and that do not sale at the tax sale. It takes more nuances on the others because this is the talk about our capacity on what to do. We are moving hundreds and hundreds of more parcels through and if we don't have a plan, we will just be churning them for the fun.

This is a waterworks situation. It is a question of where is the bottleneck. Formally the bottleneck was at Delinquent Real Estate. They simply were not processing enough units.

OR THEY GO TO THE LAND BANK!

TO START ON THE ROAD FROM
VACANT SPACE...



...TO VIBRANT PLACE!



I did say "start the journey"

Now, according to the model, to get these from vacant spaces to vibrant places we need to enhance our capacity. In order to do something with these houses and take them on the one hand it's a relatively neglected house, on the other hand we have a house that's being treated like it's actually a propertunity. I point that out, notice there is a little blue tarp and neat plywood on there.

2028 S 15TH ST



March 30, 2017

Here at 2028 S. 15th St. is where we got you all into the blue tarping business. Congratulations. Two weeks ago you got into the blue tarping business. We put our first tarp on a house. We've dealt with many houses—you see that hole there in the middle of the roof, this is a house that at the tax sale was bid up to \$30,000. The bidder did not come in with our check, but it didn't go from \$4,000 in back taxes to \$30,000 in the sale with just one bidder. There were multiple people. There is market interest. This is a house that is the only house in its block that is in this condition. This is a house that if we intervene, it makes a difference. Ninety days after the sale we had an opportunity because we got a complaint that the backdoor was open, it had been kicked in. This house had been boarded. While that was open we shared that information amongst ourselves instead of the usual way of just addressing it and because we shared the information we coordinated and put off boarding it up for a day so that the Land Bank could go out and Chuck could out and do an assessment on the house while it was open. It saves us the money of going out and having it opened.

Greg Talkin had already been out and eyeballed it and said it looked like it might be viable to do something with so we coordinated our efforts between departments and then we got people out there to put a tarp on the roof. Never before have we put a tarp on the roof because now we're treating it like it's actually valuable inventory and that's what we need to do if we're going to work our way out of either version of purgatory. **Mayor Holland** said I do like the talk of redemption. **Mr. Laughlin** said we will try to play that up; we would like to see more of that. **Ms. Mundt** said we don't like code centers either. **Mr. Laughlin** said that is the face of what we need to be fixing and what we have not addressed for years because we're afraid to take in the properties. I recognize that before we're going to be willing to take in structures and do something with them we need to show that we can turn them around. The end result of this process after five years of 10,000 interventions cannot be that we shift the Land Bank from having 2,500 parcels to 12,500 parcels and now we own 10,000 new parcels. They have to move, they have to go, and they have to turnaround.

3023 S 23RD CIRCLE



This is one we picked up, this is our shiny example of our—this is the promise land. This is a house donated to us, it has been sold to generate us revenue, then money put into it and four months later turnaround and sold at \$125,000; \$25,000 more than the \$100,000 average in the neighborhood. That is a success story. We need to keep that up. We need to keep up the momentum on that and build on that. We have been doing auctions and open houses to show people, get them in to look at what we have, but what we need is an army of rehabbers. What we have right now is six sets of rehabbers who come out and look at things and they all know we have this tiny little pool because they are who responded to our RFP. We are out recruiting. At the tax sale, a place where we know there are a lot of rehabbers, we will do an infomercial partway through the day and pitch to them that they come in and they're rolling the dice too; buy a house at the tax sale and you don't know what's in there. You are buying a sealed unit. Until you get out there and open it you don't know. If you're flipping and investing that may not be a big deal, but we don't have a policy on what happens when you open that and the foundation is destroyed. These people just walked away and let that one sit there. If they open it and find that out, we need a plan to get that back or to demo it instead of just leaving it sit there, but we would be far better off, and they would be far better off, if these went to the Land Bank and then we could do open houses and they knew exactly what they were investing their money in.

For the personal investor who has just decided this is how we're going to buy a home they've just sunk much of their available capital into this and find out that it's completely not viable and they don't have the money left to fix it or to demo it and they just walk away

discouraged. That's not what we want them to have. For those people who are willing to fix it themselves we want them to know exactly what they were getting into so that they are getting the result they want and we are getting a good neighbor and not a disgruntled person with crushed dreams.

Commissioner Walker asked what percentage of these houses do you believe are a promise land variety that we have in these various neighborhoods. **Mr. Laughlin** said for the most part, Commissioner, the promise land variety are going to be those zombie mortgages that we're going to have to get away from banks where they have been sitting out there and they have been taking care of them, but they cannot find a market for it that will not lower their book value. They don't want the hit on their inventory. They would rather give it away and write it off than sell it for less than it's worth to them so they don't take the hit. That's where these prime ones will come from. The subprime ones will look more like this but still have good bones still can be restored, can still come back. Knowing that we have over 4,000 vacant structures out there we don't have anything like enough data collected so far to predict. One estimate is if even a third of them are salvageable—**Commissioner Walker** asked is part of your mission going to be to reach out to these mortgage servicers, forge a relationship so that when they get one like this we have—**Mr. Laughlin** said absolutely and that's part of the function of the vacancy registry is one that we know that the inventory is out there, but two, that we're establishing the relationship. People don't know what their options are. For many of these people a house like this has been sitting around in their family since grandma died and they don't know what to do and they struggle to pay the taxes and it's just an albatross around their neck and they have no idea they could donate it. If they don't want to donate it to us directly, they could donate it to a not-for-profit that would rehab it and flip it. They just don't know their options. **Ms. Mundt** said or they don't live here. **Mr. Laughlin** said right.

Commissioner Bynum said in terms of data collection on that does the appraiser's property record help? Is there any cross-reference? **Ms. Mundt** asked what are you trying to get at. **Commissioner Bynum** said well he was saying do we know how many of those potential glorious moments are out there. **Mr. Laughlin** said we don't because what the appraiser is doing is just looking at the outside of the house; it's immaterial of whether it's occupied.

They're not making contact with the owner except in very rare cases so they're assessing the look of it, but they are just really running a tape down two sides to see if the dimensions are still the same to verify the numbers and loosely assessing the condition. What we would really like is an actual assessment of there are broken windows and things so we know and the Appraiser's Office is very open to sharing that and having their people collect that data. Everyone we've talked to is willing to share that data when they come across what looks like a vacant or abandoned home so that we can act on that before it deteriorates.

Ms. Mundt said there are really two tracks here and maybe more than that, but two tracks that I want to talk about tonight. The first track is the purgatory issue. The other track that we're working on is just on vacants in general so vacants are a safety issue in our neighborhoods and they're obviously an image issue in our neighborhoods. We have an entire track of stuff we're doing. We showed you a slide earlier that you might look back to, but we've actually developed a Standard of Care Policy for how we want to treat those as the Unified Government that we will be bringing before you the 2nd quarter stuff and actually telling you this is what we intend to do. These are also those opportunities where we can get a better look at what's going on with this house before we board it up. We will do everything we can to get as much information as we can so that we're armed with more than just it's a house.

Mr. Laughlin said we don't want to belabor this. Later we will have some specific recommendations on how we handle it. I'm particularly passionate about this because the outcome of that tax sale is wasted if we do not then go on to do something more.

2ND QUARTER WORK, CONT.

- Implement a weekly review of data related to parks safety incidents, including criminal activity and vandalism by June 1, 2017
- Fully implement online registration system and advertise new feature
- Develop and implement sharing of data between NRC and Aging Services
- Share Zoning Enforcement duties with Commission at a session of the governing body
- Develop a proactive sign compliance letter to precede enforcement activities
- Develop an article that discusses junked vehicles violations and the enhanced process to be utilized to bring compliance for Citizen Newsletter

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Ms. Mundt said back to me, that's the real meaty 2nd quarter work and I just want to highlight that there are a series of pages here between now and the end of it that are all the other items we're working on. Some of these overlay on this but I'm not going to sit and go through these but we are bringing on our Zoning Enforcement Officer shortly so you will start to see stuff churning in that area relating to sign compliance and other things like that and more correspondence and communication that we will be doing. Also, more work on making sure data is being shared by internal coordination and communication.

2ND QUARTER WORK, CONT.

- Transition NRC webpages to new UG website and enhance information by providing examples to help residents and business understand their responsibilities for the overall appearance of Wyandotte County. Provide 24 hour a day online reporting of violations to NRC. Provide a prominent link to information on code violations so that the community can see what is happening in their neighborhood.
- Formalize the vacant structure reporting process.
- Develop and implement management plan for vacant properties owned by the UG and those that are privately held.
- Design and implement a vacancy registry to assist in tracking and management of vacant properties
- Develop structure security standards for vacant structures
- Look at developing a vacant house signage program for people to report issues with the structure. Develop a brochure for neighbors to help them manage the property

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We're going to be doing a lot of work around the website. We're launching a new UG website. We made this a part of this to make sure that the work that we do with SOAR helps folks be able to fight blight in our community or to know what they're required to do to be a resident in Kansas City, Kansas. A lot of the stuff is around security standards for vacant structures and how we're going to handle vacant structures as an organization.

2ND QUARTER WORK, CONT.

- Develop a plan to remove previously burnt structures, both commercial and residential and recommend budget for 2018.
- Develop a legal means for boarding houses immediately after a fire
- Transition Land Bank website listings to an automated ETL for the properties in June 1, 2017.
- Develop a rental rights brochure and or materials to be distributed to renters
- Transition Planning webpages to new UG website and enhance website presence by adding ENCODE, integrate maps to help customers, and a request feature that will help to report zoning code violations.
- Transition Community Development webpages to new UG website and enhance website and integrate features to help customers interact online with programs

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Additionally, just more work with our Fire Department who is engaging with us quite a bit and trying to figure out how to help them as well as the Police Department when it comes to vacants.

2ND QUARTER WORK, CONT.

- Develop a program to address large tree limbs and other related tree issues
- Strengthen parks beautification program through hiring of 2 new horticulturist to have a total of 4 FTEs in 2017
- Communicate new UG mowing program to community through the Enews, Facebook and other methods as determined appropriate by the UG Communications Division
- Transition Parks and Recreation webpages to new UG website and enhance website presence by adding pictures of facilities, integrate maps to help customers, providing integrated online registration link, and a maintenance request feature that will help to report tall grass and/or vandalism.
- Implement a weekly review of data related to parks safety incidents, including criminal activity and vandalism by June 1, 2017

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A few more things on property maintenance related to the landscape work on trees and things of that nature and also trying to codify how we're doing our beautification of our public spaces.

2ND QUARTER WORK, CONT.

- Share all of the programs to fight crime that Police Department provides on the new UG website. Additionally, share annual Police Department report with the public with coordination of the UG Communications Division
- Transition Police webpages to new UG website and enhance website presence, integrate maps to help customers, and a request feature that will help to report neighborhood crime issues
- Transition Fire webpages to new UG website and enhance website presence, integrate maps to help customers, and a request feature that will help to report fire safety issues
- *Complete the animal shelter study and investigate the needs of an expanded animal shelter facility*
- Fully implement a volunteer program to assist at the animal services facility by June 1, 2017 with two volunteers serving each day to socialize animals

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Also, crime fighting some opportunities within our parks to make them safer, I know we're hiring an individual or something of that nature through this budget process for parks and we've also just completed our law enforcement sites so we're going to be wrapping that stuff into here of how we make our parks safer, what do we need to do to combat violence in our parks or vandalism in our parks.

March 30, 2017

2ND QUARTER WORK, CONT.

- Implement new animal services policies
- Research how other municipalities address packs of wild dogs and develop a comprehensive strategy to address the problem for the community.
- Coordinate resources with other UG departments to help identify and track wild dogs
- Enhance Animal Services webpage to include numbers about adoption rates and programs provide by the UG Animal Services division. Coordinate links to Animal Services with UG Communications Division to ensure visibility on the UG website. (website)
- Develop information for webpage on new UG website that addresses how to apply for Neighborhood Revitalization Areas, qualifications for Homestead Exemption, as well as information on the impact of code violations on appraisal values to a property and neighborhood. Link to NRC, Treasury, and Delinquent Tax webpages
- Provide market value analysis on the UG website

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As I said, there is so much stuff we're doing. More work in the area of Animal Services and providing more data on market value analysis on our website.

That is the end of our presentation this evening. We stand for questions and certainly look forward to being back here in a few months to give you more information.

Mayor Holland said I have a couple questions. Well, one is just kind of a data piece; it's what 4,500 vacant structures? **Mr. Laughlin** said 4,300. **Mayor Holland** said so if we have about 4,300 vacant structures and you figure an average of 2.5 or 3 people per home we're looking at—it would take a population increase of about 12,000 people to fill those homes. I'm looking at since 2010 we've had the first net gain in population in 50 years in Wyandotte County, which is very exciting, and since that time we've grown about 4.5% and it would take a 9% growth to absorb these properties. In fact if we continue to grow at the same rate we have the last seven years, it would take about 12 to 14 years to fill all these homes just in terms of growth. My hope is as we improve neighborhoods and we have fewer of these homes there would be more reasons to move here so that we can accelerate that growth. But just in terms of the scale and scope of 4,300 vacant properties or structures it's a lot so that's the layman's term, it's a lot and it's going to take years to overcome this but stopping the—doing something now is going to keep us from having this many more down the road and so I'm very excited about this. I think for people to understand the scope of the undertaking is important.

I think we've talked about this, has there been a discussion about moving to quarterly payments for tax payments instead of just twice a year? **Ms. Mundt** said there has been a conversation in Treasury that we've been talking about as part of this. I can defer to Kathleen on that. **Kathleen VonAchen, Chief Financial Officer**, said yes, we've had a recent study come out. **Mayor Holland** said you could have quarterly payments on your taxes instead of paying twice a year, paying four times a year so you pay half as much four times a year. **Commissioner Murguia** said so you're asking if people have that option. **Mayor Holland** said people do have that option I think. **Commissioner Kane** said two times a year, not four. **Ms. VonAchen** said actually people can pay with their credit card online and pay it as often as they want frankly, but if we're talking about invoicing or sending out the bill more frequently than twice a year, there was a study done that said if you would send it out three times a year you will reduce your delinquency rate. If we were at 7% it would drop down to about 5.8% if we did such an action.

Commissioner Murguia said sorry, Kathleen, not to interrupt you but I will just tell you my personal experience. I pay my property tax every month and as a result of that, I mean I hope that's okay, I pay it every month and then they send me a receipt so they don't bill me but when I get the receipt it reminds me to pay it again. **Mr. Laughlin** said what some communities have done is established a system that is largely just like your escrow system because that's where you lose some people. They go off their mortgage, now they own their house, but they're used to a mortgage payment every month and if they were just sending the money in every month then they would do what they have been trained to do. It's that waiting six months or a year. **Mayor Holland** said you're making sure you have the money saved. **Mr. Laughlin** said that's a big bite for many of our people if they were taking a monthly payment and that's the secret to how organizations, not-for-profits that work with people in a case management how do they stay in their homes, is they put them on a monthly cycle instead of waiting 12 months or half a year when it's too big a bite for them.

Ms. VonAchen said my plan is to work that into our Finance Work Plan and study how to get that implemented, maybe there is some software issues, but that is something we could definitely plan to take a look at and are supportive of implementing it in the near future.

Commissioner Murguia said I just want to say, Mayor, not that I advertise this; I don't think I've ever said this but I am one of five kids and we grew up in poverty and so I think it's a hard thing to shake even when you work your way out of that and you're not living in that

anymore so the benefit of the monthly payment is that even to me now still even making a decent income and both my husband and I having a job when I get that tax bill—I used to get it just twice a year and about had a heart attack even though I knew I could pay it, it's still that old recording of oh my God, that's a lot of money. It was just easier for me instead of worrying about it is to pay it every month and I think that would help a number of people. I know I've recommended that to a number of people in my district because you think you're going to be able to set money aside but something always comes up and you're not able to do that and I think it's helpful.

Commissioner Kane said I would like to have a banker's point of view on that. **Commissioner Johnson** said if you can set that up, it's always advantageous to get it paid off sooner than later.

Mayor Holland said the other question I have is there a way to identify properties that are Contract for Deed or probably Contract for Deed? We have properties that we know have registered mortgages and we know ones that we have registered renters so the ones that are neither a registered mortgage or registered renter there is a probability that they're a Contract for Deed and it's still a problem. **Commissioner Markley** said I was going to say when I pulled my Highland Crest list it was really easy to tell because you see the company name that owns the house and the resident name doesn't match but there is no rental license, clearly a Contract for Deed. I think we could pull the information to give us a pretty good guess. The other thing is if you just pull the list of the owners and their names, let's say it isn't an LLC that owns it, it's a name but when you go to white pages.com, the name of the person living there different name, it's a Contract for Deed. I did it for the Highland Crest area. I believe doing it countywide it would probably be a little more difficult. **Mayor Holland** asked what was the percentage, was it pretty high. **Commissioner Markley** said yes, I mean a lot of the LLC ones are licensed but there were a fair number that were not and that was the first question is why don't they have a rental license. The answer back to me from staff was they're probably doing it by Contract for Deed. **Mr. Laughlin** said we have been meeting with the City of Topeka to compare notes on how they do things. NRC has struggled with the fact that we're talking about 66,000 homes to go through and worse it's 66,000—there is no legal obligation to rush in and register your deed. People do these transactions and then do not rush over to the Register of Deeds with this piece of

paper and they divulge very little information. That's why every time we abstract a parcel to find the owner it is literally a skip tracing effort where we have to—we have a name and an address. We don't have a birth date; we don't have any of the other identifying information you would usually use to track someone down.

Mayor Holland asked is there any policy that we can do as a city or county that would require registration of mortgages within a certain timeframe including Register for Deeds that requires it to be done and penalties to the seller. This is a question of having the data and it would be better to penalize the seller than the buyer. **Wendy Green, Assistant Counsel**, said I do think that is something that we could capture and that we have been specifically looking at with our vacancy registry but not only that we had an ordinance on the books where out-of-town owners must register their structure and we are looking at enhancing that with a vacancy registry. I think that could be a way we could gather these people up. **Mayor Holland** said that would be great.

The other thing I would like to do is once we can identify the probable Contract for Deed, whether it is or not, to be able to send some literature to the occupant of the house to let them know what their rights are—you might have a Contract for Deed. Maybe we could put that in a couple of different languages to say you might have a Contract for Deed, these are your rights, these are the things to think about and here is a checklist that if you check more than four of these boxes you're probably being hosed. It's a technical term, it's a layman's term, but I want to look into this Contract for Deed because it's an anamimus, I mean it is the way a deadbeat—now there are some people that do it for good. There are some not-for-profits that use Contract for Deed in order to help a first time homebuyer get in and so there is some good usage of it. I don't want to get rid of it; of course we can't get rid of it, but the other is this is the scoundrel's favorite tool to get around our rental licensing. I want to see what else we can ramp up on that.

Mr. Laughlin said in case I did not make it clear, I'm not a big fan, even though I ran the tax sale of selling property at the tax sale because there is little control. The more we can shift to sell out of the Land Bank where we can sell it with terms and conditions and know who we are selling to instead of just selling it randomly to people who may well be picking it up just to go victimize someone else the better off we are. It's better to know with whom we are partnering. **Ms. Mundt** said the other thing is getting these structures secured and having

someone watch over them because we have seen quite a bit of arson here in our community especially in the central part of our community and we cannot continue to not have a mechanism to try and stop that and right now we're struggling on that. We're working on it but we're struggling.

Commissioner Murguia said you've done all this work and I think it's a great plan, but is it better to try to sell these properties to people that are going to fix them up or do you think it would be easier and more efficient and improve the chances of better quality if we did that internally and then sold them. **Mr. Laughlin** said the investment if we were to take it on rehabbing at the cost of our contracting or our own employees, as Kansas City, Missouri demonstrated a few years ago where they spent a million dollars to rehab two houses that they then sold for \$180,000 each is probably not a business we could afford to be in very long. While Doug has said if money is what it takes to fix these problems, we will put money in it, I don't believe he meant we would put a million dollars into each \$200,000 house we could sell. **Commissioner Murguia** said no, I'm just saying that's the process. It just seems like—I mean I'm glad it's happening; I think it's a great idea. My concern—**Ms. Mundt** said the thing that would make you comfortable is the fact that we as a Land Bank have the ability to write the rules of the road for the folks that we allow to go and work and so it's basically a contract they enter into with us. I'm not going to go any further. Tib will want to jump in here because I do stop being too technical at some point. **Mr. Laughlin** said the reality is the places with very successful Land Banks use a combination of both internal and external tools. They are places, Topeka for example, who are lucky enough to have a prison have two work crews. That's some of the most desirable work in the prison is to be on the work crews that rehabs houses. There are a lot of cities that contract with Habitat for Humanities or similar organizations who then work through the high schools and they take on a house or two every quarter and rehab it. It has to be a combination of tools. **Ms. Mundt** said but the primary tool is the private sector who can come under a contract and they have x number of days to turn the house and we know they are there, we know they are in there doing work; they're going to have to get their permits; it's much better than a flipper.

Commissioner Bynum said I just want to switch gears over to the communication piece for a minute. When we do produce the printed *Citizen* does it also appear as a link on the website? **Ms. Mundt** said the answer is yes it should and no it isn't. (Someone speaking but not into microphone). **Ms. Mundt** said 2012. **Commissioner Bynum** said I receive a lot of emails from foundations and other places—Kansas Health Foundation is what comes right to my mind so I will get the Eblast from them and it will be their annual report in a nice beautiful PDF that I just scroll through and I just thought once we produced the printed *Citizen* we could also produce that in PDF form and have it be the ENews for that week or that month or whatever. I just wanted to share that.

Commissioner Johnson said for citizens that are watching right now or will watch this, who do they need to contact to have you come out and do a presentation be that an organization or a neighborhood alliance? **Ms. Mundt** said they can contact our office directly and they will get to us so the County Administrator's Office, Melissa Mundt, if they would like to contact me. **Mayor Holland** said 573-5030.

Commissioner McKiernan said I just want to thank you all again for this work. Two antidotes, I'm sure you've already heard them. I will share them for everybody else. I'm pretty sure, I haven't done an official inventory, but if you stuck a pin in my house on a map and drew a half mile radius circle, I'm pretty confident we would find at least 30 vacant structures inside that half mile radius around my house because I've got six on one block alone. I can tell you that many of these structures are not currently secured. They are currently creating blight, they are currently sliding toward demolition and I'm so glad to hear that we're taking concrete positive steps towards stopping that slide toward demolition. I asked our demo coordinator to give me the list of properties that were torn down in my district last year. The aggregate, the total appraised value of properties that were torn down in my district at the time of demolition totaled over a half million dollars. We can't afford to lose a half million dollars a year in every district because we can't build new stuff fast enough to make up that loss of revenue if we're losing a half million dollars in every district. What you're doing is very important and a big thumbs up from me. Thank you for getting started on a great process. **Mr. Laughlin** said we hope to have blue tarps in your neighborhood soon too. **Mr. Mundt** said we are actually looking maybe not

to use blue. I'm going to promote brown perhaps. Part of what we are looking at—he wasn't in our Standards of Care discussion. As part of not trying to make everything look like it's a code violation we are actually trying to have a Standard of Care when we board structures and do things to help weather infiltration issues to not have them stand out like sore thumbs in your neighborhood. I'm hoping for brown tarps. I think we will work towards that direction.

Mayor Holland said this continues to be a cutting edge program that I'm looking forward to seeing it two, three, four years down the road in terms of the impact because it's already just an information of the scope of what we're dealing is very helpful.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 6:26 p.m.

dt

Bridgette D. Cobbins
Unified Government Clerk

March 30, 2017

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

SPECIAL SESSION, THURSDAY, APRIL 6, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 6, 2017, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (arrived at 5:20 p.m.); 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; Ken Moore, Chief Legal Counsel; Joe Connor, Gordon Criswell and Melissa Mundt, Assistant County Administrators; Bridgette Cobbins, Unified Government Clerk; Emerick Cross, Commission Liaison; Edwin Birch, Public Information Officer; Marlon Goff, Interim Director of Economic Development; Wilba Miller, Community Development Director; Patrick Waters, Senior Attorney; Debbie Jonscher, Deputy Finance Director; Alyse Villarreal, Fiscal Officer; Angie Lawson, Deputy Chief Counsel; Rob Richardson, Director of Planning; Mark Wiebe, Asst. to Mayor; Maureen Mahoney, Asst. to Mayor/Chief of Staff; and Doug Bailey, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, April 6, 2017, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, for a presentation and discussion on the former Indian Springs Mall site.

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.

Doug Bach, County Administrator; said tonight our discussion is about the Indian Springs site and it's really a two-fold discussion. First I thought I would run through a little more of a historical perspective of Indian Springs and where we were a decade ago and where we're lead up today. From then we will move into more of the discussion about taking the site from this point forward and our proposal we have on the table in front of us.

Indian Springs Mall Site



2006 Satellite Image

The Indian Spring site, as you can see in the image on there this is in 2006 when we still had some activity on the site.

Kansas City Area Former Mall Sites



Indian Springs really went the way of many enclosed malls in the Kansas City metropolitan area and this depicts where we see various structures throughout the metro.

Midtown Redevelopment TIF District

Date	Status/Action
2006	Mall is <60% vacant with U.G. and USD#500 leasing more than 150k square feet
12/21/06	Established Midtown TIF District
3/22/07	TIF Project Plan approved. \$193M project costs and \$68M in TIF revenue estimated
4/16/07	Direct legal proceedings related to eminent domain
6/20/07	Property taking → court appointed appraisal \$7.5M
9/4/07	RFP (26-492) began negotiations with Raul Walters Company
3/16/09	Ceased negotiations with Raul Walters Company
2010-2011	Retail & Real Estate market conditions impact investment potential for the site
2/16/12	RFP – R23975 → No credible proposals advanced
7/2014	RFP process → Selection of Lane 4 to provide brokerage services for site development
12/1/16	R-81-16 → Debt financing of outstanding temp notes (Midtown TIF)

In 2006 when a decision was made to acquire the center you can see it was about 60% vacant, however; in noting that the rest of the space really was filled up of Unified Government offices, USD 500 and I believe Italian Delight was still there and it's operating in a different location today. At that timeframe we established the Midtown TIF District and throughout this time we built on a project plan that was approved which really looked at if we went in and took the mall

out of place, did a lot of redevelopment out of this area, we could put in the potential for close to a \$200M project that could go into this area and a TIF could come into it. The Commission at that time—we tried to acquire the property, the landowner was not a willing seller at that time. Legislation was still allowed for eminent domain to be done and we enacted that on April 16th, 2007 so right about 10 years ago today.

We moved through that process. The court appointed the appraisal that came in at about \$7.5M to which was paid. Shortly after that time we had conducted an RFP. We moved forward with Raul Walters Company to have discussions about what we could do through our negotiations about moving forward with the multiuse project that they had come forward with. About 1.5 years later we ceased negotiations with that company because we were never able to really get anywhere close to the proposed project we had come forward with. In fact, it was one that really lead to being—if we ended up doing all the work on the site, cleared it all, there was no agree of transfer of any payment for the site and they would only agree to build about 40,000 sq. ft. and ultimately that was not acceptable to the Commission. We ended our relationship with them and part of that was the fact too that the recession had come into play so it changed a lot of the conditions about where we were when we went out to bid as we went through those negotiations and then for the next couple of years it kind of stayed in this limbo status.

In 2012 we decided to take another shot at this and we went out for an RFP on the site. Unfortunately we were not able to receive any really credible responses to come in that we were able to do anything with the site. A couple years later we went out on the site and this time we came back and moved forward with Lane4 to do more of a brokerage arrangement where they would go through and they said they would work the site, try to find retail proposals, see what they could do to get something on the site and that led us up to really where we are today.

Summary of Midtown Redevelopment TIF District

Expenditures (as of March 1, 2017)	Amount:
Acquisition Costs (June 2007)	8,822,695
Relocations / Legal / Issuance Fees	5,660,128
Demolition/Asbestos Removal/Engineering	3,553,971
Transit Center/Midtown Patrol/Neighborhood Resource Center	1,300,000
(Total budget: Transit Center/Midtown Patrol/NRC <u>\$5.5 million</u>)	
Total Expenditures:	19,336,794

Total cost expended on Indian Springs for us dating back over the past 10-11 years is a little over \$19M. You see our acquisition costs, we had a fairly large relocation cost that came into play, demolition of the center, site grading and such and then we also used money from that project that went into our share of the Transit Center, Midtown Patrol and the relocation of our people over into Neighborhood Resource Center. I will note of that \$1.3M for the Transit Center and Neighborhood Resource Center that was a \$5.5M project so we only had about \$500K that had to end up going into that project for the Transit Center and then about \$800K that went into the NRC Center. That was the good part of that financial equation but that's the total dollars that has been expended in relation to this project for the past 11 years.

Comments, Questions, & Discussion



This site is kind of hard to see but if you look out across there you can see that there is nothing there and that's the Indian Springs site today. As we went through and cleared it decisions that were made over a decade ago have put us to the point where we are today.

With that I would see if there are any questions about that that took us to where we are now.

Commissioner Walker said I assume since we issued the debt we've been paying that debt. **Mr. Bach** said yes sir. **Commissioner Walker** said so the \$19M in expenditures, what is the current outstanding balance on that \$19M? **Mr. Bach** said I don't know if we would know the number off-hand. We can get that number for you and get it to you. It isn't one where we—you know like the last phase of it, like the \$3.5M or so that we put into the demolition, we just did that. **Commissioner Walker** said I know. **Mr. Bach** said a year or so ago so that was a new portion of it.

Commissioner Philbrook said you say you're going to bring back our outstanding debt on this property and let us understand the payout on that. **Mr. Bach** said yes. That's really over under GO right now. It's a commitment the Unified Government has made for this piece of property so it's something we've had to put in line to pay and they're moving with. We have not had a

return on that. **Commissioner Philbrook** said I understand. I just want to know what that looks like.

Proposal Timeline

- 1/30/17 ED&F Standing Committee
 - Strategy discussion on flex-tech business park as a proposed land use
- 3/27/17 ED&F Standing Committee
 - Termination ordinance, master resolution of Intent, term sheet.
- 4/6/17 Special Session – U.G. Board of Commissioners (Discussion)
- 4/27/17
 1. Ordinance Terminating the Midtown Redevelopment (TIF) District
 - Termination of the district is a procedural requirement for use of IRB & tax abatement
 - (R-81-16) was adopted 12/1/16 → long-term financing action for outstanding debt.
 2. Conduct Public Hearing to consider use of IRB's and tax abatement
 3. Master Resolution of Intent to issue IRB's
 - Summary of Cost-Benefit Analysis for all taxing entities
 - Resolution to include formal purchase and development agreement

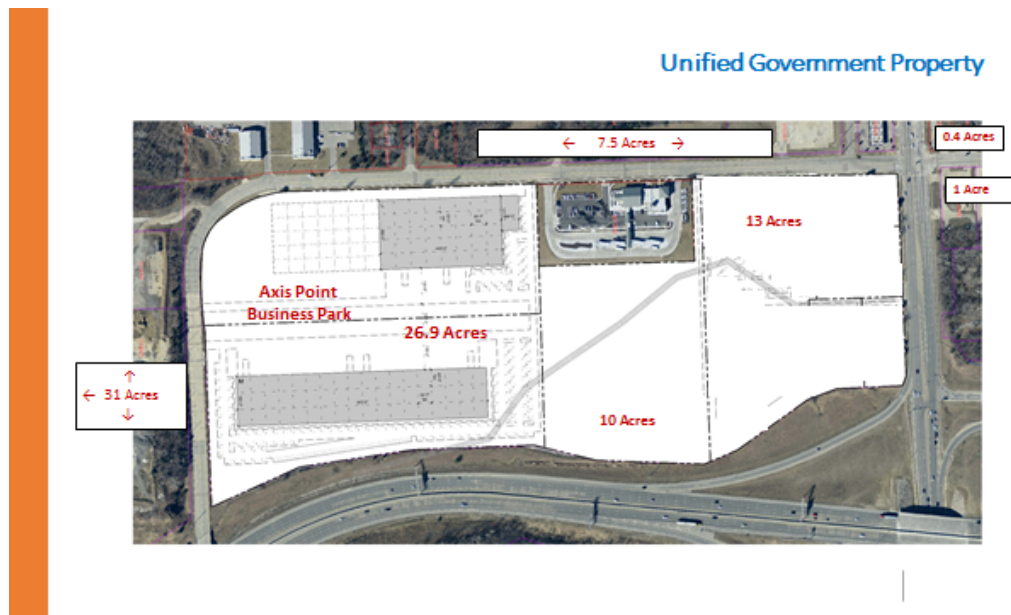
Mr. Bach said I'm going to turn this next section over to Marlon Goff and I will ask Hunter Harris with Lane4 if he or any of his members of his team want to come down. In January our standing committee came together and we came forth to talk about the fact that we had really changed where we were with what we had hired Lane4 for—we didn't hire them because we didn't actually pay them anything. They just went out over the site for a couple of years and tried marketing the site and working on it to see if they could come back with a development. I'll clarify that again, we did not pay them anything over that time period. They were working on it and they came back and said we think there are other opportunities here if you go more towards a flex-tech business park. We came forward as staff in January, presented this as a concept that we thought maybe that is the direction we wanted to consider as a Commission. The standing committee gave direction back to staff as well as asking Lane4 if they could work on a project to come forward with to propose something different, more of a business type park on the site and that takes us to where we ended up last month with the standing committee.

With that I'm going to turn this over to Mr. Goff.

Marlon Goff, Interim Director of Economic Development, said I'm going to allow my colleagues with Lane4 to introduce themselves for the record. Hunter Harris, Partner with Lane4 Property group. I've been hired to work on this project with you over the past several years and introduce my partner Owen Buckley.

Mr. Goff said of the items we're tracking and we want to present before you tonight is what's currently scheduled for the April 27th full commission meeting. The first item will be as a follow-up to the presentation Doug outlined an ordinance to terminate the Midtown Redevelopment District. The second item would be to open and conduct a public hearing based on a proposal we will review again and the use of our Tax Abatement Policy and then finally the Master Resolution of Intent to issue those financing instruments and then review the cost-benefit analysis for the various taxing entities and we will jump into some of that here this evening.

To start that last illustration of the site you saw a blank slate, cleared site. This is essentially what's represented and proposed for this project.



We also included kind of a breakdown of the footprint of UG owned property that encompasses this site. Essentially what we're proposing for Phase 1 is this 26.9 acre portion of the site.

Development Project Costs

Category	Amount
Land Acquisition	\$750,000
Development Costs	\$19,993,777
Financing Soft Costs	\$672,408
Tenant Improvements	\$3,583,815
Total:	\$25,000,000

A quick overview of the investment incorporated with this project, \$25M including acquisition. You see the breakdown for development, hard development costs, soft costs and then the tenant improvements.

Summary of Key Terms – Development Agreement

- The [purchase price](#) of \$750,000 for the (26.9 acre) portion of the site equals [\\$1.57 per foot](#)
- 2017 WYCO appraised [land value](#) for the (26.9) acres equals [\\$1.18 per foot](#)
- Construction on [first building](#) phase (~~160,000 ft~~) must be completed [within](#) 2 years
- If first building is not completed within 2 years abatement percentage is [reduced to 50%](#)
- A 10-yr 75% tax abatement [per](#) building is proposed for the Flex-Tech Business Park
- Tax abatement applies [only](#) to buildings started within the [first \(5\) years](#)
- [L/MW](#) participation [goals](#) to be included in development performance agreement

A couple of the key terms that we have included in the draft development agreement so to start when we look at the acquisition of that 26 acre portion we look at on a per foot basis you see the market value that's currently assigned to that from our County Appraiser's Office and what that purchase price translates for this offer. Some of the first few milestones we have is first the

building must begin construction within the 12 months and must be completed within the first two years. That's phase 1, the first building. If that building isn't completed then the call back provision is the 75% tax abatement is reduced to 50%. What's called out for the entire business park is the 10 year, 75% abatement for each building and this only applies if we get that product constructed within the first five years. As customary with most of our development projects we will have L/M/W participation goals included for that as well.

Cost Benefit Analysis for Tax Abatement

Target ratio for most municipal taxing entities considering tax abatement is 1.30 or better

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of KansasCity	2.01	10.06%
Wyandotte County	1.56	5.64%
KansasCity USD 500	2.61	16.10%
KCK Community College	1.65	6.49%
USD 500 Library	1.31	2.06%
State of Kansas	1.34	3.36%

Municipal Consulting, LLC. (March 2017)

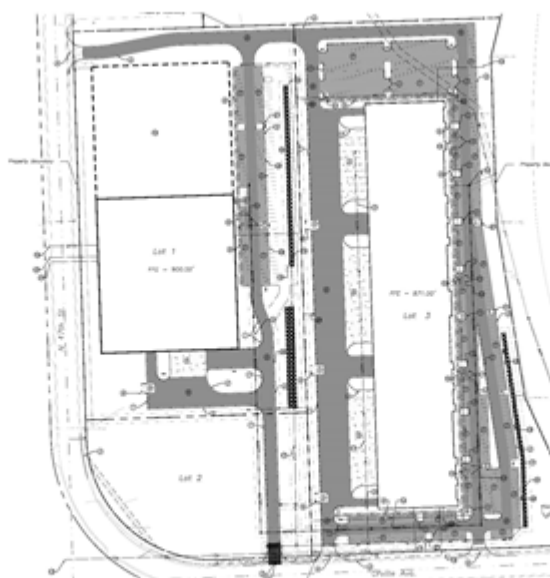
Part of the Statutory and Tax Abatement Policy we're required to do a third-party cost benefit analysis. This slide really illustrates the breakdown both from a cost of benefit ratio and return on investment for the various taxing entities. As pointed out the target for most taxing entities to consider the use of tax abatement is at least a ratio of 1.3 or better and as we can see each of the entities has reached that benchmark according to this analysis.

Revenue Analysis

Taxing Entity	Property Tax Revenue 2016	PILOT Revenue 10-Year Term	Sales Tax Revenue 10-Year Forecast	Property Tax Revenue { Year 11 }	Property Tax Revenue { Years 12-20 }
City of Kansas City	0	700,276	1,162,174	374,059	3,366,531
Wyandotte County	0	649,070	725,631	346,706	3,120,354
		Subtotal: \$1,349,346	Subtotal: \$1,887,805	Subtotal: \$720,765	Subtotal: \$6,486,885
Kansas City USD 500	0	824,595		440,464	\$3,965,814
KCK Community College	0	457,140		244,185	\$2,197,665
USD 500 Library	0	183,702		98,126	\$883,134
		Subtotal: \$1,465,437		Subtotal: \$782,775	Sub Total: \$7,046,613
		Column Total: \$2,814,783	Column Total: \$1,887,805	Column Total: \$1,503,540	Column Total: \$13,533,498

This is a breakdown of the revenue associated with this project inclusive of the 75% tax abatement. You see the first two rolls would be representing the Unified Government. We see with the 25% of the tax payment in lieu of taxes we'll collect relates to \$1.3M over the 10 years. We see a forecast of potential sales tax revenue with this project as well and those numbers are reflected at just over \$1.8M and so what we did was then to show after the abatement period of 10 years is over what might year 11 look like as the project is now paying full tax value. You see that reflect in these columns and then we simply just carry that over for another additional nine years just to give you a snapshot picture of how the project could perform from the revenue standpoint for a period of 20 years, the 10 years during the abatement period and then the 10 years post.

AxisPoint
KANSAS CITY, KS



flex/tech park | LANE4
PROPERTY GROUP

With that I'm going to transition and allow Hunter to talk about the project, talk about his vision for the site, why they feel strongly about the leasing activity and potential and then we can open it back up for discussion and questions.

AxisPoint
KANSAS CITY, KS



lot 3 | LANE4
PROPERTY GROUP

April 6, 2017

Hunter Harris, Partner Lane4 Property, said thanks for your time this evening. I know this is a project that's inspired a lot of interest and there is a deep history of what's been here at this site. We're very cognizant of that. There is a community at stake here in Midtown Kansas City and when we set out on this charge for you it was very much eyes wide open for us. We were moving into a time where large format retail was moving into a decline and that has only accelerated since that time. We had the opportunity to debrief many of you in late August and September of this year in some smaller format sessions to present some data that we had collected about how this site compares to other mall sites that either our group or other groups are working on redeveloping in the metropolitan area.

At the time it was floated that we feel, and the market is telling us, that a business park component to this project is a very viable first step and something that we could launch on at that time. Moving forward we've worked with your staff that has been excellent to work with and working to advance a project all the while as we shared with you at the time we still view retail and a mix of uses at this site in the area as all viable things that can coexist here.

I didn't coin this, but very much I believe this first phase can be viewed as a foundation for what it's going to take is a positive first step to move this area forward and it might not be as glamorous as one may think, but it is good, positive economic activity on the site with a daytime population growth and a creation of jobs to help provide a footing forth for the area.

In addition to that we've also been thinking outside the box, not only about this site, but how our efforts could potentially improve multiple districts here, the overall area of how we can move this forward and that includes continuing focus on what we could view as a viable neighborhood retail shopping center. We are still finding success with those. We've turned around one in your community at 47th & Mission and we've built some new as well and those are the goods and services that are internet proof. We need within walking and driving distance a population that has been without a dearth of services for too long and we would like to help fix that.

There has been a great idea floated about a local mix of restaurants and how that can help provide the seed in something interesting from Commissioner Bynum and that's something that we want to spend our time on if we're so blessed to continue this path forward. In addition to exhausting a lot of other options that we view as viable in and around the area with the

daytime population there is going to be the need for housing and a lot of other things including medical services that we think could create another interesting district in and around this site.

I largely would stand for any questions, but wanted to give you a brief history of how we've gotten here today. Our sincere interest and desire to keep this project moving forward, we feel very, very strongly based off of all the economic data in our crystal ball looking into the future that the back half of this site is not needed for a large format retailer, not now and not in the future and while other uses could potentially go there we feel this project is here and now and something that we can help bring your community and provide that foundation from moving forward.

Mayor Holland said thank you for the presentation. I want to start out by thanking Lane4. We did an RFP for this and no one answered and so then we called Lane4 and said would you work on this for us and they have been a great partner in other parts of our community around Kansas City, Kansas of course around the metro and they said yes, we will look into it for you. We had a clear idea of what we wanted. We wanted retail. They are experts in retail and have been the leaders really in a lot of urban areas for retail and worked closely with them for a couple of years and they said, and I think accurately, retail does not want to come to this site. I think the thing that I think is true we replaced Indian Springs with Amazon. We just built 855K sq. ft. of what is the new retail in this country and its south on Turner Diagonal from I-70 so we need something new here. I think Lane4 has been a terrific partner in genuinely looking at what the market would do. I do believe the flex-base is something the market would do. What we need to talk about tonight is what does the Commission think about this project? This is the first viable project we've had proposed for this site in 10 years so it's the first one and the question is, is this one we're ready to move on or is there something different we want to do on this site but they I think have acted in good faith in bringing this forward and then we can talk about what our hopes and dreams are for Indian Springs.

We really wanted to bring this to a discussion of the Commission tonight. We won't vote on this for three more weeks, the 27th is when this is slated for the commission meeting, so this is just an open dialogue with the Commission to speak about what we would like to see here and does this fit with what we want to see. Obviously, I have some opinions about it, but I want

to open it up to the Commission and see where people are at in terms of what they think about this opportunity.

Commissioner Markley said I just have a question about the picture that is in front of us right now so I'm guessing other people are wondering about this too. You can of show buildings on one side and buildings on the other. Is the 10 acres in the middle—does it need to be there to be a buffer or is there potential for that site to be something as well? **Mr. Harris** said no, we had left it slated. We feel passionately that the front half of the site does still have good retail viability. I'm not sure what it wants to be and it might take some time to help figure that out. The reason why we left it blank is, and we've shown housing on that site and other things that can coexist well near or around this project, is just to point out the sewer line that is there as exists today and bifurcates to site in a way that makes that middle piece a little bit wonky in thinking through the uses there. It is still good real estate that should be put into service and value harvested.

Commissioner Markley asked can you kind of expand on you said—just expand on the compatibility of uses because I think some of the concern has been we used the word industrial and we talked about this flex-tech park which is the technical term I understand, but I think there is some concern about what does that look like and how does that coexist. So, talk about what that really means and what types of businesses would be examples of what might be located there.



Mr. Harris said these are probably some examples of buildings that are either in our community and in other jurisdictions or in other parts of the country that are illustrative of the intent of what we propose to do here on the back 26 acres. I fly in and out of Denver every once in a while, at least once a year, and the area that has exploded in and around their new airport where you see many buildings similar to this that exists next to hotels, housing, apartment communities and retail centers. You will see this on I-35 in Lenexa and Olathe as you drive south of some parks that are similar to this that are in and around neighborhoods and I believe they exist well. Really the fact of the matter is from the business park perspective here, because that is our underlying zoning for this site, is that we envision perhaps some smaller users that—I use an architectural firm that we use from time to time as an example where they started here and they needed the back half of the space for some surveying equipment and storage and other needs and the front half is office space. Others use I often use the granite supply guy where it needs a showroom in the front and the back half for storage where people are coming and shopping and as such, Commissioner, I think that's why we're encouraged that this type of use—what's not driven home here in addition to just the property taxes created by just this project and just this project hopefully moving and expediting the balance of the redevelopment forward on a much quicker basis is that hopefully we find some uses in these buildings that produce sales tax for you and that's not accounted for on the developers side of the equation.

Commissioner Bynum said, Marlon, maybe you can help me understand on the slide that's the layout of Indian Springs, and that total acreage is what? **Mr. Goff** said what's shown here is in the neighborhood of 90 acres. **Commissioner Bynum** asked how did we get to 90 acres. **Mr. Goff** said since the breakout of the individual parcels all of which are controlled and owned by the organization and essentially if we did a quick math and I probably should have done a tally, it's in the neighborhood of 93 acres. **Commissioner Bynum** said but the white section looks like about 50. Is that right? **Mr. Goff** said okay, this main site right here. **Commissioner Bynum** said then what you're showing us is that directly south are 31 more and directly west is 7.5 more and a couple on the other side of the street. **Mr. Harris** said correct. **Mr. Goff** said about 60 acres or so here. The center and that's like another 3.8 acres.

Commissioner Bynum asked do you remember back in January when those of us that don't sit on the Economic Development & Finance Committee, but this is in our district and we're invited to the meeting just to talk about the future uses of Indian Springs, but prior to that conversation your department and I think some other departments brought us a presentation on how previous tax abated projects had performed once they rolled off of the abatement and onto the tax roll. Do you remember that presentation? **Mr. Bach** said it was Chuck. **Mr. Goff** said we talked about and maybe even looked at the test that had recently rolled off and now what those full payment values represented. **Commissioner Bynum** said I was trying to remember, Commissioner McKiernan, you might remember; I was trying to remember the dollar amount that those projects were now paying into local coffers. It was just something I was curious to know and hoping someone would remember because I don't. **Commissioner McKiernan** said just a second and I'll have it. **Commissioner Bynum** said when Commissioner McKiernan finds that he can tell us the answer. I wanted to be clear to everyone who might be here or watching on TV when we talked about in January and again at the most recent EDF meeting about this project. In January we asked as a consensus at that committee meeting for a project like this to be sought so I'll repeat that again as we stated at the Economic Development & Finance Standing Committee a week or so ago we asked you to bring the project. I think we also made it clear, as a matter of consensus, that we were only interested in a project like this on this south portion of the site. We think the community has told us multiple times that what they would like to have in this area, and frankly what they deserve, is services and retail. None of us have forgotten that. We know you haven't forgotten that since you worked on that for apparently 2.5

to 3 years without earning a dime to bring something like that forward. I would kind of like for you to expand on that a little bit, if you don't mind, the conditions of the market, the conditions of the retailers, those that you have spoken to, all of the places that you went to bring nationally known retailers if you would and you don't mind speaking to that. **Mr. Harris** said we've travelled in a lot of states talking to a lot of folks who, candidly I would prefer not to mention by name, but large format retailers offering a variety of goods and services under one roof in a large box. We've seen the number of new stores, not in the Kansas City metro, but nationally by some of these people be less than a fourth of what they were opening a year or two years ago. That's all to say why we got told a lot of no's and we knew that going in that this was going to be challenging project but we were up for it that there is still very much a need for neighborhood retail and those services and we've seen that be successful particularly with restaurants helping serve as an anchor. As such we were told by a lot of these people that well what's on the back half of this site. We talked to a fuel user who had interest in this area and what's on the back half, well we would kind of like to be this flex park, well that's great because there is my daytime population and that helped solve that. It has long been our thesis in order to expedite retail and provide the goods and services that the community needs and desires this helps put the pressure on us and force that to market and without which we see it being candidly safe for carving off a pad or two that you might get for a use that you may not be excited about up along State Avenue, a considerable amount of time to go achieve that objective.

Commissioner Bynum said remember in meetings with you, you brought us a slide where you had Indian Springs was the bullseye and you had rings around it showing us certain radiuses and retailers explaining to you that because we have a Wyandotte Plaza at 78th & State and because we have a strip center, a nice successful one, at 18th & I-70 that this population within your circles was being served. Do I have that correct? **Mr. Harris** said I think what we tried to convey by that is that the larger format retailers, so in our industry that's the big boxes and the junior boxes, feel they are already serving this area in some cases from within your community at Village West. Now, however; the smaller users which is why that gives us hope for potentially a grocer and restaurants and the neighborhood shops; we actually see a wide area to potentially capture and it's unfortunate that the grocery store closed across the street which helped might provide some fuel to getting something new back into this area. **Commissioner Bynum** said part of the reason I asked that is because that particular slide stayed with me

because what I see when I look at those circles is an area that does not have access to retail and services. **Mr. Harris** said we concur. **Commissioner Bynum** said I can't reiterate enough our desires flex-tech project or no to see retail and services come particularly to the north end of this location. **Mr. Harris** said we agree. **Commissioner Bynum** said and a concept that after the standing committee meeting a week or so ago that kind of developed in my mind was if you've done all your due-diligence and I know you're a successful developer and we're offering whatever the site can provide by way of incentives and abatements and we cannot attract a named brand restaurant or retailer and then my thought was we have a lot of people in this community successfully operating small businesses that live here and work here. The thought that I had at that point was why can we not take everything we can offer them, every tool in the economic development toolbox and instead of offering it to a brand name, offer it to our local folks. That's the concept that I'm committed to. The nuts and bolts of it you know are probably an entirely different thing, but the flex-tech possibly gets us started on a concept like that again if we produce the 26 acres with people coming to work potentially on our public transit, getting us a little bit more immediate density than perhaps we've got something combined with just a flat out need and desire of our midtown residents to have access, not only that, it kind of creates something that isn't on every street corner. I think that's what I kind of like about it the most. I can go to any community anywhere and eat at a Taco John's and that's a fact.

What I like about Wyandotte County is that we don't look like every other town and so I like the concept of trying to develop a small business program particularly around some local restaurants, but also local businesses where we as a body have made a commitment to take every abatement, every incentive, everything we've got and target it to a local business owner. I just kind of wanted to put that out for all of the commissioners to hear. I think it could be a part of a way forward for developing the rest of the site. It may be incredibly difficult, I don't know but I think it gives some credence to developing the flex-tech now. I also appreciate very much whoever pointed out to us that the selling price that's being offered is actually above the appraised value of that parcel.

Commissioner Kane said you know when I got here 12 years ago Fairfax was almost empty. One of my goals was to fill it up and we've done that. We're filling it up and it took a long time to get there but you put the right jobs in the right place. How long have they had to sell this

property? **Mr. Bach** said they worked on the brokering for about two years. **Commissioner Kane** said Crossland and Lane4 are they tight? Do they work together quite a bit? **Mr. Harris** said Crossland Construction is a company that we use. We also work with JE Dunn and Centric and a number of other vendors. **Commissioner Kane** said and then your-our salesperson was Mattie Crossland, is that correct? **Mr. Harris** said no. **Commissioner Kane** asked who was it. **Mr. Harris** said Mattie Crossland works for Lane4 as our employee. **Commissioner Kane** asked who was the broker. **Mr. Harris** said Tom O'Leary. **Commissioner Kane** said so Mattie didn't have anything to do with this project. **Mr. Harris** said no, Mattie assists me and Tom O'Leary was working on the site, the gentleman who works for Owen and I. **Owen Buckley, Lane4**, said Tom has 33 years of experience in retail primarily and also has done a considerable amount of office development. **Commissioner Kane** said when we talk about this retail and this access point and one of the things that should scare all of us is they have to have public transit so what are the quality of the jobs that are going to be there? We've sank a lot of money in this. If you only make \$9 or \$10 an hour you've got to take the bus so we're not sure what kind of quality jobs, quality pay these jobs would be. We wanted this to go out as retail and I don't want to shortchange ourselves and I think, Mayor, you and I talked about this not too long ago, we wanted something that would suit the community. We didn't want a truck stop, we didn't want something that wasn't going to bring in what we wanted to bring in and I don't believe this brings in what we want to bring in. Low paying jobs don't work for me and it's a prime location. We have spent a lot of money on that and I don't want to waste our money by going and getting something that may or may not work and if we have to hold on to it a little bit longer then we hold on to it a little bit longer.

Mr. Buckley said so can I ask you what you think would work there. If you had a wish that you could have granted, what would it be and do you think that's realistic? **Commissioner Kane** said realistic I think that we could put that back just the way it was with some big boxes, some restaurants. **Mr. Buckley** said so a mall. **Commissioner Kane** said not necessarily a mall. It could be an outdoor mall. **Mr. Buckley** asked what would some of the big boxes be. **Commissioner Kane** said well I would like to see like a Menard's or something like that, a Lowe's, a Home Depot; something that's going to bring—**Mr. Buckley** said but you can only have one of those so what else? **Commissioner Kane** said if you want a fight brother you've got the fight out—**Mr. Buckley** said I'm not fighting, I'm being realistic. **Commissioner Kane** said

if you want to start some trouble—**Mr. Buckley** said this is an important piece of property for everybody so let's talk about what can realistically be built there. **Commissioner Kane** said it's hugely important and what we want is what's best for the community, not what's best for you. I'm telling you right now we want—**Mr. Buckley** said Menard's, Home Depot and Lowe's don't go together in a row. **Commissioner Kane** said there's something else, I want proof of who they talk to, when they talk to so I can call them and ask them.

Mayor Holland said I think we're here to figure out what we want. There are two things. There's what we want and then what the market will do. **Mr. Buckley** said exactly. **Mayor Holland** said those are two big issues and I think that's what we're here today to talk about because if we've been 11 years getting to this point and three years most recently so let's keep going through the discussion, hear what the other commissioners have to say, and we will just continue down this road. **Commissioner Kane** said I would like a list of the names of the people they talked to so I can call them. **Mayor Holland** said we can talk about that. I don't know what the feasibility—**Commissioner Kane** said I don't want to talk about it. I want a list of them. **Mayor Holland** said well we'll look into it.

Commissioner Walker asked could we go back to the one on the money, the picture, what we've spent. Okay, that's what we've spent today. Are those numbers including the interest that's accruing? **Mr. Goff** said you mean with respect to—**Commissioner Walker** said by the time all that debt is paid off, are you telling us that we will have spent only \$19M or will we have spent somewhere closer to between \$27M to \$30M? **Mr. Bach** said interest that we pay on that, this is money that's outstanding so there is interest that's out on it every year. This is money we spent on the project area. **Commissioner Walker** said so that number is really by the time we're done with the debt is going to be higher and I can't do it in my head because I don't know what the interest was on the debt, but I would say it's at least \$2M,\$3M,\$4M higher if not more. Then when we look at the numbers where you have projected what all the financial benefits that we're going to receive out over 20 years if I looked at that correctly, we don't come close to breaking even. I want to say—first of all I frequent many of Lane4 projects, the aftermath of where they do business, up by KU Med, out by Mission over off of 47th & Rainbow, I mean they're all over and the product is fine, the stores are there; but it seems to me and I don't

know how to describe this is not five miles south on 635 are a couple, I believe, of Lane4 projects. I know I think you built the apartment complex, did you not, at Mission & Johnson, 61st &--**Mr. Buckley** said yes, it's a senior living community, correct.

Commissioner Walker asked didn't you build the restaurant/gallery there Culver's, Chick-fil-A and so forth? **Mr. Harris** said correct. **Commissioner Walker** said now that's five miles south of where we're talking about if that. Maybe it's a little farther but I think it's about five miles. Now, we have a site that to a simpleton like me we've got interstate access that in some communities businesses would die to have, I-70, I-35, 635, 435, I-29 all are accessible from this location. Now, five miles south that project out there, that total complex, is ideally what I would be jumping up and down if you brought that to us. Five miles south and what's the difference? I'll tell you the difference is, and it's not you, it's the beef of the people you're dealing with. There is an insidious kind of discrimination that the law the does not protect us from and it's called economic discrimination. Businesses want to go where people have money and people who have money are usually not in a diverse minority area, in an urban core setting and it just drives me insane that this site in Johnson County would have been gobbled up and built and producing already and they wouldn't have gotten it for \$750K, not even close. In fact we might not have even had to take the property to do something with it because the original owner would have already sold it to somebody who had dreams.

There is old saying about everyone dreams, but we don't all dream equally. This proposal is not my dream and I'm at the point where all things considered I don't want to take anymore something is better than nothing. No, that's not true. Sometimes nothing is better than something because something is just not good enough. That piece of property—I heard all the conversation when we took that property from I guess maybe Commissioners Murguia and the Mayor might have been there in 07 when that property was acquired, maybe Mike—**Commissioner Murguia** said no sorry, Commissioner Walker, not to interrupt you but before you get further down the road, no, Mayor Holland, a commissioner at the time; and myself were just coming on. **Commissioner Walker** said that's right. We had to acquire that before you guys were—**Mayor Holland** said sworn in. **Commissioner Walker** said because we were running out of time before the state law took effect. **Commissioner Murguia** said so I did not vote to do eminent domain. **Commissioner Walker** said at the time the dream was that this

would be the anchor to stop the decline or at least what was described as decline of that whole surrounding area and I'm just not inspired.

I guess at this point if I had to make a decision tonight I would say leave it empty. We've already got our cost fixed in it. Let's not just take something. It may not be this year, it may not be next year, but sometime someplace somebody is going to come forward with an idea that will make us excited, that will pay some taxes on it, that will generate some sales tax and that's just kind of how I feel. I don't have any problem with what they looked at. I mean there are places for that but when we can't get retail on a location like this it's like I know it's discrimination, I know what's going on in the develop—not developer, the businesses that they're trying to acquire. They don't want to go there. There's people around there with no money, high crime, poor people, we want to be where there is a lot of money flowing. Unfortunately, that's the way it is and I'm not confident the 13 front acres are going to develop just because the back is there so that's where I stand.

Commissioner Philbrook said I'm not really sure where to start on this other than when I was elected just about four years ago—since I've grown up in this community I have watched Indian Springs in its heyday, as it started declining, as it went to heck in a handbasket, as it became a nasty looking mess and then the City bought it and developed a little bit of part of it and I love what we've done so far because I think we've done some really good things on that property. My dream would have been to have oh yes Zona Rosa there, but as everybody realizes there is that discrimination but these people are in business. They're in business to make money, that's what business is. I hate to say that, but it is and if they don't think they can make money there, they're not going to put themselves there because that's what they're for. Having said that, that doesn't mean that they're right, it just means that's what they think and if that's what they think, that's what they're going to act on. Unless we can change their minds we're not going to see big box or big business so the option of bringing in businesses that have cut their eyeteeth on our community and there are locally businesses is very exciting to me because it's about time that our local government stepped up and supported our local businesses and gave them an opportunity to come in on something like this. I love that Commissioner Bynum jumped up and down and told me and was excited about it because I agree with her. We're long past that time. Our businesses have been supporting us for years you know with paying the 25% tax on their

properties, me along with everybody else and I think it's time that we give back to them now on that north end.

Having said that, I need to ask a question, on the revenue analysis page, that money, that \$13M total back that just relates to those 26 acres, is that correct? **Mr. Goff** said that's accurate and it actually represents let's say years 12 through 20 so I guess if you combine it with the column adjacent to it the \$14M would represent—**Mr. Bach** said no, Marlon, it just represents the 26 acres that they're talking about, not the other properties. **Commissioner Philbrook** said not any of the others, just that. Why would we expect half of it or a third of it to give us the whole 20 back when it's not even half of it? That doesn't give me heartburn. I just wanted to point that out that we're asking why can't we have our 20 back when it's not even half of the acreage so I don't have a problem with that. I just wanted to point that out.

I'm also not concerned that the south part would be flex because of the fact that as was shown in other pictures there is so much stuff that abuts each other in Johnson County and I don't hear any outrage about oh no I have a flex park next to me. You've got houses out there for half a million next to a flex park, they don't seem to be too worried about it so I guess I'm not going to worry about it especially if it's done appropriately.

The other part around that is if we're concerned that the flex park is too large, that part of it is too large, is it possible to still be viable and cut down the amount of property that we used to create a flex park? **Mr. Harris** said yes, I'd put most anything within the realm of possibility. We drew the line straight across from the transit center because—and that's what we've really always kind of shown you because that seems to be the most logical way to devise a site. **Commissioner Philbrook** said the only reason I'm asking that is because I know that our community would like to see, especially the north end, become multifaceted with amenities for our community with a nice grocery store and that would be great if it could be a local owner and all kinds of attributes like that, a new Tickled Pink down east, just throwing out names. There are plenty of people out there that are part of our community and have contributed a lot and in the center part where the 10 acres is if that becomes homes of some type, and what I mean homes of some type, more like the development like we have out west of the Legends. More like that with a lot of different attributes. I mean it's right off the highway, there is no reason we couldn't get market value right there and if you have people living there then they are going to utilize that north end and that just helps spur the whole thing. That's where I'm coming from on this and I

would like to see some movement because if we just—for me I kind of feel like I'm a goose and I've got this egg I've been sitting on for years and it's not doing anything. So I would really like a new egg to start growing a new chick you know, that's just where I'm coming from. You know that's the deal. The whole concept of growing something and we're not growing anything right now and so I would like to see us try to grow something and let us actually be creative and inventive and to give us a possibility to move forward. I agree with most what everybody has been saying and I understand wanting to hold out but I guess I'm tired of holding out. I want to create something new.

Commissioner Johnson said I have been contemplating and thinking about this for a long time and I'll admit to you, first of all I agree with Commissioner Walker, this is economic discrimination. I've sat on the other side of the table and I know what it looks like on both sides of it. Something is not right about it and the other part of me waxed this nostalgic for the days of yesteryear, Topsy's Popcorn and Jeans' West—**Mayor Holland** said Orange Julius. **Commissioner Johnson** said okay, you know what I'm saying. Those were good days, Italian Delight absolutely, but times have changed and I don't believe—I'll say it like this, I believe in my heart if we could have that, we would have had it by now. I don't know what this bird in the hand looks like—what it is, flex-tech space, I don't know what it is but it's something and it is my opinion that we waited long enough.

Lane4, I appreciate the work that you all have done. I think you all have been frank, you've told us not necessarily what we wanted to hear, you told us what the market will bear. I've also seen you all do some retail projects and my sense is if there is a way to get retail in, you guys would figure it out. I mean you've done some good projects. We can see it around other areas in the city where it speaks for itself so I believe if there is way to leverage that then the current proposal can bring retail later. I will ask the question, how long is later for something like this? Is there a way to be able to speculate how long it will take to leverage something you know retail and services off of something like this? **Mr. Harris** said it's tough to say because I'm never going to tell you the answer you want to hear and with that being said our thesis is sooner, not later by moving forward now. We think it helps give us the right tools in the toolbox to make that happen, but for answering questions about what this site is going to become it could be an awfully long time.

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Commissioner Johnson said I agree with the analysis that Commissioner Philbrook gave with regard to the fact that the revenue analysis is based on just the 26.9 acres and does not include the other portion of that property, what it could generate as well, so we're not really looking at an apples to apples comparison of what has been spent versus what could be made. I'm not by any stretch of the imagination saying that we're going to be back at breakeven anytime in the foreseeable future, but moving forward is better in my opinion than not moving at all. I will say this, and I think I've said this before, what the public wants is what is most important to me. If the public says we need to wait and rethink this, then my opinion could probably be swayed otherwise, but until I hear that overwhelming dictate I think that the notion of trying to deconstruct the big box seeing if we can bring in retail, if we can bring in housing leveraging off of this flex-tech space, I'm willing to try it. Nothing ventured, nothing gained and so with that I'll stop right there.

Commissioner Walters said I'm going to agree with some statements here. Mostly though the statement made that this is a very important site and we only get one chance to do this right and as you said, Mayor, there are two ways to look at this; you can either go down the road that the market is leading you or you can think about what you want to be there and make that happen. I think we may be at a point in time where we need to step back and think a little bit more about what we want to see there rather than having to accept what the market is saying should be there.

I was at the standing committee meeting in January when we looked at this and correct we did say please bring us more information. The tone that I recall from that discussion was we don't know what is going to go on the front, but this back 26 acres could be the economic engine that will subsidize and leverage better development on the front that may not be as economically viable. So, yes it is important to think about how much revenue we get from this back part because the inference was that some of the stuff that we may want to see along State Avenue may not be as economically viable or maybe it would have already been there, but with this industrial flex-tech space we can justify doing developments that are not as economically strong. Now that we have the numbers that has not proved to be the case, at least what I'm seeing is we're going to receive about \$130K a year in revenue for the first ten years and I'm sure that amount of money is dwarfed by what we're paying out annually just on the debt service. Yes, it's \$130K that we don't have now, but it's not a game changer and it doesn't achieve my dream of

having this space become transformational and have it be something that people who drive on 635 see as something new and startling different than what was there before.

I understand the desire to get something done but we do need to make sure we're doing what we want to do. I'm an advocate of planning and it did bother me two months ago when we say okay we're going to take more than half the site and we're going to do this with it, we don't know what we're going to do with the front half of the site and to me that's like I'm going to build a house, I'm going to build a kitchen first, I don't know what the rest of the house is going to be like but I'm going to start with the kitchen and that's not the best way to build a house and I don't think it's the best way to design and develop a large parcel of ground like this. I would like to see a comprehensive plan for the entire 50 acres and as I said before, I could have gone along with it if it was such an overwhelmingly viable financial scheme that we could do a lot of things on the front, but that's not what I'm hearing now. I advocate for stepping back and really game planning what we want to have happen on this very important site.

Commissioner McKiernan said well we've all kind of outlined the classic conundrum here, do you take the bird in the hand, not a very pretty bird but it's in the hand, or do you wait. Do we let this land lie fallow, do we cut the grass potentially for 100 years before that deal that we want finally comes along. As I'm sitting here tonight, and I'm glad I have more time to think this over, but I'm sitting here tonight I'm leaning towards let's take this and make this the catalyst for the redevelopment. Yes, I'm going to build my kitchen first, but I think this could be the catalyst for redevelopment and if we chose not to do that, if we chose to just wait for a better deal then I think the one very fundamental question we need to ask ourselves is this, what are we going to do intentionally and methodically to change the economic and demographic makeup of that neighborhood if in fact there is economic discrimination. What can we do that will make this a more inviting target for a development like there is at Martway & Metcalf and I think that we can't just let it lie fallow and cut the grass. There has to be an intentional plan on our part to change the dynamic of the surrounding community that will then make those developers say I chose to, I want to, I will be there.

Mayor Holland said I wanted to say a few words too. I've gone around and around on this. I'm very appreciative of Lane4's work. They have been great; they are great partners in our

community and have done great work. I do believe them when they say, because I've been with them at ICSC. I've been out to ICSC, I've been in meetings with them when we've talked to retailers and just looking at the statistics the years of Walmart building 100 new supercenters a year across the United States are over. Target lost their shirt in Canada. They're not building anything right now. I've talked to the retailers with them, I've seen the reality that the game has changed and Amazon is a big reason for that and Walmart is not even building a new supercenter in the Kansas City metro. They're building a facility just like Amazon built for their internet fulfillment. The idea of a big box coming in here or a power center, as they used to call them, coming into this site which is really my first choice. My first choice is Super Walmart with a Menard's and a couple of other big box, Kohl's and a Penny's and a brand new grocery store and we're going to rock and roll all the way to the bank. That's what I want. I don't believe that's going to happen. The numbers on this site I think this is the right project with the right developer. I think it's in the wrong site. I think we have acreage, interstate frontage acreage that we own and control. They could take this project and I would support it in a minute to go on different site. We have I-70 frontage property that I think this project would be ideal for. It would be a big win. We have property that's undeveloped along I-70 and that we could work with the developer because we had to do this with Amazon. The site that Amazon went on was so tricky and so hilly it took additional incentive to level it out to literally level the playing field. I'm prepared to do that in other places because this kind of commercial development long-term is the low-hanging fruit for our community to build our tax base and a ten year incentive process does not bother me, it's just a part of the way the world is either we incent businesses or we're not getting development. The deal doesn't bother me. The developer I'm thrilled with and I try to be rational and not emotional about Orange Julius, right, because as a kid that's where we went to the mall. I get it that those days are over. I do believe there is a higher and better use for this site than commercial and I do believe once we commit to the flex space we've committed that site and other developers to want to do that more fully. I think we could develop this whole thing as flex space, all 50 acres, and we would make our \$20M back and we would breakeven. It would take a while but we could get there.

Here's why I'm not excited about that. We have a \$4.5M Transit Center which is a gem and the opportunity for transit oriented development is huge. I would like to put 300 apartment units or condos on this site. I would love to do a senior housing project on this site to

bring the population to this area and to completely change the character of this area. Midtown has been in decline for a long time and part of it is because of the mall. You know the mall is like a black hole. For all those years it sucked all the retail to it and then when it died all the retail was gone and the first big box retail that we have within a five mile radius of this site is K-Mart at 78th & State and all the benefit that's bringing our community each and every day.

I think that we want to think about we're not the only mall site that died. Metro North, Metcalf South, Bannister Mall, Mission Mall has sit vacant for how many years with the ground scraped, ten years; those are all in private hands which made it harder. We're fortunate I think to have control of our property. That's unique. I'm glad we have control of this property. Great Mall of the Great Plains went under before they finished paying off their bonds to build it. If you're familiar with Topeka, White Lakes Mall is dead. I do think it is a conspiracy by developers. I think in 30 years they're going to tear down all the open air malls and build closed air malls again and they are going to just closing down the old and building new and tell us they can't do it that way anymore. That's just a conspiracy theory I have.

I do think this site if we did a Midtown Master Plan, Commissioner, to your play and I'm a fan of—I mean we just did a master plan for Rosedale but I think is going to bear huge fruit for us because it gives us an idea of great usage. We're doing a Northeast Master Plan. The Downtown Healthy Campus, the market in downtown wants blight and it wants absentee landlords milking the last nickels out of that site. That's what the market wants downtown as blight. Well, we didn't accept that and we're moving forward with a new community center. We've got \$14 of the 16M for that, we're moving forward with a new grocery store, we're working with two operators to get one of two operators to get that done. We need to get that moving forward but we had to do a plan and we had to get all the neighbors involved, all the stakeholders involved downtown and say what do you want? They said we want a grocery store, we want activities for our kids and for seniors and so we're building that and it's going to be a game changer. It's going to be the largest economic development investment in downtown in generations and we went out and asked for housing and housing groups have come because they're excited about the change in the Healthy Campus and what that means for downtown. It starts to change the character of the community and the benefit of the Healthy Campus is those two projects by themselves aren't what we're shooting for. We're shooting for a complete redevelopment of downtown and using those as a catalyst.

I want Indian Springs to be a catalyst to go all the way down State Avenue; we've talked about this, all the way down State Avenue to 72nd Street and all the way to 38th Street. I think we look at Indian Springs as a catalyst to transform the character of this community, this part of our community, to build something new and nice. Look at condominiums, look at townhomes, look at apartments; I don't think they're building condominiums anywhere in this market in the metro area, but they are building a lot of apartments. Looking at what we could build around this site that would leverage the kind of local restaurant flavor you've talked about, Commissioner, I think that's a great idea. If we could get the kind of retail we have at 78th & State that would be huge. You know a grocery store and all the amenities that go along with that. We have a Transit Center that connects to Johnson County, Legend's, Kansas City, MO., I think we could master plan this to do something amazing and I'm with Commissioner Walters. If these 26 acres generated so much money that it was the engine that allowed us to develop the rest of it, I think I would have to do it. I just don't think it's that big of an engine and the other piece is the top box is the only one that we're able to commit to at this time. The developers are not able to put in writing the whole 26 acre development. We only have half of that so the only guarantee of money we have is \$650K for the first ten years. I just don't think that's enough commitment to create the engine moving forward and I think this is exactly what the market is calling for. I'm disappointed because I want the market to want what I want and darn it, it doesn't, but I think it's going to take a game changing vision and master plan to bring in a national group that does urban redevelopment that could come in and look at a housing solution more of a mixed-use.

We also have 31 acres to the south that's undevelopable going down to I-70 it's undermined. We need to fill that in like Briarcliff did. That's a ten year project. We could put youth fields up there, we could do green space up there, we could do a lot of things up there. We could do some trails, we could do—there is a lot we could do with ballfields up there that we could do safely on an undermined site and if we had some housing to leverage that and then looking at the out lots. We have ten acres on the outside of that and then going down State Avenue so I just think we need to dream a bigger dream. I do agree with the bird in hand but this is probably my deciding factor, because I could flip a coin and probably be happy with the outcome. My deciding factor is I think if we don't do anything and we just spend the next year planning it and we don't come up with a better idea, I think the market will build this next year

or two years from now. I don't feel like this is a once in a lifetime development that if we don't do we will never get back. For me I feel like we could do this. The market is going to want this interstate frontage for commercial forever. I don't think that's going to change but I do think we have an opportunity to think a different thought.

That's a long statement but I really appreciate Lane4's work on this and this is the first time I think in my ten years up here we've had the right developer with a legitimate project that I've not wanted to do. We have the right developer, we have a legitimate project, I would like to put it somewhere else and build it.

Commissioner Walker said I won't belabor it but we were talking about the economics of it and I realize that we of course only have 26 acres and numbers to look at, but I want you to be realistic on the 10 acres and 13 acres I would be stunned, no more than that; whoever comes in and says we want to develop that—let's say we develop that 10 acres into some kind of mixed-use apartments, that kind of thing and retail commercial on the front, don't believe for a minute that they're going to come in the door and pay full taxes and sales tax. They're not. That's not how the world operates. Again, because we're not in a position like parts of Overland Park to say we don't care if you come here. We're going to be hit with the 75% tax abatement, a CID so this idea that somehow we're going to make up that other half on what's going to occur on the front, that's not happening. Don't dream that dream. This is not going to pay off.

A friend of mine who is an accountant with just some hypotheticals about the front end told me that told me that I would be on the—well probably on the north side of 100 years old before one dime of profit rolled in over what we've put into this project. He has no crystal ball as to what the 10 acres and 13 acres are. You're looking at 35 years. I've got people emailing me, calling me on the phone saying when are you going to do something for us now and quit worrying about 35 years from now. We don't know about 35 years. I don't know. I'm going to stick with what I said before. I want to roll the dice. Just leave it open. I agree with the Mayor that somebody will walk in with a proposal that will be too good to turndown and won't ask us for tax abatement or the same level of tax abatement and generate sales tax. I mean that close to the interstate—like I said five miles down the road they're booming. You have to stand in line at any of the restaurants to get food from them, not stand in line, but stand in the drive-thru.

Mayor Holland said I do think too the \$20M we've spent, we've spent and I don't regret it. The Commission before us made that decision. I don't regret it. I think we have followed through with it. I think having this site in private hands in an absentee landlords hands and watching it fall down in our city would do more damage than it is, we could put it to corn and it would be better than having a dilapidated mall site tearing down the image of our city. I think we're better off where we are now than if it were just in forever foreclosure. How hard is it to get a house out of foreclosure? Mercy, if we had this whole mall in foreclosure, we would be ten more years before we could get our hands on it. I'm pleased that we actually have control of the site, a blank canvass that we can work with.

Commissioner Bynum said I've been listening and wondering what kind of project would recoup the \$20M so I feel like I've heard a couple different positions on that. One being we never will, one being that we could recoup some of it, so I don't have an answer for that, but I just wonder what kind of project would this Commission support that we think would recoup the \$20M investment we've made over this past decade. That's just a question for us to contemplate but I'm a fan of planning as well and teamed up with Commissioners Townsend and Johnson to push for the Northeast Master Plan. I like the notion of planning but we put out an RFP in 2014 that no one responded to and then we went to one of our most successful developers and said if I'm recounting this wrong, Mr. Bach, tell me. We went to one of our most successful developers and said no one has responded to this RFP so will you please come and see what you can do and three years later we've decided maybe we would like a plan after we've let you work. If I'm saying it wrong, just tell me; but that is what I think I'm hearing.

Commissioner Walters said I think I heard we went to Lane4 in 2014 and said come back with a retail development. **Commissioner Bynum** said I wasn't here so I don't know what we asked them to do. **Commissioner Walters** said and that may have been a fatal flaw there if we tied their hands and say bring back a retail development. You know this site failed as a retail center. **Commissioner Bynum** said it would be interesting to know what we asked them to bring us.

Mr. Bach said we asked them to work on a retail development on the site and that was the direction we went with and they worked the retail element for two years and that really came to

more of a conclusion last summer which more about our two year time period. It was at the conclusion of that after having worked on it through that time period that they started going you know if you want to do something the market is really looking more at this flex-tech and that's something you ought to look more to. That's when the concept started to change.

Commissioner McKiernan said I just want to say that I appreciate the insight and the perspective of everybody who has talked tonight because it helps me shape my ultimate decision and this discussion is why I recommended at our standing committee that the first time we discuss this should not be on the night when we are about to take a vote. I appreciate everybody coming here tonight where we can have a discussion with still time to thoughtfully deliberate before we actually take action on this project so thank you.

Commissioner Murguia said I have taken a ton of notes and I can't even keep track anymore because there is just so many topics and so many comments that everybody has raised so I will start with this. Out of everything that all of the commissioners have said I agree with a little bit of what each one of them have said and then I follow that with I think this is a great project. I think it's a fantastic project. I think it is a great starting point. I would agree with McKiernan when he says this could be a catalyst to begin to move this site forward.

My issues with voting in favor of this project are bigger for me. It's about how we do business here and it's about fairness and equity and it's not just in regard to the project that I spoke to at standing committee, which I will talk about again, but it's about how we treat developers. I'm going to jump back and forth a little bit. Just as a reminder and I just want to reiterate what other people have said. We went to Lane4, they didn't come to us and my understanding and please if I'm wrong, don't hesitate to jump in and correct me. We have not paid them anything, not one dollar to do the work that they've done. They're in business, they're not volunteers. They have to make money and we all may want to hate the evil developer but the reality is those gentlemen are in business and I'm not just speaking in regard to Lane4, I see us do this to developers across the board. We go get them, we beg them for help, and we ask them for their professional opinion because candidly I don't mean to my fellow commissioners, but if you've got a better idea for this site, bring them to the table. I mean come on; you can't do what you expect others to do, so I think that's pathetic frankly. My bigger concern is we're going—

the more time that goes on the longer I'm up here, I keep seeing the same developers over and over and I even see developers drop-off so now we have less number of developers that our government works with and frankly I think that's our fault because I think that's the way we treat them. We ask them to come in, do work for us, they do it for free, we run them ragged, we cast one vision, they come back and say it won't work, we tell them to bring something to the table, they bring something to the table and we don't like it. It's just so dysfunctional I will tell you.

I did want to say something to what Commissioner Walters said. You know you had said this before that you're a planner, an architect and you know at first I thought you know I don't think I'm like that but you know what, I go back—I agree with you, Commissioner Walters, I think I am a planner like you and we wouldn't be in the trouble we're in today if there had been some planning around this site to begin with. We are saddling these gentlemen with \$20M in debt and a hard to develop site right out of the gate. I've got to tell you I sort of question your judgement on volunteering. I don't know what you were thinking to tell you the truth. I would have told us to go away and what bothers me about from a fairness and equity standpoint is, and I'm not condemning this, I think this was fine but then we paid money to another developer who has really never done anything of value in our county to come up with a plan for downtown. If you look east of 635 they have been the pioneers of some of the biggest and best projects we've ever seen east of 635. I know that because most of them have been in my district. I'm appreciative of that. It's the fairness and equity in the way we treat developers and how we treat some areas of our city different than other areas. I just think that's concerning to me. We often times—I don't think—I want to try to remain calm on this. I want to believe it's not intentional but sometimes it's hard to believe that.

I am going to use my last few minutes for self-serving purposes in my district because that is my job to advocate for my district just like it's everybody else's job up here to advocate for theirs. I'm going to say again, there was a \$3.5M deal on the table to put fast-food in my district. Just comparing it to this, which I've already said is a good project so don't take this the wrong way, but the land in that project was free. I personally went to the State and got the State to donate it. It was free, it didn't cost a dime. The land in this case cost us \$20M. I'll also tell you that I was personally involved in raising \$1.2M to offset the cost of this development. There is no grant money involved in this project. We don't even have grant money to pay the developer to do all the work they've already done. Based on the amount of government

incentives that we are currently negotiating in the fast-food franchise for my district, it creates 71 jobs, 50% more jobs for the government investment than currently what is being proposed tonight. It's hard to believe that it's a level playing field and fair and that business is done fairly in Wyandotte County when these kinds of things happen. It's bothersome to me.

The third concern I have and my final concern is when we do business like this it ruins our reputation across the board. I hate to do this to you. It's a good project, I think it's a great start to a good site, a site with potential; not necessarily a good site, you definitely have a lot of challenges but I'm sticking to what I said. Until I see some fairness and equity in particular in regard to the \$3.5M deal in my district, I'm not moving to move any other economic development projects forward because it's setting our county up for failure and it gives us a terrible reputation. People think nobody is paying attention. People are paying attention. Developers out there that would like to maybe start to dabble in Wyandotte County if you think they don't watch this and don't say I'm never going there, you're wrong because that's exactly what happens. I don't want to be part of that circus. I hope we can all rise above the fray and do what's in the best interest for the whole county and every district be supportive of each other's visions. I think we all got elected for a reason. We bring something to the table and I just hope we can do that.

Commissioner Kane said I was here when we bought that property or we took it over. I guess we didn't buy it and at the time the economy was booming, it was the right thing to do and then everything went into the tank. It's not our fault. We were doing what we thought was the best thing to do and we had people willing to do something right then and there and it's frustrating to see that drop. I also got here when we had money and then Ann and the Mayor showed up and we didn't. Here's the deal, and I said this and the Mayor said it better than I did, there is a place for this; just not on that property. We've got other places where we could put this type of industry and then sit on this and if we have to sit on it for a year, then they come back in a year. Doing this would be, in my mind, not the best thing for the property and not the best for the community and I have had people in my district reach out and say this isn't what we want and I hope the people looking on TV that they reach out to their commissioner and tell you guys what they want.

Commissioner Bynum said thank you, Commissioner Kane, for reminding me with your last comment that I did want to say that Commissioners Johnson, Philbrook and myself along with Mr. Harris from Lane4 have agreed to have a community meeting to talk about this topic because we do want the community to talk to us about what they want. That meeting is set at the Neighborhood Resource Center which is at 4951 State Ave., it will be held at 6:00 p.m. on Wednesday the 12th of April which is next week. Thank you for reminding me because I meant to start with that.

Commissioner Murguia asked do we hear from the public at a special session like this. **Mayor Holland** said no, we don't.

Mayor Holland said the 27th this will be on the agenda. I am glad to hear there is a community meeting. The 27th there will be an opportunity for public comment. We will have a public hearing for this but I would ask the developers, do you have any summative comments you would like to make.

Owen Buckley, President, Lane4; said I do. First of all I just want to address Commissioner Kane. His question about who we have talked to. That's his right to ask that question. It's a good question and it's his right to have the names of the retailers. I personally have just written down about 30 of them. I would be happy to get on the phone and provide phone numbers and contact people with those 30 retailers. We contacted way more than that 30, but that's his right. Our job was to go contact retailers and find out would you go here, why won't you go here and let's go back a little bit to why did we take on this job and we did say no the first time. Then the second time we said no. I will tell you why we took it on because it's what we do. We do retail and we're doing a lot of other things too now. It's just the retail world is changing drastically. I sat in our office today with a very well-known competitor, but a developer, and we talked about has there been any track of land 50 to 70 acres in the Kansas City metro developed for retail in the last five years and we couldn't think of any.

The 61st & Metcalf location that people have brought up and thank you for the compliments on that, we're very proud of that. What is that six acres, Northwood five acres, Red Bridge Shopping Center we're redoing that over on the Missouri side, 14-15 acres; and we're

high on that stuff, we're high on local restaurants. You have to have someplace to go get your hair done, run your errands, drop-off your dry-cleaning, exercise, all kinds of different fitness places coming. You can't exercise on the internet because you're the only one there and you need people around you to motivate you and that's a great internet proof use. We're excited about some of the things that we can bring to the front of this, but also back to why did we take on this assignment. We took on this assignment because of the relationship we have with you and it started with Sporting which I thought—that's when I met Doug and met a lot of you and it was a very cool experience and I still talk about it to this day and I talk about 39Rainbow, same thing. Argentine, who would have ever thought—I didn't think we could get a grocery store down there but we did it and we did it a lot because of all of you.

We thought this is a city, this is a municipality that we could do business with and so the third time when you came around I remember going and meeting with Mayor Holland and we've got to help these guys because we want to do more business with you and we still want to do more business with you and we are doing more business with you, Northwood, the other project and other things we're working on. That's why we did it. We did ask one little stipulation and whether this project gets approved or not I think it's really important and I was out-of-town at the meeting last week where somebody compared us to Dick Cheney. We did say we are developers and Commissioner Murguia is right, we are in the business of making money, that's what we do and we said if whatever project happens here, and by the way it wasn't just retail, that was the primary thing of course but we were also out—I remember talking to office brokers about some pretty big office users around town, Tom O'Leary I mentioned in our office, bring them over to Indian Springs I mean it's perfect. People that live north of the river can get there blah, blah, blah. We talked to a lot of different people including hotels, everything like that. What we did say is if there is an opportunity for development where a third party developer needs to come in, so for example, IKEA, they develop their own buildings. They don't go to a Lane4 developer. They say thank you very much, we will build our own building. Cerner does the same thing so situations like that, no problem.

If there is an opportunity for a developer we would like it written in the agreement that we will have that first right of refusal so I just wanted to clear the air on that and make sure everybody understood that and we thought that was kind of our deal so to speak.

April 6, 2017

I appreciate everybody's comments tonight. Retail has changed drastically. I think the multifamily, the senior, some of the things you see around town can be done. I think as you drive by this site today unfortunately we all know it's somewhat dismal and depressing. If we can get some of those buildings that Hunter showed that are reflective of what we see in some of the other areas of Kansas City and in Denver as you leave the airport, I think that starts to change the fabric of this area. I think you have plenty of land leftover because I mentioned how small some of these retail projects are now. It's becoming more neighborhood and they will drive to Costco and go you know 20 minutes if they have to do the big stuff. We want them to do their community neighborhood stuff here. I think you have a lot of land leftover and just anecdotally and I won't name the site, but you're really familiar with it and it's one that's very familiar to Indian Springs, we were working with a retailer and we were working with some multifamily people and the multifamily people were excited. When the retail thing fell through, which a lot of them do these days, the multifamily said no thanks we're out of here.

I think this is the beginning of something. It's a lot of land. This is a really big piece of ground. Go down I-49 as you go down through Grandview, Belton and Harrisonville, there are huge tracks of lands along there and lots of things going on, CenterPoint, all these things. This is a big piece of ground. I would start chopping away at it if I were in your shoes. We don't just talk to the retailers and the office users and the industrial people, we're talking to our friends that are in the business at the ICSE Convention, people that are cohorts that do industrial more than we do, the Zimmer people that we've teamed up here with. You are the Commission, you're going to vote, but from what I've seen in my 32 years it's tough out there right now. You've got a big piece of land and you've got to start chopping away and I think as you drive by this site and you see a very desirable new building that's creating jobs and some of the people that work in that flex space can run over to their new home that they purchased eight blocks away for a pretty good price because you can get a pretty good value here, things start to build. It's not going to happen in two years. I think that's another little problem we have; we all have, because we all want things to happen fast. I think that was a problem in downtown Kansas City, MO. You can't think 20 years anymore, you have to think 40. Nobody wants to really think that but you've got to start somewhere. I appreciate the opportunity. I wanted to clear the air on a few things and, Hunter, if you have anything to add to that, please do.

April 6, 2017

Mr. Harris said excellent summation. We look forward to continuing the discussion on this project and if you're so inclined to move forward on this and look further, we don't want to stop here. We want to help transform midtown Kansas City, Kansas.

Commissioner Philbrook said I want to be the last word tonight because it is my district and I feel very passionate about us stepping out on some skinny branches, that's my favorite term, and taking some chances that we haven't done before to create things for our community that we haven't done and to actually let people who are the professionals in doing this sort of work give us the lead on this. They're out there beating the bushes every day and I appreciate that and I also appreciate the fact that when I was talking to Hunter and when Commissioner Bynum was talking throwing out other concepts and other ideas he was actually listening to us versus sometimes how we are about not listening to folks that are paid to do what they do and in this case not paid a dime, thank you very much, and spending all the time. I really, really want to thank Mr. Buckley and Mr. Harris with Lane4 and I appreciate all the hard work you've done so far. There is no way I can let you know how much I appreciate that.

Mayor Holland said we have one announcement. We were going to do an executive session. We believe we do not need to do an executive session, but in lieu of an executive session Mr. Bach is just going to make an announcement and then we will adjourn to the 7:00 p.m. meeting.

Mr. Bach said as the Mayor said we thought initially we would need an executive session but as we followed up on it its public information which has led us to why we just wanted to clarify it all with you so you understood. You may be hearing parts of it and I wanted to make sure everybody knew the end of January we moved forward with the labor contract. You voted on that to approve for the Fire Department. All of our other unions either have those contracts approved at the time or I think they were all approved at the time we did the vote; they have not signed theirs yet. They haven't signed it yet. I talked to the President of the union and he said they would get it done within the next couple of weeks. We have moved forward with all the terms of the contract as though it's in place including their pay raise and everything is advancing from that perspective. I just wanted to clarify that with you and we anticipate we will have the final document from them as you approved it in the next two weeks.

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 6:45 p.m.**

dt

Carol Godsil
Deputy Unified Government Clerk

April 6, 2017



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: April 6, 2017

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 April 6, 2017

1. COMMUNICATIONS:

Bridgette Cobbins, UG Clerk, listing bids received March 29, 2017, for #B27207 – Cameras for Transit Buses.

Bridgette Cobbins, UG Clerk, listing bids received April 5, 2017, for #B27287 – Justice Complex Roof Replacement.

Bridgette Cobbins, UG Clerk, listing bids received April 5, 2017, for CMIP #6302 – Treatment Plant No. 20 UV Disinfection.

Action: Received and filed. Copies previously forwarded to County Administrator, Emma Scovil, Legislative Auditor, Public Works, and Transportation.

2. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Reason</u>	<u>Vendor</u>	<u>Reissue Date</u>
788197	4/1/2016	\$ 100.00	110	Stale Dated	Connelly	4/7/2017
802196	11/4/2016	\$ 12.00	790	Stale Dated	Depriest	4/7/2017
		\$ 20.00	160			
803980	12/9/2016	\$ 155.43	162	Lost Warrant	Lee	4/7/2017
798969	9/9/2016	\$ 2,680.00	267	Stale Dated	Bagby	
811148	3/31/2017	\$ 330.00	160	Error	Atkins	

<u>WT. NO.</u>	<u>ISSUED</u>	<u>AMOUNT</u>	<u>FUND / VENDOR</u>
743295	7/11/2014	\$ 26.17	160
743302	7/11/2014	\$ 16.69	160
743307	7/11/2014	\$ 17.72	160
743309	7/11/2014	\$ 11.78	160
743311	7/11/2014	\$ 19.99	160
743313	7/11/2014	\$ 15.68	160
743331	7/11/2014	\$ 10.98	160
743357	7/11/2014	\$ 11.36	160
743394	7/11/2014	\$ 12.38	160
743395	7/11/2014	\$ 13.82	160
743399	7/11/2014	\$ 10.95	160
743402	7/11/2014	\$ 12.76	160
743410	7/11/2014	\$ 18.94	160
743421	7/11/2014	\$ 28.59	160
743458	7/11/2014	\$ 19.78	160
743472	7/11/2014	\$ 20.85	160
743487	7/11/2014	\$ 14.45	160
743510	7/11/2014	\$ 14.18	160
743767	7/18/2014	\$ 5.38	790
743777	7/18/2014	\$ 20.00	790

	7/18/2014	\$	25.00	160
743778	7/18/2014	\$	300.44	790
743784	7/18/2014	\$	27.19	160
743791	7/18/2014	\$	8.77	790
743793	7/18/2014	\$	15.50	160
743803	7/18/2014	\$	15.14	790
743805	7/18/2014	\$	5.32	790
743806	7/18/2014	\$	22.64	790
743817	7/18/2014	\$	5.06	790
743997	7/25/2014	\$	18.70	790
744024	7/25/2014	\$	17.57	790
744130	7/25/2014	\$	917.42	790
744283	7/25/2014	\$	11.95	160
744292	7/25/2014	\$	94.80	160
744303	7/25/2014	\$	15.18	160
744337	7/25/2014	\$	16.41	160
744342	7/25/2014	\$	18.20	160
744347	7/25/2014	\$	35.88	160
744350	7/25/2014	\$	27.67	160
744386	7/25/2014	\$	25.40	160
744392	7/25/2014	\$	14.00	160
744414	7/25/2014	\$	22.82	160
744130	7/25/2014	\$	917.42	790
744283	7/25/2014	\$	11.95	160
744292	7/25/2014	\$	94.80	160
744303	7/25/2014	\$	15.18	160
744337	7/25/2014	\$	16.41	160
744342	7/25/2014	\$	18.20	160
744347	7/25/2014	\$	35.88	160
744350	7/25/2014	\$	27.67	160
744386	7/25/2014	\$	25.40	160
744392	7/25/2014	\$	14.00	160
744414	7/25/2014	\$	22.82	160
742768	7/03/2014	\$	8.89	790
742771	7/03/2014	\$	5.00	564
742779	7/03/2014	\$	97.10	790
742784	7/03/2014	\$	20.29	790
743016	7/11/2014	\$	8,534.32	110
743077	7/11/2014	\$	18.73	160
743095	7/11/2014	\$	12.37	160
743172	7/11/2014	\$	15.07	160
743184	7/11/2014	\$	17.53	160
743235	7/11/2014	\$	30.08	160

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED APRIL 3, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Jaron Briggs	DOTS	4/6/17	Program Coordinator
Michelle R Hicks	Treasury	4/6/17	Fiscal Supt Asst

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Michael P Callahan	PW/WPC	4/6/17	General Maint Worker	Sewer Maint Worker I
John A Eisman	PW/Street	4/6/17	Equipment Operator II	Equipment Operator III
Shanna GE Martin	Finance	4/6/17	Fiscal Supt Specialist	Prof Fiscal Asst
Clayton E McCombs	PW/Street	4/6/17	Equipment Operator II	Equipment Operator II

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
John M Baker	District Court	3/22/17	Judge Pro Tem
John J McNally	District Court	3/22/17	Judge Pro Tem
David P Mikesic	District Court	3/22/17	Judge Pro Tem
Robbin L Wasson	District Court	3/22/17	Judge Pro Tem

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Julie A Calderon	Comm Development	4/23/17	Program Tech I
Manuel A Deleon	Police/Communications	4/30/17	Public Safety Dispatcher
Brenda L Renteria	Police/Admin	4/13/17	Office Asst III
Phil A Schindel	PW/Engineering	4/20/17	Construction Inspector II

Section VII - Reclassification

Name	Department/Division	Eff Date	Former Job Title	New Job Title
Vacant	Technology	3/30/17	Management Analyst	Manager

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Michael Boczek	Police	ACD code change effective 3/30/17
Richard Harris	Police	ACD code change effective 3/30/17
Brandon Holloway	Police	ACD code change effective 3/30/17

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 6, 2017

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Joseph Forbes	Sheriff/Juv	5/17/17	Juv Care Worker I
Christopher J McClure	Sheriff/Detention	5/8/17	Deputy
David L Ornelas	Sheriff/Admin	5/21/17	Deputy

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Eric Mosley, 4827 Berry Road, alleging UG vehicle collided with his vehicle.

Jeanetta Bagsby, 10517 Augusta Dr., KS, alleging bike damaged from bike hitting exposed manhole cover.

Mr. W.D. Young, 2602 N. Hallock Street, KS, alleging damage to home due to electrical surge from an electrical storm.

Action: Received and filed. Copies previously forwarded to Legal.

6. SUMMONS:

BOKF, N.A. vs. Brandon Thompson and Unified Government of Wyandotte County, Kansas City, KS through the Department of Community Development.

Action: Received and filed. Copy previously forwarded to Legal

7. TRAVEL REQUESTS:

Greg Talkin, NRC, travel to Salina, KS, April 25 – 28, 2017, to attend the HOA 2017 Annual Business Mtg & Ed Event, Employee Training & Travel.

Kelly Herron and Santiago Vasquez, KCKPD/Operations/Field Support/SOU & KCKPD/Chief's Office/Training Academy, travel to Mannford, OK, June 1 – 2, 2017, to attend the Chemical Aerosol Projector: 2017 CLEET Certified training, SLETF.

Action: Approved by County Administrator's Office and received and filed.

8. APPLICATION FOR CMB LICENSE (PKG):

LA Benedicion 2 Inc./Sara Rodriguez-Valerio, DBA LA Benedicion 2, 2711 S. 47th St.

Action: Referred to License.

9. APPLICATION FOR CMB LICENSE (OP):

Maria Lopez/Paula Reyna DBA Las Gorditas #2, 844 Central Ave.

Action: Referred to License.

10. APPLICATIONS FOR DRINKING ESTABLISHMENTS:

Samantha Morse DBA Sams Pub, 1042 Central Ave.

Sabor y Sol, Inc./Thomas Rehorn III DBA Sabor Azteca Mexican Restaurant, 542 Southwest Blvd.

Yard House Kansas City, LLC/Ada Young DBA Yard House #8314, 1863 Village West Pkwy.

Action: Referred to License.

11. APPLICATION FOR CATERER:

Mario Brancanto/Thomas Rehorn III DBA Brancantos Catering, 5050 Kansas Ave.

Action: Referred to License.

12. APPLICATION FOR CMB TEMPORARY LICENSE:

LAO Buddhist Association of Olathe/Sanith Souvanh for a temporary license for May 19 - 21, 2017, from 10 a.m. to 12 p.m., LAO Buddhist Assoc. of Olathe, 1315 N. 139th St.

Action: Referred to License.



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: April 13, 2017

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 April 13, 2017

1. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Ave., held a public auto auction on April 4, 2017 at 10:00 a.m.

Action: Received and filed.

2. COMMUNICATIONS:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
807361	2/3/2017	\$630.68	791	Stale Dated	Rock	4/13/2017
807688	2/10/2017	\$253.54	790	Stale Dated	Bayshore	4/13/2017
810026	3/17/2017	\$2,535.00	990	Wrong vendor	Easterday	4/13/2017
810403	3/17/2017	\$320.94	790	Wrong vendor	Meza	4/13/2017
		\$15.00	160			
810404	3/17/2017	\$306.08	790			
		\$20.00	160			
810728	3/24/2017	\$389,813.10	560	Wrong Amount	Dept of Health	4/13/2017
811741	4/5/2017	\$120.16	110	Duplicate	Moore	

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED APRIL 11, 2017:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Shawna E Riley	HR	4/24/17	HR Analyst

Section II - Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Matthew E Nigh	Fire/EMS	4/3/17	Firefighter V	Firefighter V

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Sheila K Burdick	Legal	4/19/17	Admin Supt Spec

Wendell W Cole	Sheriff/Detention	3/28/17	Deputy
Mya S Hibbler	Sheriff/Detention	3/29/17	Deputy
David P Schaffer	DOTS	4/28/17	Info Sys Coordinator

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Kristy A Blagg	Comm Corr	4/4/17	5/15/17	unpaid
Samantha LeManske	Appraiser	4/6/17	4/21/17	unpaid
Shakila R Stewart	Comm Corr	3/2/17	3/24/17	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Debbie A Jonscher	Finance/Admin	3/23/17	Deputy CFO
Reginald Lindsey	Finance/Budget	3/23/17	Manager

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
John P Arzola	Transportation	ACD code change effective 4/3/17
Daniel Bey	Transportation	Amend PAC 3/21 to reflect change effective 3/23/17
Sherry L Johnson	Transportation	ACD code change effective 4/3/17
Jon P Keltner	Transportation	ACD code change effective 4/3/17
Rollin Sachs	Health	ACD code change effective 4/1/17
Andrew L Williams	Transportation	ACD code change effective 4/3/17
Erik Wolf	Health	ACD code change effective 4/1/17

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 13, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Kyle R Cook	Fire/EMS	4/13/17	Firefighter V
Jacob A Esparza-Hoskins	Fire/EMS	4/13/17	Firefighter V
John T Harris	Fire/EMS	4/13/17	Firefighter V
David W Hartman	Museum	4/6/17	Museum Curator
Lisa E Lister	Fire/EMS	4/13/17	Firefighter V
Alex W McGinnis	Fire/EMS	4/13/17	Firefighter V
Megan M Miller	Fire/EMS	4/13/17	Firefighter V
Nicholas W Meador	Fire/EMS	4/13/17	Firefighter V
Marcos C Ramirez	Fire/EMS	4/13/17	Firefighter V

Brian N Romo-Flores	Fire/EMS	4/13/17	Firefighter V
Nathan T Russell	Fire/EMS	4/13/17	Firefighter/MICT

Section II - Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Erick A Perea	PW/WPC	4/6/17	General Maint Worker	General Maint Worker

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jennifer L Amayo	Fire/EMS	4/15/17	Firefighter IV
James C Bousfield	Fire/EMS	4/15/17	Firefighter IV
Derrian D Goldsmith	Fire/EMS	4/15/17	Firefighter IV
E. Larry Guidry	Municipal Court	4/13/17	Probation Officer
Chad M Kampfer	Fire/EMS	4/15/17	Firefighter IV
Courtney L Keegan	Fire/EMS	4/15/17	Firefighter IV
Matthew E Nigh	Fire/EMS	4/15/17	Firefighter IV
Regina D Robinson	Municipal Court	4/9/17	Court Clerk I
Joseph N Rowden	Fire/EMS	4/15/17	Firefighter IV
Robert L Sanders	Fire/EMS	4/15/17	Firefighter IV
Jacob F Swinney	Fire/EMS	4/15/17	Firefighter IV
Conrad S Vega III	Fire/EMS	4/15/17	Firefighter IV

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Dianetta Nicholson	Health	ACD code change effective 4/6/17

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Douglas Parisi, 6302 W. 133rd Terrace, Overland Park, KS, through Employee & Labor Law Group of Kansas City, 12920 Metcalf Avenue, Suite 180, Overland Park, KS, alleging wrongful termination.

University of Kansas Hospital Authority, 3901 Rainbow Blvd., for services incurred by Daniel A. Jenkins, November 12 – 13, 2013, through E. Lou Bjorgaard Probasco, Attorney, 615 SW Topeka Blvd., Topeka, KS.

Joseph R. Vanbibber, 3025 Ruby Avenue, KCK, through Philip E. Carson, Attorney, 748 Ann Avenue, KCK, alleging damage to his property, vehicles and belongings on the property during the March 6, 2017 storm.

Action: Received and filed. Copy previously forwarded to Legal.

6. SUMMONS:

Florinda Zamora vs. Unified Government of Wyandotte /Kansas City Kansas, Case No. 2017-CV-000232.

Action: Received and filed. Copy previously forwarded to Legal.

7. TRAVEL REQUESTS:

Joe Connor, County Administrator's Office, travel to Fort Worth, TX, May 3 – 5, 2017, to attend Firehouse Station Design Conference, Employee Training and Travel.

Rebecca Garza, Healthy/Healthy Communities, travel to Austin, TX, March 21 – 24, 2017, to attend the National Conference on Tobacco or Health, Chronic Disease Risk Reduction.

Crystal Her, Jennifer L. Lara, & Jason Wright, Department of Technical Services, travel to Seattle, WA, August 8 – 11, 2017, to attend Seattle Share Point Fest Conference, Employee Training and Travel.

Victoria Meyer and Margaret Thomas, Legal Department/VAWA Grant, travel to Dallas, TX, May 21 – 25, 2017, to attend the 12th Annual Conference on Crimes Against Women.

Jeremy Rogers, Parks & Recreation, travel to St. Augustine, FL, April 10 – 12, 2017, to attend the Parks & Recreation Summit, paid by grant.

Joel Thornton, Emergency Management, travel to Nashville, TN, May 8 – 11, 2017, to attend the Intermedix 2017 Summit (WebEOC).

Action: Approved by County Administrator's Office and received and filed.



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: April 20, 2017

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 April 20, 2017

1. CONTRACT DOCUMENTS:

She Digs It, LLC for Pump Station 23 Replacement, CMIP 6303, \$229,844.

Action: Received and filed

2. REPORT:

Financial Report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID), for the month of March 2017.

Action: Received and filed.

3. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, listing vehicles sold at a public auto auction on April 13, 2017.

Action: Received and filed.

4. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received on April 19, 2017, for 2015 CNIP Phase II.

Action: Received and filed. Copy previously forwarded to County Administrator, Emma Scovil, Legislative Auditor and Public Works.

5. COMMUNICATIONS:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Reason</u>	<u>Vendor</u>	<u>Reissue Date</u>
784739	2/17/2016	\$ 150.00	110	Stale Dated	Colemand	2/21/2017
811957	4/7/2017	\$ 249.79	110	Wrong Vendor	US Treasury	2/21/2017
<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Reason</u>	<u>Vendor</u>	
808860	2/24/2017	\$ 1,900.00	110	Duplicate	SoCo Leads	
811207	3/31/2017	\$ 8,286.42	790	Error	KKLJB LLC	

Action: Received and filed.

6. PERSONNEL ACTION COMMUNICATION, DATED APRIL 18, 2017:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Jourdain A Smallwood	Public Relations	4/20/17	Media Relations Spec

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Janet A Matson	Procurement	1/1/17	Buyer

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Chloe Grabanski	Comm Corr	ACD code change effective 4/6/17

Action: Received and filed. Copy previously forwarded to Payroll.

7. PERSONNEL ACTION COMMUNICATION, DATED APRIL 20, 2017:

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Devon M Bryant	NRC/Rental	4/20/17	Equipment Operator II	Bldg Inspector I
John R Grosko	Police	4/13/17	Detective	Police Captain
Joseph E Heininger	Fire	4/13/17	Medical Transport Sup	Fire Captain
Alan R Korosec	Fire	4/13/17	Firefighter/MICT I	Medical Transport Sup
Patrick M O'Neill	Police	4/13/17	Sr Patrolman I	Police Sergeant
Ryan W Parker	Police	4/13/17	Sr Patrolman I	Detective
Lucas S Pruitt	Police	4/13/17	Master Patrolman I	Detective
Shaun A Richards	Sheriff/Juv	4/20/17	Juv Care Worker I	Juv Care Worker II
Mallory A Super	Fire	4/13/17	Firefighter/MICT I	Training Instructor III
Lily M Szewc	Police	4/13/17	Master Patrolman II	Detective
Louis M Vallejo	Police	4/13/17	Police Sergeant	Police Captain
Kevin A Wells	Police	4/13/17	Master Patrolman OO	Detective

Action: Received and filed. Copy previously forwarded to Payroll.

8. CLAIMS FOR DAMAGES:

Camille Ferguson, 2730 Lathrop Ave., seeking reimbursement for auto repairs.

Jimmy Nguyen, 5839 Charlotte St., Shawnee, KS, alleging damage to vehicle (refer to University of Kansas Police Department).

Michael G. Berry and or Pamela Berry, 11400 Sam Clark Lane, alleging they were double charged for trash pickup for 28 years.

Raul Garcia, 901 Seminar St., alleging damages to vehicle caused by a spike strip.

Action: Received and filed. Copies previously forwarded to Legal.

9. PETITION FOR DAMAGES:

Kevin R. Drum, vs. United Health Care Inx. International, KCKS Fire Department EMS, KCKS Police Department and Unified Government of Wyandotte County, et al and KU Hospital, Case No. 17CV301.

Action: Received and filed. Copy previously forwarded to Legal Department.

10. TRAVEL REQUESTS:

John Peterson and John Zimbelman, Fire Department/Admin, travel to Fort Worth, TX, May 3 – 5, 2017, to attend the Fire Station Design Conference, Employee Training & Travel.

Kathleen VonAchen, Finance, travel to Denver, CO, May 19 – 22, 2017, to attend the Annual GFOA Conference, General Fund.

Melissa J. Mundt, County Administrator's Office, travel to New York, NY, March 27 – 29, 2017, to attend the 2017 What Works Cities Summit, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.



Staff Request for Commission Action

Tracking No. 171093

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action: N/A

(If none, please explain): On 04/10/17, the Planning Commission made a finding that the American Royal Project Plan is consistent with the Unified Government's Master Plan.

Publication Required: Yes 06/01/2017

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
04/13/2017	Angela Harshbarger	x5763	aharshbarger@wycokck.org	Economic Development

Item Description:

A resolution setting a public hearing date of June 15, 2017, to consider the proposed Project Plan for the American Royal project located in the area of 110th Street near Village West.

Action Requested:

Adopt Resolution setting June 15, 2017 as a public hearing date to consider the proposed American Royal Project Plan.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution, NW Speedway STAR Bond District Project Plan

(Published in *The Wyandotte Echo* on June 1, 2017)

RESOLUTION NO. R- ____-17

A RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING FOR CONSIDERATION OF ADOPTION OF A STAR BOND PROJECT PLAN WITHIN A STAR BOND DISTRICT PREVIOUSLY CREATED WITHIN THE CITY PURSUANT TO K.S.A. 12-17,160 *ET SEQ.*, (NORTHWEST SPEEDWAY STAR BOND DISTRICT).

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to promote, stimulate and develop the general and economic welfare of the Unified Government and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within the Unified Government, thereby promoting the general welfare of the citizens of the State and the Unified Government, by authorizing cities and counties to acquire certain property and to issue sales tax and revenue (STAR) bonds for the financing of STAR bond projects pursuant to the provisions of K.S.A. 12-17,160 *et seq.*, as amended (the “Act”); and

WHEREAS, pursuant to Ordinance No. O-75-16 adopted by the governing body of the Unified Government (the “Commission”) on December 15, 2016 and published on December 22, 2016, the Unified Government established a STAR bond project district known as the Northwest Speedway STAR Bond District (the “District”) to promote, stimulate and develop the general and economic welfare of the State of Kansas and the Unified Government as a major commercial entertainment and tourism area, all in accordance with the Act; and

WHEREAS, pursuant to the Act, the Unified Government is authorized to undertake one or more STAR bond projects within the District, which may be implemented in separate development stages, and to prepare a STAR bond project plan, in consultation with the Unified Government’s planning commission (the “Planning Commission”); and

WHEREAS, the Unified Government is considering adoption of the Northwest Speedway STAR Bond District STAR Bond Financing Project Plan, dated March 31, 2017 and filed with the Unified Government’s Clerk on April 5, 2017, which has been prepared by the Unified Government in consultation with the Unified Government’s Planning Commission (the “Project Plan”) pursuant to the Act, and provides for the redevelopment of all real property within the District, as generally depicted and more particularly described on *Exhibit A* and *Exhibit B* hereto, respectively; and

WHEREAS, on April 10, 2017, the Planning Commission made a finding that the Project Plan is consistent with the intent of the Unified Government’s comprehensive plan for the development of the Unified Government; and

WHEREAS, the Unified Government desires to establish June 15, 2017 as the date of the public hearing on the Project Plan; and

WHEREAS, after the conclusion of the public hearing, it is anticipated that the Unified Government will consider approval of the Project Plan pursuant to the Act by an ordinance that must be passed by a 2/3

vote of the governing body.

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

Section 1. Public Hearing. Notice is hereby given that a public hearing will be held by the Commission to consider the Project Plan on June 15, 2017, at the Commission Meeting Room, located at Municipal Office Building, 701 North 7th Street, Kansas City, Kansas, the public hearing to commence at 7:00 p.m. or as soon thereafter as the Commission can hear the matter. At the public hearing, the governing body will receive public comment on the Project Plan, and may, after the conclusion of such public hearing, consider approval of the Project Plan pursuant to the Act.

Section 2. Notice of Public Hearing. The Unified Government Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, within 10 days following the date of adoption of this Resolution, to:

- (i) the Board of County Commissioners of Wyandotte County, Kansas;
- (ii) the Board of Education of U.S.D. No. 203 (Piper) and U.S.D. 204 (Bonner Springs);
- (iii) each owner and occupant of land within the proposed STAR bond project district.

(b) This resolution, specifically including *Exhibit A* attached hereto, shall be published once in the official newspaper of the Unified Government not less than one week nor more than two weeks preceding the date of the public hearing.

Section 3. District. The District consists of one project area (the “Project Area”), which District and Project Area are depicted on the map on *Exhibit A* attached hereto and are legally described on *Exhibit B* attached hereto.

Section 4. Public Records. Copies of the Project Plan, including a summary of the feasibility study, market study, relocation assistance plan and any financial guarantees of the proposed developer and a description and map of the District are public records and are available for public inspection during regular office hours in the office of the Unified Government Clerk, Municipal Office Building, 701 North 7th Street, Kansas City, Kansas.

Section 5. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of the Unified Government, including the County Attorney, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

Section 6. Effective Date. This resolution shall be effective upon its adoption by the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas.

ADOPTED by the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas on April 27, 2017.

[SEAL]

Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form Only:

County Attorney

EXHIBIT A

MAP OF STAR BOND PROJECT DISTRICT AND PROJECT AREA

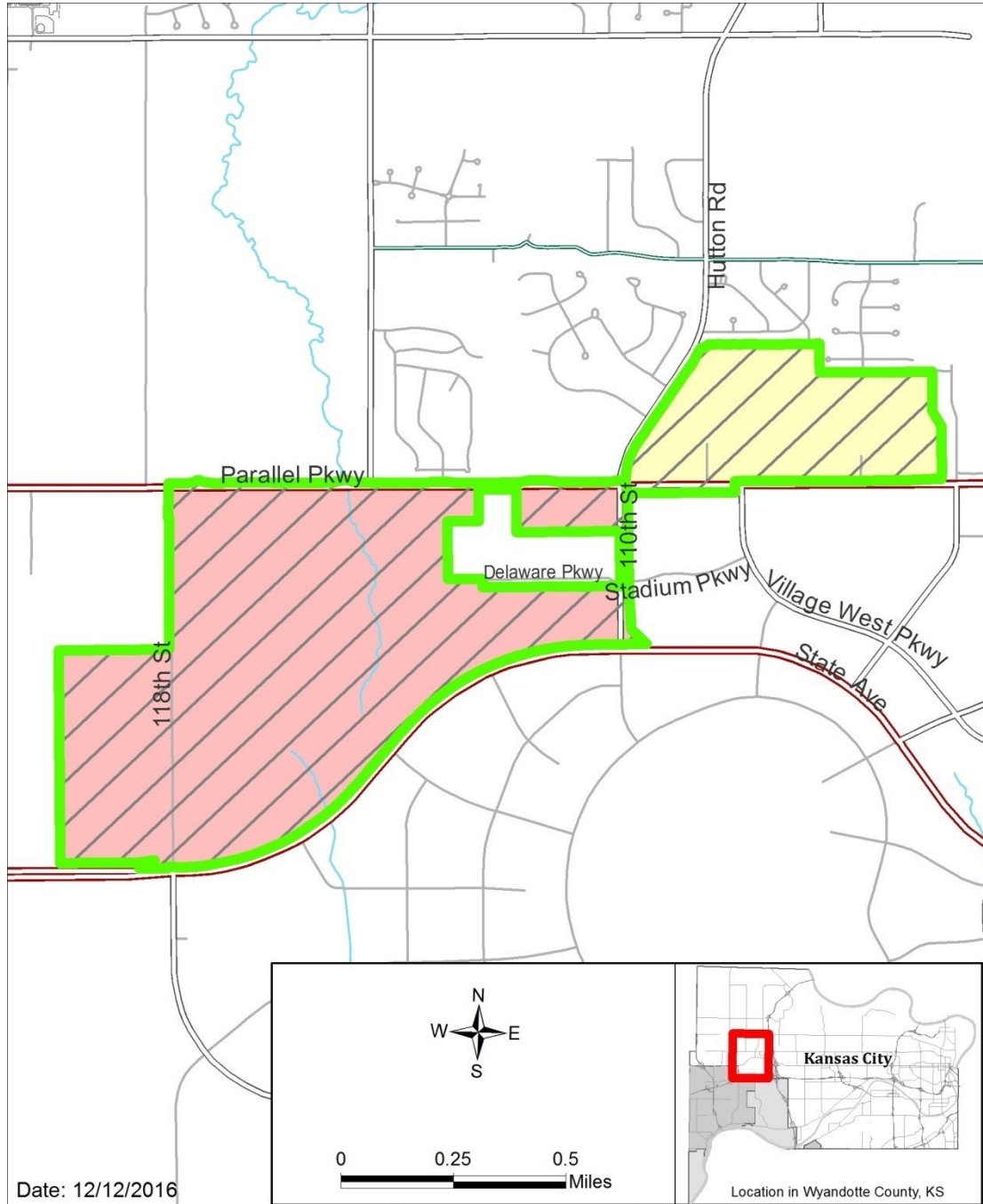


EXHIBIT B

LEGAL DESCRIPTION OF STAR BOND PROJECT DISTRICT AND PROJECT AREA

All that part of the Northeast Quarter and Southeast Quarter of Section 4, and all that part of Section 3, and all that part of the north half of Section 2, all in Township 11 South, Range 23 East, all that part of Lot 1, PIPER PLAZA, all that part of Lots 1, 2, 3, 4, and 5 of PIPER PLAZA SECOND PLAT, all that part of Lots 1 and 2 SECURITY BANK, all that part of Lots 14, 24, 25 and C of PLAZA AT THE SPEEDWAY, and all that part of Lots D and 53, PLAZA AT THE SPEEDWAY SECOND PLAT, and all that part of Lots 38, 39, 40, 41, and 42, PLAZA AT THE SPEEDWAY THIRD PLAT, and all that part of Lots 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, PLAZA AT THE SPEEDWAY FOURTH PLAT, and all that part of Lots 53, 54, and 55, PLAZA AT THE SPEEDWAY FIFTH PLAT, and all that part of Lots 56, 57, Tract E1, and Tract E2, PLAZA AT THE SPEEDWAY SIXTH PLAT, and all that part of the Southeast Quarter and Southwest Quarter of Section 34, and all that part of the Southeast Quarter of Section 33, both in Township 10 South, Range 23 East, all being in the City of Kansas City, Wyandotte County, Kansas being generally described as follows: Beginning at the intersection of the south right-of-way line of Parallel Parkway and the west right-of-way line of N. 118th Street, thence southerly, with the west right-of-way line of N. 118th Street to the north line of Parcel 953101; thence westerly with the north line of parcel 953101, to the northwest corner of said Parcel 953101; thence southerly, with the west line of Parcel 953101, and with the west line of Parcels 953103 and 953104 to the north right-of-way line of State Avenue; thence easterly, with the north right-of-way line of State Avenue to the east right-of-way line of N. 110th Street; thence northerly, with the east right-of-way line of N. 110th Street, to the south right-of-way line of Parallel Parkway; thence easterly, with the south right-of-way line of Parallel Parkway, to the west right-of-way line of Village West Parkway; thence northerly, with the west right-of-way line of Village West Parkway, to the north right-of-way line of Parallel Parkway; thence easterly, with the north right-of-way line of Parallel Parkway, to the easterly line of PLAZA AT THE SPEEDWAY SIXTH PLAT; thence northerly, with the east line of PLAZA AT THE SPEEDWAY SIXTH PLAT to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY SIXTH PLAT, to the northwest corner thereof, said point also being on the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT; thence westerly and northerly, with the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT, to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY FIFTH PLAT, and with the north line of PLAZA AT THE SPEEDWAY, to the northwest corner thereof, said point being on the east right-of-way line of Hutton Road; thence southwesterly, with the easterly right-of-way line of Hutton Road to the north right-of-way line of Parallel Parkway; thence westerly, with the north right-of-way line of Parallel Parkway, to the intersection of the north right-of-way line Parallel Parkway and the northerly prolongation of the west right-of-way line of N. 118th Street; thence southerly, with the northerly prolongation of the west right-of-way line of N. 118th Street, to the point of beginning.

Except all of Lot 1, LEGENDS APARTMENTS, and except all of Lot 1, VILLAGE WEST APARTMENTS, and except all of Parcel 949201.

The above described tract contains approximately 550 acres, more or less.

**NORTHWEST SPEEDWAY
STAR BOND DISTRICT**

STAR BOND FINANCING

PROJECT PLAN

SUBMITTED TO THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
PURSUANT TO K.S.A. § 12-17,160 *et seq.*

March 31, 2017

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LIST OF EXHIBITS

Exhibit A – Site Plan
Exhibit B – Legal Description of the Project
Exhibit C – Depiction of the Project
Exhibit D – Estimated Project Costs
Exhibit E – Estimated Eligible Project Costs
Exhibit F – STAR Bond Proforma
Exhibit G – Meeting Minutes
Exhibit H – Market Study Summary

I. Introduction

American Royal Association, a Missouri nonprofit corporation (the “**Developer**”) respectfully submits this STAR Bond Project Plan (this “**Project Plan**”) to the Unified Government of Wyandotte County/Kansas City, Kansas (the “**Unified Government**”) for consideration by the Unified Government’s governing body pursuant to the Kansas STAR Bond Financing Act, K.S.A. § 12-17,160 *et seq.* (the “**Act**”).

The Project (as defined below) will be situated on certain real property within the Northwest Speedway STAR Bond District (the “**District**”). The District consists of approximately 550 acres generally located at the southwest and northeast corners of the intersection of North 110th Street and Parallel Parkway in the Unified Government.

The American Royal has been a Kansas City tradition since 1899, celebrating the region’s rich agricultural heritage through competition, education and entertainment. The American Royal annually hosts the World’s largest barbecue contest, one of the Midwest’s largest and oldest livestock exhibitions, professional rodeos and prestigious horse shows, and is home to the national championship saddle bred horse competition. The unique mix of uses within the Project will create tourism, education, and entertainment opportunities not presently available in the Unified Government. The Developer’s market analysis indicates that the Project will attract a very broad and desirable visitor demographic, consisting largely of agricultural- and entertainment-seeking participants and spectators, and families seeking destination agricultural and entertainment opportunities. With the accompanying economic impact, the Project will become another driver of economic activity for the Unified Government and the State as a whole.

This Project Plan describes a major commercial entertainment and tourism area that will include a livestock expo arena, indoor/outdoor warm-up arena(s), agricultural-related ancillary facilities, and related and appurtenant uses (collectively, the “**Project**”). A site plan generally depicting the Project and District is attached hereto as Exhibit A.

As set forth in greater detail below, at the build-out of the first phase of the Project, the total capital investment is estimated at approximately \$165,383,706, annual sales are projected at approximately \$87,237,373, and annual visitation is estimated at approximately 670,000 attendee days for American Royal events and activities, alone, and an additional approximately 375,000¹ visitors to other agricultural-related facilities and similar activities contemplated by the Project. It is expected that capital investment and sales figures may exceed these numbers as additional destination attraction and commercial users are identified. This Project Plan proposes that the Secretary approve the issuance of \$80,000,000 in net STAR Bond proceeds to be disbursed to the Developer for uses contemplated hereunder. Numerous other phases to be built within the District in the future are projected to add substantial additional capital investment and otherwise enhance the Project.

The Project development team brings substantial experience in developing large-scale commercial projects, including destination attraction-based projects that have previously qualified for STAR Bonds, to the Project. Affiliates of the American Royal and members of the Project development team participated in the development of much of western Wyandotte County, for example, which includes a national racetrack attraction, Village West, a professional soccer stadium, a destination water park, and first-class office buildings. The Developer feels that this background makes it particularly well-qualified to bring the unique development proposed under this Project Plan to fruition.

¹ Please refer to Section II(D)(3) of this Project Plan and Exhibit H attached hereto for a detailed overview of the visitation projections, including a categorical breakdown by Project component.

At the completion of the Project, the Unified Government and the State of Kansas will have a new and unique destination experience that will draw visitors on a statewide and regional basis that will create significant related economic benefits both for the Unified Government and the State as a whole, including private charitable contributions to help finance the Project in the amount of \$80,000,000 (the “**Charitable Contributions**”).

II. **STAR Bond Project Plan**

Pursuant to the Act, municipalities are authorized to utilize STAR Bond Financing for specific development projects through (1) the creation of a STAR Bond Project District, subject to a finding by the Secretary of the Department of Commerce (the “**Secretary**”) that the STAR Bond Project District Plan is eligible for STAR Bond Financing, and (2) the adoption of a STAR Bond Project Plan that is subsequently approved by the Secretary.

On December 15, 2016, the Unified Government adopted Ordinance No. O-75-16 that created the District. By letter dated December 14, 2016, the Secretary deemed the District an “eligible area” as defined under the Act. Based thereon, the following Project Plan is submitted for consideration by the Unified Government and, ultimately, the Secretary:

- A description and map of the project area to be redeveloped;
- A reference to the STAR Bond Project District Plan that identifies the project area that is set forth in the project plan that is being considered;
- A detailed description of the buildings and facilities proposed to be constructed or improved;
- A summary of the feasibility study done as defined in the Act, and amendments thereto;
- The relocation assistance plan;
- Documentation indicating that the Project will result in a capital investment in excess of \$50,000,000 and will generate gross annual sales revenue in excess of \$50,000,000;
- A market impact study establishing that (i) the Project will not have a substantial negative impact on other businesses in the project market area and (ii) the Project will not cause a default in the payment of any outstanding special obligation bonds authorized pursuant to the Act; and
- Information establishing that the Project will sufficiently promote, stimulate and develop the general and economic welfare of the State, as determined by the Secretary.

A. **Subject Property**

The property subject to this Project Plan consists of the approximately 550 acres within the District, with the initial phase of the Project to be generally located at the northeast corner of the intersection of North 118th Street and State Avenue all within the Unified Government, as generally depicted on the site plan attached as Exhibit A, and numerous other phases to be built within the District in the future that are projected to add substantial additional capital investment (the “**STAR Bond Project Area**”). A legal description and depiction of the subject property are attached hereto as Exhibit B and Exhibit C, respectively.

B. Established STAR Bond Project District

The proposed STAR Bond Project Area is wholly within the District. The District Plan for the District (which provides for one or more STAR bond project areas within the District) (the “**District Plan**”) is as follows:

The buildings and facilities to be constructed or improved in the STAR bond project district may be described in a general manner as a mixed-use development consisting of some or all of the following uses: livestock expo arena and other equestrian-related uses, education and conference center, entertainment complexes, other retail, restaurant, hotel,, office and commercial uses, other sporting and recreational uses, any other uses allowable under the Act, and including acquiring real property rights and constructing any associated public and private infrastructure.

This Project Plan is consistent with the District Plan.

C. STAR Bond Project Description and Overview

The Project will contain a livestock expo arena, indoor/outdoor warm-up arenas, other agricultural-related and ancillary facilities, certain barbecue-related uses, and other family recreational tourism activities. The primary components of the Project are planned to include the following: a main arena that will include approximately 5,000 permanent seats and another approximately 3,200 temporary seats, a livestock exhibition hall with pens for approximately 2,000 animals, indoor/outdoor warm-up arenas, quality livestock and horse barn space, approximately 20,000 (more or less) square feet of office/meeting space, and approximately 60,000 (more or less) square feet for maintenance and other storage facilities. In addition, the expo arena can be used for many additional events, programming, sports and other recreational and entertainment activities. These unique destination tourism attractions will be the primary draws of visitor activity to the Project.

The Project will be combined with a strong existing retail base in this area of the Unified Government, as well as other possible future destination attractions. The synergy of concepts in the Project is expected to draw the broadest possible segment of the agricultural and youth and family tourism markets. The Developer will also target national and regional retail and restaurant chains, which will complement the tourism draw associated with the Project and existing and prospective development in this area of the Unified Government. At completion, the Project will become a key piece of the Unified Government’s overall economy and will strengthen the Unified Government’s ability to draw visitors from outside of the immediate area.

D. Summary of Feasibility Study

The Act requires that a feasibility study be prepared setting forth the following information: (i) whether a STAR bond project’s revenue and tax increment revenues and other available revenues are expected to exceed or be sufficient to pay for the project costs; (ii) the effect, if any, a STAR bond project will have on any outstanding special obligation bonds payable from certain revenues as described in the Act; (iii) a statement of how the jobs and taxes obtained from the STAR bond project will contribute significantly to the economic development of the state and region; (iv) visitation expectation; (v) the unique quality of the project; (vi) economic impact study; (vii) market study; (viii) market impact study; (ix) integration and collaboration with other resources or businesses; (x) the quality of service and experience provided, as measured against national consumer standards for the specific target market; (xi) project accountability, measured according to best industry practices; (xii) the expected return on state and local investment that the project is anticipated to produce; (xiii) a statement concerning whether a

portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the STAR bond project; and (xiv) an anticipated principal and interest payment schedule on the bond issue.

Utilizing the findings of the market impact study prepared by the Kansas Department of Agriculture (“**KDA**”) related to the Project (a summary of which is attached hereto as Exhibit H) (the “**Market Study**”), as well as research and analysis from various consultants and members of the Project development team with experience and expertise in the actual design, development, financing, management and leasing of projects of similar scope and nature, the Project development team conducted a STAR Bond Project Feasibility Study (together with the Market Study, the “**Feasibility Study**”), the findings of which are integrated within this Section II(D) and illustrated in the Market Study and the bond proforma attached hereto as Exhibit F (the “**Bond Proforma**”). The Feasibility Study analyzed the Project with respect to the information required to be in the study to comply with the Act. The analysis was based on experience, expertise, and access to research data regarding the actual design, development, financing, management, and leasing of projects of similar nature and scope and nature, KDA resources, and the Project development team’s experience in evaluating numerous public financing projects across the State of Kansas.

The Project Plan was prepared based on the substantial experience and knowledge of the Developer and its consultants in developing similar projects. The findings of the Feasibility Study and the Developer’s internal analysis can be summarized as follows:

1. Sufficiency of the Project’s Revenues Compared to the Project’s Costs

The Act requires an analysis of whether a project’s revenues are expected to exceed or be sufficient to pay for the costs of the Project (the “**Project Costs**”). This requires determining the Project Costs, and the Project Costs eligible for reimbursement with STAR Bond Proceeds (the “**Eligible Project Costs**”), and comparing them to the STAR Bond Proceeds expected to be generated within the STAR Bond Project Area.

a. Estimated Total Project Costs

The total estimated cost to complete the initial phase of the Project is \$165,383,706. As determined from contract prices, engineering estimates, and estimates made by the Developer, a breakdown of the estimated costs by category is set forth below (a detailed budget is attached as Exhibit D):

Cost Category	Total
Land Acquisition	\$ 4,000,000
Private Sitework	\$ 21,335,244
Public Infrastructure	\$ 18,979,957
Vertical Construction	\$ 91,352,249
Soft Costs	\$ 19,158,443
Contingency	\$ 10,557,813
TOTAL PROJECT COST	\$ 165,383,706

b. Estimated Costs Eligible for Reimbursement

Of the total costs listed above, \$163,921,364 qualify under the Act as “Eligible Project Costs,” meaning that only those costs may be financed using STAR Bond Proceeds. These Eligible Project Costs are set forth by category and amount below (a detailed summary breakdown is attached as Exhibit E). The figure of \$163,921,364 is comprised of the following components:

Cost Category	Total	Eligible Costs
Land Acquisition	\$ 4,000,000	\$ 4,000,000
Private Sitework	\$ 21,335,244	\$ 21,335,244
Public Infrastructure	\$ 18,979,957	\$ 18,979,957
Vertical Construction	\$ 91,352,249	\$ 91,352,249
Soft Costs	\$ 19,158,443	\$ 17,791,769
Contingency	\$ 10,557,813	\$ 10,462,145
TOTAL PROJECT COST	\$ 165,383,706	\$ 163,921,364

c. Tax Revenues Subject to Capture

Four streams of revenues are subject to being captured under the Act for the Project: (1) State sales tax revenues generated within the Project based on the current sales tax rate of 6.50% (“**State Sales Tax Revenues**”); (2) the tax increment revenue received by the City of Kansas City, Kansas (the “**City**”) from any local sales and uses taxes, including the City’s share of any Wyandotte County (the “**County**”) sales tax generated within the Project, based on the current local sales tax rate available for capture of 1.94% (“**Local Sales Tax Revenues**”); (3) transient guest tax revenues generated within the District based on the current tax rate of 8.00% (“**TGT Revenues**”); and (4) community improvement district revenues generated by the American Royal (as defined below) project based on the proposed add-on sales tax rate of 1.00% (“**CID Revenues**”).

While 100% of the State Sales Tax Revenues generated within the District will be available for capture by the Project: (a) the Local Sales Tax Revenues generated from the Perry Property² and the Plaza at the Speedway³ are not available for capture by the Project; however, the Local Sales Tax Revenues generated from the American Royal,⁴ the BBQ Uses⁵ and the KS&F Property⁶ are available for capture by the Project; (b) the TGT Revenues available for capture by the Project are limited to the TGT Revenues generated from the American Royal, if any, the Perry Property and the KS&F Property; and (c) the CID Revenues available for capture by the Project are limited to the CID Revenues generated from the American Royal and the BBQ Uses. This Project Plan also contemplates future retail and other commercial development within the District and the Project, and the State Sales Tax Revenues generated from the same will be available for capture by the Project.

² For Purposes of this Project Plan, the “**Perry Property**” refers to certain real property within the District located generally south of Parallel Parkway on the east side of North 118th Street, consisting of approximately 230+/- acres comprised of the following Wyandotte County Parcel Numbers: 949100 and 949200, less the approximately 64+/- acres to be acquired by the Developer, all within the Unified Government. Any and all State Sales Tax Revenues and TGT Revenues generated from development on the Perry Property will be available for capture by the Project.

³ For purposes of this Project Plan, the “**Plaza at the Speedway**” refers to that portion of the District located generally at the northeast corner of the intersection of North 110th Street and Parallel Parkway within the Unified Government.

⁴ For purposes of this Section II(D)(1)(c), the “**American Royal**” refers to that certain portion of the Project consisting of a livestock expo arena and/or secondary arena(s), indoor/outdoor warm-up arenas, other agricultural-related ancillary facilities, and other commercial uses, or similar or related structures, facilities, activities and uses.

⁵ For purposes of this Project Plan, “**BBQ Uses**” refers to the World’s largest barbecue competition hosted annually by the Developer and other various supportive and similar uses. The Developer will work with the Unified Government and the State to direct American Royal revenues generated from its annual BBQ Uses to inside the District, in which event all State Sales Tax Revenues, Local Sales Tax Revenues and CID Revenues generated from such BBQ Uses could be available for capture by the Project.

⁶ For purposes of this Project Plan, the “**KS&F Property**” refers to certain real property within the District and the Unified Government, having a Wyandotte County tax Parcel No. of 949106, and consisting of approximately 80+/- acres located generally at the northeast corner of the intersection of North 118th Street and State Avenue.

d. Estimated STAR Bond Revenues

The Developer estimates, after consultation with Unified Government staff, consideration of the Feasibility Study (including the Market Study) and other economic projections in the area, and its own knowledge and experience, that at full build-out, the Project will produce an annual taxable sales volume of approximately \$87,237,373, growing annually by 2.50% and subject to phasing and such other assumptions set forth in the attached Bond Proforma. Thus, assuming a 8.44% sales tax capture rate with respect to sales generated from the American Royal, and assuming a 6.5% sales tax capture rate with respect to sales generated from the remainder of the Project contemplated in this Project Plan, the Project will create annual STAR Bond revenue of \$8,888,824 at stabilization (including CID Revenues from the American Royal). Total gross revenues produced over the 20-year term of the Project are estimated at \$216,084,681, which are subject to underwriting standards to make the STAR Bonds commercially marketable. The Developer assumed bond underwriting standards of a 5.0% net present value rate, 115% coverage ratio, and 10% bond issuance cost, capitalized interest and reserves. The Bond Proforma is attached hereto as Exhibit F.

STAR Bonds will be issued in an amount equal to \$80,000,000 in net STAR Bond proceeds to finance the Project. Using the same underwriting standards noted above, the gross STAR Bond revenues of \$216,084,681 would support full repayment of \$80,000,000 in net STAR Bond proceeds.⁷

e. Summary of the STAR Bond Revenues and Project Costs

Based on the (1) estimated Project costs, (2) the estimated STAR Bond proceeds, (3) the Charitable Contributions, and (4) other public or private support, the STAR Bond proceeds are expected to pay for the Project Costs, as contemplated under the Act, when supplemented by other public or private resources:

- Estimated STAR Bond Project Costs - \$165,383,706
- Net STAR Bond Proceeds - \$80,000,000
- Required Charitable Contributions – \$80,000,000
- Other Public or Private Contributions – \$5,383,706

2. Significant Contribution to the Economic Development of the State and Region

The economic impact on the surrounding economy will be substantial and the development of the Project will provide significant economic development, tax revenues, tourism, and new jobs that will contribute significantly to the economic development of the Unified Government, the region and the State of Kansas as a whole. The Project, with a total estimated capital investment of over \$165,000,000, will result in a substantial number of temporary construction jobs, and at full build-out, employ a significant number of full-time equivalent employees (and with annual payroll) commensurate with projects of similar scope and caliber.

As set forth in greater detail in the table that follows, annual visitation for the Project is estimated at approximately 670,000 attendee days for American Royal events and activities, alone, with an additional approximately 375,000⁸ visitors to other agriculture-related facilities and activities

⁷ Utilizing the same underwriting standards noted above, the Project is projected to produce \$95,251,587 in net bond proceeds over the 20-year term, which would support full repayment of \$80,000,000 in net STAR Bond proceeds (and, in fact, would support repayment at only 85% of the projected revenues, as illustrated in the Bond Proforma attached as Exhibit F).

⁸ Please refer to Section II(D)(3) of this Project Plan and Exhibit H attached hereto for a detailed overview of the visitation projections, including a categorical breakdown by Project component.

contemplated by the Project. In addition to sales generated from the Project giving rise to the revenue projections set forth above, this quantity of visitors (including out-of-state travelers) will undoubtedly make a significant contribution to the economic development of the Unified Government, State and region, including significant spillover demand placed upon area hotels, restaurants, retail establishments and other consumer destinations within the State.

The Project, which will provide a quality of service and experience that meets or exceeds national consumer standards for the target market, will, therefore, result in a significant return on investment for both the Unified Government and the State. Project accountability will be accomplished through the negotiation and execution of a development agreement to be entered into between the Unified Government and the Developer that, when coupled with various statutory safeguards and other controls, will ensure the Project is held accountable measured according to best industry practices.

3. Projected Visitation

As set forth in the Market Study, the Project is forecast to attract visitors and attendees in the following amounts and categories:

Visitor Category	Events	Event Days	Average Daily Attendance	Attendee Days
AMERICAN ROYAL				
Existing AR Events				
American Royal	1	14	2,678	37,496
Livestock/Horse Show	10	27	1,163	31,401
Consumer/Trade Show	3	11	8,955	98,505
Entertainment Events	5	15	1,300	19,500
Meetings/Banquets	3	3	300	900
Other Events	22	51	1,551	79,101
Subtotal				266,903
Assumed 25% Increase in AR Events at Build-Out				
American Royal	1	14	670	9,374
Livestock/Horse Show	10	27	291	7,850
Consumer/Trade Show	3	11	2,239	24,626
Entertainment Events	5	15	325	4,875
Meetings/Banquets	3	3	75	225
Other Events	22	51	388	79,101
Subtotal				126,050
Additional AR Events				
Junior Shows	2	14	3,000	42,000
Beef Shows	5	30	1,500	45,000
Horse Shows	2	14	3,000	42,000
Swine Shows	1	6	500	3,000
Dog Events	4	4	1,500	6,000
Camps	2	10	1,000	10,000
Subtotal				148,000
AR Attendee Days with Addition of Arena				
High School Rodeo	1	7	2,400	16,800
Junior High Rodeo	1	7	2,000	14,000
Misc. Rodeos	1	7	2,500	17,500
Concerts	6	6	8,000	48,000
Large Events and Trade Shows	4	4	8,000	32,000
Subtotal				128,300
Total AR Attendee Days				669,253
EDUCATION CENTER & MUSEUM				
20 Year Avg. Annual Visitors				374,024
Total Ed. Center & Museum Visitors				374,024
TOTAL ANNUAL VISITATION				1,043,277

4. Impact on Outstanding Special Obligation Bonds

The Feasibility Study analyzed what effect, if any, the Project would have on any outstanding STAR Bonds. The Kansas Secretary of Commerce has previously approved STAR bond projects in the Unified Government, and elsewhere in the State, that incorporate major destination attractions, retail, entertainment and lodging. The unique uses and long-standing tradition that accompanies the agricultural events, facilities and activities contemplated by this Project Plan are distinguishable, however, in that they represent a novel, distinctive and fitting addition to the State of Kansas and the Unified Government, including the net economic impact that accompanies new-to-market development of this scope and caliber.

Each active STAR bond project in the Unified Government supports distinctly different major tourism attractions and retail components, such that development of the Northwest Speedway STAR Bond District and the Project in the Unified Government is not anticipated to have a measurable adverse impact on visitor volumes, retail sales volumes, or STAR bond revenues generated by the existing STAR bond projects in the State and the Unified Government. Therefore, the operation of the Project is not anticipated to cause default in the payment of outstanding STAR bonds issued by the active STAR Bond approved development projects in the Unified Government and, in fact, will serve to accelerate their repayment.

5. Market Study/Market Impact Study

The Feasibility Study, including the findings set forth in the Market Study and as illustrated in the attached Bond Proforma, determines that there will be a significant positive impact on the local market, area, and State of Kansas as a result of the Project. Capital investment is estimated at over \$165,000,000, and the Project is anticipated to create substantial employment and other related economic benefits that will serve the Unified Government for many years to come.

6. Meetings and Minutes

Upon approval of this Project Plan by the Unified Government and prior to transmittal to the Secretary, the Unified Government Clerk will attach the minutes of all Unified Government meetings where the Project was discussed as Exhibit G.

E. Relocation Plan

The Developer will privately purchase any portion of the Project area necessary to implement the Project via a purchase and sale agreement negotiated at arms-length. Thus, any relocation required by this Project Plan will be coordinated and funded by private arms-length transactions, which the Developer acknowledges will meet or exceed the requirements set forth in the Act including (as applicable) Sections K.S.A. 12-17,166, K.S.A. 12-17,172 and 12-17,173.

F. Sources and Uses

As discussed in greater detail above, the sources and uses for the Project are as follows:

- Estimated STAR Bond Project Costs - \$165,383,706
- Net STAR Bond Proceeds - \$80,000,000
- Required Private Debt and/or Equity - \$85,383,706

III. **Conclusion**

Based on the foregoing, the Unified Government and the Developer hereby submit this Project Plan for public hearing and due consideration.

[Exhibits Follow]

EXHIBIT A

Site Plan



EXHIBIT B

Legal Description of the Project

All that part of the Northeast Quarter and Southeast Quarter of Section 4, and all that part of Section 3, and all that part of the north half of Section 2, all in Township 11 South, Range 23 East, all that part of Lot 1, PIPER PLAZA, all that part of Lots 1, 2, 3, 4, and 5 of PIPER PLAZA SECOND PLAT, all that part of Lots 1 and 2 SECURITY BANK, all that part of Lots 14, 24, 25 and C of PLAZA AT THE SPEEDWAY, and all that part of Lots D and 53, PLAZA AT THE SPEEDWAY SECOND PLAT, and all that part of Lots 38, 39, 40, 41, and 42, PLAZA AT THE SPEEDWAY THIRD PLAT, and all that part of Lots 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, PLAZA AT THE SPEEDWAY FOURTH PLAT, and all that part of Lots 53, 54, and 55, PLAZA AT THE SPEEDWAY FIFTH PLAT, and all that part of Lots 56, 57, Tract E1, and Tract E2, PLAZA AT THE SPEEDWAY SIXTH PLAT, and all that part of the Southeast Quarter and Southwest Quarter of Section 34, and all that part of the Southeast Quarter of Section 33, both in Township 10 South, Range 23 East, all being in the City of Kansas City, Wyandotte County, Kansas being generally described as follows: Beginning at the intersection of the south right-of-way line of Parallel Parkway and the west right-of-way line of N. 118th Street, thence southerly, with the west right-of-way line of N. 118th Street to the north line of Parcel 953101; thence westerly with the north line of parcel 953101, to the northwest corner of said Parcel 953101; thence southerly, with the west line of Parcel 953101, and with the west line of Parcels 953103 and 953104 to the north right-of-way line of State Avenue; thence easterly, with the north right-of-way line of State Avenue to the east right-of-way line of N. 110th Street; thence northerly, with the east right-of-way line of N. 110th Street, to the south right-of-way line of Parallel Parkway; thence easterly, with the south right-of-way line of Parallel Parkway, to the west right-of-way line of Village West Parkway; thence northerly, with the west right-of-way line of Village West Parkway, to the north right-of-way line of Parallel Parkway; thence easterly, with the north right-of-way line of Parallel Parkway, to the easterly line of PLAZA AT THE SPEEDWAY SIXTH PLAT; thence northerly, with the east line of PLAZA AT THE SPEEDWAY SIXTH PLAT to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY SIXTH PLAT, to the northwest corner thereof, said point also being on the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT; thence westerly and northerly, with the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT, to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY FIFTH PLAT, and with the north line of PLAZA AT THE SPEEDWAY, to the northwest corner thereof, said point being on the east right-of-way line of Hutton Road; thence southwestly, with the easterly right-of-way line of Hutton Road to the north right-of-way line of Parallel Parkway; thence westerly, with the north right-of-way line of Parallel Parkway, to the intersection of the north right-of-way line Parallel Parkway and the northerly prolongation of the west right-of-way line of N. 118th Street; thence southerly, with the northerly prolongation of the west right-of-way line of N. 118th Street, to the point of beginning.

Except all of Lot 1, LEGENDS APARTMENTS, and except all of Lot 1, VILLAGE WEST APARTMENTS, and except all of Parcel 949201.

The above described tract contains approximately 550 acres, more or less.

EXHIBIT C

Depiction of the Project

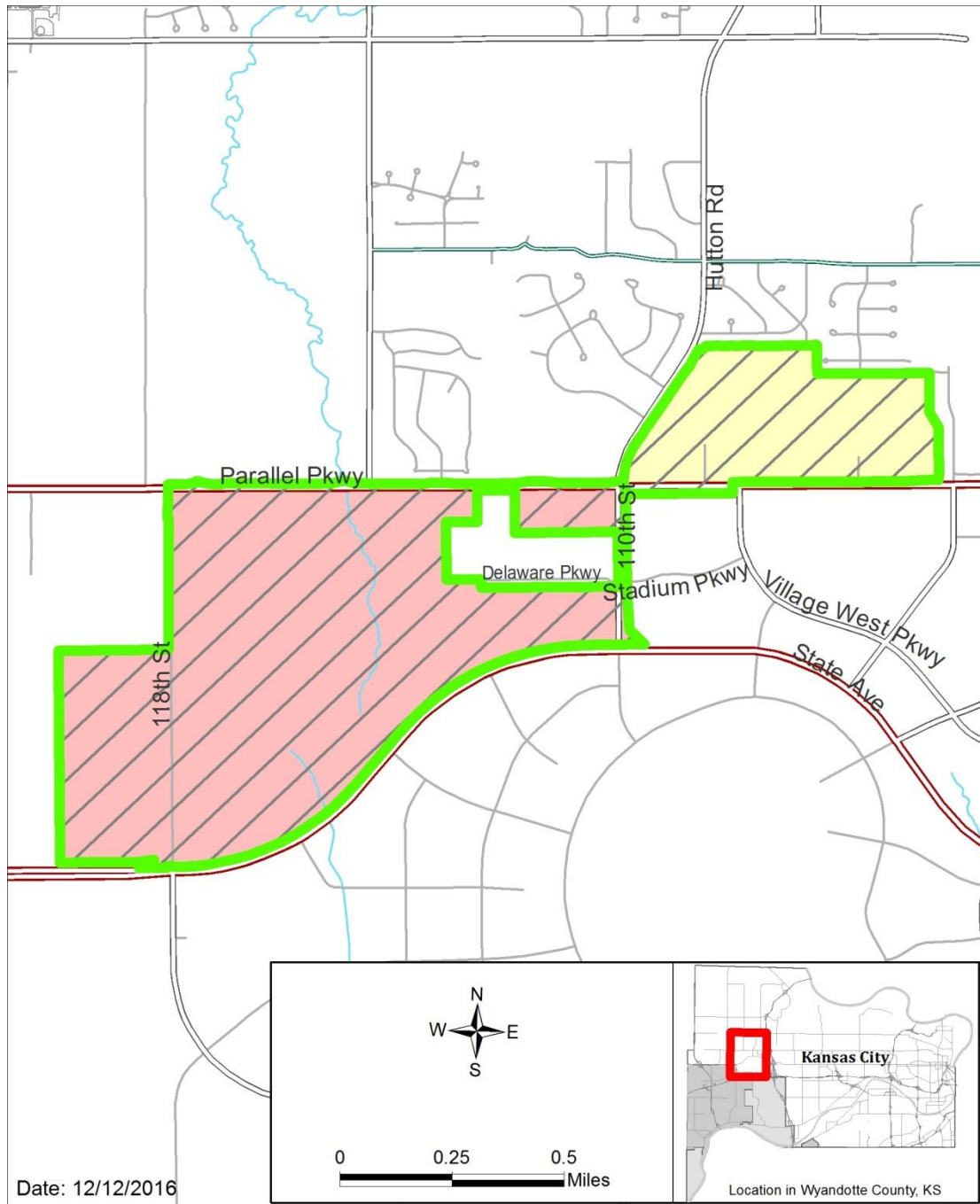


EXHIBIT D

Estimated Project Costs

COST CATEGORY		TOTAL
<u>Land Acquisition</u>		
Land Cost		\$ 4,000,000
	Subtotal:	\$ 4,000,000
<u>Private Sitework</u>		
Grading, Utilities, Paving, Landscaping	75+/- ac. @ \$284,470 per ac.	\$ 21,335,244
	Subtotal:	\$ 21,335,244
<u>Public Infrastructure</u>		
115th Street		\$ 6,721,192
118th Street		\$ 5,660,765
Delaware West		\$ 4,688,000
South Road at Kiickapoo		\$ 1,910,000
	Subtotal:	\$ 18,979,957
<u>Vertical Construction</u>		
Barns / Warm-up Arena	274,080 SF @ \$125.33 PSF	\$ 34,350,684
Large Show Arena	164,825 SF @ \$250.70 PSF	\$ 41,321,117
Sales Barn	7,500 SF @ \$250.70 PSF	\$ 1,880,227
American Royal Office & Meeting	21,660 SF @ \$159.77 PSF	\$ 3,460,662
Maintenance, Storage, Dirt Facilities	60,000 SF @ \$59.83 PSF	\$ 3,589,560
Integrated Educational & Museum Facilities		\$ 6,750,000
	Subtotal:	\$ 91,352,249
<u>Soft Costs</u>		
Design & Engineering	8.00%	\$ 10,533,396
Reimbursable Expense Allowance		\$ 225,000
Professional Services & Fees	3.00%	\$ 3,950,024
Property Insurance		\$ 50,000
Construction Mgmt. / Owners Rep. Fees	2.00%	\$ 2,633,349
Utility Development Fees		\$ 250,000
Special Inspections & Inspection Services		\$ 75,000
Testing (Building & Site)		\$ 125,000
Overhead & Opening Operations	1.00%	\$ 1,316,675
		\$ 19,158,443
<u>Contingency</u>		
Contingency (Hard & Soft)	7.00%	\$ 10,557,813
	TOTAL PROJECT COST	\$ 165,383,706

EXHIBIT E

Estimated Eligible Project Costs

COST CATEGORY		TOTAL	ELIGIBLE COSTS
<u>Land Acquisition</u>			
Land Cost		\$ 4,000,000	\$ 4,000,000
	Subtotal:	\$ 4,000,000	\$ 4,000,000
<u>Private Sitework</u>			
Grading, Utilities, Paving, Landscaping	75+/- ac. @ \$284,470 per ac.	\$ 21,335,244	\$ 21,335,244
	Subtotal:	\$ 21,335,244	\$ 21,335,244
<u>Public Infrastructure</u>			
115th Street		\$ 6,721,192	\$ 6,721,192
118th Street		\$ 5,660,765	\$ 5,660,765
Delaware West		\$ 4,688,000	\$ 4,688,000
South Road at Kiickapoo		\$ 1,910,000	\$ 1,910,000
	Subtotal:	\$ 18,979,957	\$ 18,979,957
<u>Vertical Construction</u>			
Barns / Warm-up Arena	274,080 SF @ \$125.33 PSF	\$ 34,350,684	\$ 34,350,684
Large Show Arena	164,825 SF @ \$250.70 PSF	\$ 41,321,117	\$ 41,321,117
Sales Barn	7,500 SF @ \$250.70 PSF	\$ 1,880,227	\$ 1,880,227
American Royal Office & Meeting	21,660 SF @ \$159.77 PSF	\$ 3,460,662	\$ 3,460,662
Maintenance, Storage, Dirt Facilities	60,000 SF @ \$59.83 PSF	\$ 3,589,560	\$ 3,589,560
Integrated Educational & Museum Facilities		\$ 6,750,000	\$ 6,750,000
	Subtotal:	\$ 91,352,249	\$ 91,352,249
<u>Soft Costs</u>			
Design & Engineering	8.00%	\$ 10,533,396	\$ 10,533,396
Reimbursable Expense Allowance		\$ 225,000	\$ 225,000
Professional Services & Fees	3.00%	\$ 3,950,024	\$ 3,950,024
Property Insurance		\$ 50,000	\$ -
Construction Mgmt. / Owners Rep. Fees	2.00%	\$ 2,633,349	\$ 2,633,349
Utility Development Fees		\$ 250,000	\$ 250,000
Special Inspections & Inspection Services		\$ 75,000	\$ 75,000
Testing (Building & Site)		\$ 125,000	\$ 125,000
Overhead & Opening Operations	1.00%	\$ 1,316,675	\$ -
		\$ 19,158,443	\$ 17,791,769
<u>Contingency</u>			
Contingency (Hard & Soft)	7.00%	\$ 10,557,813	\$ 10,462,145
TOTAL PROJECT COST		\$ 165,383,706	\$ 163,921,364

EXHIBIT F

STAR Bond Proforma

[See attached]

AMERICAN ROYAL STAR BOND PROJECT - COST SUMMARY

COST CATEGORY		TOTAL	ELIGIBLE COSTS
<u>Land Acquisition</u>			
Land Cost		\$ 4,000,000	\$ 4,000,000
	Subtotal:	\$ 4,000,000	\$ 4,000,000
<u>Private Sitework</u>			
Grading, Utilities, Paving, Landscaping	75+/- ac. @ \$284,470 per ac.	\$ 21,335,244	\$ 21,335,244
	Subtotal:	\$ 21,335,244	\$ 21,335,244
<u>Public Infrastructure</u>			
115th Street		\$ 6,721,192	\$ 6,721,192
118th Street		\$ 5,660,765	\$ 5,660,765
Delaware West		\$ 4,688,000	\$ 4,688,000
South Road at Kiickapoo		\$ 1,910,000	\$ 1,910,000
	Subtotal:	\$ 18,979,957	\$ 18,979,957
<u>Vertical Construction</u>			
Barns / Warm-up Arena	274,080 SF @ \$125.33 PSF	\$ 34,350,684	\$ 34,350,684
Large Show Arena	164,825 SF @ \$250.70 PSF	\$ 41,321,117	\$ 41,321,117
Sales Barn	7,500 SF @ \$250.70 PSF	\$ 1,880,227	\$ 1,880,227
American Royal Office & Meeting	21,660 SF @ \$159.77 PSF	\$ 3,460,662	\$ 3,460,662
Maintenance, Storage, Dirt Facilities	60,000 SF @ \$59.83 PSF	\$ 3,589,560	\$ 3,589,560
Integrated Educational & Museum Facilities		\$ 6,750,000	\$ 6,750,000
	Subtotal:	\$ 91,352,249	\$ 91,352,249
<u>Soft Costs</u>			
Design & Engineering	8.00%	\$ 10,533,396	\$ 10,533,396
Reimbursable Expense Allowance		\$ 225,000	\$ 225,000
Professional Services & Fees	3.00%	\$ 3,950,024	\$ 3,950,024
Property Insurance		\$ 50,000	\$ -
Construction Mgmt. / Owners Rep. Fees	2.00%	\$ 2,633,349	\$ 2,633,349
Utility Development Fees		\$ 250,000	\$ 250,000
Special Inspections & Inspection Services		\$ 75,000	\$ 75,000
Testing (Building & Site)		\$ 125,000	\$ 125,000
Overhead & Opening Operations	1.00%	\$ 1,316,675	\$ -
		\$ 19,158,443	\$ 17,791,769
<u>Contingency</u>			
Contingency (Hard & Soft)	7.00%	\$ 10,557,813	\$ 10,462,145
TOTAL PROJECT COST		\$ 165,383,706	\$ 163,921,364

AMERICAN ROYAL STAR BOND PROJECT - CONDENSED COST SUMMARY

Cost Category	Total
Land Acquisition	\$ 4,000,000
Private Sitework	\$ 21,335,244
Public Infrastructure	\$ 18,979,957
Vertical Construction	\$ 91,352,249
Soft Costs	\$ 19,158,443
Contingency	\$ 10,557,813
TOTAL PROJECT COST	\$ 165,383,706

Cost Category	Total	Eligible Costs
Land Acquisition	\$ 4,000,000	\$ 4,000,000
Private Sitework	\$ 21,335,244	\$ 21,335,244
Public Infrastructure	\$ 18,979,957	\$ 18,979,957
Vertical Construction	\$ 91,352,249	\$ 91,352,249
Soft Costs	\$ 19,158,443	\$ 17,791,769
Contingency	\$ 10,557,813	\$ 10,462,145
TOTAL PROJECT COST	\$ 165,383,706	\$ 163,921,364

AMERICAN ROYAL STAR BOND PROJECT - SALES ASSUMPTIONS

Assumptions	Projected Annual Sales
American Royal Complex	\$ 55,118,935
New Hotel - Plaza @ the Speedway	\$ 3,193,750
New Hotel - Convention Center	\$ 8,335,688
New Retail Development in District	\$ 20,589,000

Total Sales at Full Build-Out: \$ 87,237,373

American Royal	Attendee Days	Avg. Direct Spend in District	Annual Revenues
Current Event Days	226,903	\$ 72	\$ 16,368,782
Increased Participation	126,050	\$ 72	\$ 9,093,247
Additional Event Days	148,000	\$ 72	\$ 10,676,720
Large Arena	128,300	\$ 72	\$ 9,255,562
Education Center	374,024	\$ 26	\$ 9,724,624
Totals	1,003,277		\$ 55,118,935

New Hotels	Rooms	Rate	Occupancy	Food & Beverage	Annual Revenues
Ltd. Service Hotel (Plaza @ the Speedway)	125	\$ 100	70%	\$ -	\$ 3,193,750
Full Service Hotel (Convention Center)	225	\$ 125	70%	\$ 20.00	\$ 8,335,688
Total					\$ 11,529,438

New Retail Development	Assumed SF	Assumed Sales PSF	Revenues
Restaurants	25,000	\$ 210	\$ 5,250,000
Retail	50,000	\$ 307	\$ 15,339,000
Total			\$ 20,589,000

Notes:

(1) The sales projections set forth above, which are based, in part, on the Market Study and the Feasibility Study (as such terms are defined in the Project Plan) are estimates only, and subject to change as the development concept progresses. Substantial future development is anticipated to occur with the District appurtenant to the Project, thereby resulting in significant additional capital investment and sales tax revenues available for capture by the Project.

(2) As set forth in the Project Plan, the Developer will work with the Unified Government and the State to direct American Royal revenues generated from its annual BBQ uses to inside the District, in which event all State Sales Tax Revenues, Local Sales Tax Revenues, and CID Revenues (as such terms are defined in the Project Plan) could be available for capture by the Project.

(3) At submission of the Project Plan, the Unified Government is currently considering responses to an RFP respecting the development of a hotel and convention center concept with the Unified Government (the "Convention Center Development"). In the event the Convention Center Development is constructed within the District, all State Sales Tax Revenues (as defined in the Project Plan) will be available for capture by the Project.

AMERICAN ROYAL STAR BOND PROJECT - PROFORMA

STAR BOND REVENUE SUMMARY	Gross	NPV	Net Bond Proceeds
Existing Increment Over Base	\$ 59,290,178	\$ 30,848,323	\$ 24,142,165
American Royal	\$ 112,511,717	\$ 65,754,731	\$ 51,460,224
New Hotels	\$ 18,277,330	\$ 10,758,125	\$ 8,419,402
New Retail Development	\$ 26,005,456	\$ 14,349,183	\$ 11,229,795
NET BOND PROCEEDS	\$ 216,084,681	\$ 121,710,362	\$ 95,251,587

Year	Base Sales	Projected Sales (Existing Businesses)	Incremental Sales Over Base (Existing Businesses)	STAR Bond Sales Tax Revenue (Existing Businesses)	Total New Sales (American Royal)	CID Sales Tax Revenue (American Royal)	STAR Bond Sales Tax Revenue (American Royal)	Total New Sales - New Hotel (Plaza @ the Speedway)	Total New Sales - New Hotel (Convention Center)	STAR Bond Sales Tax Revenue (New Hotels)	New Retail Development (Based on Market Study)	STAR Bond Sales Tax Revenue (New Retail)	Total Sales	Total STAR Bond Revenue
1	\$ 147,520,000	\$ 151,208,000	\$ 3,688,000	\$ 239,720	\$ 55,118,935	\$ 551,189	\$ 4,698,559	\$ 3,273,594	\$ 8,335,688	\$ 754,603	\$ -	\$ 207,594	\$ 6,881,750	\$ 447,314
2	\$ 147,520,000	\$ 154,988,200	\$ 7,468,200	\$ 485,433	\$ 55,118,935	\$ 551,189	\$ 4,698,559	\$ 3,273,594	\$ 8,335,688	\$ 754,603	\$ -	\$ -	\$ 74,196,417	\$ 5,938,595
3	\$ 147,520,000	\$ 158,862,805	\$ 11,342,805	\$ 737,289	\$ 55,118,935	\$ 551,189	\$ 4,698,559	\$ 3,273,594	\$ 8,335,688	\$ 754,603	\$ 5,147,290	\$ 234,573	\$ 84,886,577	\$ 6,661,351
4	\$ 147,520,000	\$ 162,834,478	\$ 15,314,478	\$ 993,443	\$ 55,118,935	\$ 551,189	\$ 4,698,559	\$ 3,273,594	\$ 8,335,688	\$ 754,603	\$ 10,254,500	\$ 669,143	\$ 95,715,310	\$ 7,393,812
5	\$ 147,520,000	\$ 166,905,340	\$ 19,385,340	\$ 1,260,047	\$ 55,118,935	\$ 551,189	\$ 4,698,559	\$ 3,273,594	\$ 8,335,688	\$ 754,603	\$ 15,441,750	\$ 1,003,714	\$ 106,686,081	\$ 8,136,220
6	\$ 147,520,000	\$ 171,077,873	\$ 23,557,873	\$ 1,531,268	\$ 60,840,991	\$ 608,410	\$ 5,186,329	\$ 3,613,435	\$ 9,201,039	\$ 832,941	\$ 20,589,000	\$ 1,338,285	\$ 117,802,439	\$ 8,888,824
7	\$ 147,520,000	\$ 175,354,922	\$ 27,834,922	\$ 1,809,279	\$ 63,362,016	\$ 633,620	\$ 5,315,988	\$ 3,703,771	\$ 9,451,065	\$ 853,764	\$ 21,103,721	\$ 1,371,742	\$ 124,435,500	\$ 9,350,764
8	\$ 147,520,000	\$ 179,738,795	\$ 32,218,795	\$ 2,094,222	\$ 63,921,067	\$ 639,211	\$ 5,448,887	\$ 3,796,365	\$ 9,666,842	\$ 875,108	\$ 21,631,318	\$ 1,406,036	\$ 131,234,387	\$ 9,824,253
9	\$ 147,520,000	\$ 184,232,265	\$ 36,712,265	\$ 2,386,297	\$ 65,519,093	\$ 655,191	\$ 5,585,110	\$ 3,891,274	\$ 9,908,513	\$ 896,986	\$ 22,172,101	\$ 1,446,187	\$ 138,203,247	\$ 10,309,580
10	\$ 147,520,000	\$ 188,838,072	\$ 41,318,072	\$ 2,685,675	\$ 67,157,071	\$ 671,571	\$ 5,724,737	\$ 3,988,556	\$ 10,156,226	\$ 919,411	\$ 22,726,404	\$ 1,477,218	\$ 145,346,328	\$ 10,807,039
11	\$ 147,520,000	\$ 193,559,024	\$ 46,039,024	\$ 2,992,537	\$ 68,835,997	\$ 688,360	\$ 5,867,856	\$ 4,088,270	\$ 10,410,131	\$ 942,366	\$ 23,294,564	\$ 1,514,147	\$ 152,667,986	\$ 11,316,905
12	\$ 147,520,000	\$ 198,397,999	\$ 50,877,999	\$ 3,307,070	\$ 70,556,897	\$ 705,569	\$ 6,014,552	\$ 4,190,477	\$ 10,670,385	\$ 965,956	\$ 23,876,928	\$ 1,552,000	\$ 160,172,686	\$ 11,839,576
13	\$ 147,520,000	\$ 203,357,949	\$ 55,837,949	\$ 3,629,467	\$ 72,320,820	\$ 723,208	\$ 6,164,916	\$ 4,295,239	\$ 10,937,144	\$ 990,105	\$ 24,473,851	\$ 1,590,800	\$ 167,865,003	\$ 12,375,288
14	\$ 147,520,000	\$ 208,441,898	\$ 60,921,898	\$ 3,959,923	\$ 74,128,840	\$ 741,288	\$ 6,319,039	\$ 4,402,620	\$ 11,210,573	\$ 1,014,858	\$ 25,085,697	\$ 1,630,570	\$ 175,749,628	\$ 12,924,390
15	\$ 147,520,000	\$ 213,652,346	\$ 66,132,346	\$ 4,298,643	\$ 75,982,061	\$ 759,821	\$ 6,477,035	\$ 4,512,685	\$ 11,490,917	\$ 1,040,229	\$ 25,712,840	\$ 1,671,335	\$ 183,831,369	\$ 13,487,220
16	\$ 147,520,000	\$ 218,994,269	\$ 71,474,269	\$ 4,645,827	\$ 77,881,613	\$ 778,816	\$ 6,638,940	\$ 4,625,502	\$ 11,778,108	\$ 1,066,235	\$ 26,355,661	\$ 1,713,118	\$ 192,115,153	\$ 14,064,120
17	\$ 147,520,000	\$ 224,469,126	\$ 76,949,126	\$ 5,001,693	\$ 79,828,653	\$ 798,287	\$ 6,804,914	\$ 4,741,140	\$ 12,072,561	\$ 1,092,891	\$ 27,014,552	\$ 1,750,940	\$ 200,606,032	\$ 14,605,443
18	\$ 147,520,000	\$ 230,080,854	\$ 82,560,854	\$ 5,366,456	\$ 81,824,369	\$ 818,244	\$ 6,975,037	\$ 4,859,668	\$ 12,374,375	\$ 1,120,213	\$ 27,689,935	\$ 1,799,845	\$ 209,309,183	\$ 15,261,549
19	\$ 147,520,000	\$ 235,832,875	\$ 88,312,875	\$ 5,740,337	\$ 83,869,979	\$ 838,703	\$ 7,149,412	\$ 4,981,160	\$ 12,683,744	\$ 1,148,218	\$ 28,382,164	\$ 1,844,841	\$ 218,229,912	\$ 15,882,888
20	\$ 147,520,000	\$ 241,728,697	\$ 94,208,697	\$ 6,123,565	\$ 85,966,728	\$ 859,667	\$ 7,328,148	\$ 5,105,685	\$ 13,000,828	\$ 1,176,924	\$ 29,091,718	\$ 1,890,963	\$ 227,373,660	\$ 16,519,598
TOTALS				\$ 59,290,178			\$ 112,511,717			\$ 18,277,330		\$ 26,005,456		\$ 216,084,681
NET PRESENT VALUE			5.00%	\$ 30,848,323			\$ 65,754,731			\$ 10,758,125		\$ 14,349,183		\$ 121,710,362
Gross Bond Proceeds (NPV / DSCR)			115%	\$ 26,824,628			\$ 57,178,027			\$ 9,354,891		\$ 12,477,550		\$ 105,835,097
Less: Bond Issuance			10.00%	\$ (2,682,463)			\$ (5,717,803)			\$ (935,489)		\$ (1,247,755)		\$ (10,583,510)
Net Bond Proceeds				\$ 24,142,165			\$ 51,460,224			\$ 8,419,402		\$ 11,229,795		\$ 95,251,587

Notes & Financing Assumptions:

- (1) Base Sales (per 11/14/16 email from UG/G. Brakjovic) \$ 147,520,000
- (2) State Sales Tax Rate 6.50%
- (3) Local Sales Tax Rate 1.94%
- (4) STAR Bond Sales Tax Rate (for American Royal) 8.440%
- (5) STAR Bond Sales Tax Rate (for remainder of Project) 6.50%
- (6) Transient Guest Tax Rate (only applies to Hilton Property) 8.00%
- (7) CID Sales Tax Rate (only applies to American Royal) 1.00%
- (8) Projected annual sales increase after stabilization: 2.50%
- (9) Assumed % of New Sales Online Year 1 0%
- (10) Assumed % of New Sales Online Year 2 100%
- (11) Assumed % of New Retail Online Year 1 0%
- (12) Assumed % of New Retail Online Year 2 0%
- (13) Assumed % of New Retail Online Year 3 25%
- (14) Assumed % of New Retail Online Year 4 50%
- (15) Assumed % of New Retail Online Year 5 75%
- (16) Assumed % of New Retail Online Year 6 100%
- (17) Assumed % of New Hotel (Plaza @ the Speedway) Year 1

AMERICAN ROYAL STAR BOND PROJECT - PROFORMA
(Utilizing 85% of Projected Revenues)

STAR BOND REVENUE SUMMARY	Gross		NPV	Net Bond Proceeds	
Existing Increment Over Base	\$	50,396,651	\$	26,221,074	\$ 20,520,841
American Royal	\$	95,634,960	\$	55,891,521	\$ 43,741,191
New Hotels	\$	15,535,730	\$	9,144,406	\$ 7,156,492
New Retail Development	\$	22,010,089	\$	12,161,171	\$ 9,517,438
NET BOND PROCEEDS	\$	183,577,431	\$	103,418,173	\$ 80,935,962

Year	85% of STAR Bond Sales Tax Revenue (Existing Businesses)	85% of STAR Bond Sales Tax Revenue (American Royal)	85% of STAR Bond Sales Tax Revenue (New Hotels)	85% of STAR Bond Sales Tax Revenue (New Retail)	85% of Total STAR Bond Revenues
1	\$ 203,762	\$ -	\$ 176,455	\$ -	\$ 380,217
2	\$ 412,618	\$ 3,993,775	\$ 641,413	\$ -	\$ 5,047,806
3	\$ 626,696	\$ 4,093,619	\$ 657,448	\$ 284,386	\$ 5,662,148
4	\$ 846,125	\$ 4,195,960	\$ 673,884	\$ 568,771	\$ 6,284,740
5	\$ 1,071,040	\$ 4,300,859	\$ 690,731	\$ 853,157	\$ 6,915,787
6	\$ 1,301,578	\$ 4,408,380	\$ 708,000	\$ 1,137,542	\$ 7,555,500
7	\$ 1,537,879	\$ 4,518,590	\$ 725,700	\$ 1,165,981	\$ 7,948,150
8	\$ 1,780,088	\$ 4,631,554	\$ 743,842	\$ 1,195,130	\$ 8,350,615
9	\$ 2,028,353	\$ 4,747,343	\$ 762,438	\$ 1,225,009	\$ 8,763,143
10	\$ 2,282,823	\$ 4,866,027	\$ 781,499	\$ 1,255,634	\$ 9,185,983
11	\$ 2,543,656	\$ 4,987,677	\$ 801,037	\$ 1,287,025	\$ 9,619,395
12	\$ 2,811,009	\$ 5,112,369	\$ 821,063	\$ 1,319,200	\$ 10,063,642
13	\$ 3,085,047	\$ 5,240,179	\$ 841,589	\$ 1,352,180	\$ 10,518,995
14	\$ 3,365,935	\$ 5,371,183	\$ 862,629	\$ 1,385,985	\$ 10,985,732
15	\$ 3,653,845	\$ 5,505,463	\$ 884,195	\$ 1,420,634	\$ 11,464,137
16	\$ 3,948,953	\$ 5,643,099	\$ 906,299	\$ 1,456,150	\$ 11,954,502
17	\$ 4,251,439	\$ 5,784,177	\$ 928,957	\$ 1,492,554	\$ 12,457,127
18	\$ 4,561,487	\$ 5,928,781	\$ 952,181	\$ 1,529,868	\$ 12,972,317
19	\$ 4,879,286	\$ 6,077,001	\$ 975,985	\$ 1,568,115	\$ 13,500,387
20	\$ 5,205,031	\$ 6,228,926	\$ 1,000,385	\$ 1,512,769	\$ 13,947,111
TOTALS	\$ 50,396,651	\$ 95,634,960	\$ 15,535,730	\$ 22,010,089	\$ 183,577,431
NET PRESENT VALUE	\$ 26,221,074	\$ 55,891,521	\$ 9,144,406	\$ 12,161,171	\$ 103,418,173

Gross Bond Proceeds (NPV / DSCR)	\$	22,800,934	\$	48,601,323	\$	7,951,658	\$	10,574,931	\$	89,928,846
Less: Bond Issuance	\$	(2,280,093)	\$	(4,860,132)	\$	(795,166)	\$	(1,057,493)	\$	(8,992,885)
Net Bond Proceeds	\$	20,520,841	\$	43,741,191	\$	7,156,492	\$	9,517,438	\$	80,935,962

EXHIBIT G

Meeting Minutes

To be included after approval of Project Plan.

EXHIBIT H

Market Study Summary

[See attached]



STAR Bond District Visitor Days and Revenue Generation

Research conducted by Oxford economics for the Kansas Department of Wildlife Parks and Tourism concluded that the typical Kansas visitor spends \$177 per day.

KDA estimated that approximately 50% of a visitor's spending of retail, food and beverage and of entertainment (ticket sales) will occur within the American Royal complex for a total of \$44. This is nearly identical to economic impact studies conducted for comparable facilities to the American Royal. These studies estimated average on site visitor spending of \$49.34 for Denver, \$58.76 for Louisville and \$50 for Houston.

Additionally, it was assumed that 50% of lodging expenditures and 25% of total food and beverage and retail expenditures would occur within the STAR bond district.

Spending Category	American Royal Complex	Within Star Bond District	Out of District	Total Spend
Lodging		\$13.98	\$13.98	\$27.97
Food and Beverages	\$13.98	\$6.99	\$20.98	\$41.95
Retail	\$14.34	\$7.17	\$7.17	\$28.67
Recreation and Entertainment*	\$15.68		\$12.82	\$28.50
Transportation and Fuel			\$44.78	\$44.78
Airfare			\$5.13	\$5.13
Total Direct Spend	\$44.00	\$28.14	\$104.86	\$177.00

**Includes Event Tickets*

Sources:

Oxford Economics Study on Kansas Visitor Spending

https://res-5.cloudinary.com/simpleview/image/upload/v1/clients/kansas/Kansas_Tourism_Economic_Impact_2015_client_0c59d2d4-0363-41fa-a883-5c40545579cb.pdf

Denver Study

<https://www.denvergov.org/content/dam/denvergov/Portals/728/documents/Business%20Plan%20Appendix%20D.pdf>

Louisville Study

<http://www.bizjournals.com/louisville/news/2015/03/09/how-much-was-the-state-fair-board-worth-to.html>

Houston Study

<http://www.rodeohouston.com/About-Us/Who-We-Are/Economic-Impact>

Current American Royal Event Days

A 2012 study of the economic impact of the American Royal estimated total attendee days in 2011 at 266,900. KDA compared event days and attendance records of the CSL study to American Royal data for 2016 and concluded that 266,900 is an accurate estimate of total attendee days at the current facility.

The categories below are broken down by major category. Other events range from hosting Ag Business Kansas City to company appreciation days, student conferences and community groups.

Current American Royal Events, Attendance and Attendee Days				
	Event			
	Events	Days	Average Daily Attendance	Attendee Days
American Royal	1	14	2,678	37,496
Livestock/Horse Show	10	27	1,163	31,401
Consumer/Trade Show	3	11	8,955	98,505
Entertainment Events	5	15	1,300	19,500
Meetings/Banquets	3	3	300	900
Other Events	22	51	1,551	79,101
			Total	266,903

Attendee days with 25% increased participation

KDA assumed that with a new American Royal facility, attendance at existing events will increase by 25%. The following table depicts the additional attendee days that correspond with a 25% increase. Event days are not increased in this scenario.

American Royal Event Days and Attendance with 25% Increased Participation				
	Events	Event Days	Average Daily Attendance	Attendee Days
American Royal	1	14	670	9,374
Livestock/Horse Show	10	27	291	7,850
Consumer/Trade Show	3	11	2,239	24,626
Entertainment Events	5	15	325	4,875
Meetings/Banquets	3	3	75	225
Other Events	22	51	388	79,100
			Total	126,050

Attendee days with additional events.

This scenario assumes that a new American Royal Complex can attract additional livestock, equine shows and camps. KDA compiled actual attendance records from these events and estimated that these events can create an additional 148,000 attendee days.

Additional American Royal Facility Events and Attendance with New Facility				
	Events	Event Days	Average Daily Attendance	Attendee Days
Junior Shows	2	14	3,000	42,000
Beef Shows	5	30	1,500	45,000
Horse Shows	2	14	3,000	42,000
Swine Shows	1	6	500	3,000
Dog Events	4	4	1,500	6,000
Camps	2	10	1,000	10,000
			Total	148,000

Attendee days with the addition of an 8,000 seat arena.

The addition of an 8,000 seat arena has the ability to attract major youth and miscellaneous rodeos as well as concerts, large events and trade shows. KDA compiled actual attendance records from rodeos and assumed that 10 times a year a concert or large event would fill the arena to capacity.

Additional American Royal Facility Events and Attendance with 8,000 Seat Arena				
	Events	Event Days	Average Daily Attendance	Attendee Days
High School Rodeo	1	7	2,400	16,800
Junior High Rodeo	1	7	2,000	14,000
Miscellaneous Rodeos	1	7	2,500	17,500
Concerts	6	6	8,000	48,000
Large Events and Trade Shows	4	4	8,000	32,000
			Total	128,300

Education Center and Museum

The addition of an education center and museum will bring additional attendees to the district.

A market study of a similar museum in Omaha (without an attached education center) estimated annual visitors at 300,000, museums in downtown Kansas City average up to 500,000 annual visitors.

Assuming initial visitors at 150,000 per year with a 15% growth rate for seven years and a 2% growth rate in subsequent years equates to a 20-year average of 374,024 visitors.

Visitors are assumed to spend \$8 on each retail and food and beverage in addition to an average admission fee of \$10. No other in district spending is included in these estimates but would occur in reality as visitors would more than likely utilize in district services such as lodging, restaurants and retail.

Education Center Expenditures and Sales		
Tax Collections		
20 Year Average Annual		
Visitors		374,024
Admission Fee		\$10
Per person Retail Spend		\$8
Per Person Food and Beverage		\$8
Total Per Person Spending		\$26
Total Expenditures		\$9,724,624
Sales Tax Collections		
State (6.5%)		\$632,101
Local (1.5%)		\$145,869
Total		\$777,970

Sources (none of these museums have attached education centers).

Nelson-Atkins Art Museum, 500,000+

<http://www.nelson-atkins.org/about-us/mission-and-history/>

World War I Museum, exceeded record annual admissions for three years, 300,000 in 2016

<https://www.theworldwar.org/news>

18th and Vine Museums

<http://news.visitkc.com/facts/negro-leagues-baseball-museum>

Omaha Children's Museum, 316,915 in 2016, steady increases.

http://www.omaha.com/living/omaha-children-s-museum-sees-record-attendance-in/article_d963f5b4-ef0e-11e6-b55e-17d32e5e74d0.html

Hotels and Conference Center

This scenario estimates the expenditures and sales tax collections with the addition of a 125 room limited service hotel, 225 room full service hotel and conference center.

Staff with the Unified Government of Wyandotte County stated that the average occupancy rate in the surrounding area is 70% with a \$100 per night room rate for limited service hotels. A full service hotel with identical occupancy rate and \$125 room rate as also estimated. Guests are assumed to spend an average of \$20 per room night on food and beverage within the full service hotel.

Revenues generated from the addition of a conference center were also estimated. A 2014 feasibility study conducted by CSL estimated that a conference center in the Village West area would attract 216 events that bring an average of 275,000 total visitors. KDA examined other facility usage and determined that assuming 180 event days with average attendance of 1,500 is feasible equating to 270,000 average annual visitors.

For this scenario, the conference center is independent of hotel revenue, each attendee is assumed to spend \$28 in district. This corresponds to the in-district spending level in the spend pattern highlighted on page one.

Hotel and Conference Center Revenue and Sales Tax Collections							
Facility	Occupancy Rate	Room Rate	Food and Beverage	Total Expenditure	State	Local	Total
125 Room Limited Service Hotel	70%	\$100	\$0	\$3,193,750	\$207,594	\$47,906	\$255,500
225 Room Full Service Hotel	70%	\$125	\$20	\$4,630,938	\$301,011	\$69,464	\$370,475
	Visitors	In District Spend	Total Expenditure	State	Local	Total	
Conference Center	270,000	\$28	\$7,598,655	\$493,913	\$113,980	\$607,892	

Restaurants, Retail and Grocery Store

New dining and retail options within the STAR bond district will generate additional sales tax dollars.

KDA and the Department of Commerce utilized sales tax data generated from two full service and one limited service restaurant. Specifically, full service restaurants similar to Olive Garden and Red Lobster and a limited service restaurant similar to a Starbucks with total annual sales of \$5.25 million.

KDA and the Department of Commerce utilized sales tax data for a mid-sized retail store, specifically Boot Barn, with average annual sales of \$1 million.

KDA estimated potential revenue from a small grocery store within the district. According to the Food Marketing Institute, grocery stores averaged \$11.03 in sales per square foot in 2015. The average grocery store size is 45,000 square feet. We assumed a smaller than average, 25,000 square foot grocery store with average sales of \$11.03 to generate approximately \$14.34 million in annual sales.

Restaurant, Retail and Grocery Store Revenue and Sales Tax Collections

Facility	Total			
	Expenditure	State	Local	Total
Three Restaurants	\$5,250,000	\$341,250	\$78,750	\$420,000
Retail Store	\$1,000,000	\$65,000	\$15,000	\$80,000
Grocery Store	\$14,339,000	\$932,035	\$215,085	\$1,147,120

Source: <http://www.fmi.org/research-resources/supermarket-facts>

The tables on the following page are a summary of attendee days, revenues and sales tax generation from each scenario

The first table is 20 year averages of each scenario independently and the second table is cumulative. In total, if every scenario were realized, **20-year average annual in district sales tax collections are estimated at approximately \$8.36 million, or more than \$167 million in total over 20 years.**

20 Year Average Annual Attendee Days, Expenditures and Sales Tax Generation

Scenario	Attendee Days	Expenditures Within		Total Revenue	Sales Tax Generation		
		AR Complex	STAR Bond District		State (6.5%)	Local (1.5%)	Total
Current Event Days	266,903	\$11,743,710	\$7,511,482	\$19,255,192	\$1,251,587	\$288,828	\$1,540,415
Increased Participation	126,050	\$5,546,217	\$3,547,457	\$9,093,673	\$591,089	\$136,405	\$727,494
Additional Event Days	148,000	\$6,512,000	\$4,165,189	\$10,677,189	\$694,017	\$160,158	\$854,175
Large Arena	128,300	\$5,645,200	\$3,610,768	\$9,255,968	\$601,638	\$138,840	\$740,477
Education Center	374,024	\$9,724,624	\$10,526,220	\$20,250,844	\$1,316,305	\$303,763	\$1,620,068
125 Room Hotel			\$3,193,750	\$3,193,750	\$207,594	\$47,906	\$255,500
225 Room Hotel			\$4,630,938	\$4,630,938	\$301,011	\$69,464	\$370,475
Conference Center	270,000		\$7,598,655	\$7,598,655	\$493,913	\$113,980	\$607,892
Restaurants			\$5,250,000	\$5,250,000	\$341,250	\$78,750	\$420,000
Retail			\$1,000,000	\$1,000,000	\$65,000	\$15,000	\$80,000
Grocery Store			\$14,339,000	\$14,339,000	\$932,035	\$215,085	\$1,147,120

Cumulative 20 Year Average Attendee Days, Expenditures and Sales Tax Generation

Scenario	Attendee Days	Expenditures Within		Total Revenue	Sales Tax Generation		
		AR Complex	STAR Bond District		State (6.5%)	Local (1.5%)	Total
Current Event Days	266,903	\$11,743,710	\$7,511,482	\$19,255,192	\$1,251,587	\$288,828	\$1,540,415
Increased Participation	392,953	\$17,289,927	\$11,058,938	\$28,348,865	\$1,842,676	\$425,233	\$2,267,909
Additional Event Days	540,953	\$23,801,927	\$15,224,127	\$39,026,053	\$2,536,693	\$585,391	\$3,122,084
Large Arena	669,253	\$29,447,127	\$18,834,895	\$48,282,022	\$3,138,331	\$724,230	\$3,862,562
Education Center	1,043,277	\$39,171,751	\$29,361,115	\$68,532,865	\$4,454,636	\$1,027,993	\$5,482,629
125 Room Hotel	1,043,277	\$39,171,751	\$32,554,865	\$71,726,615	\$4,662,230	\$1,075,899	\$5,738,129
225 Room Hotel	1,043,277	\$39,171,751	\$37,185,802	\$76,357,553	\$4,963,241	\$1,145,363	\$6,108,604
Conference Center	1,313,277	\$39,171,751	\$44,784,457	\$83,956,208	\$5,457,154	\$1,259,343	\$6,716,497
Restaurants	1,313,277	\$39,171,751	\$50,034,457	\$89,206,208	\$5,798,404	\$1,338,093	\$7,136,497
Retail	1,313,277	\$39,171,751	\$51,034,457	\$90,206,208	\$5,863,404	\$1,353,093	\$7,216,497
Grocery Store	1,313,277	\$39,171,751	\$65,373,457	\$104,545,208	\$6,795,439	\$1,568,178	\$8,363,617

Appendix A: Expanded Spend Pattern for National Western Stock Show (NWSS)

National Western Stock Show Spend Pattern, 2010

Visitor Residency and Percentages			
Residency	% of Attendees	Number	
Denver Metro	58.3%	384,577	
Colorado, Outside Metro	24.2%	159,636	
Out of State	16.7%	110,162	
Out of Country	0.8%	5,277	
Total		659,651	

Per Person NWSS Spending			
Category	General Public	Commercial Exhibitor	Livestock and Horse Exhibitor
On-Site Spending	\$45.41	\$196.73	\$61.10
Exhibitor Costs		\$232.63	\$78.69
Labor		\$23.10	\$55.91
Lodging	\$20.00	\$39.95	\$39.93
Food and Beverage	\$14.49	\$26.29	\$28.36
Shopping	\$11.89	\$20.27	\$13.82
Transportation	\$6.44	\$9.58	\$13.76
Entertainment	\$5.48	\$15.28	\$5.04
Other	\$2.78	\$4.15	\$4.86
Total	\$106.49	\$567.98	\$301.47
Attendee Days	600,003	6,080	53,568

Total NWSS Spending

Category	General Public	Commercial Exhibitor	Livestock and Horse Exhibitor	Total
On-Site Spending	\$27,246,136	\$1,196,118	\$3,272,804	\$31,715,059
Exhibitor Costs	\$0	\$1,414,413	\$4,215,467	\$5,629,880
Labor	\$0	\$140,444	\$2,994,886	\$3,135,331
Lodging	\$12,000,060	\$242,892	\$2,138,803	\$14,381,755
Food and Beverage	\$8,694,043	\$159,820	\$1,519,389	\$10,373,253
Shopping	\$7,134,036	\$123,238	\$740,343	\$7,997,617
Transportation	\$3,864,019	\$58,246	\$736,995	\$4,659,261
Entertainment	\$3,288,016	\$92,902	\$269,815	\$3,650,734
Other	\$1,668,008	\$25,240	\$260,474	\$1,953,722
Total	\$63,894,319	\$3,453,315	\$16,148,978	\$83,496,612



Staff Request for Commission Action

Tracking No. 171124

Full Commission Meeting Date: 4/27/17

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 04/24/2017	<u>Contact Name:</u> Doug Bach	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> dbach@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

A resolution adopting conditions of employment pursuant to K.S.A. 75-4332 for the IAFF contract. While the parties reached an agreement through the collective bargaining process, IAFF has not returned an executed contract. Therefore, the Unified Government is proceeding with the impasse process and may adopt the MOUs covering 2014-2018 by resolution.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution, MOU 2014, MOA 2015-2017, MOU 2018

RESOLUTION NO. _____

A RESOLUTION ADOPTING CONDITIONS OF EMPLOYMENT
PURSUANT TO K.S.A. 75-4332 FOR THE CALENDAR YEARS 2014-2018
FOR ALL SWORN EMPLOYEES OF THE UNIFIED GOVERNMENT'S FIRE
DEPARTMENT OF THE RANK OF CAPTAIN AND BELOW, EXCLUDING
CONFIDENTIAL AND SUPERVISORY EMPLOYEES.

WHEREAS, the Unified Government of Wyandotte County / Kansas City, Kansas ("Unified Government") is a municipal corporation which operates a Fire Department and employs sworn employees within the Fire Department of the rank of captain and below;

WHEREAS, the International Association of Firefighters, Local No. 64 ("IAFF") is the exclusive bargaining agent for all sworn employees of the Unified Government's Fire Department of the rank of captain (or equivalent) and below, except that confidential and supervisory employees are excluded ("Bargaining Unit Employees") for the purposes of engaging in collective bargaining meet and confer proceedings for the calendar years of 2014-2018;

WHEREAS, the City and the IAFF engaged in meet and confer proceedings for the calendar years 2014-2018 which ultimately resulted in the declaration of impasse and exhaustion of statutory impasse resolution procedures as proscribed within K.S.A. 75-4332 including the issuance of a report from a fact-finder issuing recommendations for the resolution of the parties' impasse, and the conduct of proceedings identified within K.S.A. 75-4332(f), including the conduct of a hearing before the governing body on January 5, 2017;

WHEREAS, the Governing Body of the City, upon consideration of the parties' submissions and in consideration of the parties' presentations at the January 5, 2017 takes the following action identified within this Resolution adopting conditions of employment for the

Bargaining Unit Employees, which it deems to be in the public interest, including the interest of the public employees involved.

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

Section 1. Adoption and Incorporation of 2014 MOU. The Unified Government does hereby adopt and incorporate by reference all of the terms stated within the Memorandum of Understanding covering the year 2014 attached hereto as Exhibit “A.”

Section 2. Adoption and Incorporation of 2015-2017 MOA. The Unified Government does hereby adopt and incorporate by reference all of the terms stated within the Memorandum of Understanding covering the years 2015-2017 attached hereto as Exhibit “B.”

Section 3. Adoption and Incorporation of 2018 MOU. The Unified Government does hereby adopt and incorporate by reference all of the terms stated within the Memorandum of Understanding covering the year 2018 attached hereto as Exhibit “C.”

Section 4. The Unified Government Administrator is hereby authorized and directed to execute Exhibits A, B and C and to employ the terms and conditions of employment stated therein to the members of the bargaining unit represented by the IAFF for the years 2014-2018.

Adopted by the Governing Body of the Unified Government on the ____ day of April, 2017.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY / KANSAS CITY, KANSAS

(Seal)

Mayor/CEO, Mark Holland

ATTEST:

Clerk

**MEMORANDUM OF UNDERSTANDING
2014**

This Memorandum of Understanding is entered into on this ____ day of _____, 2017, between the Unified Government of Wyandotte County / Kansas City, Kansas (hereinafter “Unified Government”) and the International Association of Firefighters, Local No. 64 (hereafter “IAFF”).

WHEREAS, the parties have engaged in meet and confer proceedings relating to conditions of employment for the calendar year 2014 as required by the Kansas Public Employer-Employee Relations Act, K.S.A. 75-4321, et seq., and have agreed to the terms of a memorandum of understanding, the terms of which are described herein;

NOW THEREFORE, in consideration of the foregoing, and in consideration of the mutual covenants and undertakings set out below, the parties agree as follows:

1. The terms and conditions stated within the Memorandum of Understanding between the parties covering January 1, 2011 – December 31, 2013 are hereby adopted and deemed to be applicable for the additional term of January 1, 2014 – December 31, 2014.

IN WITNESS WHEREOF, THE UNIFIED GOVERNMENT AND THE IAFF have
hereunto set their hands this _____ day of _____, 2017.

FOR THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY AND
KANSAS CITY, KANSAS

INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS, LOCAL NO. 64

DOUG BACH,
COUNTY ADMINISTRATOR

PRESIDENT

ATTEST

BUSINESS AGENT

UNIFIED GOVERNMENT CLERK

NEGOTIATOR

JOHN PAUL JONES,
FIRE CHIEF

NEGOTIATOR

NEGOTIATOR

NEGOTIATOR

NEGOTIATOR

NEGOTIATOR

MEMORANDUM OF AGREEMENT

2015-2017

Between

**The Unified Government of Wyandotte County,
Kansas City, Kansas**

and

The International Association of Firefighters

Local No. 64

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DEFINITIONS

Chief - Chief of the Kansas City, Kansas Fire Department.

City - City of Kansas City, Kansas.

Department - Kansas City, Kansas Fire Department.

Division Chief - A chief officer of the Kansas City, Kansas Fire Department who is in charge of one or more of the Department's Divisions.

Divisions - Fire Prevention, Administration, Training, Fire Suppression, Medical Transport, Communications, and Maintenance/Property or as otherwise created by the Department.

Paramedic – An Employee possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services

Employee - All persons employed by the Fire Department who are members of the bargaining unit.

Employer - Unified Government of Wyandotte County/Kansas City, Kansas.

Executive Committee - IAFF Local No. 64, President, Vice-President, Secretary-Treasurer, Recording Secretary and Five Elected Executive Board Members.

Fire Department - Kansas City, Kansas Fire Department.

Firefighter - Sworn member of the Kansas City, Kansas Fire Department who is assigned to a fire suppression position and who works twenty-four (24) hour shifts.

Firefighter/Paramedic (Paramedic) - Sworn member of the Kansas City, Kansas Fire Department who is assigned to a fire suppression/Paramedic position and who works twenty-four (24) hour shifts.

Gender - The male shall include the female and the female shall include the male.

Memorandum - Memorandum of Agreement between Unified Government of Wyandotte County/Kansas City, Kansas and IAFF Local No. 64.

Permanent Employees - Fire Department employees who have successfully completed their 12 month probationary period and have received a permanent appointment.

Shift Days - 24 Hour work periods.

Specialized Units - Training, Shop, Fire Prevention, Recruitment and other units so designated by the Department.

UG - The Unified Government of Wyandotte County/Kansas City, Kansas.

Union - IAFF Local No. 64.

MEMORANDUM OF AGREEMENT

ARTICLE 1 - PREAMBLE

This Memorandum of Agreement (hereinafter "Memorandum") is entered into by and between the Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter "Employer" or "UG"), and Local No. 64, International Association of Firefighters (hereinafter "Union").

It is the purpose of this Memorandum to achieve and maintain harmonious relations between the Employer and the Union; to provide for equitable and peaceful adjustment of differences that may arise, and to establish proper standards of wages, hours and other conditions of employment.

ARTICLE 2 - RECOGNITION

The Employer recognizes the Union as the exclusive bargaining agent for all sworn employees of the Fire Department of the rank of captain (or equivalent) and below, except that confidential and supervisory employees are excluded.

ARTICLE 3 - NON-DISCRIMINATION

UG and the Union agree that they shall not directly or indirectly discourage or deprive or coerce any employee in the enjoyment of any rights conferred by the laws of Kansas and the United States; that neither the Employer nor the Union shall interfere with the right of employees covered by this Memorandum to become or not become members of the Union and there shall be no discrimination against any such employees because of lawful Union membership or lawful Union activity or non-membership or non-activity; that each will comply with applicable laws and regulations regarding discrimination against any employee or Union member due to such person's race, color, creed, religion, national origin, sex, age or disability. When words of gender are used in this Memorandum, the male term shall include the female and the female term shall include the male. The Union recognizes its responsibility as bargaining agent and agrees fairly to represent all employees in the bargaining unit.

ARTICLE 4 - UNION BUSINESS

§ 4.1 Conferences, Conventions, Seminars and Symposiums

Designated members of the Union shall be granted time off without loss of pay to attend

certain conventions, conferences, seminars and symposiums, with the consent of the Chief. The referenced conventions, conferences, seminars or symposiums will be the International Association of Firefighters' Convention (every other year), the John P. Redmond Safety Symposium (not to exceed three (3) members of the Union every other year), and the Kansas State Fire Council of Firefighters Convention (not to exceed six (6) members of the Union) and the Human Relations Conference (not to exceed three (3) members of the Union). Each designated member shall not attend more than one (1) seminar and one (1) symposium in a twelve (12) month period, as may be arranged by the International Association of Firefighters. If as a result of any of the above, a shortage of manpower exists, then the Department may invoke its rights under Article 24, paragraph 7.

§ 4.2 Local Meetings

The President, Secretary and Treasurer of the Union shall be allowed reasonable time off to attend not to exceed two (2) regular meetings and one (1) special meeting per month of the local Union. The Chief shall be given written notice at least seven (7) calendar days in advance of such regular meetings and must consent to these Union officers being granted time off for any special meetings.

§ 4.3 Pay For Negotiators

UG will permit not to exceed three (3) Local Executive Board members time off with pay for time actually spent in collective bargaining sessions with UG.

§ 4.4 Local Union Business

Nothing contained within this Memorandum of Agreement shall alter the existing past practice between the Parties which allows Local Executive Board Members to conduct authorized Local Union business during their regular working hours, provided that the Chief and the appropriate supervisor are given notice that such representative of the Local will be so engaged and consent thereto. Time spent in handling Union Business outside of the Local Executive Board Members normal work hours shall not be considered time spent in the employ of UG. Subject to the approval of the Chief or his designated representative, the Local Union President shall be allowed time off without loss of pay to engage in activities that benefit the UG, the Department or Department employees.

ARTICLE 5 - PROBATIONARY PERIOD

§ 5.1 New Hires

A new employee appointed to the Fire Department shall serve a probationary period of one (1) year, shall pass the necessary examinations and shall satisfactorily perform his duties before he becomes a permanent employee.

§ 5.2 Promotions

An Employee who receives a promotion to a higher rank shall serve a probationary period of six (6) months in such higher rank, unless extended by mutual written agreement between the Department and the Union, before such appointment becomes permanent.

§ 5.3 Retention or Removal

If a probationary employee is unsatisfactory to the Employer, then the employee shall be notified in writing that he is not to be retained. If he is retained beyond the probationary term, then his appointment or promotion shall be deemed permanent. An employee who does not satisfactorily complete the probationary period for promotion shall be returned to his last permanent rank.

ARTICLE 6 - PAYROLL DEDUCTION OF DUES

The Employer agrees to deduct, each month, dues and assessments in any amount certified by the Union and authorized by the employee from the pay of those employees who individually request, in writing (Dues Deduction Authorization Slip), that such deductions be made. Employees may revoke the authorization by giving thirty (30) calendar days written notice to the Employer. The employer will notify the Union of any revocation of dues deductions. The total amount of deductions shall be remitted, each month, by the Employer to the Treasurer of the Union.

ARTICLE 7 - CALL BACK PAY

Employees who are called back to work after leaving their normal shift shall be compensated for all time actually so worked at the overtime rate. Employees shall receive a minimum of four (4) hours pay at their regular straight time rate or the actual time worked at the overtime rate, whichever is greater. Employees shall not be compensated for "travel time," to or from work. Call backs shall be made in accordance with the Department's orders concerning the same.

ARTICLE 8 - LEAVES OF ABSENCE

§ 8.1 Leaves of Absence

Leaves of absence shall be without pay unless specifically stated that they are to be with pay.

§ 8.2 General Leaves of Absence

Any general leave of absence that may be granted is the decision of the Chief. The

maximum general leave of absence shall be thirty (30) calendar days. The UG Governing Body may extend such leave for any periods not to exceed thirty (30) calendar days upon receipt from the Chief of a written recommendation to that effect. Any employee desiring a general leave of absence shall submit a written request to the Chief, setting forth the reasons for the request at least seven (7) calendar days prior to the commencement of the requested leave, except in cases of emergency. If such request is denied, the reason for such denial shall be made known to the requesting employee. The time an employee spends on general leave of absence shall not be counted as time worked in determining vacation benefits or any other benefits under this Memorandum or under law.

§ 8.3 Military Leave

Any employee who voluntarily or involuntarily enters active duty in any branch of the military service, including all Guard and Reserve units of the Armed Forces of the United States, may be placed on military leave of absence without pay. Any employee who is a member of the National Guard or any other component of the Military Reserve may be granted a leave of absence without pay to meet his military obligation. Military obligation means required summer camps and meetings, and may or may not, in accordance with Federal Law, include camps and training sessions attended voluntarily. In either case, such employee shall comply with UG procedures in requesting such leave and upon his separation from the service he shall be entitled to such benefits accruing to him under existing Federal laws and regulations and agreement then in effect. An employee on military leave shall report for duty with the Department within ninety (90) days of his separation from service on his initial tour of duty or he will be considered as having voluntarily resigned. Neither sick leave nor vacation time shall accrue during military leave.

§ 8.4 Death in the Family Leave

Each employee shall have, in the event of a death in his immediate family, not to exceed three (3) consecutive calendar days off for 40 hour personnel or one shift day off for 24 hour personnel, with pay, but such leave shall not extend beyond the day after the funeral. The term "immediate family" shall include the employee's spouse, children, parents, step-parents, brother, sister, grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law, daughter-in-law, parents of spouse, grandparents of spouse, or a relative living in the employee's home. The Chief or his designee at their discretion may grant death in the family leave to an employee to attend the funeral of other relatives, or extend the funeral leave, at their discretion under extenuating circumstances. The employee shall provide verification of the death of the immediate family member.

§ 8.5 Injury Leave

a) An employee who sustains injuries arising out of and in the course of his employment shall be covered by the provisions of this section. Additionally, an employee who contracts an "occupational disease," as defined and applied by the Kansas Workers' Compensation Act (K.S.A. 44-5a01, as amended), which disease arises out of and in the course of the employee's employment which disease results from the nature of the employment in which

the employee was engaged with the Department, and which was actually contracted while so engaged, may be eligible for the benefits provided by the provisions of this section. The applicable provisions of the Kansas Workers' Compensation Act shall provide the parties with authority to determine if employees of the bargaining unit are entitled to the benefits of this section for occupational diseases.

b) Claims due to stress, mental disorder or mental injury may be compensable under this section if the stress, mental disorder or mental injury is occasioned by an act of duty as an employee in their response to an emergency call.

c) If the injured employee, in the opinion of his and the Department's physicians, is unable to work because of such injuries he may be granted injury leave. If the employee is granted such leave he shall receive his regular base pay for a period not to exceed twelve (12) months. Such leave shall be terminated when the employee's or the Department's physician determines that the employee is able to return to work. No employee will lose any benefits while on approved injury leave.

d) The maximum amount of leave allowed under this section for any one injury or series of injuries, shall be a cumulative twelve (12) months at the end of which the injured employee must return to his regular full-time Departmental duties, apply for a disability pension, resign his position with the Department or be terminated.

e) An employee on injury leave shall be required to periodically (at least every thirty (30) calendar days) sign an authorization to allow the Department to acquire a report, from his attending physician, stating clearly the employee's medical condition, the likelihood of said employee's medical condition, the likelihood of said employee's return to work and a physician's statement, based upon reasonable medical certainty as to when the injured employee may return to the employee's regular duties with the Department.

f) The Department may allow, by mutual agreement of the employee and the Department, or may require with a written release from the employee's initial treating physician, including specialist if applicable, an employee on approved injury leave, at any time, to return to light duty if the employee is able to perform the work and the Department has a position available. In this event the employee may be placed at the discretion of the Department. However, any time spent on light duty shall be included within the maximum twelve (12) months injury leave provided in paragraph (c) hereinbefore. If at the end of the total cumulative twelve (12) month period the employee is still unable to perform his regular full duties then he must apply for a disability pension, resign his position with the Department or be terminated.

g) An employee injured on duty, must report, if reasonably able, in writing, such injury forthwith to his immediate supervisor. The injury shall be recorded in the fire company's log book as to date, time, location and type of injury. The employee shall then be required to forthwith report to a physician authorized by the health care plan of which the firefighter is a member for examination and/or treatment. If such physician is not available then the firefighter shall be required to report to a hospital emergency facility for examination and/or treatment. The injured employee shall return a written verification to the Department that he has been so

examined and/or treated. An employee shall not be entitled to receive injury leave benefits unless he complies with this section.

h) When an employee is on injury leave, the UG may require the employee to be examined by a physician of the Department's choosing to determine the capability of the employee to return to duty.

i) Employees on approved injury leave are prohibited from being gainfully employed by an employer other than the UG or being self-employed.

j) No employee will be entitled to receive more salary as a result of receiving the benefits of this section than he would have received had he been working and receiving his base pay during this time period.

k) Any medical examinations which are required by the Department will be provided under the applicable group health and medical plan. Any deductible amount not paid by this coverage shall be the responsibility of the UG. If the carrier denies coverage the UG shall be responsible for the full costs of such examinations.

l) Employees are required when initially requesting injury leave to execute Department forms which authorize the employee's treating physician(s) to release the relevant medical records to the Department and to respond to the Department's inquiries concerning the capability of the employee to return to work and/or to return to work light duty. The Department will provide the physician(s) with a general description of the duties of the light duty position when requesting his/her opinion(s).

§ 8.6 Sick Leave

a) Entitlement

1) All permanent employees shall be allowed leave with pay on account of sickness or non-duty related injury at the rate of one and one fourth (1-1/4) calendar days for each calendar month of full service by such employees.

2) Sick leaves shall not accumulate during general leaves of absence, extended military leave, suspensions or layoff.

3) Twenty-four (24) hour shift employees must actually work or be credited with working at least six (6) shift days per month and forty (40) hour employees must actually work or be credited with working at least twelve (12) work days per month in order to accumulate the referenced Sick Leave entitlement.

b) Limitation of Accumulation

There shall be no limit on the number of sick days that the employee may accrue.

c) Transferred Employees

When an employee is transferred to another department of UG, any unused sick leave that may have accumulated to his credit shall continue to be available for his use as necessary.

d) Termination

Upon an employee's voluntary resignation, termination for just cause or layoff due to personnel reduction, any accrued, unused sick leave shall be forfeited.

e) Pension

An Employee who shall have accumulated sick leave and is eligible for a pension in accordance with the provisions of the Kansas Police and Fire Department Retirement Systems Act, shall upon retirement receive regular straight time compensation for any accumulated unused sick leave, but such compensation shall not exceed four (4) months base pay.

Thirty (30) days of accumulated sick leave shall be used for each one (1) month's equivalent pay. If an employee has less than the referenced number of accumulated sick leave, he shall receive the pro-rated one-thirtieth (1/30th) of one (1) month's pay for each day of accumulated sick leave existing at that time.

f) Use Provisions

1) The payment to an employee of paid sick leave shall be subject to the following rules:

a) Sick leave may only be used for the purpose for which it was intended, that being to provide an employee with protection against a loss of pay due to a bona fide illness.

b) The granting of sick leave shall be at the determination of the Chief or his designee.

c) The employee shall not be entitled to receive paid sick leave unless he shall notify his immediate supervisor of his illness before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.

d) If an employee reports for work and then leaves during his tour of duty due to illness, the employee must report same to his supervisors before leaving the Department's premises and, upon request of his supervisor(s), the employee shall sign an authorization to allow the UG to acquire the employee's relevant medical records and/or a report, from his attending physician, stating clearly the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such

illness or injury, a statement of the treatment being provided the employee and a statement that the employee was unable to work the day(s) of his absence due to his illness or injury.

e) Any permanent employee who is absent for more than one (1) consecutive shift day due to illness or injury, shall sign an authorization to allow the Department to acquire the employee's relevant medical records and/or a report from the employee's attending physician, stating clearly the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided the employee and a statement that the employee has been seen and treated and was unable to work the day(s) of his absence due to his illness or injury. Forty (40) hour employees who are absent more than two (2) consecutive workdays, must also comply with this provision.

f) The Chief or his designee shall request on the first day of sickness after said employee has laid off three (3) sick leaves in any twelve (12) consecutive month period a valid, unconditional authorization to allow the Department to acquire the employee's relevant medical records and/or a report, from his attending physician, stating clearly that the employee was seen and treated and/or a statement signed by the physician as the reason for the refusal of the examination and treatment and the nature of the illness or injury, the probable length of time it will be necessary for the employee to be absent due to such illness or injury, a statement of the treatment being provided the employee and a statement that the employee was unable to work the day(s) of his absence due to his illness or injury. The employee shall be notified in writing when he has laid off three (3) sick leaves in any twelve (12) month period. If the above-referenced valid, unconditional authorization is not provided, or if the employee has not been seen or treated, the employee shall receive as discipline two (2) twenty-four (24) hour days off work without pay if a twenty-four (24) employee or four (4) days off without pay, if a forty (40) hour employee. Failure to provide the referenced authorization thereafter, for additional absences shall cause the employee to be subject to receive discipline of three (3) twenty-four (24) hour days off of work without pay if a twenty-four (24) hour employee and six (6) days if a forty (40) hour employee.

g) Any employee who averages three (3) or more sick leaves per year from his date of employment, shall be classified as an "excessive user" of sick leave and the Chief shall inform him in writing that he has been placed in this category. An employee in the "excessive user" category will be governed by the following rules:

1) Such employee during a sick leave absence shall be checked to see if he is at home and if not there, the employee must supply proof that he was at the doctor's office, or hospital during that time. If proof cannot be supplied, the employee shall receive six (6) consecutive calendar days off of work without pay for the first offense; fifteen (15) consecutive calendar days off of work without pay for the second offense; thirty (30) consecutive calendar days off for the third offense; and termination for the fourth offense. Discipline for the fourth offense is

subject to the Chief's discretion.

h) Employees not using any sick leaves from January 1st through December 31st of any calendar year shall receive one (1) extra twenty-four (24) hour day off with pay the following year if a twenty-four (24) hour employee and forty (40) hour employees shall receive two (2) working days off with pay. Such days may be taken by the employee, schedule permitting and with consent of his supervisor.

i) Records of Sick Leave

It shall be the duty of the Department to keep a permanent record of sick leave and each employee's accumulation and use of sick leave.

j) Employees on approved sick leave are prohibited from being gainfully employed by an employer other than UG or being self-employed.

k) Payment Beyond Accrued Vacation and Sick Leave

Any employee who, on account of a non-job related illness or injury, is absent beyond the period of time for which he has accrued sick leave and vacation leave may apply to be paid at the rate of one-half (1/2) the usual wages or salary such employee was receiving at the time the illness or injury commenced, for a period not to exceed six (6) months. The granting of such additional leave shall be at the discretion of the UG Commission. A return to work for a period of thirty (30) days shall be prerequisite to the vesting of an entitlement to any second or subsequent period of half-pay not to exceed six (6) months.

l) Family Illness

Employees may, with the Chief's permission, take a family illness leave with pay. Such leave shall not exceed two (2) twelve (12) hour days or one (1) twenty-four (24) hour day for twenty-four (24) hour shift employees or two (2) work days for forty (40) hour employees. Provided, that such leave may be extended when in accordance with the treating medical doctor's specific orders. This leave shall be charged to the individual employee's accumulated sick leave.

m) Sick Leave Donation

Bargaining unit employees may be allowed to donate sick time to other bargaining unit employees of the Fire Department who have a catastrophic or life threatening personal illness under the following conditions:

1. All other accrued paid leave and/or time must be exhausted before donated time can be used.
2. Employees who are excessive users of sick leave under Section 8.6 leave are not eligible to receive sick leave donations.

3. Donating employees must have at least one hundred (100) hours remaining after donating to participate.

4. Employees may donate up to two (2) twenty-four (24) hour shifts for 24 hour shift employees or forty (40) hours for 40 hour per week employees.

5. Sick time hours donated will not be converted into any other form of compensation. Donations shall be paid at the recipient's rate of pay. Donated sick time will not be paid upon separation from employment by the employee receiving the donated time. Unused donated sick leave will not be returned to the donating employee.

6. Any unused donated sick time that has been turned into the Department will be lost.

7. Employees on disability are not eligible to receive donated sick time.

8. The eligibility of an employee to receive donated sick time will be at the discretion of the Department.

9. The maximum number of donated sick leave hours that can be received is 640 for 40 hour per week employees and 960 hours for 24 hour shift employees.

§ 8.7 Family Medical Leave

Employees may be entitled to a Family Medical Leave as set forth in the UG's Human Resource Guide section and by the Family Medical Leave Act.

§ 8.8 Pregnancy Protection Assignment

Employees who become pregnant may, upon a date set forth by the employee's physician, be moved into a non-hazardous duty position until the pregnant employee's FMLA leave commences. The employee shall return to her original position upon completion of her FMLA leave.

The non-hazardous pregnancy assignment shall terminate upon the employee being medically required to be placed off duty due to the pregnancy. Such employee may apply for FMLA leave to cover this absence, for childbirth purposes, from her employment.

ARTICLE 9 - WORKING OUT OF CLASSIFICATION

Any employee who is required to accept the responsibilities and carry out the duties of a position or rank above that which he normally holds, shall be paid in full at the rate of that position or rank while so acting for each one-half (1/2) shift day or any part thereof so worked. Provided, that a Firefighter I, II or III or a Firefighter/Medical Intensive Care Technician who operates as a driver of Fire Department apparatus for one (1) or more shifts shall receive as compensation his regular per diem rate plus the difference between the per diem rate of a Firefighter I and a Fire Driver. Pay commencing from the first day of acting capacity shall be paid monthly. Firefighter/Medical Intensive Care Technicians who are being paid at a Captain's

rate of pay shall not receive additional pay for working out of classification.

In the event of a shortage of Battalion Chiefs, Captains may be allowed to ride out of title in those Battalion Chief's positions at the discretion of the Chief. Their selection shall be made at the discretion of the Chief.

The UG does not have grade positions in the Medical Transport Division, therefore, Article 9 does not apply to Medical Transport Division employees.

In the event of a shortage of Medical Transport Supervisors, Paramedics may be allowed to ride out of title in those Medical Transport Supervisor positions at the discretion of the Chief. Their selection shall be made at the discretion of the Chief. The Paramedics acting as Medical Transport Supervisors shall receive out of title pay on a per diem basis which shall be the difference between the Paramedic's pay and the Medical Transport Supervisor's pay.

ARTICLE 10 - HOLIDAYS-KELLY DAYS

§ 10.1 Holidays and Kelly Days

a) Twenty-four hour shift employees.

Twenty-four (24) hour shift employees shall be granted five and one-half (5-1/2) shift days off as holidays and six and one-half (6-1/2) shift days off as Kelly days. Employees shall schedule such holidays and Kelly days as provided in Article 24.

b) Forty-hour employees.

Forty hour employees shall receive the following days of each year as legal holidays:

- 1) New Year's Day
- 2) President's Day
- 3) Martin Luther King Day
- 4) Good Friday
- 5) Memorial Day
- 6) Independence Day
- 7) Veterans' Day
- 8) Thanksgiving Day
- 9) Day after Thanksgiving
- 10) Christmas Day
- 11) Labor Day

ARTICLE 11 - UNIFORMS, PROTECTIVE CLOTHING AND DEVICES

A) Provision.

All uniforms, protective clothing, or protective devices required of employees in the performance of their duties shall be furnished by UG.

B) Replacement.

Worn-out, damaged or unserviceable uniforms, work and protective clothing and devices must be turned in at the designated location prior to the issuance of replacement items. Items which are damaged, destroyed, lost or stolen not in the performance of the employee's duties shall be the employee's responsibility. Items lost or stolen due to the Department's negligence, shall not be the employee's responsibility. A joint Union-Management committee will be formed in order to review and recommend to the Chief of the Department a system for handling replacement of worn out, damaged or unserviceable uniforms, work and protective clothing and devices. The Union President shall appoint two members and the Chief shall appoint two members of the joint committee.

C) Termination.

When employment is terminated for any reason, the employee is required to return the issued items and UG may withhold a reasonable amount from the final paycheck, not to exceed 75% of the cost of replacement of the issued items, of the employee's funds to compensate UG for uniforms or equipment not so returned as permitted by K.S.A. 44-319(b)(3), provided that such withholding does not reduce the employee's compensation paid, less the withholding, to below the minimum wage under either State or Federal law.

D) Wearing of Uniforms.

Employees are required to be in uniform at all appropriate times while on duty. Employees reporting for duty either fully or partially out of uniform shall not be allowed to work until they report in uniform. Employees are not allowed to wear the issued items or use UG issued equipment at any time except when they are traveling to or from work or actively engaged in performing duties of their employment with the UG, conducting legitimate Union business when it is necessary to wear the uniform or with the permission of the Chief.

ARTICLE 12 - MEDICAL PLAN

During the term of this Memorandum, UG agrees to offer the employees of the Department the same medical, dental or other similar welfare benefit plans which are made available to the UG's employees generally. As of the date of the adoption and execution of this Agreement, for all years of this Agreement such plans have already been adopted and benefits have been established. Members of the bargaining unit represented by the Union shall receive those benefits as set forth in the benefit plans adopted by the U.G. for all contract years of this contract. Other than benefits paid for compensable on the job injuries under Section 8.5 of this Agreement, members of the bargaining unit shall not be entitled to greater or differing medical

plan benefits from those benefits offered to other U.G. employees. For these purposes, “medical plan” includes medical, dental and vision coverage.

A. Employee Premium.

Prior to January 1, 2016, UG agrees to pay for one hundred percent (100%) of the insurance premium for each covered employee for the employee’s individual cost of coverage elected under either the Single or Family coverage offering. Beginning on January 1, 2016 and for the remainder of the term of this Agreement, each covered employee shall make monthly medical plan premium payments for either Single or Family coverage elected at the rate of \$30 per month. The Unified Government shall pay the remainder of each covered employee’s monthly medical plan premium for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium of \$30 per month discussed in Subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should UG offer a more expensive medical plan and an employee(s) should elect to be covered by the same, then the employee shall be responsible to pay any and all additional premiums, if any, and his portion of the premium therefore shall be deducted from the employee’s paycheck.

D. Unusual Increase in Annual UG Premium Costs.

The cost of the premium paid by the UG for individual and dependent coverage for these employees shall not increase more than fourteen percent (14%) from one year to the next. If the cost of the medical plan, dental or other similar welfare benefit plan is projected, based on a review of actual plan experience and historical utilization data as well as applicable industry survey and medical trend documentation, to increase by more than fourteen percent (14%) from the preceding budget year, then insurance plans, insurance carriers or other claims administrators, contribution formula and/or benefits must be changed under the medical, dental or other similar welfare benefit plan in order to decrease the overall projected cost increases to fourteen percent (14%) or less. The UG Employee Health Benefit Committee (EHBC) shall meet and confer in an attempt to make recommendations to the UG Administrator for modifying the polic(ies), carrier(s), administrator(s), plan design(s), benefits, contribution formula or other variables to reduce the projected cost increase to fourteen percent (14%) or less for the next budget year. The Union shall have one voting member on the EHBC. The EHBC shall have at

least an equal number of voting members from representatives of bargaining units of the UG as members from unrepresented groups, administrative staff and retirees. If the EHBC recommendation is deadlocked, then the UG Administrator shall make the determination and the Union (Local 64) has the right to submit the matter to expedited arbitration. When the EHBC determines what its recommendations are to be to the UG Administrator, the UG Administrator shall then determine whether he or she agrees with those recommendations or not. If the UG Administrator agrees, the recommendation modifications shall be immediately adopted. If the UG Administrator disagrees with the EHBC recommendations, the UG Administrator shall notify the EHBC of such determination. If the UG Administrator and EHBC cannot immediately resolve their differences, the matter shall be submitted to expedited arbitration. The arbitrator only has jurisdiction to determine if the UG Administrator's or the EHBC's recommendations are correct in determination of the method of modifications of carrier(s), plan(s), benefits, etc. in order to keep the UG's projected cost for the medical, dental or other similar welfare benefit plan for each year from exceeding the preceding year(s) by fourteen percent (14%). The factors used to determine costs for any one year of this Memorandum shall be as follows:

1. Plan experience during year. (On a claims paid, not claims made basis).
2. Administrative expenses to administer the plan during the year.
3. Sufficient funds to create and/or preserve a Apremium stabilization@ reserve fund of at least five percent (5%) of the previous year=s total premium costs amount.

Retirees shall be eligible for the same health insurance benefits made available by the UG to other UG retirees. See Attachment "B."

ARTICLE 13 - SENIORITY AND PERSONNEL REDUCTION

§ 13.1 General

Seniority shall govern in bidding for station assignment when the qualifications of the employee involved, including training, education, experience, ability and performance, are equal. If department seniority is equal then time in rank will be used to break any tie. If time in rank should be equal, then seniority shall be governed by the employee's identification number, the lowest number having preference. Seniority shall also govern in layoff and recall as further provided herein. Seniority shall not apply to promotions to positions not included in the employment classifications covered by this Memorandum.

For recruit classes hired on or after January 1, 2008, the employee's identification number, which determines seniority in the event of a tie, will be determined and based upon the scores attained in the employee's recruit class rather than by alphabet.

§ 13.2 Measurement of Seniority

A. Seniority shall be measured by continuous service as an employee of the Fire Department. This service shall be measured from the date of last hire, unbroken by other than vacation, military leave or other authorized leave of absence not exceeding ninety (90) calendar days. Seniority shall be broken by discharge, resignation, retirement, layoff in excess of twenty-four (24) months, permanent disability, or suspensions from duty in excess of ninety (90) calendar days. During suspensions in excess of ninety (90) calendar days, an employee shall receive no credit for that service. In the cases of break in seniority caused by such suspensions, the employee's seniority is reduced only by the length of the suspension. In the case of disputes concerning seniority, the employer's records shall govern. During the first one (1) year of employment, which is the probationary period, an employee shall not be considered to have seniority, however, upon completion of this probationary period seniority shall extend from the first day of continuous employment.

An employee who has been laid off due to personnel reduction and who is re-employed within twenty-four (24) months of such layoff shall accumulate no seniority during the time so laid off.

B. All bargaining unit members hired into EMS Transport Division on May 6, 2004 will be given a suppression/medical transport date of hire of May 6, 2004. For those employees hired after May 6, 2004, the date of hire will be the effective suppression/medical transport date of hire.

Those dates of hire that occur after May 6, 2004 will be subject to this definition of effective date of suppression/medical transport date of hire and will be subject to existing contract language regarding the bid process and promotions.

§ 13.3 Measurement of Seniority for Emergency Medical Intensive Care Technicians and Medical Unit Leaders

Employees who were employed previously by the Department as Emergency Medical Intensive Care Technicians or Medical Unit Leaders and who are now employed by the Department as Firefighter/Paramedic shall have a Department seniority date of April 21, 1994 for purposes of requests for station assignments and promotions.

§ 13.4 Seniority Lists

The employer shall prepare an up-to-date seniority roster containing names, length of service and rank of such employees represented by the Union. The employer shall update the list annually (by March 15), during the term of this Memorandum. In the event an employee believes an error has been made as to his position on the seniority roster, he shall have fifteen (15) calendar days after the roster is prepared to file his protest, in writing, with the Chief. Such lists shall be posted in each station.

§ 13.5 Layoffs

Layoffs or job displacement shall be made according to Division seniority until fifty percent (50%) of the Division bargaining unit members have been laid off, then layoffs shall be governed by inverse departmental seniority of the employees being laid off.

§ 13.6 Recall Rights

a) The order of recall shall be governed by the employee's Division Seniority and his qualifications within the Division in which the vacancy exists.

b) Notification of recall shall be given by the UG by certified mail to the recalled employee at his last address furnished to UG.

c) Within five (5) days after such notice is postmarked, the employee must advise the Personnel Department whether he accepts such reinstatement. Any recalled employee who fails to notify the Personnel Department within five (5) days, as outlined above, shall forfeit all seniority rights and opportunities for future recall. The next qualified employee on the appropriate Division seniority list may be notified of the opening and the above procedure shall be repeated until the vacancy is filled. If no qualified employee remains on the appropriate Division seniority list to fill the vacancy, then the vacancy may be filled by new hires.

d) An employee recalled shall report to work within ten (10) calendar days after indicating his willingness to accept reinstatement. If the employee fails to report within such time, he shall forfeit all seniority rights and all future recall rights.

ARTICLE 14 - REQUEST FOR STATION ASSIGNMENT AND ASSIGNMENT TO TRAINING

§ 14.1 General

a) It is understood and agreed that it is the responsibility of the employer to determine the size of the work force, to declare job opportunities available and to determine relative qualifications, including ability, education and experience of bidding employees for vacant positions.

b) In order to qualify for a permanent promotion, an employee must be able to immediately perform (except temporary physical disability) the job and must be properly tested or certified where required by State or Federal Law for the posted job description.

§ 14.2 Request for Station Assignments

a) Permanent Vacancies – Notice When vacancies occur in permanent duty assignments except training, planning, shop, property, fire prevention, recruitment or other specialist positions, UG shall determine within forty-five (45) calendar days from the creation of the vacancies whether such positions shall be filled. If it is determined that the position is to be filled it shall be posted within fifteen (15) calendar days from the determination to fill it.

b) If the employer determines that a position is to be permanently filled, the following procedure shall govern.

1) Such job vacancies shall be posted for fifteen (15) calendar days along with information relating to the qualifications required for the position.

2) Employees desiring to apply for a job vacancy may do so by being qualified and by signing the station job bid form within the posting period.

3) If the relative qualifications including training, education, experience, performance, and ability of the employee candidates for the vacant position are equal, then seniority shall control in selection of the employee to fill the job vacancy, as long as such selection does not contravene any affirmative legal responsibility placed upon the UG. Provided however, if the employer feels that the bidding employee is incapable or unqualified to perform the functions of the vacant position or that the employee will in the opinion of the employer create a problem at his new assignment. In these situations, the employer may make an assignment, within its discretion, to the position. The employer shall determine capability, qualifications or problem areas. In exercising such judgment, the employer shall not unlawfully discriminate against an employee, and if any employee is aggrieved by such determination, he may appeal through the Grievance Procedure set forth herein. An employee who is disqualified from a bid position may request in writing the reason for his disqualification, which reason(s) shall be given.

c) Limitation of Assignments. No employee shall make more than one (1) successful request in any twenty-four (24) month period. Employees who make more than one (1) request for station assignment, which requests are pending at the same time, must designate their preference for station assignment by first choice, second choice, etc. If the employee does not so designate his preference, his requests shall be considered void.

d) Probationary Employees. Probationary employees, as defined in Article 5 of this Memorandum, shall not be eligible to request assignment to fill such vacancies.

e) Transfer. Once the successful bidder has been selected to fill the permanent vacancy, the employer shall within fifteen (15) calendar days of the selection, transfer such employee to his new permanent assignment.

f) Management Rights. Nothing herein, except as expressly stated, shall affect the rights of the employer under Article 23 of this Memorandum.

§ 14.3 Request for Assignment to Training Unit

a) Permanent vacancies or newly created bargaining unit positions within the Training Unit shall be filled on a request basis in accordance with training, education, experience, ability and performance of the applicants. These determinations shall be made by the Department.

b) When a permanent vacancy occurs or a new bargaining unit position is created within the Training Unit, the Department shall post such openings at each station and within fifteen (15) calendar days of such posting, parties interested in such vacancy or position shall submit their request in writing to the Chief, stating their name and qualifications for the position.

c) Applicants, unless physically disabled, must have served at least five (5) years with the Fire Suppression or EMS Division of the Department to be eligible for appointment to the Training Unit. Seniority or length of service of the applicants shall not otherwise be considered a factor in selection of the employee to fill the vacancy or new position.

d) Any employee who is a qualified and successful applicant for a Training Unit position, shall be required to remain in that position for a period of at least twelve (12) months, unless a shorter period is agreed upon by the Department and the employee.

§ 14.4 Medical Transport Division

a) Positions in the medical transport division are subject to bid. The bid criteria shall be established by mutual agreement between the parties. Assignments within the Medical Transport Division will be made at the discretion of the Department.

§ 14.5 Recruitment

a) Positions assigned to conduct Department recruitment of prospective employees are not subject to bid. Assignments to such recruitment positions will be made at the discretion of the Department.

ARTICLE 15 - DISCIPLINE

The authority to discipline employees is vested exclusively in the Chief. However, the Chief may from time to time delegate this authority to subordinate officers of the rank of Captain, or above. Employees, excluding probationary employees, shall only be disciplined or discharged for just cause.

Whenever the Chief or his designee summons an employee to appear before him for disciplinary action against said employee, a Union representative, if requested by the employee, shall be allowed to accompany said employee, at the time designated by the Department, and to advise him.

Any suspension of two (2) shift days or less for twenty-four (24) hour employees and four (4) work days or less for forty (40) hour employees may be effectuated prior to the employee being allowed to have the matter heard by an arbitrator and any suspension of more than the stated times shall not be effectuated prior to the employee being allowed to have the matter heard by an arbitrator. Prior to any employee being discharged, he shall be placed on suspension without pay during the pendency of any protest of the proposed discharge.

When discipline arises from an employee's activities outside the scope of his employment with the UG, such discipline shall not be implemented until such time as criminal charges, if any, in connection with such activities shall be concluded, unless the employee's action, within the discretion of the Chief, has brought discredit upon the UG or Department.

A twenty-four (24) hour shift employee who is absent without leave for a period of three (3) consecutive twenty-four (24) hour shifts, or a forty (40) hour employee who is absent for a period of seven (7) consecutive work days, unless it can be subsequently shown that such absences were unavoidable and without fault of the employee, shall be considered as a voluntary resignation by the employee.

ARTICLE 16 - GRIEVANCE PROCEDURE

§ 16.1 Disputes and Grievances

In the event of any complaint or grievance arising under the terms and provisions of the Memorandum or of any disputes between the parties as to the interpretation or application of this Memorandum, such complaint or grievance shall be processed through the grievance procedure in accordance with the terms herein. An impasse in any negotiations for any Memorandum of Agreement shall not constitute a grievance.

Where a matter within the scope of this grievance procedure is alleged to be both a grievance and a prohibited practice under the jurisdiction of the Public Employee Relations Board, the employee may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The employee's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

§ 16.2 Informal Grievance Procedure

The establishment of this procedure for the formal handling of grievances shall not prohibit or discourage discussion between an employee, the union as the employee's representative and his immediate supervisor of any matter arising out of the employee's relationship with the employer, and shall not prohibit or discourage the friendly solution of such matters without recourse to the formal grievance procedure.

§ 16.3 Grievance Procedure

Grievances by any employee or a group of employees shall be handled in the following manner:

- 1) Time Limits: Department and Union representatives agree to make every effort to meet and settle grievances within the prescribed time limits. Any failure to comply with the time limits specified herein shall result in the grievance being

disposed of in favor of the party not in default- i.e. if the employee and/or Union fail to meet the grievance procedure time limits, the employee's grievance is dropped in the Department's favor and if the Department fails to meet the grievance procedure time limits the grievance shall be found in the employee's favor. Provided, the parties may extend any and/or all of the time limits prescribed herein by mutual written agreement.

2) Commencing Grievance Procedure: This grievance procedure must be started within seven (7) calendar days from the time that the events giving rise to the grievance occurred or became known or reasonably should have been known otherwise it shall be considered as dropped.

3) Appeals and Responses:

(a) If a grievance is not settled at any step as herein outlined, the decision may be appealed to the next higher step in the grievance procedure.

(b) All appeals must be in writing, on a regular Department grievance form and clearly stated.

(c) All written answers on grievances shall be mailed, e-mailed or hand-delivered to the Union President.

(d) All appeals by employees shall be delivered to the proper chief officer with a copy to the Chief.

(e) Answers and appeals may be delivered by hand, mail or by e-mail; and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the Chief at Fire Headquarters, 6th & Armstrong, Kansas City, Kansas 66101, and to the current IAFF Local #64 President at his residence or office address appearing on the Department's records.

(f) If a grievance cannot be answered within a specified time in any step because of circumstances beyond the Department's control, a time extension may be granted by mutual agreement.

(g) Once a written grievance has been filed, it may not be withdrawn without the knowledge of the Union.

4) Grievance Procedure Steps: The steps in the grievance procedure are as follows:

Step 1:

All employee grievances, except those relating to discipline or discharge, first shall be stated in writing and shall be delivered to the appropriate first line chief officer within seven (7) calendar days from the time that the events giving rise to the grievance occurred or became known, or reasonably should have been known. The grievance shall set forth the place, date, time and identity of parties involved and nature of the occurrence upon which the grievance is based, and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

A written answer must be given within seven (7) calendar days after submission of the Grievance at this step, unless extended by mutual agreement. Any adjustment under Step 1 will be binding, upon all parties, but shall form no precedent for future grievances.

Step 2:

If a mutually satisfactory settlement of the grievance is not reached in the first step, an appeal may be taken to the second step. In such appeal the grievance shall be stated in writing and shall be delivered to the Chief and/or his designee within seven (7) calendar days after the conclusion of the first step. The appeal shall set forth the place, date, time, identity of parties involved and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

All employee grievances relating to discipline and discharge will originate at the second step, within the time limits set out in S16.3(2). Grievances appealed to or initiated at the 2nd Step shall be discussed within fifteen (15) calendar days of the appeal or initiation. At such meeting the Department will be represented by the Chief or his designee, the Division Chief and the First Line Chief Officer, if involved. The employee will be represented by himself and two members of the Union Executive Committee. The meeting shall be recorded. The Chief or his designee will answer the grievance in writing within seven (7) calendar days following the conclusion of the second step meeting, unless extended by mutual agreement.

Step 3:

If a mutually satisfactory settlement of the grievance is not reached in the second step, an appeal may be taken to the third step. In such appeal the grievance shall be stated in writing and shall be delivered to Patrick Dunn of the Federal Mediation and Conciliation Service within seven (7) calendar days after the conclusion of the second step. If Mr. Dunn becomes unwilling or unable to serve as the standing Step 3 hearing officer, the Chief of the Kansas City Fire Department and the President of the IAFF Local 64 should jointly select a Step 3 hearing officer with the grievance to proceed to arbitration in the event there is no agreement on a step 3 hearing officer. The appeal shall set forth the place, date,

time, identity of the parties involved and the nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which is alleged were violated or misinterpreted.

Grievances appealed to the 3rd Step shall be presented within fifteen (15) calendar days of the appeal or as extended by mutual written agreement. At such meeting the Department will be represented by the Chief or his designee, the Division Chief and the First Line Chief Officer, if involved. The employee will be represented by himself and not to exceed two members of the Union Executive Committee. The meeting shall be recorded. The person jointly selected by the Chief and Union President will answer the grievance in writing within fifteen (15) calendar days following the conclusion of the third step meeting, unless extended by mutual agreement.

Step 4:

Arbitration: Disputes that arise with respect to the interpretation of this Memorandum or discipline and discharge appeals from Step 3, may be settled by arbitration. Arbitration may be requested by the Union or the Department in the following manner:

1) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Step 3 above. The notice shall set forth the Articles or Sections of this Memorandum that are claimed to require interpretation or construction or the discipline being appealed. If notice of intent to arbitrate is not delivered within fifteen (15) calendar days, the dispute shall be deemed abandoned.

2) The parties shall within a reasonable amount of time, not to exceed twenty-one (21) calendar days, shall select an arbitrator either through a FMCS panel or as otherwise agreed upon by the parties.

3) Employees, except for the grievant, shall not be compensated for time spent in attending an arbitration proceeding, other than as a witness for the Department.

4) The jurisdiction and authority of the arbitrator shall be bound by the following:

a) The arbitrator shall have the authority to determine the procedural rules of arbitration, and shall have the ability to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules of evidence, and his decision shall be final and binding on both parties except as set forth in Step 5.

b) The arbitrator shall have no authority to substitute his judgment for that of the management of the UG or Fire Department, nor shall he have the authority to usurp, subtract from, modify or exercise any management right of the UG or the Fire Department.

c) The decision of the arbitrator shall be based on the evidence presented him by the parties in the presence of each other and upon the specific language of this Memorandum.

d) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.

e) In discipline or discharge matters, the arbitrator shall have the discretion to modify the discipline imposed.

f) The cost of the arbitrator shall be shared equally by the UG and the Union.

g) The arbitrator shall tape record the proceedings and make a copy of the tape available to both the UG and the Union unless the parties mutually agree to waive this requirement.

h) The arbitrator shall render his decision within a reasonable time after the hearing is closed or after briefs, if any, are filed.

Step 5:

If either party is dissatisfied with the decision of the arbitrator, then the aggrieved party may appeal the arbitrator's decision to the District Court of Wyandotte County, Kansas within thirty (30) calendar days of the date of the arbitrator's decision. The Court shall only determine whether the arbitrator's decision was arbitrary, capricious and/or unreasonable.

ARTICLE 17 - PREFERENCE FOR DISABLED FIREFIGHTERS

In the event a vacancy occurs in the positions of Fire Inspector, or Training Instructor, preference shall be given in filling those positions to employees injured in the line of duty or suffering from a physical condition contracted in their work and who are disabled as a result thereof. ("Disabled" means permanently unable to perform the essential functions of his current position.) Provided, that such Disabled employees must be capable of performing the work of Fire Inspector, or Training Instructor and must adequately perform such duties once they are placed in those positions. Such Disabled employees shall be assigned to the lowest position within the division (i.e. Fire Prevention Inspector, Class III and Training Instructor, Class III)

however they shall receive the rate of pay commensurate with one pay level below their last held rank. If such Disabled employees do not adequately perform the duties and pass examinations which demonstrate that they are entitled to retain the pay which they are receiving, they shall be reduced in pay commensurate with the job they are performing. They shall move through the line of progression as other employees assigned to these divisions.

ARTICLE 18 - VACATIONS

§ 18.1 Entitlement: Twenty-Four Hour Shift Employees

A twenty-four (24) hour shift employee who has completed at least one (1) year of continuous service as a sworn member of the Fire Department shall be entitled to the following vacation entitlements:

<u>Completed</u> <u>Years of Continuous Service</u>	<u>Vacation Entitlement</u>
1 to 2 years	Four (4) twenty-four (24) hour working day
2 to 4 years	Eight (8) twenty-four (24) hour working days
4 to 12 years	Ten (10) twenty-four (24) hour working days
12 years to retirement	Twelve (12) twenty-four (24) hour working days

§ 18.2 Entitlement: Forty-Hour Employees

A forty (40) hour employee who has completed at least one (1) year of continuous service as a sworn member of the Fire Department shall be entitled to the following vacation entitlement:

<u>Completed</u> <u>Years of Continuous Service</u>	<u>Vacation Entitlement</u>
1 to 2 years	Nine (9) working days (72 hours)
2 to 5 years	Fifteen (15) working days (120 hours)
5 to 12 years	Twenty (20) working days (160 hours)
12 to 20 years	Twenty-seven (27) working days (216 hours)
20 years to retirement	Thirty (30) working days (240 hours)

§ 18.3 Exception

An employee shall not accrue vacation time while on leave of absence, lay off, or suspensions in excess of fifteen (15) calendar days for forty-hour employees or seven and one-half (7 1/2) shift days for twenty-four hour employees. In these situations, vacation time shall be reduced pro rata to the portion of the year the employee earned and was eligible for vacation privileges.

§ 18.4 Pro-rata Vacation

For the purpose of computing vacation pay, an employee shall earn one-twelfth (1/12) of his vacation pay for each month of service during the twelve month period preceding January 1 of each year. Each month in which a forty (40) hour employee works or is credited with working fourteen (14) days or a twenty-four (24) hour employee works or is credited with working seven (7) shift days shall be considered a month of service.

§ 18.5 Vacation Buy-out

An employee shall be entitled to be paid in cash at the time of retirement from the UG for accrued unused vacation pay standing to his credit at the time of his retirement. In the case of death of any employee, such payment shall be paid to the person or persons designated as that employee's beneficiary or beneficiaries under the Kansas Police and Firemen's Retirement System.

§ 18.6 Use

(a) The period of vacations for all employees of the Fire Department shall be regulated by the Chief. Employees shall select their vacation days consistent with Article 24.

(b) Vacation time or pay are not accruable from year to year and vacation time or pay must be taken in the calendar year in which the vacation falls.

ARTICLE 19 - EMPLOYEES TO RECEIVE COPIES OF THE MEMORANDUM OF AGREEMENT

The Employer shall furnish to each station and to each employee one copy of this Memorandum of Agreement at no expense to such employees.

ARTICLE 20 - HOURS OF WORK

§ 20.1 Twenty-Four Hour Shift Employees.

(a) Standard Work Period.

The standard work period for personnel assigned to a twenty-four (24) hour shift shall be one hundred forty-four (144) hours of work in a nineteen (19) day work period, except that such work period may be exceeded in cases of emergency, conflagration and other public danger.

(b) Shifts

There shall be three (3) rotating shifts. Each shift shall commence at 8:00 a.m. and shall be for a period of twenty-four (24) hours. Each shift then shall receive forty-eight (48) hours off-duty before returning for their next twenty-four (24) hour shift. The shift shall be referenced as the "24 on and 48 off" plan.

§ 20.2 Forty-Hour Employees.

1) Standard Work Week.

The standard work week for sworn personnel of the Fire Department, other than twenty-four (24) hour shift employees, shall be forty (40) hours of work per week. The normal assignment for the employees shall consist of five (5) consecutive days of work with two (2) consecutive days off.

§ 20.3 Medical Transport Division

a. Standard Work Period. The standard work period for employees assigned to the Medical Transport Division shall be one hundred forty-four (144) hours of work in a nineteen (19) day work period, except that such work period may be exceeded in cases of emergency, conflagration and other public danger.

b. The Department has discretion to set the number of hours per each shift in this nineteen (19) day work period. Medical Transport Division Supervisors shall work twenty-four (24) hour shifts which shall run from 7 a.m. to 7 a.m.

c. For those employees assigned to twenty-four (24) hour shifts, other than Medical Transport Division supervisors, the shift start time is 8 a.m. For those employees assigned to less than twenty-four (24) hour shifts, the start time will vary.

ARTICLE 21 OVERTIME

A. Calculation of Overtime.

Employees shall receive one and one-half (1-1/2) times their actual hourly rate of pay for work performed in excess of the standard work period (Sec. 20.1) for twenty-four hour shift employees or in excess of the standard work week (Sec. 20.2) for forty-hour employees. Medical transport employees will receive one and one-half (1-1/2) times their actual hourly rate of pay for work performed in excess of their standard work period. (Sec. 20.3). Overtime or

compensatory time shall only be paid for time actually worked and when approved by the employee's supervisors. Travel time will not be credited to the employee. When an employee voluntarily trades time with another employee and works hours in excess of the standard work period or standard work week, the employee shall not be entitled to overtime pay for such work.

B. Compensatory Time.

Compensatory time may be paid in lieu of overtime payment, if the Department and employee so elect, provided that no employee may accumulate more compensatory time than is allowed by the applicable federal law or regulation.

C. Assignment of Overtime.

The Department has the sole and exclusive power and authority to determine when overtime work shall be required. Overtime shall be called and worked by Division. In case of emergency, the Chief, in his discretion, may permit overtime being called and worked across Divisions. Upon the Department's determination that a temporary vacancy exists necessitating the assignment of overtime, the Department will assign the personnel needed from the appropriate overtime list. The overtime lists shall be established and used as follows:

1. Establishment of Overtime Lists.

a. There shall be overtime lists created for Captains, Drivers, FF/EMT's, and FF/Paramedics for each suppression twenty-four (24) hour shift.

b. Each Captain and Driver overtime list shall be created by seniority within rank (Time in grade) with the list proceeding from the most senior to the least senior employees.

c. Each FF/Paramedic and Firefighter/EMT overtime list shall be created by Departmental seniority (Date of hire with the Department) with the lists proceeding from the most senior to the least senior employees.

d. Employees classified as "excessive users" of sick leave shall not be eligible to be placed upon and/or shall be removed from the appropriate overtime list. These employees are not allowed to work and/or trade overtime (unless by being forced to do so as provided for herein).

e. An employee who has used Sick Leave or Injury Leave on the preceding work day shall not be eligible to work overtime.

f. The Department shall regularly update overtime lists. In the event an employee believes an error has been made as to his or her position on the overtime list, he or she shall have fifteen (15) calendar days after the roster is prepared to file his or her protest, in writing, with the Chief. Upon an employee's hiring and release from proctoring or promotion to the position of Captain, Driver, FF/EMT and FF/Paramedic such employee shall immediately be

added to the appropriate overtime list based upon their seniority as provided herein.

g. An employee requesting to remove their name from the overtime list must do so in writing to the Deputy Chief.

2. Voluntary Assignment of Overtime.

a. Overtime shall be assigned by rank from the appropriate overtime rank list for a determined temporary vacancy. Employees being called to work overtime shall be called from the appropriate list in descending order of seniority from most to least. After the acceptance of an overtime opportunity by an employee, the next overtime opportunity shall be offered to the next employee on the overtime list until the list is exhausted. The list shall be fully exhausted before returning to the first employee on the respective list.

b. The individual(s) on unscheduled leave that caused the shortage in personnel is the employee that will be replaced by overtime personnel. The last employee reporting off will be the first employee replaced.

c. When contacted to work overtime, employees shall be informed of the nature of the overtime work available (hours, shift and assignment). Upon contact employees may:

A. Refuse the work.

B. Accept the work.

C. Accept the work and exercise their ability to trade time.

d. When an employee elects to exercise their ability to trade time, he/she must follow the steps listed below:

Step 1: Accept the overtime offer.

Step 2: Inform the employer that he/she will be trading time and give the name of the person who will be working.

No trading time slips will be accepted in advance for overtime employees. The time limits for submitting trades of time as set forth in Article 26 of the Memorandum of Agreement will be waived in overtime situations.

e. Once an employee has accepted the overtime work offered, it becomes his/her responsibility to either report to work in a timely fashion or make sure that the person with whom he/she is trading time reports to the overtime assignment in a timely fashion. The failure of an employee to do so may result in disciplinary action.

f. The following parameters shall govern contacts with employees

relative to overtime work:

i. Contact Phone Number: The telephone number on the employee's overtime contact information will be the only phone number used unless the employee is called on-duty or at the station or work assignment.

ii. Contacting Off-Duty Employees: When calling an off-duty employee, the employee's telephone, if not answered, will be allowed to ring six (6) times before the call is terminated. If someone other than the employee answers the phone, the caller should identify himself and state the purpose of the call. If the employee does not immediately come to the phone or answer – the call should be treated as a negative contact and the next employee on the list should be called. When the call is answered by a telephone answering machine or voice mail, the caller should identify himself and state the purpose of the call. An employee contacting the Shift Commander within two minutes after an attempted contact shall be allowed to accept the overtime provided the vacancy has not been filled.

iii. An employee's calling position on the overtime list with respect to future overtime opportunities shall not change based upon accepting, rejecting or inability to be contacted. Those working less than twelve (12) hours of overtime will remain eligible to work overtime the next available opportunity. If an employee has been inappropriately skipped on the overtime list, their calling position shall be restored and he/she shall be eligible for the next overtime opportunity.

iv. Upon either a positive contact where the employee refuses the overtime or any type of negative contact, the Department is permitted to call the next employee on the appropriate overtime list. The use of negative contacts will be limited to two (2) negative contacts, with the employee then being placed within the appropriate list by seniority for overtime opportunities. The posting of overtime utilization will be implemented.

3. Forced Assignment of Overtime.

If, upon contacting or attempting to contact all of the employees on an appropriate overtime eligibility list the Department is unable to fill the temporary vacancy, the Department may then force the last employee on the appropriate list who is working the shift prior to the overtime vacancy to hold-over and work the required overtime. These employees may exercise their rights to trade time as set forth in Article 26 of the Memorandum of Agreement, provided that the employee who is to work the overtime reports in a timely fashion.

ARTICLE 22 - STRIKES AND LOCKOUTS

The Union, on behalf of its membership, recognizes that the protection of life and property is of paramount importance to itself and the Employer. Therefore, during the life of this Memorandum, the Union will not condone, nor encourage, nor instigate any work slow-down, stoppage or strike, or any action that is detrimental to the operation of the Department. The Employer agrees that it shall take no action that could be defined as a lockout, nor shall it

discriminate against any employee for his action as a member of the Union, provided those actions are not proscribed by law.

Any violation of this Article may be the subject of disciplinary action.

The Employer and the Union shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein or prohibited by law, take all reasonable affirmative action to terminate such conduct.

ARTICLE 23 - MANAGEMENT RIGHTS

By entering into this Memorandum, the UG has agreed to certain specific limitations on its right to manage the Fire Department and direct the personnel. However, it is the intention of the parties hereto that UG retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations thereon.

The exclusive rights of UG shall include its right to determine the existence or non-existence of facts; to establish or continue policies, practices and procedures for the conduct of the Department and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations, or to discontinue their performance by sworn employees; to select, determine and schedule the number or type of employees required; to assign work to such employees in accordance with the requirements determined by the Department; to determine the facts of lack of work; to direct the work of its employees; to hire, promote, demote, transfer, assign and retain employees in positions within the public agency; to suspend, discharge, or layoff employees for proper cause; to maintain the efficiency of governmental operations; to determine employee qualifications; to take action as may be necessary to carry out the mission of the Department in emergencies; and to determine the methods, means and personnel by which operations are to be carried on; to develop reasonable Rules and Regulations for the Department not in conflict with this Memorandum; and all other prerogatives and responsibilities normally inherent in management of the UG or Fire Department that are not in conflict with the specific provisions of this Memorandum.

ARTICLE 24 - SELECTION OF HOLIDAYS, KELLY DAYS AND VACATION DAYS

1) Employees shall by December 15 of each year, complete the preference sheet prepared by the Department wherein they shall state their preference as to days for taking their holidays, Kelly days and vacation days. Preference sheets shall be made available for employees by November 15.

2) The completed preference sheet shall be delivered by the employee to the employee's supervisor by December 15.

3) The Department shall have the right to assign a twenty-four (24) hour employee to a designated shift day off as a holiday or Kelly Day when that employee is scheduled to work seven shift days during his work period and when he has not requested and been scheduled, in accordance with this Article, to have a shift day off during that work period.

4) Division Chiefs shall be responsible for arranging the scheduling of holidays, vacation days and Kelly Days so that such are scheduled consistent with the proper manning of shifts and stations and the proper provision of fire fighting services to the public. Provided that, not more than one employee per vacation group, per shift, per day shall be allowed off. Requests for granting holidays or Kelly days may be denied if such granting would render the Department unable to operate any shift or station.

5) Captains/group leaders within their respective groups shall insure to their Division Chiefs the vacation schedule is correct and they shall determine how the days are to be selected.

6) In cases of conflict, where two (2) or more employees request the same day off and the granting of both would not allow the Department to operate its shifts and stations properly, then priority for that day off will be determined as follows:

(a) Requests for vacation days shall be given preference over requests for Kelly Days or Holidays;

(b) If the conflicting requests are both for vacation days, or both are for Kelly Days or both are for holidays, then preference for that day off will be determined as follows:

(1) the requesting employee's rank;

(2) the requesting employee's time in grade;

(3) the requesting employee's Department seniority; and,

(4) if the requesting employees' Department seniority is equal, then the employee's identification number.

7) In cases of emergency or when sufficient personnel are unavailable to operate all Department shifts and stations, scheduled Kelly days or Holidays may be canceled and rescheduled. The employee(s) whose days are to be canceled or rescheduled will be determined by the employee's Department seniority on his shift and within his rank. Seniority shall be determined as provided in Sec. 13.1 of this Memorandum.

8) Vacation groups for non-Paramedic suppression employees shall be formed during the last week of October of each year. The following guidelines will be used to form the non-Paramedic vacation groups:

a) The number of vacation groups will be determined by the level loading

number agreed to by UG and Union.

b) Each group will be assigned a Captain. The most senior Captain (time in grade) will be assigned to group 1, the next senior Captain to group 2, etc., until all the groups have one Captain assigned. The crew members of the senior Captains are also assigned to their respective Captain's vacation group.

c) Unassigned Firefighters are then placed in groups with vacancies with the most senior Firefighter being placed in a group according to seniority.

9) The number of vacation groups will be determined by the level loading number agreed to by the UG and Union. This number shall be subject to change by written agreement in subsequent years.

10) The Department and Union shall form a four person committee that will be charged with the responsibility of reviewing on an ongoing basis the operation of the system of selection of holidays, Kelly Days and vacation days and making recommendations to the Chief concerning said system. The Union President shall appoint two members and the Chief shall appoint two members of this committee.

11) Vacation Carryover. Notwithstanding the provisions of Article 18.6 (b), an employee may carry over up to two (2) twenty-four (24) hour working days or four (4) eight (8) hour working days per year per the following:

a) When employees select their vacation days for the ensuing year as set forth in this Article, they may designate up to two (2) vacation days for twenty-four hour employees and four (4) vacation days for forty hour employees which they wish to bank and carry over.

b) Subsequent to vacations being annually scheduled, employees may with thirty (30) days written notice to their Shift Commander, request that up to two (2) (24 hour employees) or four (4) (40 hour employees) days of their scheduled vacation days be banked to be carried over to the next year. In some cases of emergency, as determined by the department, the Shift Commander may within his discretion waive the requirement of thirty (30) days written notice. The Shift Commander has the sole discretion to grant or deny these requests based upon manpower availability.

c) Employees are not allowed to bank vacation days by substituting a sick leave day or injury leave for scheduled vacation days.

d) Banked vacation days may not be used until all other accumulated leave is exhausted.

The total number of accrued vacation days per employee may not exceed thirty-two (32) twenty-four (24) hour working days or sixty-four (64) eight (8) hour working days. The U.G. advises the Union in this contract that there is not a reasonable expectation that

these limits can be increased in future contracts.

12) Medical Transport Division Selection

- a) The selection process will be determined by the Department.

ARTICLE 25 - TRANSFERS

§ 25.1 Permanent

Employees assigned to one (1) fire station may request a permanent transfer to another station. Such transfers will only be granted on the written recommendation of the requesting individual's Captain, Battalion Chief and Division Chief and when arrangements satisfactory to the Chief have been made for a trade of permanent assignments with an employee of equal grade.

The Chief may, for the good of the fire service and its efficient operation, change an employee's permanent station assignment.

§ 25.2 Temporary

In order to maintain necessary and efficient fire service, the Division Chief may make temporary transfers between fire stations. Provided that the transferred employee must return to his permanent assignment station before any subsequent temporary station assignment. Provided further, that extra drivers and acting captains may be transferred without reassignment to their permanent stations, if qualified personnel, working that day are not otherwise available. Provided further, that personnel may be transferred to meet the medical requirements of the Department without reassignment to their permanent station, regardless of station assignment.

§ 25.3 Mileage Reimbursement for Temporary Station Transfer

When temporary transfers between stations are made at the insistence of the employer, the transferred employee shall receive, except as provided hereinafter, the sum per mile, paid by the State of Kansas to its employees for mileage reimbursement for direct mileage from his regular assigned station to his transferred duty station. The direct mileage for which he is to be reimbursed shall be established by a mileage chart created by the Employer and the Union and shall govern the mileage between stations. The Employer shall compute mileage reimbursement on a monthly basis, however, the employee shall only receive his mileage reimbursement, if any, on an annual basis. The transferred employee shall not receive mileage reimbursement if:

- (a) The transferred employee was notified of the anticipated transfer at least forty-eight (48) hours prior to his transfer.
- (b) The employee, whose absence has required the transfer, has not complied

with the provisions of this Memorandum and/or Department Rules and Regulations as they relate to his absence.

The Union has been advised and has discussed that there will be a rotation within and between the suppression and medical transport divisions and that a method of assignment to fire apparatus and medical transport units will be established. The Department has and will meet and confer regarding the assignment methodology, however, the parties agree that the Department does not waive any statutory management rights by meeting and conferring in this assignment process.

ARTICLE 26 - SHIFT EXCHANGE, TRADING TIME

§ 26.1 Employees may trade time within the Division only. In case of emergency, the Shift Commander may permit trading time across Divisions.

§ 26.2 Employees shall have the right to exchange shifts with other employees of at least equal experience and/or grade, provided the exchange does not interfere with the efficient operation of the Fire Department. The qualifications of the employee to assume the additional duties shall be determined by the Department. Reasonable exchange of shifts will be allowed. However, the Department may limit the right to exchange shifts in the case of abuse. The Department will only allow Firefighters/Paramedic's to work for Firefighter/Paramedic's. Firefighters/Paramedic's may work for other Firefighters who are not Firefighters/Paramedic's.

All requests for trading shifts or time with another employee must be presented to the appropriate Division Chief by at least the shift period prior to the requested shift or time to be traded (e.g., if employees desire to trade on Friday, the request must be in by Tuesday). In cases of emergency the Division Chief may, within his discretion, waive this requirement.

The employee responsible for the completion of a trading time agreement will be the party agreeing to work for another employee on a given shift. If the party agreeing to work is placed on any approved leave prior to the commencement of the shift of the trade, it shall be his responsibility to find a replacement to work the shift he has traded for. Such employee shall receive as discipline for not completing the trade the loss of one and one-half (1-1/2) shift days from his wages, which discipline is non-grievable. However, the employee may grieve UG's decision that he did not fulfill his responsibility under this section. Additionally, the Department will have the authority in such a case to require an off-duty employee assigned to the same shift and of the same classification as the absent employee, to work for the absent employee.

Any trading of time for more than twenty-four (24) times per year will be considered an abuse of trading time. Trading of time for the purpose of duty related education or legitimate union business will not be considered an abuse and shall be granted in accordance with this article.

Employees on Sick, Injury or Family Medical Leaves shall not be allowed to work for other employees.

§ 26.3 Trading Vacation Days

Employees shall be allowed, as provided herein, to exchange assigned vacation days with other employees at their shift and vacation group on a one-day-for-one day basis, provided that Firefighter/Paramedic employees may only trade vacation days with other Firefighter/Paramedic employees. The employee must submit to his Captain or Battalion Chief and Division Chief, his request for such exchange. The exchange must be approved in writing by his Captain or Battalion Chief and Division Chief.

ARTICLE 27 - PROMOTIONS

§ 27.1 Merit Promotion Qualification.

Promotion to the position or rank of Driver, Captain, and Battalion Chief and promotions within specialized units shall be based on merit. The merit guidelines shall be:

a) Promotion to Driver.

1) Each candidate for promotion to the position of Driver must have attained the position of Firefighter Class I and have completed at least five (5) continuous years, as a sworn member of the Kansas City, Kansas Fire Department, and assigned to Fire Suppression, as of January 1, of the year the test is given. Each candidate must take a written examination prepared by an outside agency in compliance with all Federal Equal Opportunity Standards, achieve a score of 70% or greater before moving to the practical portion of the testing procedure. The candidate must also demonstrate his ability to operate appropriate fire apparatus. Each candidate will be rated upon these items. He must, as well possess a current valid, unrestricted Kansas Vehicle Operators License which would permit the employee to operate the appropriate Department equipment.

2) Upon achieving passing scores of 70% or greater for both the written and practical portions of the test, a promotional eligibility list shall be established in order of seniority. When promotions to the position of Driver are made they shall be made by the Chief from the eligibility list in accordance with the candidate's position thereon. An eligibility list shall be created when practical and reasonable to determine Drivers' promotions approximately every two (2) years from the date that a new current Driver's eligibility list is established and posted. An eligibility list shall expire two years from the date that the list is established and posted and can no longer be used after its expiration. Those employees not promoted from an expired promotion list shall be included in subsequently established promotional lists based on Department seniority. The parties agree that there will be an active promotional list in effect at all times for the rank of Driver. The exception to the requirement of an active list is established to allow for that period of time necessary to conduct promotional

testing. Nothing within this Memorandum shall be construed to constrain the Department from conducting promotional testing and establishing a promotional list on a recurring basis when: (1) the existing promotional list has been exhausted; or, (2) after the expiration of an existing list. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

b) Promotion to Captain.

1) An employee holding the rank of Driver to be eligible to be examined for promotion to the position of Captain must have served as of January 1 of the year the test is given at least seven (7) continuous years as a firefighter, firefighter/Paramedic and/or Driver on the Kansas City, Kansas Fire Department, one (1) year of which must have been served as a Driver. Employees shall not be eligible to test until they attain the requisite time in grade.

2) Each candidate for promotion to the position of Captain must:

a) Take a written examination prepared in compliance with all Federal Equal Opportunity Standards. The examination shall test the candidate's suitability for the position of Captain. A Candidate shall be credited with an additional 1%, for each continuous completed year of service as a Kansas City, Kansas Firefighter, Firefighter /MICT or Driver, commencing with completion of his 20th year of service (1% per year for years 20-24). These seniority points will result in a 1% increase to the written test score for every seniority point given up to a 5% increase in the written score. The total percentages for all components may not exceed 100%.

b) Be interviewed by a panel consisting of three fire fighting personnel of the rank of Battalion Chief or above, from outside the K.C.K.F.D. These interviewing personnel shall be selected by the outside testing agency which conducts the K.C.K.F.D. Assessment Center. Either party may express dissatisfaction with any selected assessor, but the ultimate determination shall be that of the outside testing agency. The oral interview will be scored on a 1 through 5 point scale according to the evaluation criteria. The five scoring categories may result in one point for each category for a resulting score of up to five points. The scores from the oral interview for each candidate will be the average score received from the three panel interviewers. This score will result in a 1% increase to the written test score for every point achieved for up to a 5% increase from the oral interview. The candidate must achieve a combined score as a result of written and oral testing that totals at least 70% or greater before moving to the assessment center process. The total percentages for all components may not exceed 100%.

3) Candidates for promotion to the position of Captain shall be rated upon the written examination, and oral interview. The candidate must achieve a score of 70% or greater before moving to the assessment center. The weight to be

attributed to the various components (written and oral) of the system shall be determined by the testing firm based upon the applicable job analysis conducted for each position or rank. The weights shall be made known to the Union and UG prior to the administration of the components.

4) Candidates who are ranked within the top twenty-four (24) as a result of the examination and oral interview shall be eligible to continue their candidacy for promotion to the position of Captain. Such remaining candidates shall then be assessed by the Kansas City, Kansas Fire Department Assessment Center.

5) As a result of the assessments at the Assessment Center, an eligibility list shall be established for promotion to the position of Captain. Candidates shall be placed on the promotion eligibility list in the order of their overall rating. Promotions therefore shall be made in accordance with the candidate's position on the list. A new Captain's eligibility list shall be established as soon as practical and reasonable, and shall govern promotions to the rank of Captain for a period of three years from the date that the list is established and posted; however, if a current Captain's promotional list is exhausted prior to the expiration of three years, the Department may conduct testing in order to establish a new list.

6) The parties agree that there will be an active promotional list in effect at all times for the rank of Captain. The exception to the requirement of an active list is established to allow for that period of time necessary to conduct promotional testing. Promotional testing for the rank of Captain shall be conducted approximately every three years from the date that a new Captain's promotional eligibility list is established and posted. An eligibility list shall expire three years from the date that the list is established and can no longer be used after its expiration. Nothing within this Memorandum shall be construed to constrain the Department from conducting promotional testing and establishing a promotional list on a recurring basis when: (1) an existing promotional list has been exhausted; or, (2) after the expiration of an existing list. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

c) Promotion to Battalion Chief.

1) A new eligibility list shall be developed to govern any promotion to Battalion Chief from the date of execution of this Memorandum until its expiration. The following provisions apply to the creation of the new eligibility list.

(a) An employee to be eligible for promotion to the position of Battalion Chief must have attained and have served at least five (5) continuous years as a Captain or above on the Kansas City, Kansas Fire Department as of January 1 of the year the testing is given. Employees shall not be eligible to test until they attain the requisite time in grade.

(b) Each candidate for promotion to the position of Battalion Chief must:

1) Take a written examination prepared in compliance with all Federal Equal Opportunity Standards. The purpose of the examination shall be to determine the Captain's suitability for the rank of Battalion Chief. A candidate shall be credited with an additional 1%, for each continuous completed year of service as a Kansas City, Kansas Firefighter, FirefighterParamedic, Driver or Captain, commencing with completion of his 20th year of service (1% per year for years 20-24). These seniority points will result in a 1% increase to the written test score for every seniority point given up to a 5% increase in the written score. The total percentages for all components may not exceed 100%.

2) Be interviewed by a panel consisting of three (3) fire fighting personnel of the rank of Battalion Chief or above from outside of the K.C.K.F.D. These interviewing personnel shall be selected by the outside testing agency which conducts the K.C.K.F.D. Assessment Center. The oral interview will be scored on a 1 through 5 point scale according to the evaluation criteria. The five scoring categories may result in one point for each category for a resulting score of up to five points. The scores from the oral interview for each candidate will be the average score received from the three panel interviewers. This score will result in a 1% increase to the written test score for every point achieved for up to a 5% increase from the oral interview. The candidate must achieve a combined score as a result of written and oral testing that totals at least 70% or greater before moving to the assessment center process. The total percentages for all components may not exceed 100%.

(c) Candidates for promotion to the position of Battalion Chief shall be rated upon the written examination, and oral interview. The candidate must achieve a score of 70% or greater before moving on to the assessment center. The weight to be attributed to the various components (written and oral) of the system shall be determined by the testing firm based upon the applicable job analysis conducted for each position or rank. The weights shall be made known to the Union and UG prior to the administration of the components.

1) Candidates who rank within the top twenty-four (24) as a result of the written examination and oral interview shall be eligible to continue their candidacy for promotion to the position of Battalion Chief. Such remaining candidates shall be assessed by the Kansas City, Kansas Fire Department Assessment Center.

2) As a result of the assessments, an eligibility list shall be established for promotion to the position of Battalion Chief. Candidates shall be placed on the promotion eligibility list in the order of their overall rating. Promotions therefore shall be made in accordance with the candidate's position on the list. This

eligibility list shall govern promotions made from the date of the establishment and posting of the list for a period of three (3) years; however, if a current Battalion Chief's promotional list is exhausted prior to the expiration of three years, the Department may conduct testing in order to establish a new list.

The parties agree that there will be an active promotional list in effect at all times for the rank of Battalion Chief. The exception to the requirement of an active list is established to allow for that period of time necessary to conduct promotional testing. Promotional testing for the rank of Battalion Chief shall be conducted approximately every three years from the date that a new Battalion Chief's promotional eligibility list is established. An eligibility list shall expire three years from the date that the list is established and posted and can no longer be used after its expiration. Nothing within this Memorandum shall be construed to constrain the Department from conducting promotional testing and establishing a promotional list on a recurring basis when: (1) an existing promotional list has been exhausted; or, (2) after the expiration of an existing list. The Department shall be permitted to make promotions at any time from any active promotional eligibility list.

d) Miscellaneous.

1) Notification. UG shall post notices of testing at least four (4) weeks prior to the commencement of the administration of the test.

2) Ties. All ties shall be broken by the involved employee's identification number. The lowest number being given preference.

§ 27.2 Promotion Within Certain Specialized Units.

Promotions within the Specialized Units of Shop, Training, and Fire Prevention shall be based upon merit. The merit guidelines are as follows:

(a) An employee serving in the entry level position of Fire Prevention Inspector Class III, Training Instructor Class III or Mechanic Class III, shall be required to serve at least twelve (12) continuous months within these positions in order to be allowed to take a written merit examination, demonstrate his abilities, and be evaluated by his supervisors in order to determine if he is to be promoted to the next specialist class within his respective specialist unit.

(b) An Employee serving in any of the referenced specialized units in a specialist position between an entry level position and a Class II level shall be required to serve at least twelve (12) continuous months within that classification before he is eligible to be evaluated by his supervisors, demonstrate his abilities, and to take the written examination for promotion to the next level within his specialized unit.

(c) An employee serving in a position of Fire Prevention Inspector Class II, or

Mechanic Class II, Training Instructor Class II shall be required to serve at least thirty-six (36) continuous months within such position in order to be allowed to take the written examination, demonstrate his abilities and be evaluated by his supervisors to determine if he is to be promoted to the Class I position within his specialized unit. If an applicant for the Class I position within the Shop, Fire Prevention Division and Training Division shall pass the written examination, demonstrate his abilities and receive at least commendable ratings by his supervisors and otherwise qualify for such position, he shall be promoted.

(d) The written examination portion of the promotional criteria shall be administered in the second quarter of each year.

(e) The results of the written examinations, supervisors' evaluations and/or performance evaluations shall be compiled and the employees within the Shop, Fire Prevention Division and Training Division who have satisfactorily qualified, shall be promoted, effective thirty days following certification of such results.

(f) Criteria for promotions within other specialized units may be established by the Department. Such criteria and standards shall be established by Department Bulletin, which shall be posted.

(g) If an employee serving within a specialized unit shall return within twelve (12) months to a fire suppression position, he shall return to his last held permanent fire suppression rank. If he wishes to return to the suppression division after serving at least twelve (12) months in a specialized unit, he must demonstrate the capability to immediately perform the duties of his former suppression rank and if a vacancy exists within such rank, he may be returned to that suppression rank and position. § 27.3 Other Promotions.

All other promotions to positions covered by this Memorandum shall be based upon the following factors:

- (a) Seniority
- (b) Knowledge, training, ability, skill, adaptability, performance and efficiency; and
- (c) Physical capability

When factors (b) and (c) are equal, seniority shall govern. Determinations of the qualifications set forth in (b) above shall be vested in the Employer.

§ 27.4 Promotion from Eligibility List

The Department has the discretion to determine whether vacancies will be filled. When vacancies occur in permanent duty assignments except training, planning, shop, communications, property, fire prevention or other specialist positions, through promotions, retirements, death, terminations or resignations, UG shall determine, within forty-five (45) days from the creation of this vacancy, whether such position shall be filled by promotion. When such determination is

made and the appropriate eligibility list has been established and certified, promotions shall be made within fifteen (15) calendar days from the promotion list existing at the time of the vacancy.

§ 27.5 Promotion - Probationary Period

Employees promoted to Driver, Captain, or Battalion Chief shall be on probation for the first six (6) months of service in the higher rank. During this probationary period, the employee may be demoted to his former rank by the Chief. Any employee who is demoted to his former rank shall be notified by the Chief of the reasons for such demotion.

ARTICLE 28 - COMPENSATION

§ 28.1 Salary

Employees in the respective ranks shown below shall receive the following monthly salary:

For the ranks of:	Effective 1/1/15	Effective 1/1/16	Effective 7/1/16	Effective 1/1/17
Master Captain-10 years - completion of ten (10) consecutive years or more of service as a sworn Captain	6247.25	6309.72	6435.91	6564.62
Senior Captain-5 years - completion of five (5) consecutive years or more of service as a sworn Captain	6124.76	6186.00	6309.72	6435.91
Captain	5975.37	6035.12	6155.82	6278.93
Medical Transport Supervisor	5975.37	6035.12	6155.82	6278.93
Training Instructor Class I	5975.37	6035.12	6155.82	6278.93
Fire Prevention Inspector Class I	5975.37	6035.12	6155.82	6278.93
Mechanic I	5975.37	6035.12	6155.82	6278.93

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Master Fire Driver - 10 years - completion of ten (10) consecutive years or more of service as a sworn Fire Driver	5874.16	5932.90	6051.56	6175.59
Senior Fire Driver - 5 years - completion of five (5) or more consecutive years as a sworn Fire Driver	5758.99	5816.57	5932.90	6051.55
Fire Driver	5618.52	5674.70	5788.19	5903.95
Fire Prevention Inspector Class II	5618.52	5674.70	5788.19	5903.95
Training Instructor Class II	5618.52	5674.70	5788.19	5903.95
Mechanic II	5618.52	5674.70	5788.19	5903.95

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Master Firefighter or Master Firefighter/Paramedic - 20 years - completion of twenty (20) consecutive years or more of service as a sworn K.C.K. Firefighter or Firefighter/Paramedic	5505.54	5560.59	5671.80	5785.23
Senior Firefighter or Senior Firefighter/Paramedic - completion of twelve (12) consecutive years or more of service as a sworn K.C.K. Firefighter or Firefighter/Paramedic	5451.03	5505.54	5615.65	5727.96

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Firefighter Class I	5374.92	5428.66	5537.23	5647.98
Fire Prevention Inspector Class III	5374.92	5428.66	5537.23	5647.98
Training Instructor Class III	5374.92	5428.66	5537.23	5647.98
Mechanic III	5374.92	5428.66	5537.23	5647.98
Firefighter/Paramedic Class I	5374.92	5428.66	5537.23	5647.98

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Firefighter Class II A	4252.85	4295.37	4381.27	4468.92
Firefighter/Paramedic Class II A	4252.85	4295.37	4381.27	4468.92

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Firefighter Class II	3732.36	3769.68	3845.07	3921.97
Firefighter/Paramedic Class II	3732.36	3769.68	3845.07	3921.97

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Firefighter Class III	3351.41	3384.92	3452.61	3521.66
Firefighter/Paramedic Class III	3351.41	3384.92	3452.61	3521.66

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Firefighter Class IV	2973.02	3002.75	3062.81	3124.07

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Firefighter Class V	2914.72	2943.86	3002.73	3062.81

For the ranks of:	Effective	Effective	Effective	Effective
	1/1/15	1/1/16	7/1/16	1/1/17
Property Officer	4039.25	4079.64	4161.23	4244.45

Bargaining unit employees hired as Firefighter/EMT after January 1, 2004, are not eligible for placement into Firefighter Class IV for eighteen (18) months from their anniversary date and upon passing the applicable test. Thereafter, these bargaining unit employees will be eligible for placement into Firefighter Class III twelve (12) months after placement into Firefighter Class IV and passing the applicable test for Firefighter Class III and to Firefighter Class II six (6) months after placement into Firefighter Class III and passing the applicable test for Firefighter Class II. Thereafter, these bargaining unit employees will be eligible for placement at twelve (12) month intervals and upon passing the applicable test.

Progression for Medical Transport Division employees is governed in the same manner as the Fire Suppression Division.

§ 28.2 Bi-Weekly Payroll

Employees shall be paid bi-weekly.

§ 28.3 Longevity Pay

UG agrees to the following longevity pay, which shall be added to the salary and wages of each firefighter, firefighter/Paramedic as follows:

<u>Years of Continuous Employment</u>	<u>Pay Per Month</u>
---------------------------------------	----------------------

5	\$ 44.26
8	\$ 70.88
12	\$ 97.43
16	\$ 135.05
20	\$ 150.61
25	\$ 177.16

§ 28.4 Advanced Training Compensation

Any employee who has completed his probationary period and who has obtained college credits toward an Associate of Arts Degree in Fire Science or who has or obtains credits toward an Associate of Arts Degree in Emergency Medical Service may qualify to receive additional compensation. Any such employee who has demonstrated an acceptable level of firefighting or medical intensive care technician ability as determined by the Chief, and has completed a minimum of twenty-eight (28) credit hours of a technical nature related to Fire Science or Paramedic toward an Associate's Degree in Fire Science or Paramedic and has maintained at least a "C" average in such efforts, shall receive fifty dollars (\$50.00) per month as additional compensation. Firefighters or Firefighter/Medical Intensive Care Technicians who have demonstrated an acceptable level of firefighting and/or Paramedic ability as determined by the Chief, and who have obtained an Associate of Arts Degree in Fire Science or Emergency Medical Intensive Care Training, shall receive one hundred dollars (\$100.00) per month as additional compensation. After five (5) years, employees holding an Paramedic license through the state of Kansas shall receive \$50.00 per month in advanced training compensation unless the employee is already receiving advanced training compensation for completing a minimum of twenty-eight (28) credit hours of a technical nature related to Fire Science or Paramedic toward an Associate's Degree in Fire Science or Paramedic or if the employee is receiving advanced training compensation for obtaining an Associate's Degree in Fire Science or Emergency Medical Intensive Care Training.

After ten (10) years, employees holding an Paramedic license through the state of Kansas shall receive \$100.00 per month in advanced training compensation, unless the employee is receiving advanced training compensation for obtaining an Associates Degree in Fire Science or Emergency Medical Intensive Care Training, in which case the employee will continue to receive \$50.00 per month advanced training compensation for being licensed as an Paramedic

through the State of Kansas.

The maximum amount of advanced training compensation any employee may receive under any combination of the criteria set forth above is \$150.00 per month.

§ 28.5 Special Duty Pay

Firefighters assigned in the capacity of hazardous material specialist; technical rescue specialist; boat team with certification for water rescue technician; or, training instruction with certification of Fire Training Instructor I shall receive as special duty pay the sum of two hundred twenty-five dollars (\$225) per month, or the appropriate pro rata portion thereof, based upon the number of days so assigned, which sum is in addition to the employee's base pay. Firefighters assigned to hazardous materials response unit; technical rescue specialist; boat team with certification for water rescue technician; or, training instruction with certification of Fire Training Instructor I shall remain in such assignments for twenty-four (24) months. Firefighters are eligible to receive only one special duty pay notwithstanding assignment to multiple units or teams. Employees assigned to technical rescue must become certified by IFSAC and/or such other accrediting agency or agencies as determined by the Chief. Employees assigned to the hazardous material response unit or to a boat team must receive certifications by accrediting agency or agencies as determined by the Chief.

§ 28.6 Transport Pay for Paramedics and EMTs

When assigned to medical transport units, Paramedics will receive \$50.00 additional pay per assigned shift and EMTs will receive \$25.00 additional pay assigned per shift. When activated to a medical transport unit Paramedics will receive \$25.00 per half shift or any part thereof and EMTs will receive \$12.50 per half shift or any part thereof.

§ 28.7 Bilingual Pay

The UG may select bargaining unit employees to serve as certified foreign language or signing for the deaf interpreters wherever they may be needed within the Fire Department, or when needed, elsewhere in the UG. Various foreign languages shall be represented by the employees who are certified and selected by the UG, at the discretion of the UG. These employees selected by UG to so serve may be entitled to receive pay for such duties under the following conditions:

- 1) They receive certification by an accredited institution of secondary education (University, College, Junior College, etc.) as a qualified interpreter within the designated foreign language or signing for the deaf and such certification is provided in writing to the employee's respective department/division heads and recertified on a triennial basis, i.e., 36 months after that bargaining unit member's initial certification and every 36 months thereafter unless modified by a Memorandum of Agreement.

- 2) They are selected by the Chief of the Fire Department to serve as an UG

foreign language or signing for the deaf interpreter.

3) These selected and certified employees shall receive additional compensation of seventy-five dollars (\$75.00) per month.

4) Use of these certified interpreters shall be at the discretion of the Chief or the Chief's designee. Any certified interpreter who is on duty shall be available for use at the direction of the Chief or the Chief's designee.

§ 28.9 Retroactive Pay

Compensation rates for base pay in 28.1 are retroactive to January 1, 2016 for those employees who remain employed by the Unified Government as of the effective date of this Agreement.

ARTICLE 29 - JOINT STANDING COMMITTEES

§ 29.1 Accident Review Board

There shall be an Accident Review Board to review all accidents involving fire department vehicles. The Accident Review Board shall be composed of two (2) firefighters appointed by the Union and two (2) supervisors appointed by the Chief. The members of the Committee shall serve two year terms and may be reappointed. All tie votes shall be broken by UG's Safety Officer. The Safety Officer may review the evidence presented at the Board hearing or may take additional evidence, if he so desires.

The Accident Review Board shall review all accidents involving fire department vehicles to determine whether or not the employee(s) involved was negligent. The Accident Review Board shall be empowered to hold whatever hearings and interviews of witnesses it deems necessary to fulfill its purpose. The Accident Review Board shall report its findings along with reasons in support thereof to the Chief within forty-five (45) calendar days of an accident. The determination of the Accident Review Board shall be binding on both the Department and the employee. The Chief may impose discipline as a result of a finding of negligence by the Accident Review Board. If discipline is imposed and the discipline does not exceed one (1) shift day suspension, then the employee shall have no right to appeal this disciplinary action to Arbitration. A suspension of more than one (1) shift day may be appealed.

§ 29.2 Joint Safety and Equipment Committee

There shall be a Joint Safety and Equipment Committee composed of three (3) supervisors appointed by the Chief, and three (3) employees appointed by the Union. The ranking Commanding Officer shall be the chairman of the Joint Committee. The purpose of the Joint Committee shall be to study, evaluate and make recommendations to the Chief concerning the purchase of new equipment or the upgrading, utilization, maintenance or upkeep of Department equipment; to make recommendations to the Chief in regard to Department safety

practices and to review on-the-job injuries and make recommendations to prevent their occurrence.

§ 29.3 Labor/Management Committee

There shall be a Joint Labor/Management Committee composed of three (3) Supervisors appointed by the Chief and three (3) employees of the rank of Captain or below appointed by the Union. The ranking commanding officer shall be the Chairman of the committee. The committee shall act as an advisory committee to make recommendations to the Chief concerning relevant issues.

§ 29.4 Additional Committees

The Union President and the Chief may form any additional committees deemed jointly to be necessary.

ARTICLE 30 - PHYSICAL FITNESS

§ 30.1

All employees shall annually, as scheduled by the Department, be evaluated by a step test, bicycle test or other appropriate test, in order to determine whether they are to be considered as "at risk" concerning elevated blood pressure or pulse rate. Those employees who are found to be "at risk" shall be examined at a medical facility for an evaluation. If it is determined that any of these employees are physically unfit for duty, they shall be placed out of service, on the appropriate leave (sick or injury leave) and shall receive treatment from their private physician in an attempt to remedy their medical problem. Such employees may not return to their employment until released for such purposes by their attending physician and if desired by the Department, the medical facility at which he was initially determined to be "at risk". If the employee's attending physician and the medical facility disagree as to the employee's ability to return to duty, then the parties (Chief and union President or their designees) shall select a neutral physician who shall determine the employee's fitness to return to duty.

§ 30.2

Employees determined to be "at risk" shall participate in a follow up program in an attempt to remedy their medical problem.

§ 30.3

Employees may participate in physical fitness activities, as established by the joint Department and Union physical fitness committee with permission of their supervisors. Physical fitness activities may not interfere with performance of an employee's employment duties. The joint Department and Union physical fitness committee may research, evaluate and recommend modifications or additions to the physical fitness activities.

§ 30.4

Smoking shall be prohibited upon all UG property and in all UG vehicles.

ARTICLE 31 - DRUG AND ALCOHOL TESTING

All employees shall be subject to the provisions of the Drug-Free Workplace Act of 1988, as amended and subject to UG Statement and Policy on Substance Abuse and Drug and Alcohol Testing - 2017, or as amended. Any changes to this policy will not be implemented during the term of this Agreement without the mutual consent of the parties.

ARTICLE 32 - MISCELLANEOUS

§ 32.1 Burial Expenses - Funeral and Reasonable Burial Expenses

UG agrees to defray all reasonable funeral and burial expenses of any employee of the Fire Department killed in the line of duty.

§ 32.2 Snow Removal

Snow removal on fire station ramps may be provided within the discretion of the Chief from 8:00 A.M. to 8:00 P.M., however, the Department has the ability to require employees to remove snow in emergency situations after 8:00 P.M.

§ 32.3 Vaccinations For Occupational Diseases

UG shall provide vaccinations for requesting employees who are determined to be at risk for Hepatitis B virus or other infectious diseases, as determined by UG to require vaccination, due to occupational exposure. Any employee who refuses an offered vaccination for such determined infectious diseases, shall execute a written waiver, waiving any claims against UG as a result of contraction of such diseases. Vaccinations shall be at no expense to the employee, but if covered by medical insurance, the proper forms shall be completed by the employee and a claim made.

§ 32.4 Unspecified Paid Leave

- 1) 2010 Time Bank.

All bargaining unit members who were employed in the fire department as of September 30, 2010 and who previously received 5 shifts less 3 hours (24-hour employees) or 80 hours (40 hour employees) as unspecified paid leave may continue to use such hours of paid leave. The scheduling of such time shall be subject to supervisory approval based on the staffing needs of the Department. Any of the hours which are not used by an employee may be carried over from

year to year. Upon an employee's retirement, any of such hours which have not been used shall be paid to such employee at the regular straight time rate of compensation.

2) 2012 Time Bank.

The unspecified leave granted for the calendar year 2012 does not sunset which means it remains as long as the firefighter is employed by the UG. It cannot be cashed out at retirement, however, the firefighter can substitute this leave in lieu of using vacation leave.

ARTICLE 33 - ENTIRE MEMORANDUM OF AGREEMENT

This Memorandum supersedes all previous agreements and all existing unwritten practices between UG and the members of the bargaining unit and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein which are subject to UG ordinances existing at the date of this Memorandum. Agreements or practices established between the parties following the effective date of this Memorandum are not prohibited by this Article. Any conflict that may exist between existing UG ordinances and provisions of this Memorandum shall be determined in favor of this Memorandum. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto.

The parties further acknowledge that during the negotiations which resulted in this Memorandum, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Subject to the provisions of Articles 34 and 36 below, UG and the Union, for the life of this Memorandum, agree that the other shall not be obligated to negotiate collectively, but may if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 34 - SAVINGS CLAUSE

If any provision of this Memorandum or the application of such provision should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of the memorandum shall remain in full force and effect.

ARTICLE 35 - MINIMUM MANNING

a) The Department is in the process of undertaking a comprehensive Fire/EMS service

analysis through a joint Union-Management process. Factors considered in the analysis and in the development of a comprehensive master plan for the Department include, but not be limited to the following: station locations including potential new stations and renovation and expansion and/or closure of existing stations, deployment of manpower and apparatus, response times, and safety of fire personnel and consideration of the NFPA 1710 Standard. Upon completion the proposed Comprehensive Fire/EMS Master Plan shall be submitted to the Unified Government Commission for consideration and adoption. An outside consultant agreeable to both the Union and Management, FACETS, was selected and generated a report to assist the parties in conducting their analysis. The parties have formed a strategic planning committee and have appointed representatives to this committee to consider the FACETS report and develop recommendations relevant to Fire/EMS service, including development of a Master Plan. It is contemplated that this committee shall complete its Master Plan recommendations by the end of 2017. The Master Plan shall evaluate and make recommendations regarding minimum manning requirements, including the requirements as identified in this sub-paragraph (b) and (c) of this Article. The Master Plan recommendation shall be presented to the Commission. After presentation of the Master Plan recommendation to the Commission, or in the absence of a recommendation to the Commission at any time after calendar year 2017, the Unified Government shall be permitted to exercise its management rights to unilaterally change any of the minimum manning provisions within sub-paragraphs (b) and (c) of this Article. Until this occurs, the following minimum requirements shall be maintained.

b) The Department will not operate a fire suppression shift with less than 73 bargaining unit suppression personnel except in cases of emergency. In no event will the Department operate a fire suppression shift with less than 69 bargaining unit suppression personnel. The Department will utilize overtime to insure that there will be at least 69 bargaining unit suppression personnel in emergency situations. "Emergency", for purposes of this section, shall include personnel absences due to unscheduled leaves. The Department will not operate less than twenty-two (22) companies during the term of this agreement.

c) Three safety officers shall be on duty at all times.

d) All fire suppression pumpers, will be staffed with a minimum of three (3) employees in order to be considered "in service" and available for use. All Fire Department aerials and quints will operate with four (4) employees except in cases of emergency at which time aerials and quints may operate with three (3) employees. "Emergency", for purposes of this section, shall include personnel absences due to unscheduled leaves.

e) The parties recognize that the Fire/EMS Service Analysis addresses contractual issues other than the manning issues identified in sub-paragraphs (b) through (d) above. If the recommendations of the strategic planning committee address contractual issues other than those identified in sub-paragraphs (b) through (d) above, negotiations over such issues shall be deemed to be reopened and the parties agree that they will meet and confer in good faith to attempt to arrive at an agreement over such issues.

ARTICLE 36 - DURATION

This agreement, and any written amendments made and annexed hereto, shall continue in full force and effect from January 1, 2015 through December 31, 2017. The parties hereto agree that they will begin discussion as quickly as humanly possible in an attempt to arrive at a new Memorandum of Agreement.

IN WITNESS WHEREOF, THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY AND THE UNION have hereunto set their hands this _____ day of
_____, 2017.

FOR THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

Date _____

Attest:

Unified Government Clerk

FOR THE INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS, LOCAL #64

Date _____

Attachment “A”

The union and the department agree that a minimum of sixteen (16) certified suppression personnel shall be dispatched on the initial alarm to all regular alarm responses.

The union and the department agree that a minimum of twenty-three (23) certified suppression personnel will be dispatched on the initial alarm to all general alarm responses.

ATTACHMENT “B”

Health insurance benefits for Department retirees available through the UG are determined each year by the UG Commission. The UG will advise retiring bargaining unit members of the benefits available to those retiring bargaining unit members at the time of retirement. Current benefit information is available from the Human Resources Department of the UG.

**MEMORANDUM OF UNDERSTANDING
2018**

This Memorandum of Understanding is entered into on this ____ day of _____, 2017, between the Unified Government of Wyandotte County / Kansas City, Kansas (hereinafter “Unified Government”) and the International Association of Firefighters, Local No. 64 (hereafter “IAFF”).

WHEREAS, the parties have engaged in meet and confer proceedings relating to conditions of employment for the calendar year 2018 as required by the Kansas Public Employer-Employee Relations Act, K.S.A. 75-4321, et seq., and have agreed to the terms of a memorandum of understanding, the terms of which are described herein;

NOW THEREFORE, in consideration of the foregoing, and in consideration of the mutual covenants and undertakings set out below, the parties agree as follows:

1. The terms and conditions stated within the Memorandum of Understanding between the parties covering January 1, 2015 – December 31, 2017 (“2015-2017 MOU”) are hereby adopted and deemed to be applicable for the additional term of January 1, 2018 – December 31, 2018 with the following exclusive exceptions:

a. A 2% cost of living wage increase for all members of the bargaining unit shall be applied effective January 1, 2018 according to the wage matrix attached hereto as Exhibit A;

b. Section 28.9 of the 2015-2017 MOU shall be deleted in its entirety and replaced with the following language:

§ 28.9 Paramedic Pay. Effective July 1, 2018, employees possessing an active license as a Paramedic from the Kansas Board of Emergency Medical Services shall receive an additional one-percent (1%) added to their base wage rate.

IN WITNESS WHEREOF, THE UNIFIED GOVERNMENT AND THE IAFF have hereunto set their hands this _____ day of _____, 2017.

FOR THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY AND
KANSAS CITY, KANSAS

INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS, LOCAL NO. 64

DOUG BACH,
COUNTY ADMINISTRATOR

PRESIDENT

ATTEST

BUSINESS AGENT

UNIFIED GOVERNMENT CLERK

NEGOTIATOR

JOHN PAUL JONES,
FIRE CHIEF

NEGOTIATOR

NEGOTIATOR

NEGOTIATOR

NEGOTIATOR



Staff Request for Commission Action

Tracking No. 171049

Full Commission Meeting Date: 4/27/17

Committee: Economic Development & Finance

Date of Standing Committee Action: 3/27/17

(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>
04/17/2017	Doug Bach	x5027	dbach@wycokck.org	Economic Development

Item Description:

Indian Springs Site – Public Hearing Cancelled

The developer has withdrawn their redevelopment proposal for a 26-acre flex-tech business park on the southern portion of the former Indian Springs Mall Site. After conducting several community meetings over the past couple of weeks, it was determined that this project was not right for this site at this time.

- Next Steps – Develop a planning process over the next 90 days. The process developed will include opportunities for community input and engagement.

- MARC Transit Oriented Planning and Development Presentation

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List: