



UPDATE
Economic Development and Finance
Committee
Standing Committee Meeting Agenda
Monday, May 1, 2017
5:30 PM

Location:

<u>Name</u>	<u>Absent</u>
Commissioner Brian McKiernan, Chair	☐
Commissioner Hal Walker	☐
Commissioner Gayle E. Townsend	☐
Commissioner Ann Brandau-Murguia	☐
Commissioner James Walters	☐
David Alvey, BPU Member	☐

II. Revisions to May 1, 2017 Agenda

Item No. 1 - RESOLUTION: SET PUBLIC HEARING FOR ARGENTINE FAST FOOD SHOPS

Synopsis: A resolution setting a public hearing to consider amendment to the Metropolitan Redevelopment District and the creation of a community improvement district (CID) for Argentine Fast Food Shops proposal, submitted by Jon Stephens, Interim Economic Development Director.

Resolution forthcoming.

Tracking #: 171125

Item No. 2 - PINK SHEET

V. COMMITTEE AGENDA

REMOVE

ITEM NO. 4 – 17968...PRESENTATION: KC DIGITAL UPDATE

ADDITIONAL INFORMATION:

ITEM NO. 6 (ADDED VIA BLUE SHEET) – 171125...RESOLUTION: SET PUBLIC HEARING FOR ARGENTINE FAST FOOD SHOPS

Synopsis: Resolution submitted setting the public hearing date of June 15, 2017, to consider the advisability of adding area to the Metropolitan Avenue Redevelopment District, submitted by Jon Stephens, Interim Economic Development Director.

Tracking #: 171127

III. Approval of standing committee minutes from January 30, 2017.

IV. Measurable Goals

V. Committee Agenda

Item No. 1 - REPORT: BUDGET REVISIONS

Synopsis: Budget revisions greater than \$50,000, submitted by Reginald Lindsey, Budget Manager.

For information only.

Tracking #: 171090

Item No. 2 - REPORT: QUARTERLY INVESTMENT REPORT

Synopsis: Summary of invested revenues for First Quarter 2017, submitted by Debbie Pack, Treasurer, and Lisa Nolan, Deputy Treasurer.

For information only.

Tracking #: 171102

Item No. 3 - BRIEFING: PROPERTY TAX PAYMENT OPTIONS

Synopsis: Briefing on various options available to residents and businesses for paying property taxes, submitted by Debbie Pack Treasurer.

For information only.

Tracking #: 171091

Item No. 4 - PRESENTATION: KC DIGITAL UPDATE

Synopsis: Update by Aaron Deacon, Executive Director of KC Digital Drive, on activities and objectives of KC Digital Drive and how they are working with and supporting the UG priorities, submitted by Alan Howze, Chief Knowledge Officer.

For information only.

Tracking #: 17968

Item No. 5 - PRESENTATION: PROPOSED 2018-2020 NEIGHBORHOOD REVITALIZATION ACT TAX REBATE PROGRAM

Synopsis: Presentation of the proposed 2018-2020 Neighborhood Revitalization Act (NRA) tax rebate program plan, submitted by Angela Harshbarger, Economic Development.

Tracking #: 171098

VI. Public Agenda

VII. Adjourn

**AGENDA UPDATE
ECONOMIC DEVELOPMENT & FINANCE
STANDING COMMITTEE MEETING
MONDAY, MAY 1, 2017**

V. COMMITTEE AGENDA

NEW ITEM

**ITEM NO. 6 – 171125...RESOLUTION: SET PUBLIC HEARING FOR
ARGENTINE FAST FOOD SHOPS**

Synopsis: A resolution setting a public hearing to consider amendment to the Metropolitan Redevelopment District and the creation of a community improvement district (CID) for Argentine Fast Food Shops proposal, submitted by Jon Stephens, Interim Economic Development Director.

Resolution forthcoming.

Metropolitan Avenue Redevelopment District

Project Area 3 Summary

04/27/2017

Parties: Unified Government (UG) and Argentine Neighborhood Development Association (Developer)

Project Description: Construction of a 4,000 sq ft dual flag quick serve restaurant and an 1,800 sq ft quick serve restaurant to accompany the existing retail in Project Areas 1 & 2.

History: Initial District created 11/17/11. Commission adopted amendment to master plan on 2/16/12. Planning Commission determined plan in conformance with amended master plan on 2/21/12. Project Area 1 issued 2013, Project Area 2 issued 2014.

Project Budget: \$3.3 million

Proposed Sources

TIF Property Tax Increment – NPV 20 years	\$585,905
TIF Sales Tax Increment – NPV 20 years	\$553,082
CID Sales Tax (1%) – NPV 22 years	\$302,894
UG Upfront Contribution	\$500,000
DHHS Federal Grants (Awarded to ABC)	\$1,230,225
Other Sources / Developer Equity	\$141,123
Total	<u>\$3,313,229</u>

Proposed Costs

Site Acquisition	\$32,000
Site Work	\$970,000
Building Shells	\$1,230,000
Soft Costs	\$850,000
Total	<u>\$3,300,000*</u>

*Including contingency

Incentives Provided: Pay-as-you-go Community Improvement District (CID) & Tax Increment Financing (TIF) with respect to both property taxes and sales tax, and an upfront contribution from the UG. Over their respective terms the CID is anticipated to generate revenues of \$302K and the TIFs are anticipated to generate \$1.1M.

CID: 1% additional sales tax charged within the district for a 22 year period. Revenues generated are used to reimburse eligible CID costs incurred by Developer and approved by the UG. (Additional detail to be provided as part of creation of the CID).

Property Tax TIF: 20 year period. UG controls disbursements which can only be used for TIF eligible redevelopment project costs.

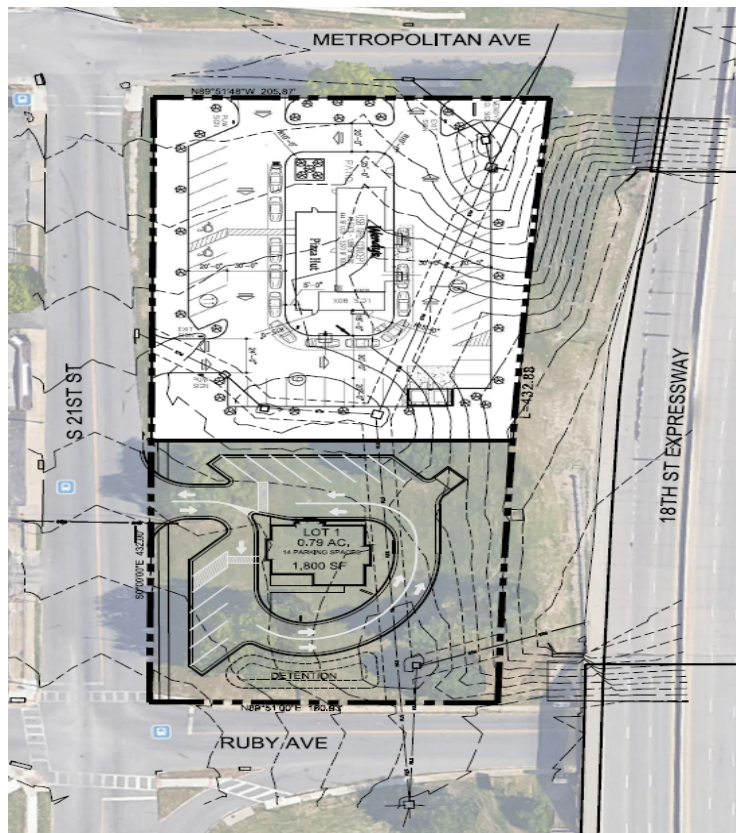
Sales Tax TIF: 20 year period. Base is established at \$0. The increment is 1% of City and .94% of County sales tax generated within Project Area 1.

UG Upfront Contribution: \$500,000 contribution advanced at beginning of project. The contribution will be repaid within the 20-year life of the TIF and CID.

Prevailing Wage & LBE/MBE/WBE: Applicable to construction only. Prevailing wage paid on all aspects of construction undertaken by Developer. LMW goals for construction established in Development Agreement. (18% L; 15% M & 7%W)

Project Visuals:

Proposed Site



Site Plan

Commission Actions

Actions: April 27th, 2017 Commission Meeting.

- Adopt a Resolution to set a Public Hearing to:
 - Amend the existing Metropolitan Avenue Argentine Tax Increment Financing (TIF) District to expand the boundaries for proposed Redevelopment Area 3.
 - Creation of a Community Improvement District (CID) for the project.
 - Enter into a Sales Tax Increment Financing (TIF) Agreement.
 - Approve Development Agreement terms to be advanced into a Development Agreement
- Direction on proposal seeking a \$500,000 upfront UG Contribution to support neighborhood economic development, with payback provision. (Part of 2016/2017 Commission Initiatives)

**ARGENTINE NEIGHBORHOOD
DEVELOPMENT ASSOCIATION**

April 21, 2017

Ann Brandau Murguia
913-915-8346
abrandau@sbcglobal.net

Unified Government
Economic Development Department
Attn: Doug Bach, County Administrator
701 N. 7th Street
Kansas City, Kansas 66101
dbach@wycokck.org

Re:

Dear Mr. Bach:

Per your request, we are writing in regards to the proposed development by Argentine Betterment Corporation of certain real property generally located at the southeast corner of South 21st Street and Metropolitan Avenue (the "Project") in the Unified Government of Wyandotte County/Kansas City, Kansas.

The Argentine Neighborhood Development Association ("ANDA") has received federal grant money in the amount of \$1,225,125.00 (the "Grant"). ANDA intends to provide all proceeds from the Grant to help fund the Project, and will not receive a financial benefit from the Grant funds awarded.

Please do not hesitate to contact me with any questions.

Sincerely,



Ann Brandau Murguia
Executive Director

UG COST FUNDING AGREEMENT

THIS UG COST FUNDING AGREEMENT (this "Agreement") is entered into this 24th day of April, 2017 by and between ARGENTINE BETTERMENT CORPORATION, a Kansas not-for-profit corporation, and its successors and assigns ("Developer"), and the UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, a municipal corporation (the "UG").

A. Developer has requested that the UG consider certain development agreements, plans and other documents (the "Documents") in connection with its proposed development of a project which is generally located at 18th St. and Metropolitan Ave., Kansas City, Kansas (the "Project"), and Developer has requested or may request certain public incentives in connection with certain eligible costs of the Project. In order to do so, the UG must retain outside counsel to review, execute and deliver the Documents, but the UG is without a source of funds to pay such counsel.

B. Developer desires to pay or reimburse the UG's outside counsel expenses in connection with the Project, as more specifically set forth herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter expressed, the parties mutually agree as follows:

1. Services to be Performed by the UG. The UG shall retain outside counsel which it, in its reasonable discretion, deems necessary to consider, negotiate, and if appropriate, execute and deliver the Documents (the "Services").

2. Payment. The Developer shall pay or reimburse the UG for charges for outside counsel in providing the Services set forth in Section 1 (the "Charges") up to a maximum amount equal to Twelve Thousand and 00/100 Dollars (\$12,000.00) (the "Reimbursement Cap"), as follows:

- (a) The UG shall initially pay the Charges and shall promptly submit an itemized statement therefore to the Developer. Thereafter, the UG shall submit monthly statements itemizing the Charges paid in connection with the Project during the preceding month.
- (b) All statements, up to the Reimbursement Cap, shall be payable at the closing of the full and complete financing for the Project. If not so paid, the UG shall not consider any other Documents or render any Services until paid.

3. Termination.

- (a) In the event Developer fails to comply with this Agreement or fails to make any payments when due, the UG may terminate this Agreement upon providing ten (10) days' written notice to the Developer in accordance with Section 4.
- (b) Upon the UG's receipt of notice from Developer in accordance with Section 4, Developer may terminate this Agreement in the event it determines that it does not need the UG to consider any further Documents or provide any further Services, in which event this Agreement shall terminate and the parties shall have no further obligations to one another.

4. Notice. Any notice, approval, request or consent required by or asked to be given under this Agreement shall be deemed to be given if it is in writing and: (i) mailed by United States certified

mail, postage prepaid, return receipt requested; (ii) delivered by nationally recognized overnight delivery service; (iii) delivered by electronic mail; or (iv) delivered by hand, and addressed as follows:

To the UG:

The Unified Government Clerk
The Unified Government of Wyandotte
County/Kansas City, Kansas
701 N. 7th Street, Room 323
Kansas City, Kansas 66101
Telephone: 913-573-5010
Email: bcobbins@wycokck.org

With a copy to:

Doug Bach
The Unified Government of Wyandotte
County/Kansas City, Kansas
701 N. 7th Street
Kansas City, Kansas 66101
Telephone: 913-573-5030
Email: dbach@wycokck.org

To the Developer:

Argentine Betterment Corporation
c/o Jeff Sharp
1 Victory Drive, Suite 200
Liberty, MO 64068
Telephone: (816) 781-2520
Email: jsharp@fergprop.com

With a copy to:

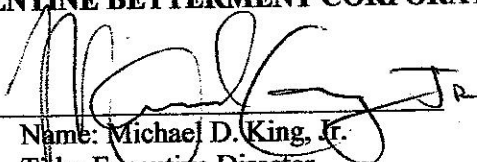
Korb Maxwell
Shareholder
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, MO 64112
Telephone: (816) 360-4327
Email: kmaxwell@polsinelli.com

Each party may specify that notice be addressed to any other person or address by giving to the other party written notice thereof in accordance with the provisions of this Section 4. All notices given by electronic mail or delivered by hand shall be deemed given upon receipt, notices given by United States certified mail, postage prepaid, return receipt requested, shall be deemed given three (3) business days after deposit with the United States Postal Service, and all notices delivered by nationally recognized overnight delivery service will be deemed given one (1) business day after deposit with such nationally recognized overnight delivery service.

[Signature pages follow]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

ARGENTINE BETTERMENT CORPORATION

By: 
Name: Michael D. King, Jr.
Title: Executive Director

Date: APRIL 24 2017

**THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____

Douglas G. Bach
County Administrator

Date: _____

Metropolitan Avenue TIF Proposal



**ECONOMIC DEVELOPMENT & FINANCE
STANDING COMMITTEE**

MAY 1, 2017



What we're here for tonight

2

- Argentine Fast Food Shops Presentation & Discussion
- Advancement to May 11, 2017 Full Commission
 - A resolution to set a public hearing to consider:
 - Amendment to the Metropolitan Avenue Redevelopment District
 - Expansion of district boundary for new Project Area #3
 - Creation of a Community Improvement District (CID)
 - Approval of Development Agreement and TIF Project Plan

Proposed Site

3



Proposed Project Site



4



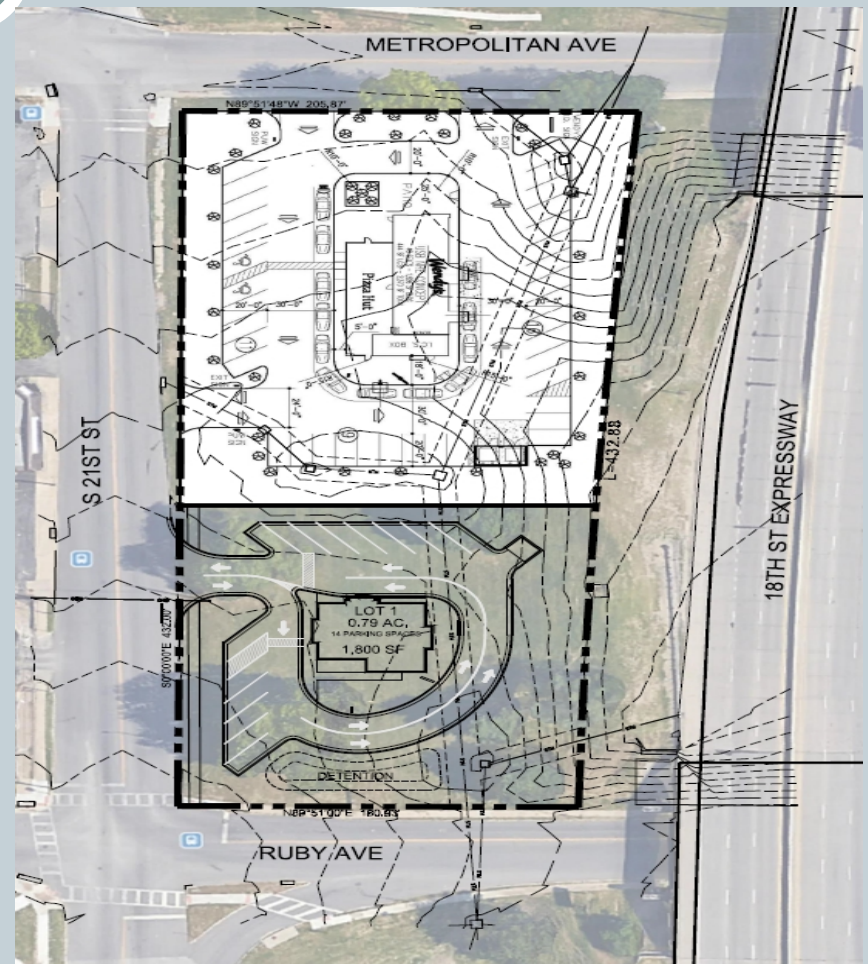
4/25/2017

Site Plan

5



Developer will send building elevation for Dunkin Donuts



Proposal Details

6

Category:		Amount:	Notes:
Site Acquisition		\$32,000	<i>Includes UG owned parcel and KDOT ROW</i>
Site Work		\$970,000	<i>Approximately 30% of total project costs</i>
Building Shell		\$1,230,000	<i>Includes both restaurant structures</i>
Soft Costs		\$850,000	<i>Approximately 26% of total project costs</i>
Total Project Costs:		\$3.3M	

Factors to Consider

7



- Highly desired infill location
- Serving the thriving Argentine neighborhood
- New Walmart Neighborhood Market will open in Spring 2014
- Great for Banks, Fast Food, Automotive

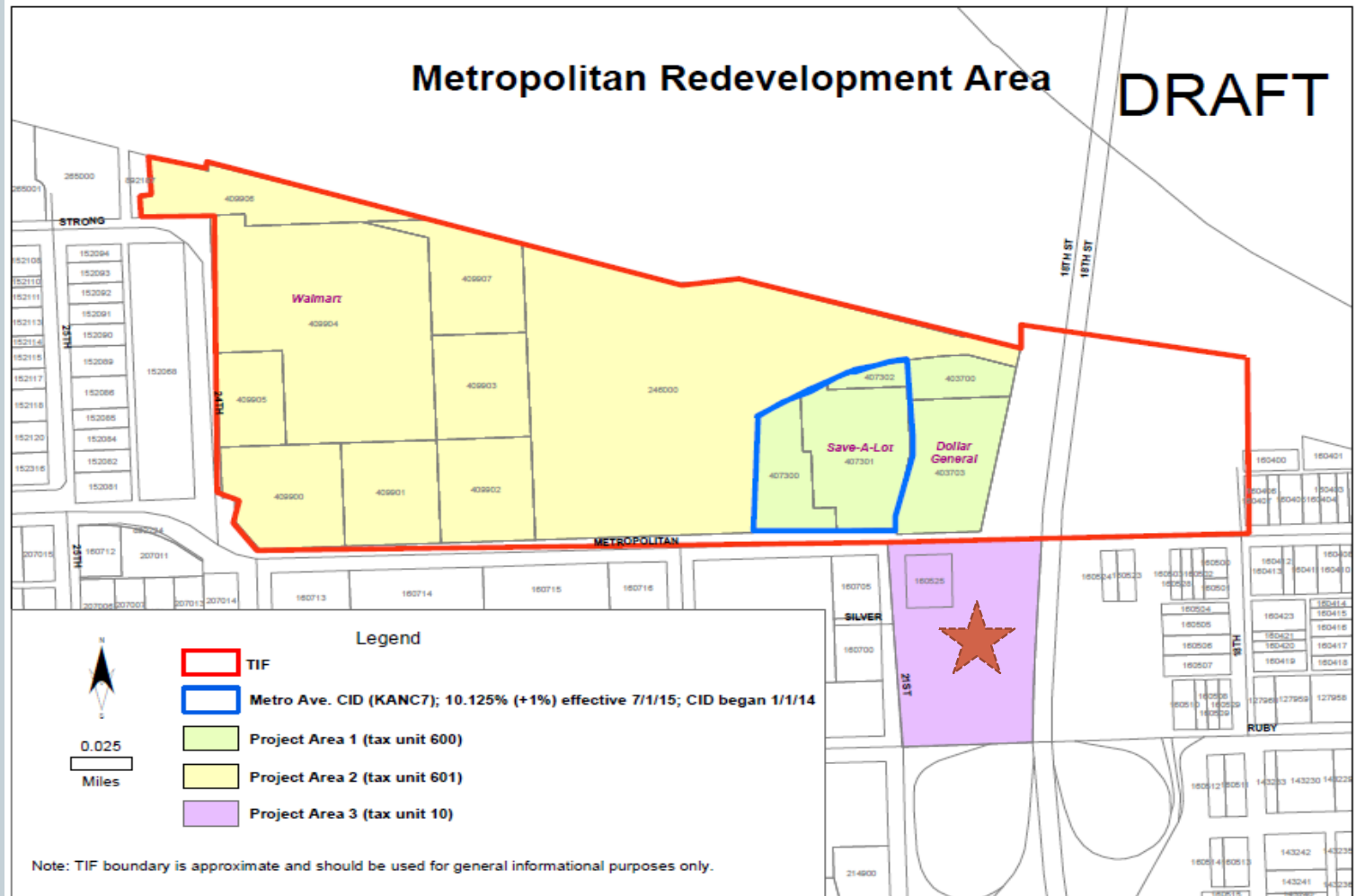
Neighborhood Benefits of Food Establishments

8

- Should we add this slide
- Refer to KU MPA student ED&F presentation on a study that was conducted

Metropolitan Avenue Argentine TIF (Existing & Proposed)

9



Prepared by Unified Government of Wyandotte County/Kansas City, KS - Research Division; Published 4/25/2017

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4/25/2017

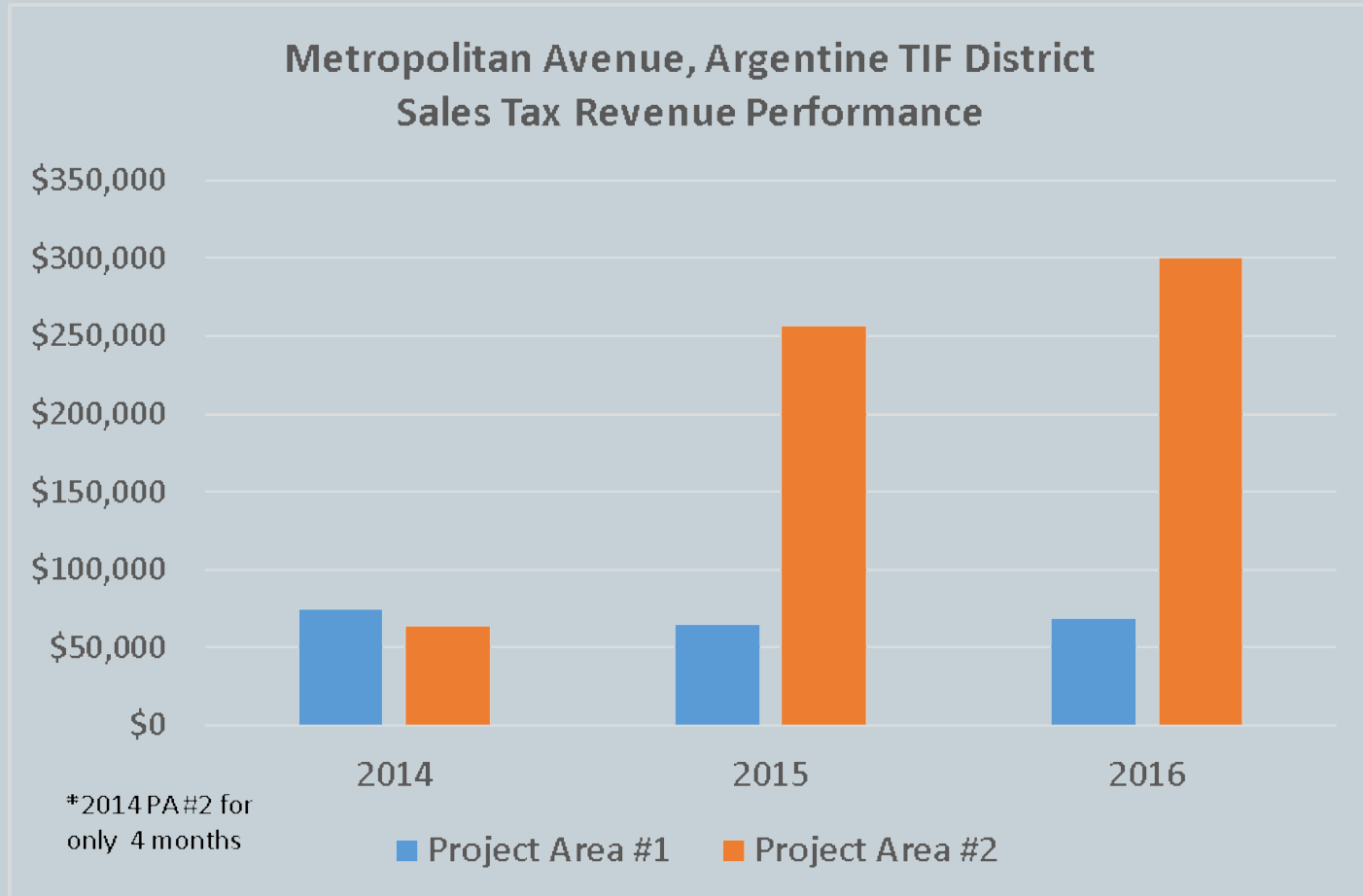
Existing TIF – Issued GO debt

10

- Issued \$1.6 M in G.O. bonds in 2013 for Save-A-Lot (Project Area #1):
 - Property Tax TIF - \$650,000
 - Sales Tax agreement - \$950,000
- Issued \$3.7 M in G.O. bonds in 2014 (Project Area #2):
 - \$1 million to UG for public infrastructure (road)
 - \$2.7 million for grocery store
- Development of outlots may initiate additional revenue, not projected in existing TIF pro forma

Existing Project Areas Sales Tax Performance

11



Revenue Performance– Project Area 1*

12

	<u>Debt Service</u>	<u>Revenue</u>	<u>Net</u>
1. Property Tax TIF	\$ 47,000	\$ 96,000	\$49,000
Projected Excess			x 15 years
Projected Years Until Payoff			\$735,000
			2021 (in 5 years)
2. Sales Tax Home Rule	<u>Debt Service</u>	<u>Revenue</u>	<u>Net</u>
	\$ 70,000	\$ 68,000	(\$2,000)
Projected Deficit			x 15 years
			(\$30,000)

Revenue Performance – Area 2*

13

	<u>Debt Service</u>	<u>Revenue</u>	<u>Net</u>
Property and Sales Tax TIF	\$276,500	\$464,000	\$187,500
			x 17 years
Projected Excess			\$3,187,500
Projected Years Until Payoff			2023 (in 7 years)

New Project's Requested Incentives

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- CID – 1% sales tax add-on
 - Pro forma suggests \$573,000 over 22 year term
- TIF District – property tax and sales tax
 - “Pay-as-you-go”; No bond issuance or GO-backing
 - Pro forma suggests:
 - ✦ \$1.1 million for property tax revenue over 22 year term
 - ✦ \$995,000 for sales tax revenue over 22 year term
 - Expand adjacent Metropolitan Avenue Argentine TIF District to add a third project area
- Federal grants - \$1,230,225
- Economic Development upfront cash contribution from the UG - \$500,000
 - Proposal includes pay back financing structure with UG recovering investment in Year 12

Proposal Funding Structure

[net present value basis]

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METROPOLITAN AVE. ARGENTINE TIF DISTRICT - PROJECT AREA 3 Dunkin Donuts and Wendy's/Pizza Hut Proposal

Proposed Sources Budget ^(a)	
TIF Property Tax Increment - NPV 20 yrs	\$585,905
TIF Sales Tax Increment - NPV 20 yrs	\$553,082
CID Sales Tax (1 %) - NPV 22 yrs	\$302,894
DHHS Federal Grants (awarded to ABC Corp)	\$1,230,225
UG Upfront Cash Contribution (with payback)	\$500,000
Other sources / developer equity	\$141,123
Total Project Costs:	\$3,313,229

(a) Net Present Value (NPV) discount rate assumed at 5.5% per developer proposal.

Term Sheet

- UG to make Upfront Cash Contribution of \$500,000, to be repaid from TIF gross revenues (property tax and sales tax) and CID revenue streams after developer loan is paid-off.
- Developer to obtain financing or loan to build project.
- Upon certificate of occupancy, UG will make payable incremental TIF revenues and CID on a pay as you go basis

Pro forma suggests payback of project costs in Year 12 and recovery of UG \$500,000 upfront cash contribution in Year 16.

Comparative Cost Analysis

16

- To be added here:
- Costs if project is located an existing pad site in the TIFs project area 1 or 2

Conclusion

17

- Direction to proceed with the 18th Street Expressway Right of Way redevelopment project
 - Adopt a resolution to set a public hearing to:
 - ✦ Amend the existing Metropolitan Avenue Argentine Tax Increment Financing (TIF) District to expand the boundaries for proposed Redevelopment Project Area #3
 - ✦ Creation of a Community Improvement District (CID) for the project
 - ✦ Enter into a sales tax increment agreement ???
 - ✦ Approval of a developer agreement
- Direction on proposal seeking an upfront UG cash contribution to support economic development in UG neighborhoods with payback provisions – part of 2016 / 2017 Commission initiatives

South Patrol Financial Status

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South Patrol - Total Costs	\$3,087,000
Project Costs	\$2,250,000
Debt Service Interest on \$1.85 Million	\$837,000
Revenue Sources	\$4,292,500
Project Area #1 Excess Revenue	\$705,000
Project Area #2 Excess Revenue	\$3,187,500
State Commerce Grant	\$400,000

**AGENDA UPDATE
ECONOMIC DEVELOPMENT & FINANCE
STANDING COMMITTEE MEETING
MONDAY, MAY 1, 2017**

V. COMMITTEE AGENDA

REMOVE

ITEM NO. 4 – 17968...PRESENTATION: KC DIGITAL UPDATE

Synopsis: The KC Digital Update is moved from the May 1st agenda to the June 5th agenda, submitted by Alan Howze, Chief Knowledge Officer.

ADDITIONAL INFORMATION:

**ITEM NO. 6 (ADDED VIA BLUE SHEET) – 171125...RESOLUTION: SET
PUBLIC HEARING FOR ARGENTINE FAST FOOD SHOPS**

Synopsis: Resolution submitted setting the public hearing date of June 15, 2017, to consider the advisability of adding area to the Metropolitan Avenue Redevelopment District, submitted by Jon Stephens, Interim Economic Development Director.

(Published in *The Wyandotte Echo* on _____, 2017)

RESOLUTION NO. R-____-17

A RESOLUTION CALLING AND PROVIDING FOR NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF ADDING AREA TO THE METROPOLITAN AVENUE REDEVELOPMENT DISTRICT IN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS PURSUANT TO K.S.A. 12-1770 *ET SEQ.*

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is authorized to assist in the development and redevelopment of eligible areas within the Unified Government in order to promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities; and

WHEREAS, the Unified Government previously established a redevelopment district commonly referred to as the Metropolitan Avenue Redevelopment District (“the “Redevelopment District”), generally described as an area bounded by Metropolitan Avenue on the South, S. 24th Street on the West, railroad tracks on the North, and 18th Street Expressway on the East, pursuant to the Act and Ordinance No. O-51-11 of the Unified Government; and

WHEREAS, the Unified Government hereby finds and determines it is desirable to modify the boundaries of the Redevelopment District by adding area to the Redevelopment District to further promote, stimulate and develop the general and economic welfare of the Unified Government; and

WHEREAS, the Act authorizes the Unified Government to add areas to the Redevelopment District subject to the same procedures for public notice and hearing as is required for the establishment of a redevelopment district; and

WHEREAS, the Unified Government intends to set a date for a public hearing for the purpose of considering modifying the boundaries of the Redevelopment District by adding area to the Redevelopment District in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT:

Section 1. Public Hearing. It is hereby authorized, ordered, and directed that the Unified Government Board of Commissioners shall hold a public hearing on June 15, 2017 at 7:00 PM, or as soon thereafter as the matter can be heard, in the Commission Chambers, lobby level of the Municipal Office Building located at 701 North 7th Street, Kansas City, Kansas 66101, to hear comments and consider findings necessary to modify the boundaries of the Redevelopment District, pursuant to the Act, notice of which is hereby given.

Section 2. Description and Map. The proposed boundaries of the modified Redevelopment District are described in Exhibit A attached hereto and incorporated herein by reference. A map depicting the proposed boundaries of the modified Redevelopment District is attached hereto as Exhibit B and incorporated herein by reference. A description and map of the proposed modified Redevelopment District is available for public inspection in the Unified Government Clerk's office located in Suite 323 on the third floor of the Municipal Office Building from 8:00 am to 5:00 pm, Monday through Friday.

Section 3. Redevelopment District Plan. A description of the proposed district plan for the modified Redevelopment District which identifies all of the project areas and describes in a general manner all of the buildings, facilities and improvements that are proposed to be constructed or improved in each project area is attached hereto as Exhibit C and incorporated herein by reference (the "District Plan").

Section 4. Findings. The Unified Government is considering findings necessary for the modification of the boundaries of the Redevelopment District, and will consider such findings at the public hearing, pursuant to the Act.

Section 5. Notices. The Unified Government Clerk is hereby authorized and directed to publish this Resolution once in the official city newspaper not less than one (1) week or more than two (2) weeks preceding June 15, 2017, the date set for the public hearing. The Clerk is authorized and directed to mail a copy of this Resolution via certified mail, return receipt requested to the Unified Government Board of Commissioners; the Kansas City, Kansas Unified School District #500 Board of Education as the school district levying taxes on property within the proposed modified Redevelopment District; and to each owner and occupant of land within the project areas of the proposed modified Redevelopment District not more than ten (10) days following the date of the adoption of this Resolution.

Section 6. Further Action. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

Section 7. Effective Date. This Resolution shall be effective upon its adoption by the Unified Government Board of Commissioners.

ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS THIS 11th DAY OF MAY, 2017.

UNIFIED GOVERNMENT CLERK

Approved as to form: _____

EXHIBIT A

Legal Description of Proposed Redevelopment District

Lot 1, ARGENTINE INDUSTRIAL PARK, a subdivision of land in the City of Kansas City, County of Wyandotte, State of Kansas;

and

Lots 1, 2 and 3, and Tract A, HODG SUBDIVISION, a replat of Lot 2, Argentine Industrial Park, a subdivision of land in the City of Kansas City, County of Wyandotte, State of Kansas;

and

All of Block 24, Ewing's Addition to Argentine, Kansas, now in and a part of Kansas City, Kansas, situated in the Northeast Quarter of Section 29, Township 11 South, Range 25 East of the 6th P.M., Wyandotte County, Kansas, lying West of a line located 100.00 feet West of and parallel with the centerline of the 18th Street Expressway as depicted on Kansas Turnpike Authority plans for the 18th Street Expressway Project 2 and described as follows: BEGINNING at the Northwest corner of said Block 24; FIRST COURSE, thence South 00 degree 00 minutes 00 seconds West, 432.00 feet along the West line of said Block to the Southwest corner of said Block; SECOND COURSE, thence North 89 degrees 51 minutes 00 seconds East, 180.93 feet along the South line of said Block to a point 100.00 feet (measured radially) West of the centerline of said 18th Street Expressway; THIRD COURSE, thence Northeasterly on a curve located 100.00 feet West of and parallel with said centerline, said curve having a radius of 5729.58 feet to the right, an arc distance of 432.89 feet with a chord which bears North 03 degrees 18 minutes 09 seconds East, 432.78 feet to a point on the North line of said Block that is located 100.00 feet (measured radially) West of said centerline; FOURTH COURSE, thence South 89 degrees 51 minutes 00 seconds West, 205.87 feet along the North line of said Block to the POINT OF BEGINNING;

and

All of the South Sixty feet (S60') of Lot One (1), AND the South Forty-three feet (S43') of Lot Two (2), in Block Twenty-four (24), Ewings Addition to Argentine, now in and a part of Kansas City, Wyandotte County, Kansas;

and

Lots Three (3) and Four (4), Block Twenty-four (24), Ewings Addition to Argentine, now in and a part of Kansas City, Wyandotte County, Kansas;

and

The North Sixty feet (N60') of Lot One (1), AND the North Seventy-seven feet (N77') of Lot Two (2) in Block Twenty-four (24) in Ewings Addition, now and part of Kansas City, Wyandotte County, Kansas;

and

Any and all right-of-way adjacent thereto.

EXHIBIT B

General Map of Proposed Redevelopment District

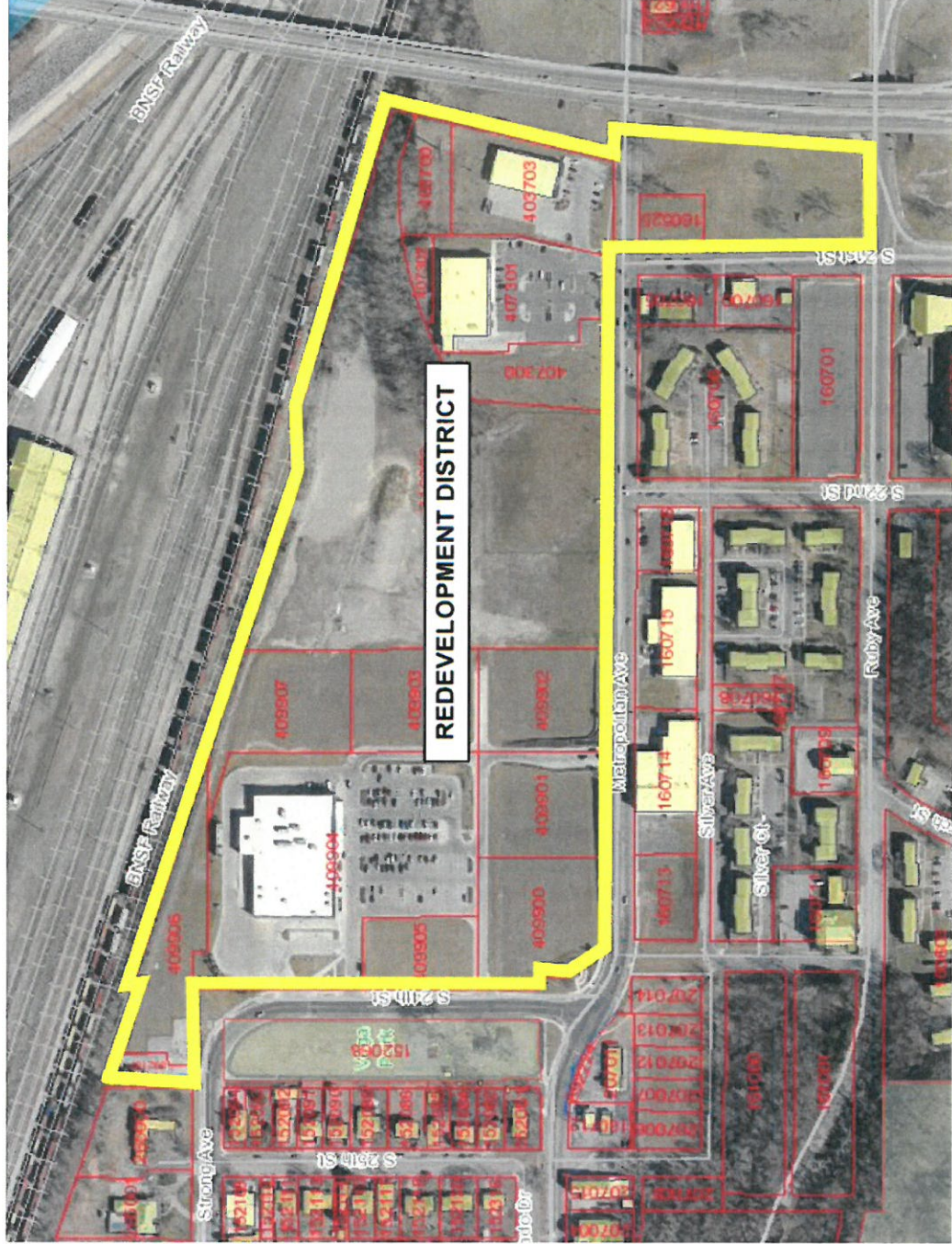


EXHIBIT C

Description of the Proposed District Plan

The Redevelopment District will consist of three (3) redevelopment project areas, with the buildings, facilities and improvements that are proposed to be constructed or improved in each redevelopment area described in a general manner as follows:

Redevelopment Project Area 1: Residential, industrial, commercial, and mixed-use development including, but not limited to, some or all of the following uses: retail, office, hotel, residential, industrial, manufacturing, structured and surface parking, as well as all associated public and private infrastructure.

Redevelopment Project Area 2: Residential, industrial, commercial, and mixed-use development including, but not limited to, some or all of the following uses: retail, office, hotel, residential, industrial, manufacturing, structured and surface parking, as well as all associated public and private infrastructure.

Redevelopment Project Area 3: Residential, industrial, commercial, and mixed-use development including, but not limited to, some or all of the following uses: retail, office, hotel, residential, industrial, manufacturing, structured and surface parking, as well as all associated public and private infrastructure.

**ECONOMIC DEVELOPMENT AND FINANCE
STANDING COMMITTEE MINUTES
Monday, January 30, 2017**

The meeting of the Economic Development and Finance Standing Committee was held on Monday, January 30, 2017, at 5:24 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner McKiernan, Chairman; Commissioners Walker and Walters; and BPU Board Member Alvey. Commissioners Murguia and Townsend were absent. The following officials were also in attendance: Doug Bach, County Administrator; Kathleen VonAchen, Chief Financial Officer; Debbie Pack, County Treasurer; Marlon Goff, Urban Redevelopment Manager; George Brajkovic, Economic Development Director; Charles Brockman, Management Analyst, Economic Development; Brittany Moore, Economic Development; Patrick Waters, Senior Attorney; and Officer Bryan Rausch, Sergeant-At-Arms.

Chairman McKiernan called the meeting to order.

Roll call was taken and members were present as shown above.

Chairman McKiernan said since we had such a quick turnaround from our last meeting there are no minutes to be approved and there are no revisions to the Agenda.

Committee Agenda:

Item No. 1 – 17950...REPORT: FOURTH QUARTER 2016 CASH AND INVESTMENT

Synopsis: The Fourth Quarter Cash and Investment Report for the period October through December of 2016, presented by Kathleen VonAchen, Chief Financial Officer.

Kathleen VonAchen, Chief Financial Officer, said I'm happy to be here to present the Fourth Quarter Report. I would like to, first off, let you know that we have submitted a revised report which I just provided to you. The revisions handle the amount of property tax collections that take place at the end of fiscal year 2016, December 31.

Much of those property tax collections, because we are a county, we collect those amounts on behalf of our neighboring other governmental entities like the school district. After submitting this initial investment report to you, we were talking with our Investment Advisory Committee, and we felt that it was better to handle that different money separately.

What you have in front of you is a revised Fourth Quarter Cash and Investment Report. The top line, which is in yellow, is the portion that we've collected from property taxpayers and we were holding for about a month on behalf of our other governmental entities like the school district. That amount is \$66M. The rest of the amounts reflected there are the portions that are truly the Unified Government's, both the City and the County side. That amounts to \$183M.

Our portfolio typically goes up in December because property tax payments are due December 20. The last report I provided you around the end of September was around \$150M.

We had an average yield of 93 basis points, or .93%. We haven't quite hit the 1% mark yet, but we're still working on it. Our average-yield-to-maturity is 350 days.

The first page is a summary page. It's categorized by investment type. The second page shows you how well we're in compliance.

As you know, we've changed the Investment Policy recently, so the limits per issuer were reduced from 60% to 30%. We haven't quite hit that because the Investment Policy only went into effect one month, well, the beginning of December. I have placed a CFO note stating that although we're not in compliance as of December 31, we are working towards that and we are not going to be selling any investments in order to get into compliance. We're hoping to achieve that gradually over time.

The third page is detailed by issuer, by the bank, or by the federal government agency that issues various securities.

The last page is a listing of the amounts or transactions that occurred during the quarter. As you can see, a great deal of money was collected and increased our cash balances. Then several of our CDs rolled over or we purchased them or they were called or matured.

Commissioner Walker said this may not be the whole picture where we have our money, but I raise this, I've raised this before. Whenever I see the financial reports, I never see the two banks that are headquartered in Wyandotte County as participating. I see Liberty Bank, which is not here, Commerce, Capital Federal; even UMB is not headquartered here.

It bothers me that we don't even have, as far as I can tell, \$100,000 in each of these local banks that I think, because they are headquartered here, they employ at least in the banks that they have here, a lot of Wyandotte County people, that we should be doing business with. **Ms. VonAchen** said I'm very happy you asked that question. We have an answer for you.

The recent change in the policy increased the limit for banks, the limited amount that can be transacted with the UG, from roughly \$100,000 to \$250,000. It's actually about \$235,000. That's in keeping with the FDIC limit.

Secondly, we changed the policy so that any given bank can't have any more than 30% of the portfolio. That actually helps the other banks because these banks that we already have that have already hit their cap, when we do the bidding process, these other banks will have a chance.

Debbie Pack, County Treasurer, said I will add to that also. We offer the minimum amount which used to be \$95,000 and we changed that to \$235,000 to every bank in Wyandotte County as long as they meet a minimum requirement. We don't compare it to anyone. Every bank has an opportunity to hold money with us.

In most cases, those small banks do not bid. When we go out for bid, the local banks typically do not bid. I don't know if their deposit ratios or whatever, they just don't have the capability, but we're not getting responses from those banks even though we're sending the information to them.

Commissioner Walker said Community is not a large bank, but certainly, if I had \$235,000 to put in the bank, they would take it because I've asked them. I've asked them. I know Security's not a small bank. It may be the largest bank now.

It just bothers me. If they don't want to participate I can't make them, but it seems like we're doing business with nobody that's doing anything in this community. I don't know, I can't say that about UMB, but Liberty Bank.

Ms. VonAchen said at the end of next month, we'll be bringing forward a resolution to make some adjustments so our ordinance or our Municipal Code is in compliance with our new Investment Policy that you all adopted last month. Then, at that point, we can reach out to these banks. That's the plan. In March, we'll be reaching out to them as Debbie mentioned.

BPU Board Member Alvey said can I just clarify, what are FFCB and FHLB. **Ms. VonAchen** said those are federal instrumentalities. Those are agencies of the federal government. One of

them is the Federal Home Loan Bank. FFCB, I'm not remembering offhand. I think it's Farm Commercial, maybe, I'm not sure. I can't remember offhand. **Commissioner Walker** said Farm Commodity, I believe.

Chairman McKiernan said I'm thrilled, actually, to see that our interest earned, after bottoming out, has started to go up again. Even though it's .93%, it's on the rise which is a positive thing. That's certainly something that looks good on these reports.

Action: Information only.

Item No. 2 – 17944...PRESENTATION/DISCUSSION: FY 2010-2015 EXPIRED TAX INCENTIVES RETURNING TO THE TAX ROLL

Synopsis: FY 2010 - 2015 expired tax incentives returning to the tax roll, submitted by Charles Brockman, Management Analyst, Economic Development.

George Brajkovic, Economic Development Director, said, of course, you guys know Mr. Brockman. I wanted to introduce Brittany Moore. She came on staff last May. I think her official title is Professional Programs Assistant, but I'm reasonably sure that she does a lot of things within that job description as well as been able to pick up and really function in kind of a junior project management position for us. As you'll see with the report that they're going to do jointly tonight, she played a big part in putting this together.

In June we came back before this body and said, hey, the tax abatement policy's working great, but it's been a few years. It's probably time to reexamine and make sure it's still working the way we would like it to.

Some of the discussion that was spawned that evening, and I think maybe Commissioner Walters kind of led the charge on it a little bit, was well, we're open to discussing changes but what evaluation have we had that would suggest that the current policy, or even previous policies, were working well. As most ideas, it starts very innocently and then you actually go out and try to collect the data. You're like, okay, we've got an issue.

Charles and Brittany will detail that a little bit more tonight. I will say, in general, I want to express a lot of gratitude to the Appraiser's Office, various departments within Finance for

helping us collect data because as you can imagine, we inherited a set of files from our predecessors in Economic Development as we're evaluating TIFs and IRBs and EDX. We're going back five years, ten years, twenty years. We had some incomplete files. Other departments have changed their software twice in the timeframe that we were looking to have a single data set point as far as a starting point. These two have worked tandemly with, I guess, their counterparts in other departments. I want to make sure we acknowledge that.

It did take some time. June, here we are here in January, to put it together, analyze it, some crazy discrepancies. You'll see through their presentation that before each incentive, there's probably what I'll call a disclaimer sheet so in case we couldn't shore up everything with 100% accuracy and we had to make an assumption about something, we wanted to go ahead and lay that out. I think you'll be pleased with the volume of the report. I think at the end, my personal opinion is, I think our incentives have been working rather well during that time period.



Brittany Moore, Economic Development, said I will go ahead and start and just an overview of what George said.

Data Recovery

- ▶ Value Analysis of FY2010 - FY2015
 - ▶ NRA
 - ▶ IRB/EDX
 - ▶ TIF
- ▶ Amount of revenue generated to the tax roll
- ▶ Appraiser's Office Records Retention - 5 years
- ▶ Year burned off and returned to the tax roll

We did a value analysis of fiscal years 2010-2015. We looked at NRA, IRB/EDXs, TIFs. I guess our overall goal was to figure out what the amount of revenue generated was back to the tax roll once they expired. As George mentioned, there were quite a few discrepancies when we were trying to find this data.

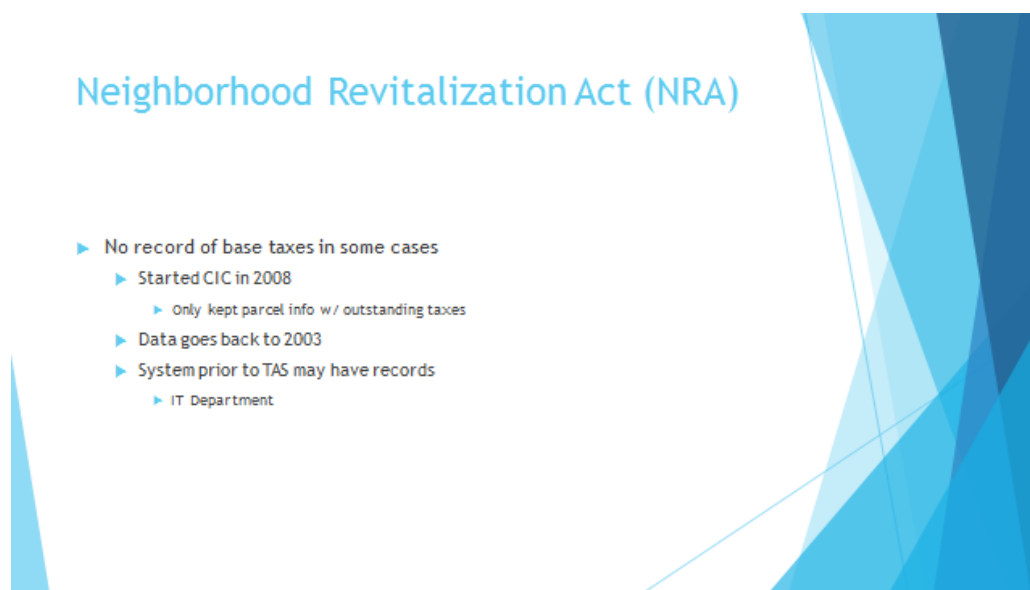
One of the big things was the Appraiser's Office. Their records retention is five years. That goes back to why we only did years 2010 to 2015 because we could only go back five years. Again, these are the years that the tax incentives burned off and then were returned to the tax roll.

Overall Discrepancies

- ▶ Market collapsed in 2008
 - ▶ Values decreased
- ▶ Mill Levy Rate
 - ▶ Decrease causes increased values and decreased taxes
 - ▶ Increase causes decreased values and increased taxes
- ▶ Missing data: base assessed values, base taxes, taxable year taxes
- ▶ Properties with property tax exemption
- ▶ Departmental software changes

Some of the overall discrepancies for each of these incentives that we've come across, you know with the market collapsing in 2008, a lot of the values decreased because of that. The mill levy rate was another thing. A decrease in the rate caused an increase in values and a decrease in taxes. An increase in the rate caused a decrease in the values and an increase in the taxes.

There was some missing data along our journey. Depending on the tax incentive, we had problems finding base taxes. I know that was a problem with the NRA specifically. Taxable year taxes, the values, base assessed values, I know with the TIFs there were problems because some of the properties were tax exempt. Again, as George had mentioned, there were some software changes along the way.



Starting with the Neighborhood Revitalization Act, again, there was really no record of base taxes. CIC, that software program that we use, started in 2008. It only kept certain information. It didn't keep all of the information so we had to go back to the previous system which we had to work with other departments for that. It was kind of crazy. There was just not specific data.

The system prior to TAS had some records. That's the system that we had to go back with the IT Department to try to work with them to see if we could find any kind of numbers that go back before those software changes.

Neighborhood Revitalization Act (NRA)

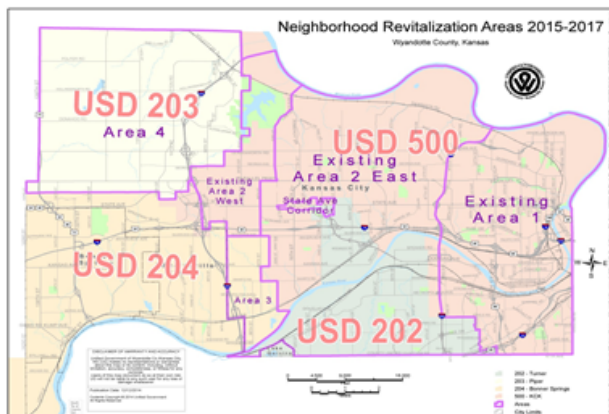
► NRA Program Changes

- 2009 - 2011
 - Created Area 2
- 2012 - 2014
 - Split Area 2 into 2 East and 2 West
 - Created State Avenue Special Project Area
- 2015 - 2017
 - Created Areas 3 & 4

Charles Brockman, Management Analyst, Economic Development, said with the NRA, it has seen a lot of changes over the last nine years. The program, itself, we take back every three years to Commission. If you approve it, then we go through the schools to get approval and then on to the State for a new plan.

In 2009 to 2011, we created Area 2 which is basically I-635 and west that meanders 202 and District 500. Then in 2012 through 2014 plan, we split Area 2 into Area 2 East and Area 2 West. We created a State Avenue Special Projects Area. In 2015 through 2017, we created Areas 3 and 4.

Neighborhood Revitalization Act (NRA)



January 30, 2017

Here we have the older area, then we added Area 2. Then we split. Then we added 3 and Area 4. So now, it pretty much encompasses all of our area, except for a little chunk over here.

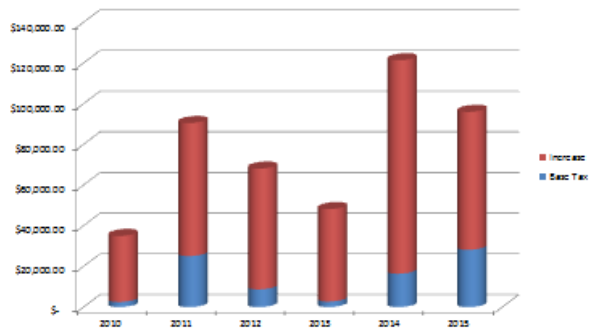
Neighborhood Revitalization Act (NRA)

FY	Base Value	FY Value	Base Tax	FY Tax	Parcels	Type
2010	\$ 60,700.00	\$ 833,900.00	\$ 2,522.53	\$ 34,970.64	1	1-C
2011	\$ 846,570.00	\$ 3,201,870.00	\$ 25,065.11	\$ 90,480.00	14	4-C/10-R
2012	\$ 300,230.00	\$ 2,378,380.00	\$ 8,682.53	\$ 68,089.24	16	2-C/14-R
2013	\$ 136,820.00	\$ 2,135,540.00	\$ 2,734.91	\$ 48,175.04	17	1-C/16-R
2014	\$ 663,580.00	\$ 3,337,340.00	\$ 16,425.32	\$ 121,355.90	40	1-C/39-R
2015	\$ 1,300,560.00	\$ 4,272,880.00	\$ 28,197.11	\$ 95,945.89	<u>35</u>	<u>3-C/32-R</u>
TOTALS	\$ 3,308,460.00	\$18,159,910.00	\$ 83,627.52	\$ 459,016.71	123	12-C/111R
	Increase	\$14,851,450.00	Increase	\$ 375,389.19		"C" - Commercial "R" - Residential

Looking at base values and fiscal year values and what that actually pertains to. When we add up base values 2010 through 2015, that's \$3M. The fiscal year value, when it came back on, is \$18M which is an increase of \$14M in value. So, you look at the base tax and the fiscal year tax, and that was an increase of \$375,000 for those five years.

Then it talks about the different parcels, 123 captured there which were commercial and which were residential.

Neighborhood Revitalization Act (NRA)



This depicts a chart that actually shows you where the increase is. There's our base values and there's our increases.

BPU Board Member Alvey asked, Charles, could you go back one slide. This is very helpful. Are there any parcels which, in fact, did not show improvement? Do we know – have any idea why that would have happened? **Mr. Brockman** said I don't believe that we ran across any of those.

Chairman McKiernan said I have a question on this – no go to the graph because it's just easier to see this. The red is the increase, but if this is on the NRA then have we yet realized that increase, or is that a potential? Is this an increase that is now – it's off NRA. It came off NRA.

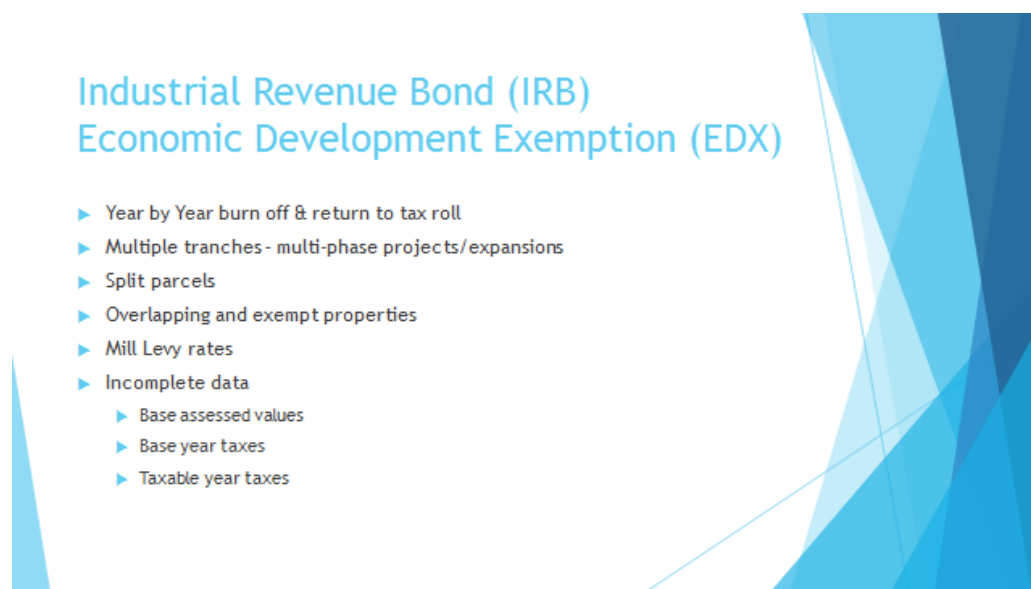
Mr. Brockman said correct. **Chairman McKiernan** said in your study period.

Mr. Brajkovic said correct. On that previous slide, the first year data set is 2010. Depending on whether that was a five-year or a ten-year NRA, some of those properties started in 2000, some of them started in 2005, but we said what came back on the tax roll just for 2010.

Essentially, as you go through each one of those year's change in value, that is an aggregate or rolling value. We thought it would be a little, belief it or not, more confusing if we just showed these overall aggregate totals and not kind of a year by year. Actually, with the changes, I think this graph in particular really illustrates the changes we made in the program along the way. I think you see, correspondingly, there are significant increases especially the

commercial application. Charles mentioned adding new project areas which filled in the void where that program wasn't offered before. I think you'll see this moving forward in the next five or ten years as projects that are coming on today come back off. I think you should be seeing an even greater impact than what these numbers are.

Chairman McKiernan said in 2010, let's say it's a ten-year NRA, how much trouble did you have going back and finding the 2000 base value. Were there properties for which we couldn't determine base values in 2000? **Mr. Brockman** said well, we actually worked with the Appraiser. We ended up going back capturing the mill rate and working the math and getting to it. **Chairman McKiernan** said so we have a reasonably good estimate even when we didn't have data written down on a piece of paper or in a computer file. **Mr. Brockman** said correct. **Chairman McKiernan** said perfect.



Ms. Moore said moving on to Industrial Revenue Bond and Economic Development Exemption, again, this is a year-by-year burn off and the return to the tax roll. Some problems that we ran into were split parcels, multiple tranches, exempt properties, overlapping properties. Again, the same thing with the mill levy rates, again, incomplete data with base value, base taxes and the taxable year taxes.

Industrial Revenue Bond (IRB) Economic Development Exemption (EDX)

2010	Assd Base Value	FY Assd Value	Base Tax	FY Tax	Type	Years	Increase in Value	Increase in Taxes
Conway	\$ 21,215.00	\$ 1,077,378.00	\$ 50,504.01	\$ 441,257.08	EDX	10	\$ 1,582,952.00	\$ 290,751.47
Ka-Nee	\$ 55,790.00	\$ 59,226.00	\$ 2,336.29	\$ 10,078.58	EDX	10	\$ 596.00	\$ 742.29
P & G	\$ 2,215,199.00	\$ 2,217,416.00	\$ 246,736.85	\$ 603,026.22	EDX	10	\$ 3,100,377.00	\$ 254,299.27
TOTALS	\$ 2,594,144.00	\$ 5,390,930.00	\$ 406,567.15	\$ 652,361.88			\$ 2,686,776.00	\$ 545,794.13
2011	Assd Base Value	FY Assd Value	Base Tax	FY Tax	Type	Years	Increase in Value	Increase in Taxes
Big W	\$ 27,797.00	\$ 155,275.00	\$ 4,300.10	\$ 27,288.40	EDX	10	\$ 128,338.00	\$ 23,589.30
C & M Tire	\$ 25,643.00	\$ 611,628.00	\$ 5,110.29	\$ 115,090.04	EDX	10	\$ 255,189.00	\$ 58,979.75
Mid-Continent	\$ 12,129.00	\$ 197,026.00	\$ 19,878.80	\$ 25,144.62	EDX	10	\$ 62,827.00	\$ 15,265.72
Premier Inv.	\$ 24,052.00	\$ 779,251.00	\$ 5,290.19	\$ 145,763.88	IRB	10	\$ 745,899.00	\$ 141,373.69
Universal Lub.	\$ 270.00	\$ 238,121.00	\$ 46.10	\$ 61,426.84	EDX	10	\$ 237,851.00	\$ 61,380.74
TOTALS	\$ 541,687.00	\$ 2,062,706.00	\$ 85,625.58	\$ 365,714.78			\$ 1,521,018.00	\$ 300,089.20
2012	Assd Base Value	FY Assd Value	Base Tax	FY Tax	Type	Years	Increase in Value	Increase in Taxes
Howmet	\$ 1,419.00	\$ 218,469.00	\$ 229.76	\$ 28,239.22	IRB	10	\$ 217,044.00	\$ 28,009.46
TOTALS	\$ 1,419.00	\$ 218,469.00	\$ 229.76	\$ 28,239.22			\$ 217,044.00	\$ 28,009.46
2013	Assd Base Value	FY Assd Value	Base Tax	FY Tax	Type	Years	Increase in Value	Increase in Taxes
W.H. Warehouse	\$ 14,636.00	\$ 602,276.00	\$ 1,476.89	\$ 128,556.76	IRB	10	\$ 587,640.00	\$ 126,079.87
TOTALS	\$ 14,636.00	\$ 602,276.00	\$ 1,476.89	\$ 128,556.76			\$ 587,640.00	\$ 126,079.87
2014	Assd Base Value	FY Assd Value	Base Tax	FY Tax	Type	Years	Increase in Value	Increase in Taxes
Genco	\$ 19,122.00	\$ 252,400.00	\$ 22,298.61	\$ 48,055.68	EDX	10	\$ 54,278.00	\$ 12,657.07
TOTALS	\$ 19,122.00	\$ 252,400.00	\$ 22,298.61	\$ 48,055.68			\$ 54,278.00	\$ 12,657.07
2015	Assd Base Value	FY Assd Value	Base Tax	FY Tax	Type	Years	Increase in Value	Increase in Taxes
ABC	\$ 28,120.00	\$ 421,094.00	\$ 6,742.73	\$ 74,069.10	EDX	10	\$ 49,944.00	\$ 12,325.47
Wagner	\$ 210,017.00	\$ 427,282.00	\$ 51,628.48	\$ 78,711.98	EDX	10	\$ 117,665.00	\$ 27,083.50
West Med	\$ 15,751.00	\$ 1,069,508.00	\$ 23,184.42	\$ 191,088.64	IRB	10	\$ 829,756.00	\$ 168,904.22
TOTALS	\$ 646,019.00	\$ 1,943,985.00	\$ 125,555.63	\$ 344,869.82			\$ 1,095,965.00	\$ 209,313.19
OVERALL FY TOTALS	\$ 4,196,027.00	\$ 10,358,750.00	\$ 663,855.22	\$ 1,875,798.14				
Increase	\$ 6,162,723.00		Increase	\$ 1,211,942.92			Increase	\$ 6,162,723.00
								\$ 1,211,942.92

This is a little bit harder to read. **Mr. Brajkovic** asked should we just go straight to the graph. **Mr. Brockman** said we wanted to put a lot of information on here for you.

Chairman McKiernan said this wasn't included with the original distribution of the agenda. Will we get a copy of this electronically? **Mr. Brajkovic** said yes.

Mr. Brockman said this shows the fiscal year that these individual projects came back online. These were showing EDX, IRBs ten-year period. When you look at this, the overall FY totals show an increase by \$6M, then in taxes, an increase of \$1.2M in taxes over the five years. Then, if you go across, it shows individually. This is aggregate. This is individually. These numbers all equal the same.

Doug Bach, County Administrator, said just clarifying. So, you're \$1.2M that you put at the bottom is now what's coming out to be the aggregate of all of each of the years of these five-year periods. So now, annually, we're getting \$1.2M more in tax dollars as a result of these projects than we were before any of them were done. **Mr. Brockman** said correct. **Mr. Bach** said so that's a go forward number which is important. Each year it's adding up. It went from \$545,000 to \$800,000 to \$830,000 or whatever, as they go along, to be in that \$1.2M every year going forward.

Mr. Brajkovic said if I could just throw one comment in because I don't want it to get lost in all of this data, and again, this is just the property tax reflection. As we were going back through some of those files, there's a story to all of these. Kind of reading through, hey, if we

don't figure something out, we're going to close or there's a consolidation effort going on nationally. The Kansas City building or maintenance facility is on the list to close. I think the story we don't tell, but obviously is inherently part of this, is the jobs that are retained. It's important to keep the business here and have those opportunities, and certainly having the property tax and employees, it's nice to have that in place, but there are those other components to it that this doesn't always accurately reflect. It was something that I hadn't anticipated, really, making that big of an impact as we went through because it was just let's get the numbers and see what they reflect. Again, you can probably read some of those company names and some may be a little bit more familiar than others.

Commissioner Walker said you know how much I hate to rain on a parade. There is a piece of data that I doubt you have that would be very interesting to me. It would be across the board on tax incentives.

You know these developers are cagey individuals. I applaud them for it. How many of these that you're just showing us, because I certainly know of many in the Legends area that once the, not once, but how many of these once they come back onto the tax rolls and begin paying full taxes, turnaround and fight us in the Board of Tax Appeals or the appeals process because we're appraising their property too high? Do you have any inclination of that? Would I be wildly pessimistic to say that probably each and every one of those businesses appeals and tries to get their taxes reduced after taking advantage of a tax abatement.

Mr. Brajkovic said I know this probably doesn't answer your question directly. That is a right afforded to them. They can do that. That's why, at least since I've been in this position, we've made more of an effort to negotiate a fixed PILOT and whether that PILOT stays steady or not. Going back, and nothing against the folks that did it before us, but saying your business qualifies for a 50-year, 70% tax abatement, then they get their property value statement. They're like that's way off. Whether they pay those taxes under protest and then go fight at BOTAs, maybe somebody that wants to argue that point with me would say, well, all you're doing is postponing that argument until year 11. Well, maybe so, but in the meantime, we've got ten years of established value via what a PILOT is.

I guess the flipside of that, Commissioner, is we actually found some instances where we ended up working with certain companies because the fixed PILOT they were on coming out of

the recession, their fixed PILOT payment was higher than what their actual taxes would have been because of such the drastic drops in property values during that time period.

Commissioner Walker said I think the point is, I don't disagree with the PILOT, George. I think I've said to you and I've said to others, that I'm much more comfortable with making my own bed than letting somebody else decide it. That part of it's not the issue.

The issue for me is a bigger picture on the ideas of when we do these things, developers get a big break. That's why they, virtually all of them—I can't remember the last time somebody came in here and said we're going to build you a \$40M business and we're going to pay full taxes. I don't remember it and I've been around for over 30 years. I don't remember anybody doing that.

What we don't get, number one, we don't get a guarantee on the level of taxation upon the expiration of the benefit. They virtually all appeal and fight us. Build a \$120M business and say it's only worth \$30M because nobody else would be dumb enough to build the building or buy it. We don't have developers guarantee at least some period of continuous operation. I don't care if they operate as long as they pay the taxes as if they were operating for a period of time after the expiration of the tax incentive.

The day that ten years is up, I guarantee you there are—I've known a couple of city managers, point of reference maybe for you, that go shopping, I'm serious, go shop other cities where the tax benefits are about to expire. There are certain businesses that will pick up and leave and run. Lenexa got burned by Applebee's on their deal. I'm sure it was more complicated than my simplistic explanation, but I can give you some other examples of businesses that picked up and moved, went to Edwardsville because the tax incentives they had at another location were about to expire in the next year or so. They were looking for a new home and less taxes and they had the kind of business that you could just pick up and move.

Those two issues, to me, in our tax policies are blind spots. I don't know exactly that I have the answer to heal them, but these guys that get these benefits and then turnaround and fight you at the end of the ten-year period and don't want to pay full taxes to the community, there's a word for it and we're getting it. That's my opinion. There's my rain on your parade.

Chairman McKiernan said that does bring up a couple of questions from me, and then I have a couple of comments that I want to make.

I certainly appreciate Commissioner Walker's concern about shopping at the end of an incentive period or an abatement period, either one. How different or how the same are we to surrounding communities when it comes to that? Do we give out more incentives, fewer incentives, or are we about on a par? Is this basically a metro-wide, every community problem and could we make a change without all the other communities making a similar change?

Mr. Brajkovic said I think those are good policy level discussions to be had and maybe to go out at a macro-level. I think that's what we hear about all the time with border war between Kansas and Missouri in that one state is offering incentives over to attract another. Without mentioning names, I know recent projects we've been involved with where it's portrayed that way in the media, but ultimately there are organizations that look as part of their expansion or growth model. They're looking at different regions within the United States. They may select Kansas City and they'll whittle it down to one spot, one location in Kansas City. You may be competing with a spot in Chicago.

If the Kansas City location wins out, but it's a firm that moved from Kansas to the Missouri side, the headlines will read it was poached from Kansas and moved over to Missouri. That doesn't happen in every case, but it is part of a policy examination. I think both Mayor James and Mayor Holland have had numerous discussions about that.

We do examine everyone's policies on a regular basis. That's what kind of we use as a measuring stick for where we are. Again, it's not always apples to apples because everybody's mill rates are different. We try to customize our tax abatement policy to offer incentive for the type of growth we were seeking. As you read through our Tax Abatement Policy, the way it was penned or the current one, it's heavy emphasis on certain industrial, depending on their NAICS Codes and office. Those were our targets because we thought those were high growth, high job creation type jobs.

The other part of it kind of goes back to what Commissioner Walker was saying; it's kind of that philosophical debate. You use your Tax Abatement Policy to win a project. Then let's say you get 50% of those taxes because you won that project. Well, there's going to be some folks that argue golly, you gave away 50% of it. The other side says well thank God we have this because otherwise we would have had 100% of nothing during that timeframe if you didn't win that project. That's where crafting policy becomes very difficult.

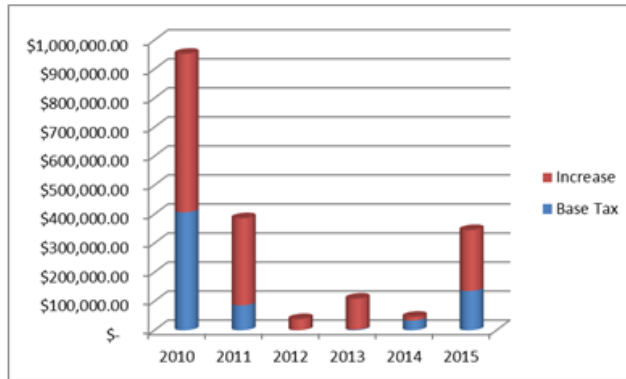
If we go back to what our existing policy looks like, I think we have an okay policy. Our base is hey, we'll give you a 45% abatement. You can grow that to a ceiling of 75% if you do things that are important to our community: targeted location, targeted industry, L/M/W components. Prevailing wage at one time was tied into the level of capital investment. We've had to tweak that because of the change in state law.

It is a slippery slope when it comes to tax incentives, but it's pretty obvious everybody's doing that. I think the smartest play is to craft a policy that puts you in the game, but ultimately gets some reward back to the community. You're trying to ensure that you're offering incentives for the type of growth you really want to see.

Chairman McKiernan said I want to commend Commissioner Walters for asking, so how we doing. I think this is really critical. I'm so glad you've put these numbers together. I'm hoping we can make this a routine analysis of how we're doing because it's so critical that we assess with hard data how are we doing to craft that next round of policy improvements. I think you've indicated the importance of data and the importance of breaking down silos so that we all have access to a common set of data and we can run these kinds of reports without spending more people hours than we absolutely should have to, to get these kinds of reports. We should get it to where the data is available. We can create these kinds of reports quickly and easily to bring back and say here's how we're doing.

Mr. Brajkovic said I think we just have a couple of more slides to get through. I do want to take that as an opportunity to commend these two for putting policies, departmental policies in place in Economic Development that would prevent these types of gaps in data from happening in the future. The department will now do a data grab of all the relevant information we need as establishing base values and not be so reliant upon others. Through this information sharing, we'll certainly make that available to everyone else as well.

Industrial Revenue Bond (IRB) Economic Development Exemption (EDX)



Mr. Brockman said so to put this in perspective with a graph. We see growth throughout the years.

Tax Increment Financing (TIF)

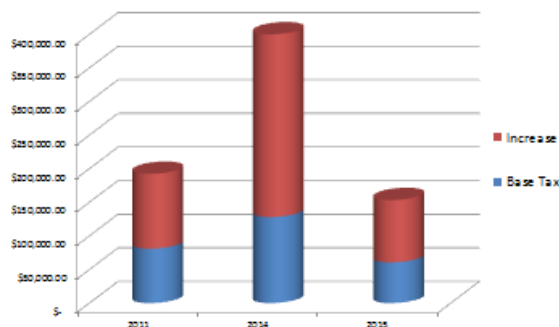
2011	# of Parcels	Base Value	FY Value	Base Tax	FY Tax
Turtle Hill	186	\$ 471,877.00	\$ 1,118,131.00	\$ 80,949.56	\$ 192,366.37
2014	# of Parcels	Base Value	FY Value	Base Tax	FY Tax
Freeway	7	\$ 697,590.00	\$ 4,770,520.00	\$ 119,670.17	\$ 220,767.28
Zion	72	\$ 84,264.00	\$ 9,854,100.00	\$ 8,268.62	\$ 179,175.22
	79	\$ 781,854.00	\$ 14,624,620.00	\$ 127,938.79	\$ 399,942.50
2015	# of Parcels	Base Value	FY Value	Base Tax	FY Tax
Adams Street	6	\$ 353,048.00	\$ 814,549.00	\$ 60,555.52	\$ 153,294.86
OVERALL TOTALS	271	\$ 1,606,779.00	\$ 16,557,300.00	\$ 269,443.87	\$ 745,603.73
		Increase \$ 14,950,521.00		Increase \$ 476,159.86	

As we look at the Tax Increment Financing, as we move into that, we've seen an increase in the value by \$14M and an increase in taxes by \$476,000 through our TIFs that have come off: Turtle Hill, Freeway, Zion and Adams Street.

BPU Board Member Alvey said the other part of that, you're talking about the story behind the numbers, but look at all those spots and what it did for our neighborhoods in the

private community. Those had to be done and this helped that happen. **Mr. Brajkovic** said absolutely. Those are about as urban core as our projects can get.

Tax Increment Financing (TIF)



Mr. Brockman said this puts that into perspective there as an increase of the base.

Overall Increase

▶ NRA	
▶ Value Increase	\$14,851,450.00
▶ Tax Increase	\$375,389.19
▶ IRB/EDX	
▶ Value Increase	\$6,162,723.00
▶ Tax Increase	\$1,211,942.92
▶ TIF	
▶ Value Increase	\$14,950,521.00
▶ Tax Increase	\$476,159.86
▶ Cumulative Total	
▶ Value Increase	\$35,964,694.00
▶ Tax Increase	\$2,063,491.97

Ms. Moore said just kind of an overall. The NRA, you can see the value increase was \$14.8M. The tax increase was almost \$400,000. Going to the IRB/EDX, the value increase was about \$6M. The tax increase was about \$1.2M. Going to the TIF, the value was about almost \$15M and then the tax increase almost \$500,000. Then you have your overall cumulative total down at

the bottom for a value increase of almost \$36M and a tax increase of about \$2M. **Chairman McKiernan** asked that's an annual \$2M. **Ms. Moore** said correct.



Then we just, again, want to give acknowledgements to the Appraiser's Office, the Treasurer's Office, the IT Department, and the Finance Department. They all helped out in recovering all of this data.

Mr. Bach said I just wanted to thank the staff and recognize Commissioner Walters who put this out there. Kind of getting our scorecard going forward really is an important thing for us to continue to work at and say this is how we achieved these results. It is important to note this when you see the numbers that are up there. We had so much hype talking about what was coming on from the Village West area. These didn't include any of those numbers. That \$12M and any of the property tax and all that, those were all separately aligned.

These are really urban development projects. Most of our industrial areas are in our older urban areas. They're either down in Fairfax or along Kansas Avenue. All the NRA stuff is urban area. This is really several years of impact that have come in when we talked about how do we do more in urban areas. Sometimes some of this stuff, I don't want to say it sneaks up on us because we all see it and we worked hard on it as it goes along. There really are changes that have gone along that are making improvements. It's still a big focus how we can do more, but that's where most of this improvement has come from.

Commissioner Walker asked are we not upside down in any of those TIF districts. **Mr. Brajkovic** said I think we addressed the TIF issues prior to, and in fact on this, there were other TIF districts that actually showed a positive monetary change, or positive change in value. If the project under that TIF district never materialized, we didn't want to present it because we thought it would present some false data even though it would skew it in favor.

The TIFs that were upside down are either a) haven't expired yet. They haven't burned off. The one that comes to mind is Mission Cliffs. It's one of the ones that's upside down. Escalade Heights was another residential one, but we reintroduced a new residential project there that's kind of finished out the development of that between a mix of single-family and senior housing. **Commissioner Walker** asked Peregrine Falcon. **Mr. Brajkovic** said it's on there, but it's not expired yet. Remember the analysis we were looking at is when that incentive expired, what returned to the tax roll for that year.

Commissioner Walker said I think it would have been worth noting. We've got several others than the ones we've just mentioned. The one that was going to be next to the food pantry in Commissioner Townsend's district, I forget the name of that. It's not Peregrine Falcon.

We've got a number of them that even though they may not have expired, you've got to be pretty sure that they're as dead as can be. They're not going to recover so we're upside down in them. **Mr. Brajkovic** said we did do a report to this Committee when Mr. Levin was still here about TIFs in general because we had a big discussion. TIF is outside of the Tax Abatement Policy. We addressed that as a separate policy. You're right, a lot of the residential projects we had were underperforming, although we did replace one, Turner Woods, with the Amazon deal.

We can go back and look at that report and give an update to see where we are on the performance of those. Those data sets had already been established. We just need to update the numbers. We could probably do that with Finance rather easily.

Mr. Bach said that's probably a good one to look at periodically. I think one thing we did find, and that's part of where we're reaching our conclusions and our strategies when we set that from that last analysis, to say housing TIFs, as a rule, were not as productive as commercial. The only commercial one that was really upside down was that one we've done at Indian Springs. That's kind of a different perspective as we've gone about that. We're going to talk about that later tonight.

The housing ones have been ones that were less predictable because we were relying upon somebody to come in and build a whole bunch of houses right up front. In those cases where that could happen, they worked. In cases where somebody just started building over a ten or twenty-year time period, then they weren't necessarily paying off.

I think overall our TIFs were, when we consolidated everything together, commercial TIFs outweigh housing by so much. The overall was positive.

BPU Board Member Alvey said to follow up on that line of thought. If there's something identifiable about those housing residential TIFs that did not work, if there's some factor that identified it, then it would be something to guide decisions moving forward whether something would work or not work. Was it the lack of market research or did it just happen to be the timing and the economy, those kinds of things?

Mr. Bach said I think it's the lack of getting a commitment that you know you're going to get a whole bunch of stuff built in the early phase like if you do a building. If it's a \$500,000 building, we will get a commitment from that developer they're going to build that. You don't get a commitment from them that they're going to go in and build 50 houses. They may commit that we can get so much.

To show a TIF that probably the difference comes to, maybe if you do a pay-as-you-go type structure. If you're willing to get them to reinvest back into it, then you'll give money back to it. Though with our NRA program, the cross analysis on that was one of NRA is a good tool to incent people to live in the urban areas, but if you do a TIF, then you lose the NRA because you're offering it back to that side. We've really moved to a position unless we see something different, single-family TIF is not the direction we look at for housing projects.

Chairman McKiernan said I just looked it up here. Our last TIF update was March of 2014. It probably would be a good time to go back and revisit that, both residential and commercial.

Commissioner Walker said I'd like to see that within the next few months if that's possible.

Chairman McKiernan said again, I think we brought it up in 2014, not only as information, but also just as direction and guidance for a policy on TIF assignment.

Action: Information only.

Item No. 3 – 17945...PRESENTATION/DISCUSSION: FORMER INDIAN SPRINGS MALL SITE

Synopsis: Presentation and discussion on the redevelopment and land use strategy for the former Indian Springs Mall site, submitted by Marlon Goff, Urban Redevelopment Manager.

Doug Bach, County Administrator, said next item up on our agenda, as Commissioner said, was really a discussion about Indian Springs and what we've done in that project area.



You're all very familiar with the site as we had just discussed. It was a former TIF site. When we went to this project area, we started looking at what are our different opportunities here. Our focus has been toward retail. That's really where we've driven the project.

Quick Timeline Summary

- Redevelopment marketing services 2013 – 2016 [Lane 4]
 - × Retail anchored development strategy
 - × Market response and regional trends
 - × Formal marketing service agreement ended in 2016
- Environmental and demolition site work completed January 2017.

We brought in Lane4 who has some members here that are interested in hearing what we have tonight.

We took that, said retail anchor strategy, what are we going to do, how do we make this work in the area, and had them work on this for the last few years. Unfortunately, as we all know, we've not been able to come up with success in that regard of how we make retail come into the project area. I know Lane4 has gone back and they've worked on various concepts of how maybe they could get smaller boxes into the units, different emphasis to that. It just really has not played out today.

As we start to look forward to this, I'm going to kind of share this presentation with Marlon Goff from Economic Development who's been working on it.



We spread this out, looked at it. It seems like the trade area as, you know Marlon puts up here, it shows there seems to be a high need for it in the sense that you have to go a long ways out to get to a lot of different numbers. Though, as this says, we have the high population not as dense right around it. If you get in that three-mile radius, there are 65,000 people, but we still can't bring in a lot of the trade or get anyone to attract in the area. We've done lots of analysis around this area and haven't been successful with it.

Business Parks

Common Users:

- Window & Door Wholesalers
- Granite/Tile Wholesalers
- Technology hardware parts
- Fitness Equipment/Apparel
- Machine/Plumbing Supply
- Appliance Wholesalers

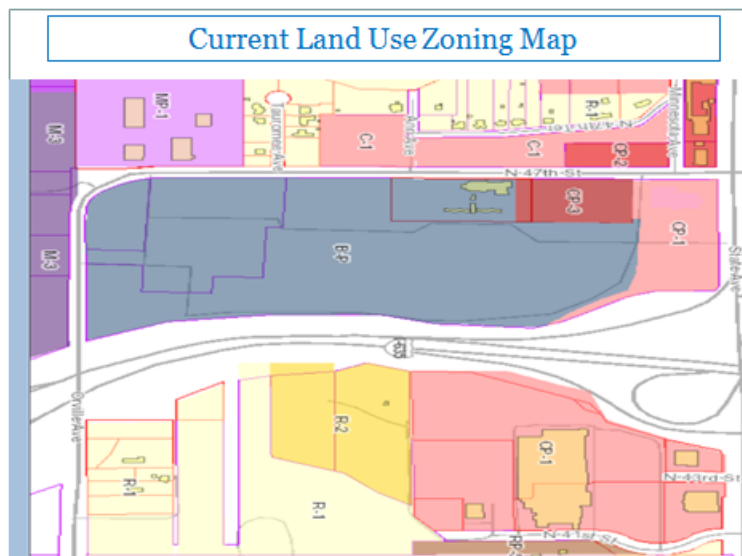



That led us to the next phase of discussion where we sat down with Lane4. They talked about is there a way for us to look at this and say, can we bring in some business park concept into the

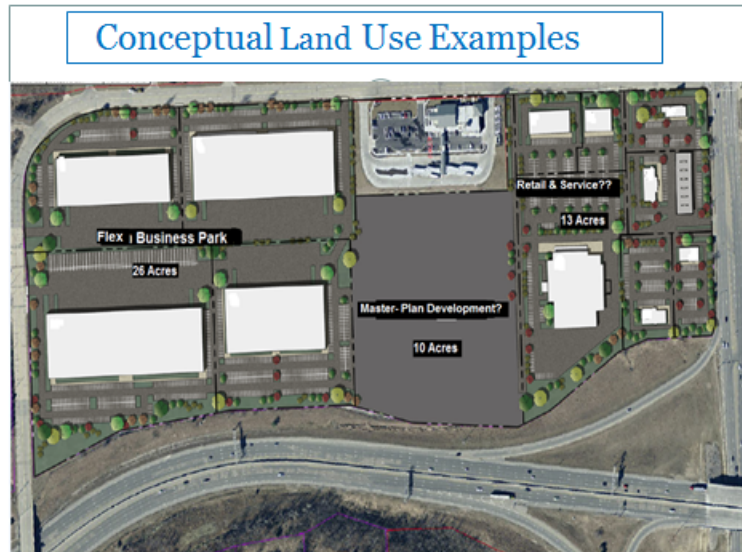
area and kind of share on the project site and make part of it work with that and part of it work to being a retail area.

We pushed with them to see how that could go. They came back to us and really said well, we think we can make the business part of it work, but we can't guarantee the retail. We think it'll put pressure to it to make retail come into play, but can't guarantee to say well, if we build this business park we know we'll be able to do that.

That's where we kind of had to step back from it and go, well, okay, then we need to maybe reevaluate it. I think the previous slide, I'm jumping around on you, Marlon, from the way you put this together.

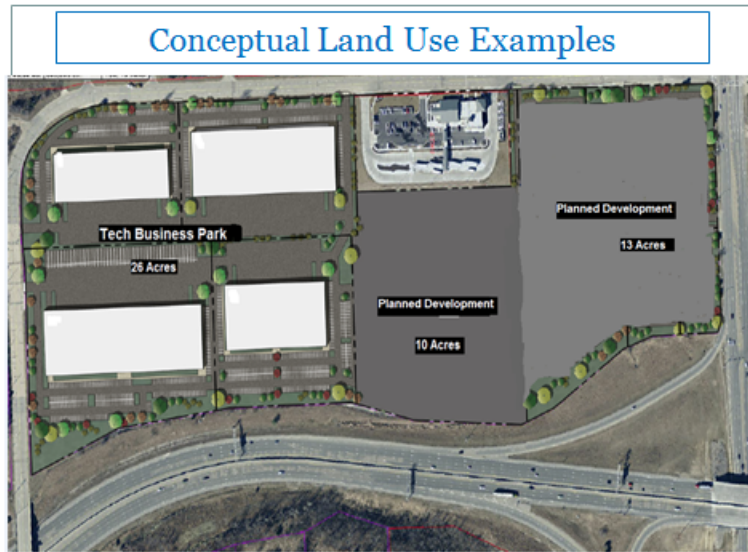


The area was zoned for a business park as it's laid out there. We never have changed that zoning that was put in place back years ago, actually, before we acquired the property. The question we wanted to tee up tonight is, is it a time to change the direction where we're going or do we want to keep it hard to go toward retail and say retail is where we want it to be and it has to be. Marlon, I'll let you kind of talk about kind of what's laid out by this type of plan. Our emphasis here is to kind of put this out here to stimulate this discussion and see if this is the direction that would be okay for us to go in this direction. If we go that way and we get people to propose on it, put together plans to make it all happen, then we want to know we're going to be able to advance it.



Marlon Goff, Urban Redevelopment Manager, said I think this illustration was intended to, I guess, solicit a reaction factoring in the response we've got from our development partners, Lane4 Property Group, from the private sector as they shopped this site as a retail anchor center. Interestingly enough, the sector of development that we've gotten the most solicitation or interest for reinvestment has been that light industrial/flex logistics business park.

If we look at this from that standpoint, how can we best leverage an initial investment, creation of jobs? It kind of makes sense from an access point with interstate highways and transit, and then use the value of the ground, for example, to then create some additional capital, whether that's from the sale of the real property to create a pool of, perhaps, gap funds, or additional revenue to help support maybe some undefined uses on this site. I guess, maybe, a lateral mixed-use for this 50 or 60-acre tract that represents the former footprint of the suburban mall.



Another example, again, if we were to explore, and again depending on the feedback from this body, how then could we go about flushing out what opportunities there are, whether it's retail, services, some unknown planned use that we haven't yet thought of.

Feedback & Discussion of next steps

○

- Formal solicitation of business park developers?
- Land use planning and feasibility for remaining site?

With that, I guess we can open up the floor for initial discussion, response, questions, on any of the information we submitted up to this point. **Chairman McKiernan** said I'm going to certainly invite Commissioners Bynum, Johnson and Philbrook to participate in this discussion. I know they have a keen interest in the redevelopment of Indian Springs.

Commissioner Walker said Commissioners Johnson and Bynum may be well aware, but a little bit of history just so you have it. We acquired this property; the eminent domain statute was going to take effect in July of that year. We set some kind of record in acquiring that property about two weeks before it hit.

The concept they had at the time, and I think Mayor Joe Reardon was in office, was that we wanted this to do something to anchor if you want to go out certainly in Wyandotte County, at least the two miles around it, maybe further on the north side than the south because of the river. The idea has been that what we want to do is bring something that brings a stability, hope maybe is another word, for the people that live within that radius, whether it's one, two or three-mile radius. That has kind of driven, as I recall, the dialogue up to this point.

I'm not saying that we should or shouldn't still continue to want that to be the case, but Lane4 does a pretty job in my observation around the metropolitan area. I'm beginning to wonder if after this long a period of time if we do need to take a look at what our ultimate goal is for this. I drive by that so many times. I'm thinking back when I was a kid and a young adult, and even into college, how many times did I take that turn and go in there and spend money and shop, sometimes even go out there in later years and walk. They had a hell of a crowd everyday just walking in the mall, buying coffee or donuts or whatever.

Obviously those don't work. If they don't work at 95th and Metcalf, they don't work at I-635 and State Avenue. Clearly, I don't know which way to go is best for that. You three, it's your districts, maybe you have a better concept of what will fly there. I just can't, I don't want to give up on the idea of mixed-use, residential, retail, maybe some more traditional business not flex/industrial, but we've been at it quite a while.

We've had a number of proposals. As you recall, there was an attempt made when Dennis Hays was still here to do something. There's a long story there. The developer was dead and we were negotiating with some surrogate of his. We didn't even know he was dead for a couple of years, or a year maybe. We had no commitment to do anything but one 50,000 square foot building. It's not been just the last three years that Lane4 has had it. It's been quite a while that we have had our antenna out trying to lure something there. I'm going to say, depending on the will of the Commission, I'm ready to look at something because something happening there is better than what's not happening now.

BPU Board Member Alvey said I guess the question other than the lost tax revenue, of course no jobs there, no amenities, is there any other cost associated with this that the UG is responsible for each year. **Mr. Bach** said we have bonds out on this site. We're probably now told, we're probably close to \$20M that we have in expenses out in this whole area. **BPU Board Member Alvey** said we need to get paid back. **Mr. Bach** said it'd be nice to get some revenue coming back on the site.

Kathleen, do you have any idea what our debt service is on that? Some if it we're just doing now with the bond issue. We're coming forward where we did on the demolition on the site which was around \$2.5M or so. I mean, I'm adding all that into it collectively. We're not at that. We're under that number.

Commissioner Walker said I don't recall what the actual owner got. They did appeal the eminent domain award. **Mr. Bach** said it was about, I want to say, around \$7.5M. **Commissioner Walker** said \$7.5M for it. Believe me; it wasn't worth \$7.5M at that time. **Mr. Bach** said and then we paid relocation expenses on top of that because we used eminent domain. Part of that was the school. There was money that they used for benefit. They put that toward their new business, their new office buildings that they put in. That's some reinvestment monies. You can look at that in different ways of how that worked into it. Our governing body's eyes were wide open when we did that knowing that part of that relocation was going to go toward a benefit. At the time, I think they'd hope we were going to come downtown with that, but they opted to end up going where they did. There were no strings on that so they could do what they thought was in their best interest, then a couple of other businesses.

There's still one. There's still the dental clinic that sits on the site. We collect rent from them and they also provide a good community service.

Commissioner Bynum said I just had a couple of questions and comments really. The original use with the developer that the UG was in negotiation with only made it to the level of one 50,000 square foot building. I'm only asking out of curiosity and background. **Commissioner Walker** said my recollection is that the only commitment was that. **Commissioner Bynum** said commitment, okay. **Commissioner Walker** said, of course, the plan; the hope was that they were going to do a lot of other. **Commissioner Bynum** said and retail. **Commissioner Walker**

said they weren't willing to actually put the money where it belonged. We had no idea what was going to go into the 50,000 square foot building either. **Mr. Bach** said my recollection is their final, the only thing they would commit to was if we turned over all the property to them and agreed to demo the whole site that they would then, in turn, agree to build a 40 or 50,000 square foot facility that would be similar to a flea market. That would be kind of their minimum standard to do within five years after we completed clearing the site. We would not advance that to the Commission because that was unacceptable.

Commissioner Bynum said just a couple of questions for me to understand better, flex use versus light industrial. Marlon, can you talk to us about the difference? **Mr. Goff** said it's probably more a product of, so I'll say this is an example of what they consider tilt-up construction, but the interior of the shell is really flexible. It could be modified to say you have a retail storefront where maybe you have a showroom. This is an example of a couple of common users where you've got the builders' grade efficiency windows and doors, granite countertops where he has a showroom, but then he's got X number of square feet in back of the house. Obviously, they're well planned and landscaped, etc.

Commissioner Bynum said I know the one thing that has been talked about a little bit with regard to this area is kind of a health use. Medical offices, medical doctors, things that would complement both State Avenue to the west where we have Cerner and that growth, and hopefully State Avenue to the east where we hope to complete a healthy campus. I just wondered about uses like that. Is there value in trying to provide that as a component of a development? I realize it's a very large area, but we already have the dental there. We have down on the other side of I-635 we have the Swope doctors. Just out of curiosity that's something that I think about, what benefits it brings to the Unified Government, specifically. I can't speak to that. Not really looking for an answer, just a comment.

Mr. Bach said that is kind of an open question a little bit, Commissioner. I guess I would answer that in the sense that if you mix some projects like that on the site that could help drive people to the area, then that probably adds to what could be done along State Avenue to still bring in retail. If you do too much of something like that then you don't allow for the right opportunity. I think that's kind of part of the thought that's in the business park. If you do that,

you drive a few hundred employees to it and it's done, though it's a lower use type retail, but a few people come into the area, then you create more pressure that could allow you to bring some retail up on the State Avenue side. That was part of the philosophy there. That could be the same with the medical.

Commissioner Bynum said I still think, perhaps at the south end, the attractive building of flex or light industrial, as long it's attractive and something we don't mind looking at. I'm okay with that. I'd like to try to keep it on the south end of the site as much as possible to keep open the opportunities for retail and services for the people that live in that circle that has no services in it.

Chairman McKiernan said I had a couple of thoughts on this. Go back to the demographic circle. I've been a proponent of starting something on the south end of this site and, hopefully, it can spur some additional development on the north part of this site. I've been a proponent of that.

Just the other day I was reminded that if you stuck a pin where the old truck stop was on South 18th Street, where Prescott Plaza is now, if you stuck a pin in that before Prescott Plaza was built and drew the demographics and income circle, it really wouldn't have supported Prescott Plaza either. Yet, there it is. It has no residential component to it, but it certainly has a robust commercial, retail, restaurant component to it. It's been successful. Now I'm kind of hedging what I originally thought which was get something started on that site and leverage it out.

I was counter-argued the other day, well, maybe it's not as bleak as you think. One of the things that came up to me, and I said this to Mr. Bach the other day, was to me this circle underlines the importance of the whole SOAR, Stabilization Occupation Initiative. That initiative is designed to put people in those houses, on those streets, in those circles that could then be customers of, or potentially residents of, this development.

Isn't Metro North being redeveloped right now, the former Metro North site, being redeveloped as mixed-use? **Mr. Goff** said right. This illustration really gives you a snapshot of how these national and regional franchises view a given market and evaluate the decision in where they make investments.

When you juxtapose the former Indian Springs mall site with the Metro North site with the Bannister Mall complex, and finally Metcalf South, and we look at the one and three-mile trade markets, it begins to paint a clear picture of trend lines. To your direct question, yes, there have been some redevelopment announcements at both the Metro North site as well as Metcalf South.

Chairman McKiernan said my follow-up question to that would be are there approaches, tools, strategies that they are using that we have not yet used and could use to be more successful on this site. **Mr. Goff** said for retail end use, an anchored center. **Chairman McKiernan** said correct. **Mr. Goff** said I think this is the starting point. It's the question of whether those retailers feel like they're already serving this trade area by simply allowing those consumers the opportunity to drive three miles or five miles from a given pin in the map. They do the compare and contrast.

The cost benefit of if this particular site has, let's say they have 10,000 households in the one-mile trade area, and the average household income is \$70,000, they're weighing the pros and cons of an industry with small margins that's continuing to get pressure put on it from the online component. When they look at bricks and mortar investment, they're really scrutinizing the data and when and where they'll make those capital investments. That's the feedback we've been getting from the market. We just wanted to share that to solicit discussion and feedback to help guide staff on what next steps and how we evaluate what we do have an opportunity to pursue.

Chairman McKiernan said that, then, brings up one more question from me. I don't want you necessarily to answer this, but it's a question I have, which is how confident would we be that if we started with that flex on the south side that it would actually drive the mixed-use, retail, whatnot, on the north side? Could we do that with the intent that we're going to get some retail out here and it doesn't pan out.

Mr. Goff said I think one of the things that's never captured when we just simply look at the trade market because, again, that's analysis of the people who live there. When you start to now create a daytime population, let's say this came with it, a couple of hundred or however many jobs, at this rate, now those retailers start to say, okay, there's my daytime population. That's the theory in thinking that, okay, maybe this use does put pressure on some of the northern sites.

You're right, we've got frontage along State Avenue that has existing former shells of retail, and a little bit to the east near the 38th Street intersection. That's actually where we do have some of the fast, casual pad sites, dry apparel, goods and services. They really stick to the numbers in their formulas. Again, this is one of the strategies we wanted to talk about and see if there is an opportunity for this use, for us to be able to pull out some real, I guess, capital from maybe a transaction or a land sale if we were able to generate support if this type of structure or use made sense. Now, in addition to some new daytime population, some jobs, maybe we'll also have a bit more cash or capital to contribute to further planning and development.

Commissioner Johnson said do we have any data that would suggest that this kind of model would work, maybe not just in the metropolitan area, but maybe in the region where we've seen something like this where it could actually work. I think it's a nice concept. I'd be curious as to have we seen something like this work, or can we do any research to determine whether or not this could work, or it has already been done. I don't know that we necessarily need to try to be market leaders in this kind of new conceptualized thing, but at the same time, I'd like to know there have been a few models in the region where something like this could work.

Secondly, this idea, the flex business park or light industrial, I've heard discussions that suggest that if we were to say we're ready to do something like that, that we have people ready to do that right now. Is that true? Do we really have people that are ready to come in and put in something like that, or is that just something that's kind of some bait that's kind of thrown out there so to speak? **Mr. Goff** said I would say it's fair to say that we've had some direct overtures on where staff or the governing body's interest would be for this particular type of usage.

Commissioner Johnson said back to my first question. Do we know any models that have been successful utilizing the flex business park as kind of a starter to then build more of a mixed industrial? **Mr. Goff** said again, I think the unique part about this site is, in total the former footprint of the mall site and those out parcels is just over 50 acres.

Typically in some other parts of communities where we see flex business parks usually along interstate highway frontage, I would say the park could probably be actually even larger than what we're illustrating here. Certainly, the shadow developments or support retail services,

it may not lay out on an entire 60 acre contiguous parcel, but essentially within the surrounding, I guess, distance from that anchor site.

Certainly, I could think of a city, Lenexa would be a great example where they have a small handful of business parks. You see, let's say, Quick Trip, for example. Again, you've got daytime population employers there. Maybe they want to go out and grab a lunch or just want to pick something on the way to and from. You maybe see it probably even more spread out than just on a site that represents the former mall. That's probably the only difference.

Commissioner Johnson asked what is that Master Plan Development piece, that ten acres. What does that represent? **Mr. Goff** said again, this is just to show conceptually, maybe how we could achieve a couple of different uses for this large site.

If we had the flex business park footprint on the southern portion of the site, and then we'd open up the remaining 25 acres or so for future plan development. We look at the analysis or feasibility. You talk to developers, as Commissioner Bynum pointed out, who have that expertise in office or medical. Then we do another analysis of will this work at this. Can I get the achievable lease rates from my tenants? Those are types of things I would imagine would go into the analysis to determine, not just if that's the highest and best use, but if we can deliver a feasible project with capital investment who's also willing to participate in that public/private partnership. Those three legs of a stool are all necessary to pull something like this off.

Commissioner Johnson said I agree with what I heard. I heard comments from Commissioner McKiernan. I heard some comments from Commissioner Walker.

One, with Commissioner McKiernan, you need somebody that has some vision. Somebody with a vision came into the truck stop on 18th Street and I-70 and turned that into something that is doing very well. I've spent money down there regularly. You need somebody that can have a vision and the dexterity to be able to do something, nothing against the persons that are doing this right now, and not only that, but something that can spur something beyond just that site. Because to me, when I look at that site, I'm also thinking across the highway to the east. I'm also thinking all the way down, of course this is in Commissioner Philbrook's district, I'm also thinking how this trend line comes east down State Avenue into 38th Street. You can

think beyond what might happen at Indian Springs, but also how that might translate to where the grocery store was, Tower Plaza, and also where the grocery store once was.

There's some emotional tie, and this is kind of what I'm tying back to Commissioner Walker, there's a real emotion tie, I think, from our constituency about what happens there. I think we need to be really, we need to make a move. They're saying do something, but I think we need to be wise, have some discernment about how we think beyond just this right here and how that can impact a greater 2, 3, 4 mile radius where it might cause further development.

I'm all for the flexed business park if it's something that we think we can get something rolling right now, but we can give a narrative that this is the starting point to something that is much more substantive down the road. I think I'll stop right there.

BPU Board Member Alvey said I echo those comments because really that is kind of a gateway spot of north, south, east, west, not just the freeways, but obviously State Avenue. I guess the question is how long can we sustain not paying off the bonds. It comes back to the debt service question. Can we assume that given one, two, three years that the right mix of retail will come in? If there's no evidence for that, then we're right back at what do we do?

I think you're really right. When I think of the flex business park, I think of the corner of I-435 heading off of I-35 south, I-35 south taking the turn to go I-435 or K-7 or K-10 west. That's where there's an appliance wholesaler. There are other things. They're not organic to the neighborhood. That's the only thing I see. They're really sterile kind of environments that are used during the day or while they're open then, they're empty at night. It's not really what we're talking about I think for that area. Again, it's a question of how long we can sustain not getting the income.

Commissioner Philbrook said thank you, everybody, for making my case. I appreciate, listen, there is an advantage to sitting back and listening because all of these points are excellent and it means that I didn't have to say it all. It also means that a lot of us are thinking along the same lines. I know you guys make fun of me for doing this, but hey, this poor little area has been a sore point in my behind for years. That was long before I was ever elected. Very exasperating for me because, of course, it was at its heyday during my teenage and later years. To see it go to heck in a handbasket was not one of my favorite things to see.

Having said that, I also care very much about what it looks like once people drive north and south on I-635. I want that to be a place they look at and go, wow, something's really happening there because it's one of the only places that you have people going from Johnson County over to North Kansas City and back and forth. That's one of the major highways that people take to the airport. I want them to stop there.

Now, having saying that, I also think we need to get something going so we can get some kind of momentum happening. Having said that, I would like to have Hunter Harris come forward and talk to us a little bit about their thinking about this development. Would you come forward, Hunter? I know we gave you a really tough job.

Does this picture here look similar to the one that you've brought forward to us to take a look at? **Hunter Harris, Lane4 Properties**, said yes. This is the concept plan that we had put together. **Commissioner Philbrook** said talk to us about why you really think this would work to kick it off, and what kind of substantive information would make us feel more comfortable about doing this.

Mr. Harris said well, it's the past two and half years working on this project, watching the retail market, observing all of the other markets, bee bopping around the country to talk to major users such as Menards and other candidates that we were hopeful at one point in time. Going out and listening to a lot of other folks who have opinions about this project.

The writing became very clear late this summer. We did some on three sessions with many of the Commissioners to discuss what the data was pointing to and what some of the conversations we had with many of these users, particularly retail users, were saying about the site. It became very clear to us in speaking to some of these retailers that it lacked for some of the daytime population and the jobs located in this site in order to sustain many of those business models.

At that time when we typically enter into a new asset class that we're not known to you for, such as a business park development, we do a lot of research and we partner with best in class partners. We weren't hotel developers before the Holiday Inn at 39th and Rainbow and the Hilton Home2 Suites which is under construction now, but we went out and found great operators to partner with that help us guide those decisions that we made on the project and how to best develop them.

We began putting together the concept plans that you see here. There are far more advanced plans. This is fairly high level. Running the numbers for what the thesis for this new project was, Indian Springs in 2016 and 2017. What we found was getting activity on the site, getting a project going, getting the community excited about this area, was very important. It provided for the jobs that we needed, the daytime population that we needed for many of these retailers, and it helped put pressure on the front half of the site for what I told many of you this summer and feel very confident about, to go put together a grocery-anchored neighborhood retail shopping center.

It's not going to be a power center. It's not going to be a bunch of junior boxes lined up in a row. There aren't many of those being built in this market, or any market, across the country for lack of retailers that are willing to pay the rents, and just the sheer number of retailers that are doing deals and not actually decreasing the number of the stores that they're opening on an annual basis.

I think that's what you see with Prescott Plaza. That successful retail development, which I happen to think a lot of, is a grocery-anchored neighborhood retail shopping center. That's what you've seen us do with revitalization of some of the centers and also the work that we've done in Argentine and otherwise.

We think the uses are here and now for the back half of this site. We think it helps bring the jobs. We think it helps bring the positivity back to this site to get this going. We think it gives us the pressure that we need to have a grocery-anchored retail shopping center sooner, not later.

Commissioner Philbrook said I've got a couple of questions to follow up on this. About how many jobs do you think we would be creating because I know you had to throw that in the mix? **Mr. Harris** said well, for the types of uses that we'd like to attract here, I'll give you an example.

You talk about somebody that has a showroom up front that might actually produce some sales tax to the site as well, but also have storage in back. Those are likely a higher count of job, but I don't see these types of uses as being major production on this type of site. I just don't think that those types of uses are akin to wanting to neighbor up to what we hope to achieve on the front half of this site. I also don't think this is logistics and distribution either; although

that's not to say that some percentage of X building there might be tenants that wanted to use it for that. We look at this as multi-tenant. I think the project that you're speaking of, College Crossing, which is another successful infill site. Some of the elevations that Marlon had on his PowerPoint slide tonight are very illustrative of the types of uses that we'd hope to attract here.

As to the question of is someone here ready and willing to do this, we are. **Commissioner Philbrook** asked you already have people in line that would jump on this and rent from you. **Mr. Harris** said yeah, the issue therein lies that without a use and a plan approved, it makes it very difficult to go prelease or bring these users because they make very quick decisions. If you have one project that's shovel ready or under construction, or it's being speculated, then that's a deal that's here and now and they have to make business decisions. This is floating around until we grab it, get our arms around it, and drag it down. **Commissioner Philbrook** said pie in the sky. **Mr. Harris** said we are willing to go speculate some construction on the site to make it happen.

Commissioner Philbrook said another question that goes along with that. If we should want to do, if the herd of us decide that we want to change the direction that we had asked you to go in and go with the flex business park type thing on the south end, we would not have to commit to the rest of it? **Mr. Harris** said no, our thought was to stay fluid just like the markets. Retail has changed a lot since we took this assignment over two years ago, two and one-half to be approximate. The number of stores that Walmart opens is volatile. I'll use them as an example.

Our thought was get going on the back. Get the pressure and activity going on site. It would still allow for flexibility for future uses in the middle of the site and give the better odds to attract a grocery and other retail tenants, including medical and other uses, up on the front half of the site.

Commissioner Philbrook said since it's my district, I'll speak up and say that I would like to see us start with something that's very attractive. Of course, I'm very picky about how that's going to look. I want it to look like we're driving past Zona Rosa but closer, or past any higher scale or upper scale location. I don't want it to look like we just put something in there. It has to be pretty. **Mr. Harris** said we agree. **Commissioner Walker** said like the buildings that NorthPoint have done over just across the river. They're attractive. **Commissioner Philbrook** said right, but you understand what I'm saying. **Commissioner Walker** said sure.

Commissioner Philbrook said I don't want to see the back of them. Like you have it set up there, the backs are toward the center so you're not going to see the back end of the buildings per se, hopefully. All you're going to see from the road is the prettier side of the building, not the delivery area.

Mr. Harris said we know it's going to have to be attractive. We know how important this site is for the community. We've been your partner in trying to market this site and bring together projects for a while now so we know the importance of how architecture needs to play to be a successful project here. **Commissioner Philbrook** said I appreciate that. I just have to say that for the people out there in TV land because they need to know that I'm pushing for it because I've been pushing for a long time. It's just, please. Thank you for coming forward.

Commissioner Walters said since we're just having a discussion, my thoughts, it's not in my district, but my thoughts are that it's a very important site for the community. It has been setting idle for a long time. I see the value and the benefit of having the industrial business flex portion of the development if there's a market for it and if we can be successful. I think that makes sense if it's a means to an end which is bigger than it could be without that.

I see nothing on the east side of this plan that is in any way interesting to me. It looks a lot like the 1960s development that is directly west which is underutilized and has struggled mightily over the last few decades. There's underutilized retail, as Commissioner Johnson mentioned, directly east of I-635, so there's nothing inspiring there. I hope we don't go that direction.

What would interest me is some people have mentioned having something there that catches people's eyes or is unique. I don't know that we can compete with Metcalf South or Metro North for more retail, but I think it would be great if we would build a neighborhood there to attract new residents who could live there, work there, dine there, have entertainment there, and make a real mixed-use residential neighborhood. That's much more difficult than parceling it up into development pads.

If we actually wanted to do that, we might have to be the developer rather than just contracting with a retail developer to develop that because that's unusual. In my perfect world, it would be some sort of combination of Zona Rosa, the Freight House District, something with a

vibe that would attract young people to our community and it would be different than the options that they have now.

I hope we have high aspirations for this parcel. I don't think we need more pad development along State Avenue. We have plenty of that on both sides of the street for quite a ways west of this site, and east. I hope we look for something different, unique and a signature item for our community.

Commissioner Johnson said hadn't we talked about that in years past about there being some residential development there. This was many, many, many years ago. It seems to me that I've read in the paper somewhere that there was never okay. It seems to me that I thought I read somewhere that perhaps a true mixed-use development, which would include some residential.

Commissioner Walker said I was just going to mention we'd talked about a Mission Farms concept. It's easy for me to throw out these concepts because I don't really have that business acumen to know that that would work.

Every time certain family members are in town they want to go to this restaurant in Mission Farms. If you've been there, they have restaurants and entertainment. Of course they're right next to one of the longest bike paths anywhere around. You can go anywhere from there. I've never been able to be sure if it's all office on top or whether there's office and residential, maybe residential on the back side. You can't find a place to park there most nights, and we don't go on Fridays and Saturdays.

My ideal world, we'd have something like that on here, but something tells me that the people who do this for a living look at the numbers, it just isn't going to fly at that location.

Mr. Bach said to answer your question, when we initially did the vision plan for this, that's what we put out. You did see that advertised where we came out and said we went through quite a planning process and came back with the mixed-use plan. This was pre-recession time. We did this out and then that proposer that we moved forward with ultimately came in and said they had this whole mixed plan. Then as we sat down to try to get him to commit to it on paper, and of course we started to hit the recession at the time, that's where they went down to only committing to if we did everything, actually do what we've done to today, that they would go do a 40 or 50,000 square foot facility and that'd be it. We weren't able to get where we were trying to get to back then when the market wasn't so robust.

BPU Board Member Alvey said I'm going to echo Commissioner Philbrook and Commissioner Walters. If you drive down I-635 and you get to Metropolitan and you see the industrial park to the west, there is nothing that says this is distinctive, this is something attractive. It's very utilitarian. I think we have to, obviously you would build something that would be attractive. My concern would be, and I don't know the business either, but if you dedicate 26 acres to a tech business park, would that then forestall other possibilities because there would not be the site. Again, I understand the reasons why you would want to get something started.

The idea like the Prescott Center, that serves the neighborhood very effectively, a lot of traffic through there. It's producing a lot of tax. It's really something for the community.

We've, I think, kind of got locked into well, this was Indian Springs. It's meant so much to us. It was a regional draw. We think we have to replace it with the same, but in fact, that may be limiting what we can imagine.

Commissioner Philbrook said yes and yes. My other comment is I talked to Hunter a little bit about this, and we didn't talk during the three-on-threes, about the possibility of starting a walking path through this, and it doesn't show one. Creating some kind of a walking path through this development that would allow people to take that walk, if we get mixed-use, if we get some high-end apartments in with some other stuff. We don't have to assume that we can't have other amenities in here. Does that make sense, David? Okay. I think the basic thing is that we have a lot of options, a lot of options to go on the north 23.

Commissioner Walker asked what is our intent here tonight. Are we going to make a motion to forward this discussion, if he needs..... I don't know squat about how to develop a piece of ground. We've got Lane4. I don't hear any great dissatisfaction with them, per se, or that somebody else is just out there waiting for them to fail so they can come in and do the project. We need to give them something to move forward on.

I haven't heard anything I disagreed with. I love Jim's idea. If there's somebody that could come in and do it, I'm sure Lane4 will do it for them because they're in the game to make money. I think the problem is there isn't anybody going to do that.

Commissioner Philbrook said technically the question is where do we go from this to change our shift from what we had asked originally to this. **Mr. Bach** said that's why we came

because we entered into a two-year contract with Lane4 to go work retail on the site. We pushed them on things to say okay, if you do the business park, can you guarantee you'll do the retail up front. They couldn't go that far, though Hunter, and as he said tonight, has said that he thinks it puts more pressure to allow the retail to come about. They're willing to move forward with the type of business park that we've designed up here and build out on the southern portion of the site.

I wanted to come back before you tonight and say okay, we're confident we can get a business park type concept started on this site, not the big come out here and let's pluck a big building down like we did for Amazon out in Turner Diagonal. That's not what we're talking about at all. We're talking about smaller, yet they're the tilt-up type buildings that come in, but they have a more attractive look to them. That would be on that southern side of it in an effort to put pressure to get other things to develop on the rest of the site.

That does limit what could come there. That doesn't mean that kind of that picturesque mixed-use site that we're thinking about that was proposed years ago, ten years ago, won't happen this same way. That changes that opportunity. It pushes us in a little bit different direction, but we think it gets us in a better position to move forward with it.

That's what I wanted to come forward with tonight and say, okay, are you good with us moving forward in that direction. We would be, I think a lot of Lane4 where they're at, but that's not what they proposed on to do initially. I'd probably go out talk to them, talk to some others, see if that's the best direction we would get out of it. We've only talked to them at this point and said we feel pretty good about it. But I would feel like I need to at least adventure a little bit in that direction. That's the direction I'm looking for.

Commissioner Walker asked well, I guess the question I have does Lane4 want to keep working on this with us. They've worked two years for us. I'm not wanting to throw them out the door. **Commissioner Philbrook** said and then move ahead in the same direction that they suggested. **Commissioner Walker** said yeah. Does Lane4 want to keep working this project? **Mr. Harris** said absolutely.

Commissioner Walker said my own attitude is they put us up a plan here. They think they can make it work. I want to see something built there and working there before I die.

Commissioner Philbrook said I have one more question for you and that is on 23 acres, there's a whole lot of stuff we could do on 23 acres as far as mixed-use and so on. I mean, 23 acres is a lot of area because I've seen some of the developments they've done over in Kansas City, Missouri, where they took two blocks one way and one block the other and it's just phenomenal. **Commissioner Walker** said 23 acres in Manhattan, you'd be the richest person on the island. **Mr. Bach** said we built the soccer stadium on 11. **Commissioner Philbrook** said that's what I'm saying, so there's a whole lot of stuff we can do with 23 acres. I don't want us to feel like we're losing the opportunity to do something really creative because we only have 23 acres left. That's all. I just wanted to make that statement.

Commissioner Johnson said I just want to know what's it going to take to get something started. I want to know what's it going to take. **Commissioner Walker** asked what do you need, Doug, tonight. Do you need us to say move forward with this plan? If you need to take this to the full commission and have a vote we stay with Lane4 or we look for others or what? What are you wanting? **Mr. Bach** said if you tell me that we can go out and get a business park concept on here, that'd be the next thing I'd bring back to your committee. If you say, I don't want to go through all this, take them down the path, we work all that out and get it all done, and come back and say what are you doing. That's not our vision for the site. Don't put it out here in front of us to do just a business park because we're expecting a retail concept.

If you say that's the direction, that's good. We want to see what you can come up with. Bring the best deal you can back here because, I think as Marlon said earlier, part of the concept was not only does it put pressure on the site to help people and activity going on there, but I'd also look to bring some of the revenue that's coming in from that site to help with incenting maybe some things that we haven't been able to do on the front half of the site and bring that to it.

In a way I'm kind of looking at the money we have invested in that site is, it's over here. We're paying for that now. Now we've got to put together a project for the future and what's going to happen. If in the future we do get enough revenue, and that starts helping over here, but it has to be how do we recreate the whole Indian Springs site to be successful. I would use revenue that comes from the south half to help with the north half and work from that perspective. That's what I'm looking for direction on.

If I come back with the business park project and say this is what we're doing, you may not like the deal structure I come back with, but I don't want to come back and you say why did you bring that kind of project back. You may say go bid a better deal or work it in a different way.

Chairman McKiernan said Mr. Alvey asked the ultimate question earlier. Do we want a bird in the hand, or do we want to wait. **BPU Board Member Alvey** said and the other thing I think that's an important piece that if you get something moving on the south side, then you could leverage that with other kinds of incentives for something else. That's a piece we hadn't even considered.

Commissioner Philbrook asked does that mean that we're asking Lane4 to come back with a definitive plan. **Mr. Goff** said I'll answer that. I think there's a procurement consideration that I kind of mentioned to Patrick that we want to make sure we understand.

We were under the previous solicitation for our partnership with Lane4 to market the site as a retail-anchored project. I guess the question could be made is are we still, will we need to reauthorize or renew that agreement which currently has expired? I guess from a procurement standpoint, does that prompt a question of whether or not we need to open this back up for other developers who too may be interested in presenting a project with this new use, this new conceptual land use?

Commissioner Philbrook said having spoken legalistically, you're still not sure which way you need to go is what it sounds like. **Commissioner Walker** said no, no, no. We extend professional service contracts all the time. We had the same bond counsel for ten years without a bid. We do it with other professional services. It comes down to an administration call.

I don't have any great inclination to rebid this. **Commissioner Philbrook** said I don't either. **Commissioner Walker** said, first of all, I'm not optimistic that there's anybody else that is going to want to bid on this with any kind of, that's my opinion. **Commissioner Philbrook** said and they did bring forward this concept to us. Then to kick them to the curb after they did the hard work to bring it forward, just seems disingenuous to me. **Commissioner Walker** said this is public record now. If I got the bid, I'd bring this plan right back to you.

Commissioner Walters said I thought our previous deal with Lane4 was that they were our agent and they were to find other people to develop it. **Commissioner Philbrook** said well, they will, and they do. **Commissioner Walters** said hear me out.

If they're going to develop it themselves, that is a fundamental change of the approach, is it not? **Mr. Bach** said I think our contract actually had it work both ways. They were going to be, they were able to go out and do brokerage work to bring back a developer for the site, but there was the option within it for them to be the actual developer if they found the right way to do it as well. **Commissioner Walters** asked will they be able to get other developers to participate in this. Do other developers know that Lane4 could also participate?

Mr. Harris said I'll attempt to address. I think you accurately answered that. There's some language in the agreement that if we have a project we could bring it forward. It's basically a right of first refusal is how I read it.

We are ready to move forward on the flex/tech park as the developer, but in concert with a partner who does the leasing and the management and has extensive background in those fields because it's not what I do on a daily basis. It's more of what we're considering doing on a daily basis, but it's just like the hotels we did on Rainbow. Then we would continue because I think the key here is finding the right balance between the front half of the site and the back half of the site and not letting one piece move in one direction without some concern and oversight for what the front half of it is. Since we're able vis-à-vis partnership to steer the entire ship, that was the thought.

Chairman McKiernan said I guess my question for you, Mr. Bach, is after all of this, do you have the direction that you need, at least if there seems to be....**Mr. Bach** said I think what I'm getting from here is we can put together a flex space business park type concept to bring back here. The big picture will show how we hope to build the rest of the site out, but it's not going to be one that comes in and shows the rest. Maybe things change in the time period that that happens, but right now, this is how we'll build this and this is what we hope to have—how this could influence the rest of the site. That's what we were after.

Commissioner Bynum said I just want to be clear. I just want to be very clear, yes, for the back half only. I'm not interested in that entire parcel being a business park, but I am interested in what we've all already said, some momentum, some pressure, some planning for what the north part of it could be, and frankly, even the west side of 47th Street going forward. I just want to make myself very clear, not the entire development area. **Mr. Bach** said that's understood.

Action: Information only.

Adjourn

Chairman McKiernan adjourned the meeting at 7:12 p.m.

mls

January 30, 2017



Staff Request for Commission Action

Tracking No. 171090

Full Commission Meeting Date: NA

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/1/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/12/2017	<u>Contact Name:</u> Reginald Lindsey	<u>Contact Phone:</u> x5292	<u>Contact Email:</u> rlindsey@wycokck.org	<u>Department/Division:</u> Budget
<u>Item Description:</u> Budget Revisions greater than \$50,000 submitted by Reginald Lindsey, Budget Manager. No action is required				
<u>Action Requested:</u> <i>For information only.</i>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Budget Revisions over \$50,000				

BUDGET REVISIONS \$50,000 OR GREATER *(For information only)*

ENTRY	FUND	DEPARTMENT	CMIP/OPERATING	DESCRIPTION	FUNDING SOURCE	AMOUNT	DATE APPROVED
1	Elections Levy	Elections	Operating	Reallocate funds within Elections Budget to provide upcoming election services	With In Department	\$88,613	March 10, 2017
2	City General	Police	CMIP	Shift CMIP Equipment Budget to reflect priorities	With In Department	\$94,000	March 16, 2017
3	County General	Sheriff	CMIP/Operating	Double Bunking Equipment & Supplies	With In Department	\$64,955	March 20, 2017
4	County General	Sheriff	Operating	Jail Facility Plumbing Repair	With In Department	\$84,241	April 7, 2017
GRAND TOTAL						\$331,809	



Staff Request for Commission Action

Tracking No. 171102

Full Commission Meeting Date: NA

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/1/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/18/2017	<u>Contact Name:</u> Lisa Nolan, Kathleen VonAchen	<u>Contact Phone:</u> x8176, x5186	<u>Contact Email:</u> lnolan@wycokck.org, kvonachen@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Summary of invested revenues for the 1st quarter 2017. Submitted by Debbie Pack, Treasury Manager and Lisa Nolan, Deputy Treasurer.

Action Requested:

For information only.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

1st Quarter Investment Report



Unified Government of Wyandotte County and Kansas City, Kansas
Investment Portfolio Compliance Report
 March 31, 2017

Investment Summary - Aggregate Portfolio By Type of Investment

Security Type	Original Cost	Market Value ¹	Amortized Cost ²	% of Portfolio	% Permitted by Policy	In Compliance	# of Days to Maturity ³	Average Yield ³
Property Tax Held for Entities⁴	\$2,000,000	\$2,000,000	\$2,000,000	na	see note 4	✓	3	0.75%
Cash Equivalents	\$82,836,000	\$82,836,000	\$82,836,000	44.5%	100%	✓	3	0.75%
Temporary Notes	\$82,125	\$82,125	\$82,125	0.0%	10%	✓	123	1.10%
Total Liquidity	\$82,918,125	\$82,918,125	\$82,918,125	44.6%			63	0.75%
Certificates of Deposit	\$97,000,000	\$97,000,000	\$97,000,000	52.2%	100%	✓	537	1.21%
Federal Agency Securities	\$6,087,488	\$6,057,000	\$6,031,922	3.3%	50%	✓	473	0.75%
Total Securities	\$103,087,488	\$103,057,000	\$103,031,922	55.4%			295	1.18%
Total Portfolio	\$186,005,613	\$185,975,125	\$185,950,047	100%			297	0.99%

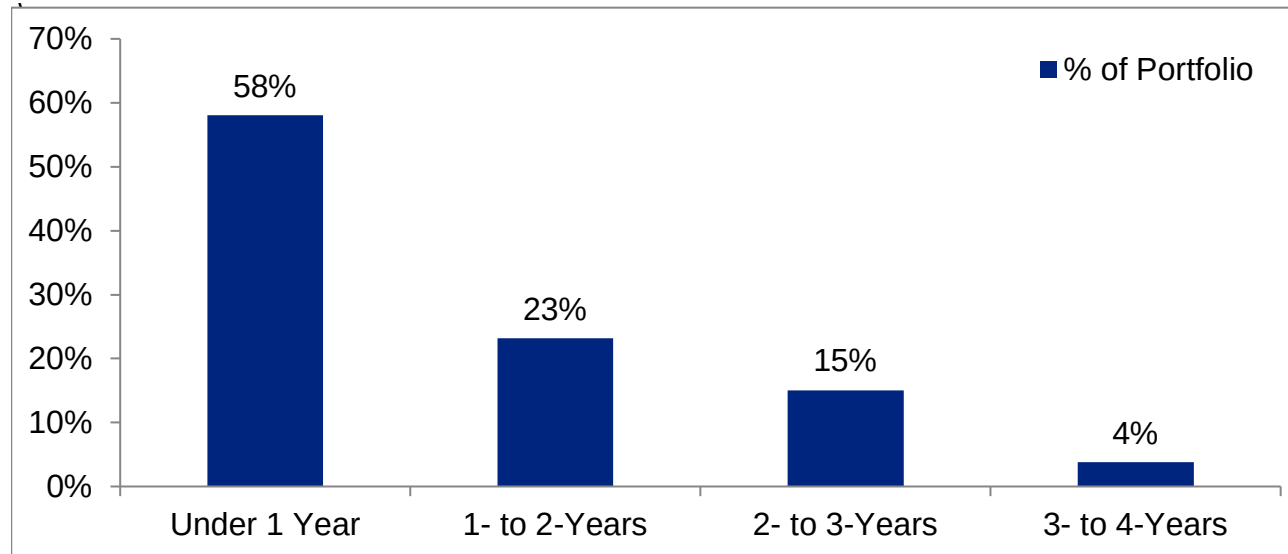
1. Market values provided by UMB Bank, Third-Party Safekeeping Custodial Agent.

2. Amortized cost is the original cost of the principal of the security adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report.

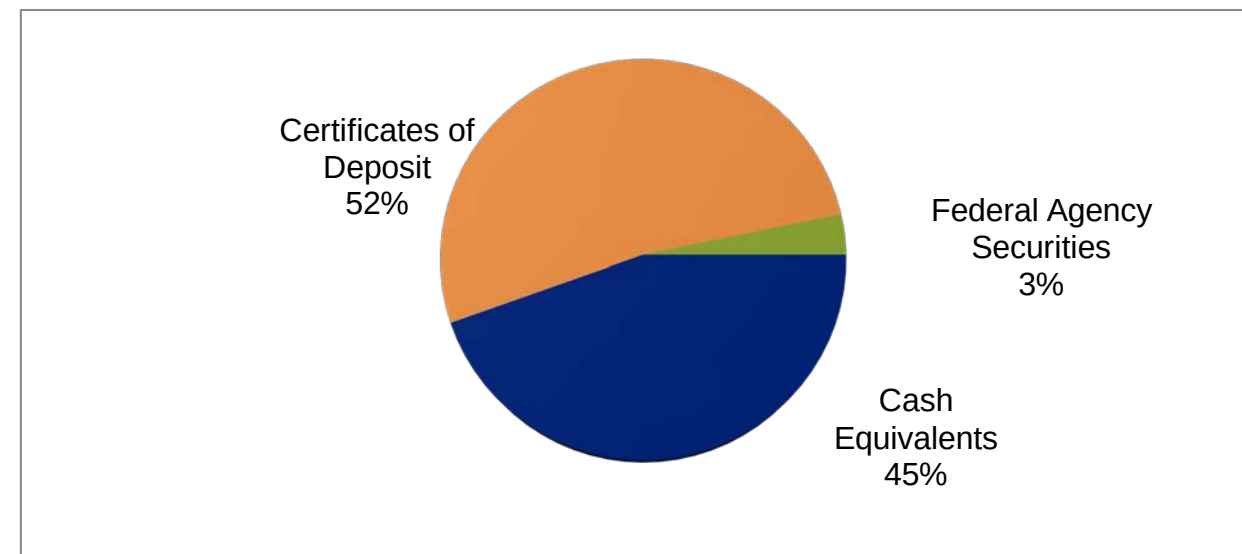
3. Averages shown are weighted averages calculated based on original cost. Average maturity is shown as days.

4. Property Tax collections temporarily held by the County on behalf of other governmental entities is not a part of the Unified Government's cash and investment value for financial reporting purposes. The cash being held in trust is presented here for informational purposes.

Maturity Distribution



Sector Distribution





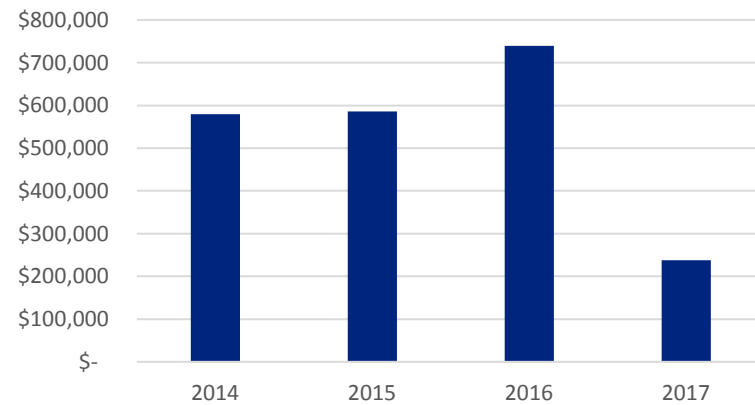
Unified Government of Wyandotte County and Kansas City, Kansas
Investment Portfolio Compliance Report
March 31, 2017

Compliance

	Yes	No
<i>Liquidity</i>	☒	☐
<i>Permitted types of investments</i>	☒	☐
<i>Limits within investment categories</i>	☒	☐
<i>Limits within single agency/institution</i>	☒	☐
<i>Limits relating to maturity</i>	☒	☐
<i>The investment report herein shown along with ongoing income provides sufficient liquidity to meet estimated expenditures for next 6 months</i>	☒	☐

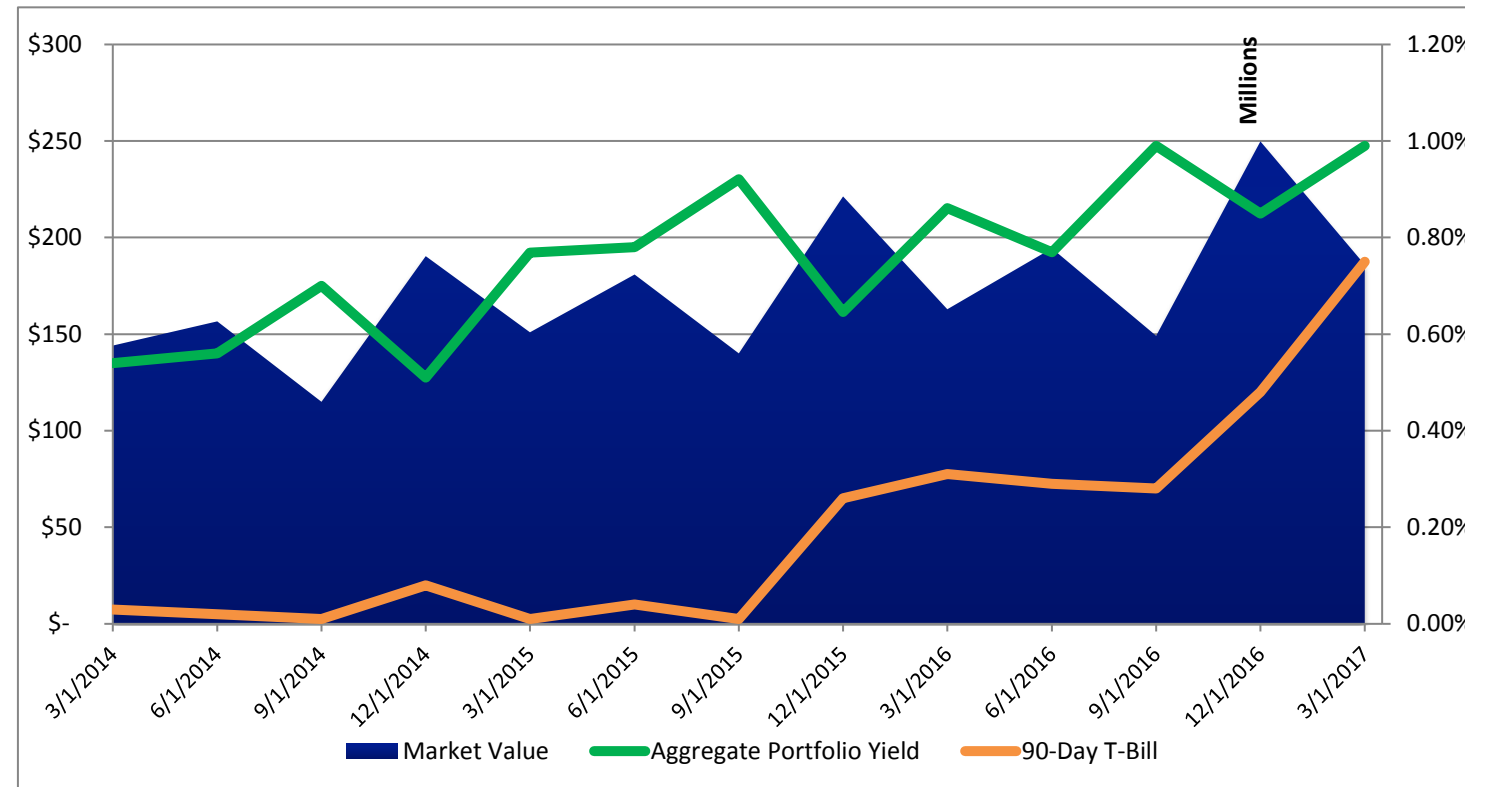
The investment report herein shown along with ongoing income provides sufficient liquidity to meet estimated expenditures for next 6 months

Interest Earned



Historic Portfolio Size

Aggregate Yeild vs. 90-Day T-Bill Rate



CFO Note: Due to the recent change in the investment policy and the late December 2016 influx of property tax payments, various investment policy compliance parameters were exceeded. Investment policy allows this property tax collection event to be considered an exception since much of these funds are distributed to the local government taxing entities in the following month. In the next few quarters the CFO will adjust investment strategies to come into compliance with the next policy.

Kathleen VonAchen

Kathleen VonAchen
Chief Financial Officer

March 31, 2017

Date



Unified Government of Wyandotte County and Kansas City, Kansas
Investment Portfolio Compliance Report
 March 31, 2017

Issuer Detail - Aggregate Portfolio by Issuer

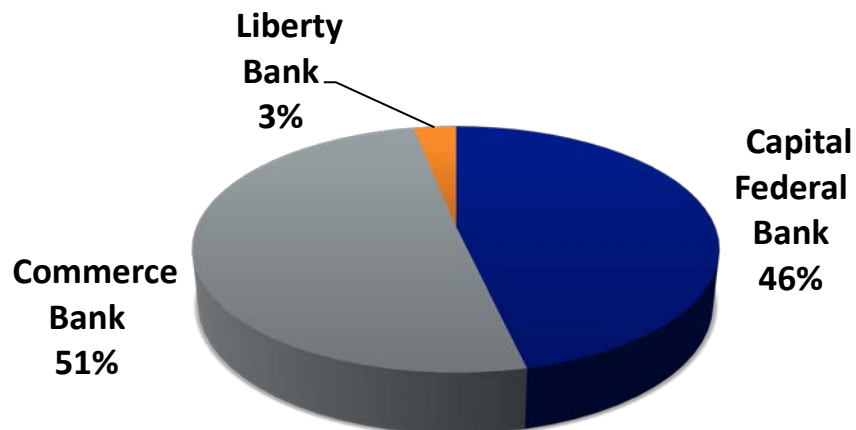
Issuer	Original Cost	Market Value ¹	% of Portfolio ³	% Permitted by Issuer	In Compliance ³	Weighted Maturity ²	Weighted Yield ²
Property Tax Held for Entities³	2,000,000.00	2,000,000	na	See note 3	✓	3	0.75%
UMB, Wyandotte Operating	81,040,000	81,040,000	44%	30%		3	0.75%
UMB, Wyandotte Health	1,796,000	1,796,000	1%	30%		3	0.75%
Cash Equivalents	82,836,000	82,836,000	45%			3	0.75%
Temporary Notes-UG Note	82,125	82,125	0.0%			123	1.10%
Capital Federal Bank	45,000,000	45,000,000	24%	30%	✓	842	1.19%
Commerce Bank	49,000,000	49,000,000	26%	30%	✓	404	1.21%
Liberty Bank	3,000,000	3,000,000	2%	30%	✓	884	1.44%
Certificates of Deposit	97,000,000	97,000,000	52%			537	1.21%
FFCB	1,000,858	1,002,000	1%	0%	✓	175	0.64%
FHLB	5,086,631	5,055,000	3%	0%	✓	532	0.77%
Federal Agency Securities	6,087,488	6,057,000	3%		✓	473	0.75%
Grand Total	186,005,613	185,975,125	100%			297	0.99%

1. Market values provided by UMB Bank, Third-Party Safekeeping Custodial Agent.

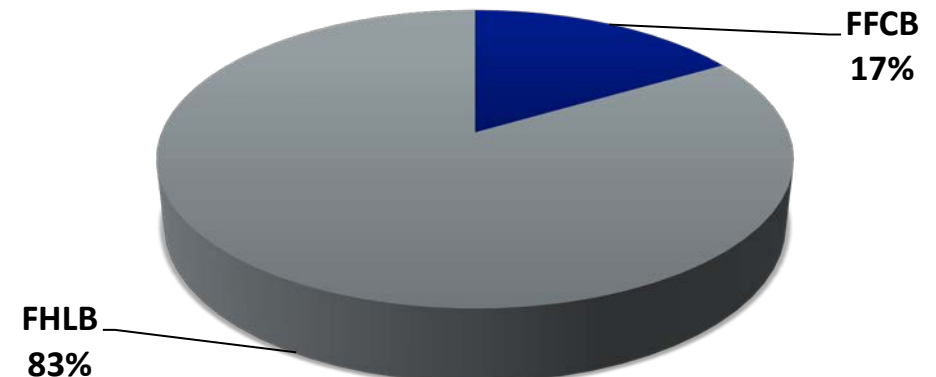
2. Averages shown are weighted averages calculated based on original cost. Average maturity is shown as days.

3. Property Tax collections temporarily held by the County on behalf of other governmental entities is not a part of the Unified Government's cash and investment value for financial reporting purposes. The cash being held in trust is presented here for informational purposes.

CERTIFICATES OF DEPOSIT - BANKS



FEDERAL AGENCY SECURITIES - ISSUERS





Unified Government of Wyandotte County and Kansas City, Kansas
Investment Portfolio Compliance Report
1st Quarter 2017 - January 1, 2017 - March 31, 2017

Quarterly Transactions Detail - Aggregate Portfolio

Settlement Date	CUSIP	Issuer	Coupon	Maturity Date	Par	Original Cost
Thru Q1	NA	UMB, Wyandotte Operating-Other Entities	0.745%	4/3/2017	(64,285,322)	(64,285,322)
Thru Q1	NA	UMB, Wyandotte Operating	0.745%	4/3/2017	3,736,322	3,736,322
Thru Q1	NA	UMB, Wyandotte Health Reserve	0.745%	4/3/2017	(1,245,000)	(1,245,000)
Cash Equivalents					2,491,322	2,491,322
Purchases					-	-
Calls/Maturities					-	-
Total					2,491,322	2,491,322



Staff Request for Commission Action

Tracking No. 171091

Full Commission Meeting Date: NA

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/1/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/12/2017	<u>Contact Name:</u> Deborah Pack	<u>Contact Phone:</u> x2819	<u>Contact Email:</u> dpack@wycokck.org	<u>Department/Division:</u> Treasurer
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Item Description:

Briefing on various options available to residents and businesses for paying property taxes. The briefing will be presented by Debbie Pack, Treasury Manager. The purpose is to provide an update to the Commission on the existing options for making tax payments and new activities the Treasury Division is undertaking in support of Unified Government priorities to reduce property tax delinquencies.

Action Requested:

For information only.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 17968

Full Commission Meeting Date: NA

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/1/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/07/2017	<u>Contact Name:</u> Alan Howze	<u>Contact Phone:</u> x8951	<u>Contact Email:</u> ahowze@wycokck.org	<u>Department/Division:</u> Innovation
<u>Item Description:</u> Briefing on KC Digital Drive (20 min). The briefing will be presented by Aaron Deacon, Executive Director of KC Digital Drive. The purpose is to provide an update to the Commission on the activities and objectives of KC Digital Drive and how they are working with and supporting Unified Government priorities.				
<u>Action Requested:</u> For information only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 171098

Full Commission Meeting Date: 5/11/17

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/1/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/17/2017	<u>Contact Name:</u> Angela Harshbarger	<u>Contact Phone:</u> x5763	<u>Contact Email:</u> aharshbarger@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> Presentation of the proposed 2018-2020 Neighborhood Revitalization Act (NRA) tax rebate program plan.				
<u>Action Requested:</u> Approval of proposed 2018-2020 Neighborhood Revitalization Act (NRA) tax rebate program plan for advancement to other taxing jurisdictions.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NRA Memo of Proposed Changes, NRA Plan 2015-2017				



DEPARTMENT OF ECONOMIC DEVELOPMENT

Unified Government of Wyandotte County/Kansas City, Kansas

701 North 7th Street, Ste. 421
Kansas City, Kansas 66101

Phone: (913) 573-5730
Fax (913) 573-5745

MEMORANDUM

TO: Economic Development & Finance Standing Committee Commissioners
Doug Bach, County Administrator

FROM: Angela Harshbarger, Analyst

DATE: April 21, 2017

RE: Recommended Changes to the Neighborhood Revitalization Act 2018-2020 Plan

After reviewing the current Neighborhood Revitalization Act (NRA) tax rebate program plan, staff is presenting the following recommended changes to the Economic Development & Finance Standing Committee for the 2018-2020 NRA plan:

1. General Eligibility Requirements to Include Properties Where a Contract for Deed has been Filed
(Page 4, Section VII – General Eligibility Requirements)

Recommend change: *Residential Improvements – all of the above must be owner occupied, with the exception of a single duplex, or properties where a contract for deed has been filed with the Register of Deeds.*

2. Special Project Areas
(Page 8, Section A – NRA Commercial Criteria – Special Project Areas)

Current special project areas include: Area 1 (generally east of I-635) and State Avenue Corridor (State Avenue, generally between 69th Street and 82nd Street)

Recommend addition of two special project areas: *Indian Springs – State Avenue Corridor (State Avenue, generally between I-635 and 57th Street), and Leavenworth Road Corridor (Leavenworth Road, generally between 38th Street and 77th Street). The terms and requirements of the proposed Special Project Areas would be consistent with the currently approved Special Project Areas.*

3. Determination of Base Land Value
(Page 9, Section B – Determination of Base Land Value)

Currently reads: *The base land value will be greater of the existing use or the proposed use.*

Recommended change: *Base land value is determined by the current use of the property as of January 1 of the application approval year.*



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4. Businesses Not Eligible for NRA Program Participation
(Page 10, Section VIII – NRA Criteria)

Recommend including language to list the following businesses as ineligible for program participation: *liquor stores, bars and establishments that sell alcohol with less than 50% in food sales.*

This language is consistent with other Economic Development incentive policies and practices.

5. Project Completion Date
(Page 10, Section IX, Item 2 – Criteria for Determination of Eligibility)

Currently reads: *The project must commence after the effective date of the NRA Plan.*

Recommend including language: *Upon approval of the project application, by Economic Development staff, the improvement/construction must be completed within 24 months from the date of application approval, unless otherwise approved in writing by Economic Development staff.*

6. Construction or Improvement Completion Prior to Receiving NRA Tax Rebate
(Page 11, Section IX, Item 5 – Prior to Receiving NRA Tax Rebate)

Currently reads: *The assessed value of residential and commercial property must be increased as described in the NRA Plan for the designated Area(s).*

Recommend including language: *A rebate is based solely on CONSTRUCTION IMPROVEMENTS after the UG Appraiser has established a new 100% project completed value. If there is any percentage increase in assessed value and an increase in taxes, then the applicant is required to pay the increase in taxes and it is not subject to a rebate until construction or improvements are completed.*

7. Conformance with Building Standards Prior to Receiving NRA Tax Rebate
(Page 12, Section IX, Item 7 – Prior to Receiving NRA Tax Rebate)

Recommend including language regarding construction/improvement conformance with current building and development standards: *The new as well as the existing improvements on property must conform to all other applicable codes, rules, ordinances, regulations, and building standards in effect at the time the improvements are made and for the length of the NRA tax rebate, or the rebate may be terminated. The Unified Government County Administrator may request to review any updated drawings/renderings, and proposed landscaping, fencing and lighting plans prior to approval of the NRA tax rebate incentive.*



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8. Remove Rebate Example (Page 14, Section XII, Item 12 – Application Procedure)

Currently reads: Applicant is required to pay taxes each year. A rebate check will be issued to applicant from the Treasurer's Office, after taxes are paid. The tax rebate applies only to the additional taxes resulting from the increase in assessed value of the property due to the improvement. As an example: if taxes paid on vacant land is \$500 and a structure is built on the vacant land (improvement), and now the taxes are \$2,500 (assuming the required assessed value has occurred), the incremental increase in tax is \$2,000. The \$2,000 (less an administrative fee) is that portion that will be rebated accordingly.

Recommend removing the "as example" and including the following statement: Applicant is required to pay taxes each year. A rebate check will be issued to applicant from the Treasurer's Office, after taxes are paid. The tax rebate applies only to the additional taxes resulting from the increase in assessed value of the property based on the improvements of participating taxing jurisdictions.

Attachments: 2015-2017 NRA Plan

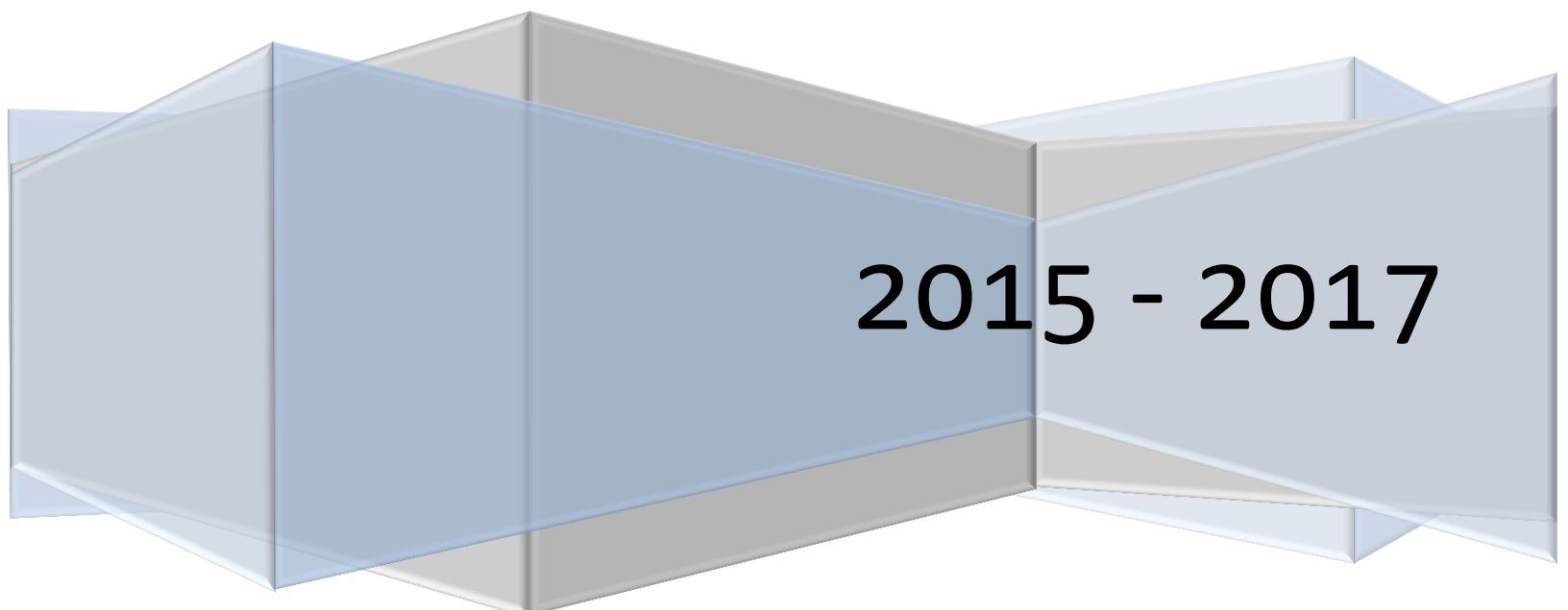
Cc: Jon Stephens, Economic Development
Greg Kindle, WYEDC



Unified Government of
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Kansas City, KS 66101
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Unified Government of Wyandotte County/Kansas City, Kansas

Neighborhood Revitalization Act (NRA) Area Plan



2015 - 2017



Unified Government of
Wyandotte County
Kansas City, KS 66101
(913) 573-5730

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Unified Government of
Wyandotte County
Kansas City, KS 66101
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UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS

NRA Plan 2015 - 2017

I. Purpose:

This Plan is intended to promote revitalization through the rehabilitation, conservation, or redevelopment of designated Areas in order to protect the public health, safety, or welfare of Wyandotte County residents. More specifically, a tax rebate incentive will be available for certain improvements within the designated Areas.

In accordance with the provisions of the Neighborhood Revitalization Act (NRA), K.S.A. 12-17, 114 et seq., the Unified Government Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated Area(s), the criteria and standards for a tax rebate, and the necessity for interlocal cooperation among other taxing units. Accordingly, the Commission has carefully reviewed, evaluated, and determined the Areas meet one or more of the conditions to be designated as a “neighborhood revitalization area.”

Interlocal cooperation between the Unified Government, Kansas City Kansas Unified School District 500, Turner Unified School District 202, Piper Unified School District 203, Bonner Springs/Edwardsville School District 204, and the Kansas City Kansas Community College is a requirement for the implementation of the Plan. Therefore, the effective eligible date is February 19, 2015 contingent upon approval of all Interlocal Agreements between those participating taxing entities by the Kansas Attorney General.

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Unified Government of
Wyandotte County
Kansas City, KS 66101
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II. Map of the NRA Plan Areas and Legal Descriptions

See Exhibit A.

III. Assessed and Appraised Valuation of Real Property

The assessed valuation of the real estate contained in the Area(s) is listed for each parcel with land and building values provided separately. The listing is available for public inspection at the Unified Government Clerk's Office located on the 3rd Floor of the Municipal Office Building at 701 North 7th Street, Suite 323, Kansas City, Kansas 66101. The listing may be inspected during regular business hours, or any time on the Unified Government website at www.wyockck.org.

The appraised and assessed valuation for the parcels contained within the Area(s) is as follows:

	Appraised		
	Land Value	Improvement Value	Total Value
Area 1	\$418,836,480	\$2,007,318,700	\$2,426,155,180
Area 2 East	\$501,231,620	\$1,847,740,070	\$2,348,971,690
Area 2 East - State Avenue Corridor	\$7,525,890	\$58,277,540	\$65,803,430
Area 2 West	\$93,857,920	\$211,514,870	\$305,372,790
Area 3	\$18,756,610	\$41,391,890	\$60,148,500
Area 4	\$335,462,165	\$882,871,170	\$1,218,333,335

	Assessed		
	Land Value	Improvement Value	Total Value
Area 1	\$63,683,326	\$226,019,610	\$289,702,936
Area 2 East	\$58,257,726	\$208,443,613	\$266,701,339
Area 2 East – State Avenue Corridor	\$1,543,630	\$12,431,567	\$13,975,197
Area 2 West	\$17,122,696	\$30,643,166	\$47,765,862
Area 3	\$3,098,970	\$7,553,997	\$10,652,967
Area 4	\$45,195,283	\$122,466,515	\$167,661,798

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IV. Listing of Owners of Record in the NRA Plan Areas

Each owner of record for each parcel of land is listed together with the corresponding address. This listing is available for public inspection during regular business hours at the Unified Government Clerk's Office.

V. Planning and Development Zoning and District Regulations

See Exhibit B for a summary of the overall framework, design, districts, and definitions.

VI. Capital Improvements Planned for the NRA Plan Areas (2014 -2019)

The 2014-2019 Proposed Capital Maintenance Improvement Program was adopted on July 31, 2014.

The Capital Improvements planned for the NRA Plan Areas is available for public inspection during regular business hours at the Unified Government Clerk's Office.

VII. General Eligibility Requirements for NRA Tax Rebate

Residential Improvements

- New construction or rehabilitation of structure.
- NRA projects are limited to Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.

Single-family, Duplex, and Townhomes (New or Rehabilitation):

- Single-family detached is on one (1) parcel.
- Duplex on one (1) parcel is considered one (1) single duplex.
- Duplex on two (2) parcels is considered single-family attached.
- Townhomes with three (3) units on three (3) parcels are single-family attached.

All of the above must be owner-occupied with the exception of a single duplex.

Multi-family Structure Projects (Rehabilitation Only):

- Subject to approval by the District Commissioner and At-Large Commissioner on proposed projects.



- New construction of multi-family projects are not eligible for the NRA tax rebate.
- Multi-family structures are considered three (3) or more units on one parcel.
- Townhomes on a single parcel with three (3) or more units are considered multi-family.

All residential improvements located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate.

A. NRA Residential Criteria

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner-Occupied), and Single Duplex-New/Rehabilitation	15% assessed value	95%	10
1	Multi-family – Rehabilitation Only	15% assessed value	95%	10
1	Historical Structures Owner/Rental – Rehabilitation Only	5% assessed value	100%	10
2 East Turner USD 202	Single-family detached or Duplex single-family attached (Owner Occupied) – New Construction	\$175,000	95%	5
2 East & West	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New / Rehabilitation	15% assessed value	95%	5
2 East & West	Multi-family – Rehabilitation Only	15% assessed value	95%	5
2 East & West	Historic Structures Owner Occupied – Rehabilitation Only	10% assessed value	100%	5
3	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New/Rehabilitation	15% assessed value	95%	5
3	Historic Structures Owner Occupied – Rehabilitation Only	15% assessed value	100%	5
3	Multi-family – Rehabilitation Only	15% assessed value	95%	5
4	Single-family detached, Duplex single-family attached, and Townhome single-family attached (Owner Occupied and have their own parcel), and Single Duplex - Rehabilitation Only	15% assessed value	95%	5



B. Low Income Housing Tax Credit (LIHTC)

- LIHTC projects are ineligible unless it is a new or rehabilitation senior residential housing project for the following categories of residential improvements:
 - A. Single-family detached
 - B. Duplex single or attached
 - C. Townhomes single or attached
 - D. Multi-family
 - E. Mixed-use
- LIHTC projects require Commission approval and a development agreement.

C. Tax Increment Financing (TIF)

- NRA projects are ineligible within TIF districts except within existing TIF districts in Area 1 which are eligible for a ninety-five percent (95%) rebate for five (5) years.
- Developer must be active and current on taxes.

Commercial, Office, Industrial, Retail Improvements

- New construction, rehabilitation, or expansion of structure.
- NRA projects are under Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.
- Commercial application fees for new construction, rehabilitation, and expansion:
 - A. All projects have a minimum fee of One Thousand and 00/100 Dollars (\$1,000.00).
 - B. Projects in Special Project Areas with a construction cost over Ten Million and 00/100 Dollars (\$10,000,000.00) have a fee of Two Thousand and 00/100 Dollars (\$2,000.00).
 - C. The application fee is waived for Land Bank properties.
- New construction, rehabilitation, or expansion of any type of commercial, office, retail, or industrial structure located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate, provided the project is not eligible for an Investment Revenue Bond (IRB) or Economic Development Exemption (EDX).



A. NRA Commercial Criteria

Projects with Construction Cost under Two Million and 00/100 Dollars (\$2,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	95%	5
2 West	Rehabilitation Only	15% assessed value	95%	5
3	New/Rehabilitation/Expansion	15% assessed value	95%	5
1	Historic Rehabilitation	5% assessed value	100%	10
2 East & West	Historic Rehabilitation	15% assessed value	100%	5
3	Historic Rehabilitation	15% assessed value	100%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	95%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5

Projects with Construction Cost of Two Million and 00/100 Dollars (\$2,000,000.00) to Three Million and 00/100 Dollars (\$3,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
2 West	Rehabilitation Only	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
1	Historic Rehabilitation	5% assessed value	80-90%	10
2 East & West	Historic Rehabilitation	15% assessed value	80-90%	5
3	Historic Rehabilitation	15% assessed value	80-90%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5



Projects ranging between construction cost of Two Million and 00/100 Dollars (\$2,000,000.00) and Three Million and 00/100 Dollars (\$3,000,000.00) have a rebate starting at seventy-five percent (75%) and eighty percent (80%) for historic rehabilitation with the ability to increase the percentage by ten percent (10%) for using Local, Minority, or Women (LMW) business entities as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years. Applicants must contact the Contract Compliance Department to set LMW goals.

Special Project Areas

- Special projects are permitted in two areas:
 1. Area 1
 2. State Avenue Corridor
- Special projects are over Three Million and 00/100 Dollars (\$3,000,000.00) in construction cost.
- Special projects must meet one (1) of the following three (3) criteria:
 1. Retail in nature;
 2. Environmentally contaminated area; or
 3. Historic designation by either the State of Kansas or the Federal Register.
- The projects will be subject to construction participation requirements for the utilization of LMW contractors as provided in the IRB tax abatement policy. Projects meeting these criteria will be eligible for consideration of up to a twenty (20) year rebate starting at seventy-five percent (75%) and increased by ten percent (10%) for using LMW business entities as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years.
- Projects proposed under this provision will require specific approval by the Full Commission at a public meeting.

Special Project Area	Type of Investment	Minimum Value	Rebate	Yrs.
Area 1	Projects over \$3 million	15% assessed value	75-85%	Up to 20
State Avenue Corridor	Projects over \$3 million	15% assessed value	75-85%	Up to 20



B. Determination of Base Land Value

The base land value will be the greater of the existing use or the proposed use.

C. Transfer of Ownership

The NRA tax rebate has unlimited transfer of ownership during the original application term.

D. Economic Development Staff Establishes Factors for Adjustments in NRA Base

E. Application Fees Waived for Land Bank Properties

F. Prevailing Wage Language Is No Longer Utilized

G. New Multi-Family Construction Is Not Eligible for NRA Tax Rebate

H. Areas 3 and 4 Are Eligible for NRA Tax Rebates

I. Commercial Application Fee

There is a minimum application fee of One Thousand and 00/100 Dollars (\$1,000.00). The application fee for a Special Projects Area and construction cost over Ten Million and 00/100 Dollars (\$10,000,000.00) is Two Thousand and 00/100 Dollars (\$2,000.00).

J. The NRA Project Value Eligibility Is Based on Construction Cost

K. Economic Development Staff Checks Tax Delinquency Status

L. NRA Plan Implementation

The NRA Plan will only be implemented in the NRA Areas where the Unified Government, the Kansas City Kansas Unified School District 500, Turner Unified School District 202, Piper Unified School District 203, Bonner Springs/Edwardsville Unified School District 204, and the Kansas City Kansas Community College all agree to participate. The School Districts and the Community College may not alter the Unified Government NRA Plan guidelines. However, a School District may exclude the capital outlay portion of its school tax levy.

M. Effective Date of NRA Plan Implementation

The NRA Plan is effective from February 19, 2015 to February 19, 2018 provided the Kansas Attorney General approves all Interlocal Agreements between the participating taxing entities.



N. Administrative Fee

- An administrative fee of five percent (5%) of the tax increment remains in the Neighborhood Revitalization Trust Fund to cover administrative costs.
- The administrative fee is waived for properties with historic designation by the State of Kansas or Federal Register.

VIII. NRA Criteria

- The NRA tax rebate percentage is based on the taxes levied by participating NRA taxing entities within the NRA Areas.
- Improving existing structures or construction of accessory structures such as gazebos, storage buildings, workshops, barns, or swimming pools are not eligible. Garages are eligible.
- An individual project cannot receive IRB or EDX.
- Special projects exceeding the Three Million and 00/100 Dollars (\$3,000,000.00) construction cost cap are eligible.
- See the NRA criteria matrices in Section VII above for terms.

IX. Criteria for Determination of Eligibility

1. To be eligible, an applicant cannot have delinquent property taxes on any property currently owned by the applicant in Wyandotte County.
2. The project must commence after the effective date of the NRA Plan.
3. A project is deemed commenced when a completed application pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation is received by the Economic Development Department.
4. The following documentation is required to accompany Part 2, Section A and B:

Pre- and Post-Construction, Renovation, or Expansion Requirements

The following required documentation must be submitted with the application prior to any construction, renovation, or expansion in order to be eligible for the NRA tax rebate:

- A copy of the building permit that shows the estimated project cost (this is not the permit that is posted on site).



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- In some cases, permits come in stages. For example, permits for footings or demolition come before building permits are issued.
 - All permits must be submitted. For example, a building permit must be submitted prior to any construction, renovation, or expansion.
- Application fee (if applicable).
 - Pictures of proposed interior/exterior improvements.
 - Picture of the property with address (if existing structure).
 - An aerial map of the parcel/property.
 - Plans/Renderings (in PDF format):
 - Residential new - house plans.
 - Residential renovation/addition – project renderings (this can be same as submission to Building Inspections Department).
 - Commercial new – architectural front elevation drawing.
 - Commercial renovation/expansion – interior/exterior project renderings (this can be same as submission to Building Inspections Department)
 - A list of improvement costs or improvement bid estimates.

Prior to receiving NRA tax rebate, the following required documentation must be submitted:

- A Certificate of Occupancy (CO) or an approved Final Inspection form signed by the Building Inspections Division of the Neighborhood Resource Center (NRC).
 - Pictures of the completed improvement.
 - Receipts or certification of construction expenses.
5. The assessed value of residential and commercial property must be increased as described in the NRA Plan for the designated Area(s).
 6. The improvements must conform to the Comprehensive Land Use Plan and Zoning Ordinance in effect at the time the improvements are made.



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7. The new, as well as the existing improvements on property must conform to all other applicable codes, rules, ordinances, and regulations in effect at the time the improvements are made and for the length of the NRA tax rebate, or the rebate may be terminated.
8. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any NRA tax rebate or future rebate until such time as all taxes and special assessments have been paid. If such delinquency occurs after entry into the NRA tx rebate program, the owner shall have no more than ninety (90) days to bring the taxes current or the property shall no longer be eligible for the NRA tax rebate and participation terminates. Any ineligibility does not extend the term of the program.
9. Any commercial, office, industrial, and retail projects not eligible for IRB or EDX with a cost of less than Three Million and 00/100 Dollars (\$3,000,000.00) are eligible.
10. Project value is based on construction cost.

X. Unified Government Application for NRA Tax Rebate Sample Application

See Exhibit C.

XI. Contents of Application for NRA Tax Rebate

- Part 1, Section A:** General Information (See Exhibit D)
- Part 2, Section A:** Application (See Exhibit C)
- Part 2, Section B:** Status of Construction Completion (See Exhibit E)
- Part 2, Section C:** County Appraiser's Statement of Percentage Requirements (See Exhibit F)
- Part 2, Section D:** Economic Development Statement of Tax Status (See Exhibit G)
- Part 2, Section E:** Statement of Application Conformance for NRA Tax Rebate (See Exhibit H)

XII. Application Procedure

1. The application can be obtained from the Economic Development Department or the Building Inspections Division of the NRC, concurrent with a building permit. However, if the building permit has already been obtained or no permit is required for the work, an application can be obtained in person at the Economic Development Department



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located at 701 North 7th Street, Suite 421, Kansas City, Kansas 66101 or at the Unified Government's website under Economic Development Department at <http://www.wycokck.org/economic/>.

2. Prior to any new construction, renovation, or expansion, the applicant shall submit to Economic Development staff a completed application pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation. When the project is completed, the applicant shall submit required post-construction documentation prior to receiving the NRA tax rebate.
3. Request the Building Inspections Division to reference in its files that the applicant is applying for the NRA tax rebate and to forward a copy of the building permit to the Unified Government Appraiser.
4. Prior to December 1, following commencement of construction, renovation, or expansion and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the NRA application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department.
5. On or before January 1, after the project is completed, the Unified Government Appraiser shall conduct an on-site inspection, review the construction records, and determine the new valuation of the real estate. The Appraiser shall submit a report of the new valuation and the revised tax information by June 1 to the Unified Government Treasurer.
6. Upon determination that the status of the improvements as of January 1 meets the eligibility criteria, the Appraiser shall certify the percentage requirements of Part 2, Section C to the Unified Government Clerk, Treasurer, and Economic Development Department.
7. Economic Development Department staff will notify the Appraiser of any new NRA applications and input the documentation for tracking.
8. Economic Development Department staff will notify the Finance Department of completed NRA tax rebates on an annual basis.
9. Economic Development Department staff will administer Part 2, Section D: Statement of Tax Status. If the taxes are not current, the application is denied until taxes are current.
10. Economic Development Department staff will forward Part 2, Section E: Statement of Administrative Application Conformance for NRA Tax Rebate to the Appraiser and the Treasurer upon completion of the administrative documentation for the project.



11. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year extending through the specified NRA tax rebate period, and within a thirty (30) day period following the date of tax distribution by the Unified Government to the other taxing units, the NRA tax rebate, less the appropriate administrative fee, shall be made to the applicant. The tax rebate shall be made by the Unified Government Treasurer from the Neighborhood Revitalization Fund established in conjunction with the Unified Government and the other taxing units participating by Interlocal Agreement. The Unified Government Finance Department and the Economic Development Department staff will make reports to the Unified Government Commission and other taxing units.
12. Applicant is **required** to pay taxes each year. A **rebate check** will be issued to applicant from the Treasurer's Office **after taxes are paid**. The NRA tax rebate applies only to the **additional taxes** resulting from the increase in assessed value of the property due to the improvement. For example, if taxes paid on vacant land is Five Hundred and 00/100 Dollars (\$500.00) and a structure is built on the vacant land (improvement) that raises the taxes to Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) (assuming the required assessed value has occurred), the incremental increase in tax is Two Thousand and 00/100 Dollars (\$2,000.00). The Two Thousand and 00/100 Dollars (\$2,000) less an administrative fee is the portion that will be rebated.
13. Applicants appealing their appraised values may jeopardize their eligibility for NRA participation for that year and following tax years and may initially encounter a one (1) year delay in determining their eligibility for NRA participation.
14. A copy of the certification for transfer (NRA Transfer of Deed form at the end of the application) must be used when transferring the NRA tax rebate. The certification should be completed when the property is sold and then sent to the Economic Development Department, Attention: NRA Program Staff, 701 North 7th Street, Suite 421, Kansas City, Kansas 66101. In such situations, the occupant may then be eligible to receive the NRA tax rebate pursuant to all other program criteria.

XIII. Unified Government Tax Levy Schedule

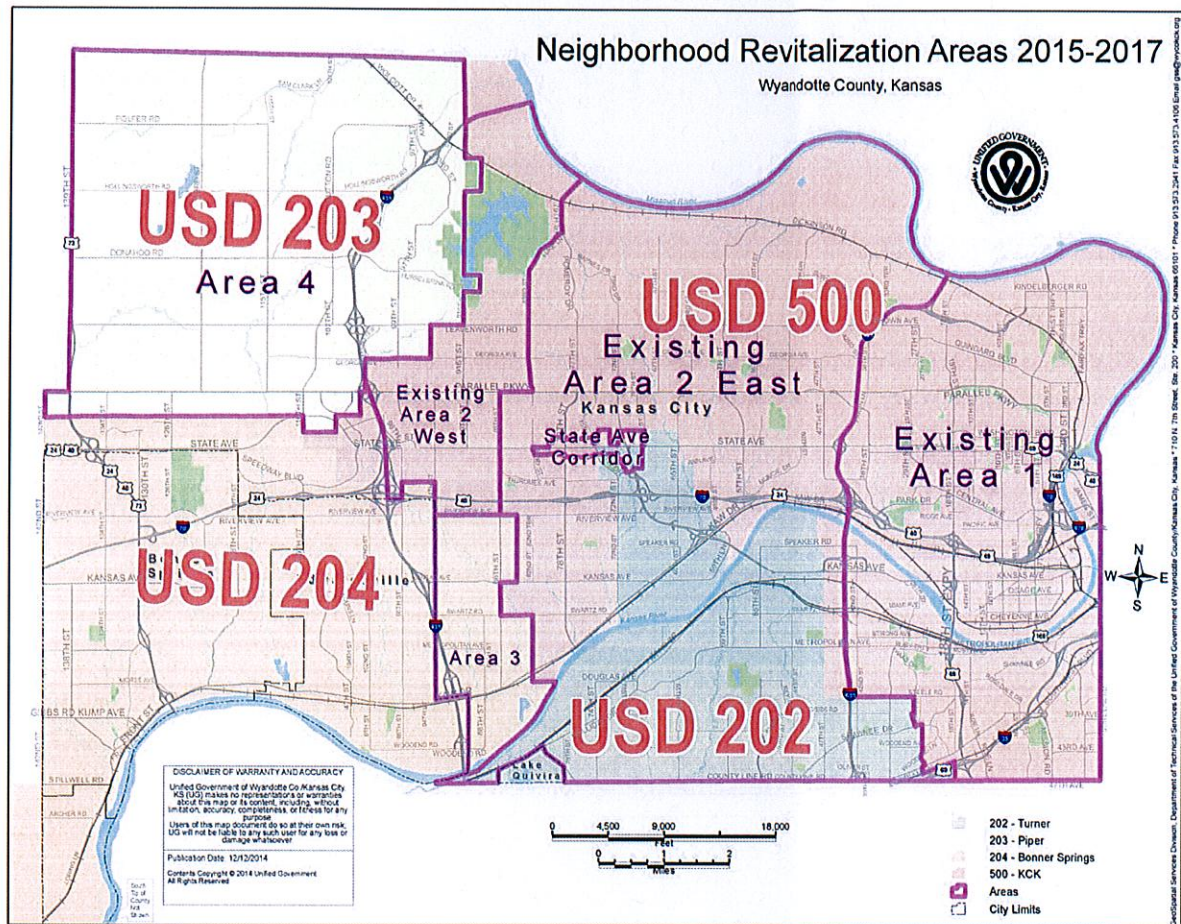
See Exhibit I.

XIV. Neighborhood Revitalization Trust Fund

The Unified Government Commission established a Neighborhood Revitalization Trust Fund in accordance with the provisions of K.S.A. 12-17, 118.

Exhibit A

NRA Area Map & Legal Descriptions



Area 1 in KCK

02/01/2012

Beginning at the intersection of the Kansas and Missouri State line and the Wyandotte-Johnson County line said point being the Southeast corner of Section 35, Township 11, Range 25;

thence West along Wyandotte-Johnson County Line to the Southwest Corner of Section 33, Township 11, Range 25 said point being the intersection fo 47th Avenue (County Lind Road) and 18th Street Extended;

thence North along the west line of Section 33, Township 11, Range 25 to 18th Street;

thence continuing North on 18th Street to the Burlington Northern and Santa Fe Railroad tracks;

thence Southwesterly along the centerline of the tracks of the Burlington Northern and Santa Fe Railroad to the West line of the Southeast Quarter of Section 32, Township 11, Range 25;

thence North along the West line of the Southeast Quarter of Section 32, Township 11, Range 25 to the centerline of Merriam Lane;

thence Northeasterly along the centerline of Merriam Lane to its intersection with centerline of 26th Street;

thence Northerly along the centerline of 26th Street to the point where it ends said point being Woodend Road;

thence continue North along the centerline of the extension of 26th Street to its intersection with North right-of-way lined of Shawnee Drive;

thence Westerly along the North right-of-way line of Shawnee Drive to the Southwest corner of EDWARD STEELE SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of EDWARD STEELE SUBDIVISION to the Northwest corner of EDWARD STEELE SUBDIVISION;

thence East along the North line of EDWARD STEELE SUBDIVISION to the Southeast corner of KERRYCREEK, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the East line of KERRYCREEK to centerline of Steele Road;

thence West along the centerline of Steele Road to the point where Steel Road ends;

thence continuing west along the extension of Steele Road to its intersection with centerline of Interstate Highway 635;

thence North along the centerline of Interstate Highway 635 to its intersection with the right bank of the Missouri River;

thence continuing in a Easterly direction along the right bank of the Missouri River to its intersection with the East line of Section 29, Township 10, Range 25, said line also being the West line of Section 28, Township 10, Range 25;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 28, Township 10, Range 25, said line also being the West line of Section 27, Township 10, Range 25;

thence continuing in a Easterly direction along the right bank of the Missouri River to its intersection with the Northern extension of the East line of Section 27, Township 10, Range 25, said line also being the Northern extension of the West line of Section 26, Township 10, Range 25;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the Eastern extension of the South line of Section 26, Township 10, Range 25, said line also being the Eastern extension of the North line of Section 35, Township 10, Range 25;

thence continuing in a Southwesterly direction along the right bank of the Missouri River to its intersection with the South line of Section 35, Township 10, Range 25, said line also being the North line of Section 35, Township 10, Range 25;

thence East along the South line of Section 35, Township 10, Range 25, to its intersection with the Kansas and Missouri State Line;

thence in a Southwesterly and Southerly direction along the Kansas and Missouri State Line to the point of beginning,

all in Wyandotte County, Kansas.

Area 2 East in KCK

02/01/2012

Beginning at the Southwest Corner of Section 33, Township 11, Range 25 said point being the intersection of 47th Avenue (County Lind Road) and 18th Street Extended;

thence West along Wyandotte-Johnson County Line to the Southwest Corner of Section 33, Township 11, Range 24;

thence North along the West line of said section 33 to its intersection with the Northeast right-of-way line of Quivira Lane;

thence in a Northwesterly direction along the Northeast right-of-way line of Quivira Lane and Quivira Cut-Off to its point of intersection with the prolongation of a line extending North 18 degrees 45' 04" West from a point on the South line and 666.81' West of the Southeast corner of Section 32, Township 11, Range 24;

thence North 18 degrees 45' 04" West along said prolongation line to its intersection with the Northwesterly right-of-way line of Holliday Drive;

thence in a Southwesterly direction along the Northwesterly right-of-way line of Holliday Drive to its intersection with the West line of Section 32, Township 11, Range 24 said line also being the East line of Section 31, Township 11, Range, 24;

thence South along the East line of Section 31, Township 11, Range 24, to its intersection with the Wyandotte-Johnson County line;

thence continuing West along the Wyandotte-Johnson County line to its intersection with the Centerline of the Kansas River;

thence Northeasterly along the centerline of the Kansas River downstream to its intersection with the East-West centerline of Section 29, Township 11, Range 24;

thence West along said East-West centerline Section 29, Township 11, Range 24 to the Center of Section 29, Township 11, Range 24;

thence North along the North-South centerline of Section 29, Township 11, Range 24 to its intersection with the North line of Section 29, Township 11, Range 24 said line also being the South line of Section 20, Township 11, Range 24;

thence continuing North along the North-South centerline of Section 20, Township 11, Range 24 to the center of Section 20, Township 11, Range 24;

thence West along the East-West centerline of Section 20, Township 11, Range 24 to its intersection with the West line of Section 20, Township 11, Range 24;

thence North along the West line of Section 20, Township 11, Range 24 to the to the Northwest corner of Section 20, Township 11, Range 24;

thence East along the North line of Section 20, Township 11, Range 24 to the center of the North line of the Northwest Quarter Section of Section 20, Township 11, Range 24 said corner also being the center of the South line of the Southwest Quarter Section of Section 17, Township 11, Range 24;

thence North to the North line of Section 17, Township 11, Range 24;

thence West along the North line of Section 17, Township 11, Range 24 to the Centerline of 86th Street;

thence North along the centerline of 86th Street to the centerline of Parallel Parkway;

thence East along the centerline of Parallel Parkway to the centerline of 82nd Street;

thence North along the centerline of 82nd Street to the point where 82nd Street ends and 83rd Street begins;

thence continuing North along the centerline of 83rd Street to the point where 83rd Street ends and Luke Lane begins;

thence continuing Northeast along the centerline of Luke Lane to its intersection with the centerline of 79th Street;

thence North along the centerline of 79th Street to the point where 79th Street ends;

thence North 45 degrees 30 minutes 0 seconds to the right bank of the Missouri River;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the South line of Section 17, Township 10, Range 24, said line also being the North line of Section 20, Township 10, Range 24;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 20, Township 10, Range 24, said line also being the West line of Section 21, Township 10, Range 24;

thence continuing East along the right bank of the Missouri River to its intersection with the East line of Section 21, Township 10, Range 24, said line also being the West line of Section 22, Township 10, Range 24;

thence continuing East along the right bank of the Missouri River to its intersection with the East line of Section 22, Township 10, Range 24, said line also being the West line of Section 23, Township 10, Range 24;

thence in a Northeasterly direction along the right bank of the Missouri River to the North line of Section 23, Township 10, Range 24, said line also being the South line of Section 14, Township 10, Range 24;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 14, Township 10, Range 24, said line also being the West line of Section 13, Township 10, Range 24;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 13, Township 10, Range 24, said line also being the West line of Section 18, Township 10, Range 25;

thence continuing in an East and Southerly direction along the right bank of the Missouri River to its intersection with the South line of Section 18, Township 10, Range 25, said line also being the North line of Section 19, Township 10, Range 25;

thence continuing South along the right bank of the Missouri River to its intersection with the South line of Section 19, Township 10, Range 25, said line also being the North line of Section 30, Township 10, Range 25;

thence Southeasterly direction along the right bank of the Missouri River to its intersection with the East line of Section 30, Township 10, Range 25, said line also being the West line of Section 29, Township 10, Range 25;

thence continuing East along the right bank of the Missouri River to its intersection with the Centerline of Interstate Highway 635;

thence South along the centerline of Interstate Highway 635 to its intersection with the centerline of the Western extension of Steele Road;

thence East along the centerline of the extension of Steele Road to the point where Steele Road begins;

thence continuing East along centerline of Steele Road to the point Northeast corner of KERRYCREEK, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of KERRYCREEK, to the Southeast corner of KERRYCREEK, said point being on the North line of EDWARD STEELE SUBDIVISION, as subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of EDWARD STEELE SUBDIVISION to the Northwest corner of EDWARD STEELE SUBDIVISION;

thence South along the West line of EDWARD STEELE SUBDIVISION to the North right-of-way line of Shawnee Drive;

thence East along the North right-of-way line of Shawnee Drive to its intersection with the centerline of the Northern extension of 26th Street;

thence South along the centerline of the Northern extension of 26th Street to the point where 26th Street begins said point being Woodend Road;

thence continuing South along the centerline of 26th Street to its intersection with the centerline of Merriam Lane;

thence Southwest along the centerline of Merriam Lane its intersection with the West line of Southeast Quarter of Section 32, Township 11, Range 25;

thence south along the West line of Southeast Quarter of Section 32, Township 11, Range 25 to the centerline of the Burlington Northern and Santa Fe Railroad tracks;

thence Northeast along the centerline of the Burlington Northern and Santa Fe Railroad tracks to its intersection with 18th Street;

thence south along 18th Street and its Southern extension to the point of beginning;

all in Wyandotte County, Kansas.

Area 2 East State Avenue Corridor in KCK

02/01/2012

Beginning at the Southwest corner of Southeast Quarter of Section 5, Township 11, Range 24, said point being on the intersection of 82nd Street and State Avenue;

thence North to the North right-of-way line of State Avenue;

thence East along the North right-of-way line of State Avenue to the Southwest corner of WESTFIELD GREEN, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West boundary line of WESTFIELD GREEN to the Southwest corner of DEWERCs, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence continuing North 175 feet more or less along the West boundary line of DEWERCs to a point that is due West of the Northwest corner of Lot 7, DEWERCs;

thence East to the Northwest corner of Lot 7, DEWERCs;

thence continuing East along the North boundary line of Lot 7, DEWERCs to the Northeast corner of Lot 7, DEWERCs, said point also being on the West right-of-way line of 79th Street;

thence North along the West right-of-way line of 79th Street to the its intersection with the North right-of-way line of Washington Avenue;

thence East along the North right-of-way line of Washington Avenue to its intersection with the East right of way line of 78th Street;

thence South along the East right-of-way line of 78th Street to a point that is 661.12 feet more or less South of the Northwest corner of the Southwest quarter of the Southwest quarter of Section 4, Township 11, Range 24;

thence west to the West line of WHITE SUB, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of WHITE SUB, to the Northwest corner of WHITE SUB;

thence East along the North line of WHITE SUB, to the Northeast corner of WHITE SUB;

thence continuing East to the West line of CANTERBURY MANOR NO 1, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence southeast along the East line of CANTERBURY MANOR NO 1 to the Southwest corner of Block 4, Lot 12, CANTERBURY MANOR NO 1, said point also being on the North right-of-way line of Nebraska Avenue;

thence East along the South line of Block 4, Lot 12, CANTERBURY MANOR NO 1, to the Southeast corner of Block 4, Lot 12, CANTERBURY MANOR NO 1, said point being on the West right-of-way line of 75th Street;

thence Northeast to the Southwest corner Block 5, Lot 4, CANTERBURY MANOR NO 1;

thence East along the South line of Block 5, Lot 4, CANTERBURY MANOR NO 1, to the Southeast corner of Block 5, Lot 4, CANTERBURY MANOR NO 1 said point being on the West line of the Southeast Quarter of Section 4, Township 11, Range 24;

thence North along the West line of the Southeast Quarter of Section 4, Township 11, Range 24 to the of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24;

thence East along the North line of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24 East to a point that is 577.0 feet more or less East of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24;

thence South to the North right-of-way line of State Avenue;

thence East along the North right-of-way line of State Avenue to the Wyandotte-Delaware Reserve Line;

thence North along the Wyandotte-Delaware Reserve line to a point 690.64 feet North of the South lined of Section 4, Township 11, Range 24;

thence East to the West right-of-way line of College Parkway;

thence North along the West right-of-way line of Collage Parkway to a point 1233.19 feet more or less North of the South line of Section 4, Township 11, Range 24;

thence East to the West right-of-way line of 69th Street;

thence South along the East right-of-way line of 69th street to the North right of way line of State Avenue;

thence West along the North right-of-way line of State Avenue to the northern prolongation of the West right-of-way line of 69th Street;

thence South along the prolongation of the West right-of-way line of 69th Street to the South right-of-way line of State Avenue;

thence continuing South along the West right-of-way line of 69th Street to a point that is 429.00 feet more or less South of the North line of the Southwest Quarter of the Northwest quarter of Section 4, Township 11, Range 24;

thence West to the East right-of-way line of College Parkway;

thence Southwest to the Southeast corner of REDWOOD GARDENS, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of REDWOOD GARDENS, to the Southwest corner of REDWOOD GARDENS;

thence North along the west line of REDWOOD GARDENS, to the Southwest right-of-way line of Garden Drive;

thence Northwest along the Southwest right-of-way line of Garden Drive to the West right-of-way line of 71st Street;

thence North along the West right-of-way line of 71st Street to the Southeast corner of Block 1 REDWOOD GARDENS;

thence West along the South line of Block 1 REDWOOD GARDENS to the Southwest corner of Block 1 REDWOOD GARDENS;

thence North along the West line of Block 1 REDWOOD GARDENS to the Northwest corner of Block 1 REDWOOD GARDENS, said point being on the South right-of-way line of Armstrong Avenue;

thence West along the South right-of-way line of Armstrong Ave to the West right-of-way line of 72nd Street;

thence North along the West right-of-way line of 72nd Street to the Southeast corner of JENKINS STATUTORY REQUIREMENT PLAT, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of JENKINS STATUTORY REQUIREMENT PLAT, to the Southwest corner of JENKINS STATUTORY REQUIREMENT PLAT, said point being on the East right-of-way line of 74th Drive;

thence West to the intersection of the West right-of-way line of 74th Drive and the North right-of-way line of Armstrong Avenue;

thence West along the North right-of-way line of Armstrong Avenue to the West right-of-way line of 78th Street;

thence North along the West right-of-way of 78th Street to the Northeast corner of WESTRIDGE HEIGHTS, as subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of WESTRIDGE HEIGHTS to Northwest corner of WESTRIDGE HEIGHTS, said point being on the East line of STONY POINT HEIGHTS, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of STONY POINT HEIGHTS to the North right-of-way line of Minnesota Avenue;

thence West along the North right-of-way line of Minnesota Avenue to the centerline of 82nd Street;

thence north along the centerline of 82nd Street to the Point of Beginning;

all in Wyandotte County, Kansas.

Area 2 West in KCK

2/1/2012

Beginning at the intersection of 86th Street and Riverview Avenue said point being the Southeast corner of Section 7, Township 11, Range 24;

thence West along the South line of Section 7, Township 11, Range 24 to the Southwest corner of Section 7, Township 11, Range 24;

thence North along the West line of Section 7, Township 11, Range 24 to the center of the West line of Section 7, Township 11, Range 24 said line also being the East line of Section 12, Township 11, Range 23;

Thence West along the East-West centerline of Section 12, Township 11, Range 23 to the center of Section 12, Township 11, Range 23;

thence South along the North-South centerline of Section 12, Township 11, Range 23 to its intersection with the South right-of-way line of the Interstate Highway 70;

thence in a Westerly direction along the South right-of-way line of Interstate Highway 70 to its intersection with the centerline of Interstate Highway 435;

thence Northerly along the centerline of Interstate Highway 435 to a point that intersects the North-South centerline of Section 35, Township 10, Range 23;

thence North along the North-South centerline of Section 35, Township 10, Range 23 to the center of Section 35, Township 10, Range 23;

thence East along the East-West centerline of Section 35, Township 10, Range 23 to the center of the East line of Section 35, Township 10, Range 23 said line also being the West line of Section 36, Township 10, Range 23;

thence East along the East-West centerline of Section 36, Township 10, Range 23 to the center of Section 36, Township 10, Range 23;

thence North along the North-South centerline of Section 36, Township 10, Range 23 to the center of the North line of Section 36, Township 10, Range 23;

thence East along the North line of Section 36, Township 10, Range 23 to the Northeast corner of Section 36, Township 10, Range 23 said corner also being the Southeast corner of Section 25, Township 10, Range 23;

thence North along the East line of Section 25, Township 10, Range 23 to the center of the East line of Section 25, Township 10, Range 23 said line also being the West line of Section 30, Township 10, Range 24;

thence East along the East-West centerline of Section 30, Township 10, Range 24 to the center of the South line of Northwest Quarter Section of Section 30, Township 10, Range 24;

thence North to the center of the Northwest Quarter Section of Section 30, Township 10, Range 24:

thence West to the West line of Section 30, Township 10, Range 24;

thence North along the West line of Section 30, Township 10, Range 24 to the Northwest corner of Section 30, Township 10, Range 24 said corner also being the Southwest corner of Section 19, Township 10, Range 24;

thence North along the West line of Section 19, Township 10, Range 24 to the Northwest corner of Section 19, Township 10, Range 24;

thence East along the North line of Section 19, Township 10, Range 24 to the center of the North line of the Northwest Quarter Section of Section 19, Township 10, Range 24 said line also being the South line of the Southwest Quarter Section of Section 18, Township 10, Range 24;

thence North to the East-West Centerline of Section 18, Township 10, Range 24;

thence West along the East-West centerline to the center of West line of Section 18, Township 10, Range 24;

thence North along the West line of Section 18, Township 10, Range 24 to the Northwest corner of Section 18, Township 10, Range 24 said corner also being the Southwest corner of Section 7, Township 10, Range 24;

thence North along the West line of Section 7, Township 10, Range 24 to its intersection with the centerline of Interstate Highway 435;

thence Northeasterly along the centerline of Interstate Highway 435 to its intersection with the the right bank of the Missouri River;

thence in a Southeasterly direction along the right bank of the Missouri River to its intersection with the prolongation of a line extending North 45 degrees 30 minutes 0 seconds East from the end of 79th Street;

thence South 45 degrees 30 minutes 0 seconds West to the end of 79th Street;

thence South along the centerline of 79th Street to its intersection with the centerline of Luke Lane;

thence Southwesterly along the centerline of Luke Lane to the point where Luke Lane ends and 83rd Street begins;

thence continuing South along the centerline of 83rd Street to the point where 83rd Street ends and 82nd Street begins;

thence continuing south along the centerline of 82nd Street to the South line of Section 32, Township 10, Range 24 said point being the center of the North line of Section 5, Township 11, Range 24;

thence West along the North line of Section 5, Township 11, Range 24 to the Northwest corner of Section 5, Township 11, Range 24 said point being the intersection of Parallel Parkway and 86th Street;

thence South on along the centerline 86th Street to the point of beginning;

all in Wyandotte County, Kansas.

Legal Description for Proposed NRP 3 in KCK

11/05/2014

Beginning at the centerline of the Kansas River and its intersection with the East-West centerline of Section 29, Township 11, Range 24;

thence West along said East-West centerline Section 29, Township 11, Range 24 to the Center of Section 29, Township 11, Range 24;

thence North along the North-South centerline of Section 29, Township 11, Range 24 to its intersection with the North line of Section 29, Township 11, Range 24 said line also being the South line of Section 20, Township 11, Range 24;

thence continuing North along the North-South centerline of Section 20, Township 11, Range 24 to the center of Section 20, Township 11, Range 24;

thence West along the East-West centerline of Section 20, Township 11, Range 24 to its intersection with the West line of Section 20, Township 11, Range 24 said line also being the East line Section 19, Township 11, Range 24;

thence North along the East line of Section 19, Township 11, Range 24 to the to the Northeast corner of Section 19, Township 11, Range 24 said point also being the Southwest corner of Section 17, Township 11, Range 24;

thence East along the South line of Section 17, Township 11, Range 24 to the center of the South line of the Southwest Quarter Section of Section 17, Township 11, Range 24;

thence North to the North line of Section 17, Township 11, Range 24;

thence West along the North line of Section 17, Township 11, Range 24 to the Northwest corner Section 17, Township 11, Range 24 said point also being the Northeast corner of Section 18, Township 11, Range 24;

thence continuing West along the North line of Section 18, Township 11, Range 24 to the Northwest corner Section 18, Township 11, Range 24;

thence continuing South along the West line of Section 18, Township 11, Range 24 to the Southwest corner Section 18, Township 11, Range 24 said point also being the Northwest corner of Section 19, Township 11, Range 24;

thence continuing South along the West line of Section 19, Township 11, Range 24 to the Southwest corner Section 19, Township 11, Range 24 said point also being the Northwest corner of Section 30, Township 11, Range 24;

thence continuing South along the West line of Section 30, Township 11, Range 24 to the North right-of-way line of Kansas Highway No. 32;

thence in a easterly direction along the North right-of-way line of Kansas Highway No. 32 to its intersection with the North-South centerline of Section 30, Township 11, Range 24;

thence south along the North-South centerline of Section 30, Township 11, Range 24 to the South line Section 30, Township 11, Range 24 said line also being the North line of Section 31, Township 11, Range 24;

thence south along the North-South centerline of Section 31, Township 11, Range 24 to its intersection with the centerline of the Kansas River;

thence Northeasterly along the centerline of the Kansas River to the point of beginning;

all in Wyandotte County, Kansas.

Legal Description for Proposed NRP 4 in KCK

12/11/2014

Beginning at the Southwest corner of Section 6, Township 10, Range 23:

thence North along the West line of Section 6, Township 10, Range 23 to its intersection with the Delaware Reservation Line, the same being the dividing line between the original Delaware Reservation and the Delaware Trust Lands, said reservation line also being the Wyandotte-Leavenworth County line;

thence Easterly along the Delaware Reservation line to its intersection with the East section line of Section 6, Township 10, Range 23 said intersection also being the West line Section 5, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 5, Township 10, Range 23 said intersection also being the West line Section 4, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 4, Township 10, Range 23 said intersection also being the West line Section 3, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 3, Township 10, Range 23 said intersection also being the West line Section 2, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East section line of Section 2, Township 10, Range 23 said intersection also being the West line Section 1, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the South section line of Section 1, Township 10, Range 23 said intersection also being the North line Section 12, Township 10, Range 23;

thence continuing Easterly along the Delaware Reservation line to its intersection with the East line of Section 12, Township 10, Range 23;

thence South along the East line of Section 12, Township 10, Range 23 to Southeast corner of Section 12, Township 10, Range 23 said corner also being the Northeast corner of Section 13, Township 10, Range 23;

thence South along the East line of Section 13, Township 10, Range 23 to the center of the East line of Section 13, Township 10, Range 23 said point also being the center of West line of Section 18, Township 10, Range 24;

thence East along the East-West centerline of Section 18, Township 10, Range 24 to the center of the North line of the Southwest quarter Section 18, Township 10, Range 24;

thence South to the center of the South line of the Southwest quarter of Section 18, Township 10, Range 24;

thence West along the South line of Section 18, Township 10, Range 24 to the Southwest corner of Section 18, Township 10, Range 24 said point also being the Northwest corner of Section 19, Township 10, Range 24;

thence South along the West line of Section 19, Township 10, Range 24 to the Southwest corner of Section 19, Township 10, Range 24 said point also being the Northwest corner of Section 30, Township 10, Range 24;

thence continuing South along the West line of Section 30, Township 10, Range 24 to the center of the West line of the Northwest quarter Section 30, Township 10, Range 24;

thence East to the center of the Northwest quarter of Section 30, Township 10, Range 24;

thence South to the center of the South line of the Northwest quarter of Section 30, Township 10, Range 24;

thence West to the center of the West line of Section 30, Township 10, Range 24;

thence South along the West line of Section 30, Township 10, Range 24 to the Southwest corner of Section 30, Township 10, Range 24 said point also being the Northeast corner of Section 36, Township 10, Range 23;

thence West along the North line of Section 36, Township 10, Range 23 to the center of the North line of Section 36, Township 10, Range 23;

thence South along the North-South centerline of Section 36, Township 10, Range 23 to the center of Section 36, Township 10, Range 23;

thence West along the East-West centerline of Section 36, Township 10, Range 23 to the West line of Section 36, Township 10, Range 23 said line also being the East line of Section 35, Township 10, Range 23;

thence West along the East-West centerline of Section 35, Township 10, Range 23 to the center of Section 35, Township 10, Range 23;

thence South along the North-South centerline of Section 35, Township 10, Range 23 to the South line Section 35, Township 10, Range 23 said line also being the North line of fractional Section 2, Township 11, Range 23;

thence West along the North line of fractional Section 2, Township 11, Range 23 to the center of the North Line of the East half of the Northeast Quarter of fractional Section 2, Township 11, Range 23;

thence South to the East-West centerline of the fractional Section 2, Township 11, Range 23;

thence West along the East-West centerline of the fractional Section 2, Township 11, Range 23 to the center of the fractional Section 2, Township 11, Range 23;

thence South along the North-South centerline of the fractional Section 2, Township 11, Range 23 to the center of the East line of the Southwest quarter of fractional Section 2, Township 11, Range 23;

thence West to the center of the West line of Southwest quarter of fractional Section 2, Township 11, Range 23 said line also being the East line of fractional Section 3, Township 11, Range 23;

thence North along the East line of the fractional Section 3, Township 11, Range 23 to the center of the East line of the fractional Section 3, Township 11, Range 23;

thence West along the East-West centerline of fractional Section 3, Township 11, Range 23 to the West line of fractional Section 3, Township 11, Range 23 said line also being the East line of fractional Section 4, Township 11, Range 23;

thence continuing West along the East-West centerline of fractional Section 4, Township 11, Range 23 to the West line of fractional Section 4, Township 11, Range 23 said line also being the East line of fractional Section 5, Township 11, Range 23;

thence continuing West along the East-West centerline of fractional Section 5, Township 11, Range 23 to the West line of fractional Section 5, Township 11, Range 23 said line also being the East line of fractional Section 6, Township 11, Range 23;

thence continuing West along the East-West centerline of fractional Section 6, Township 11, Range 23 to the West line of fractional Section 6, Township 11, Range 23 said line also being the Wyandotte-Leavenworth County line;

thence North along the West line of fractional Section 6, Township 11, Range 23 to the Northwest corner of fractional Section 6, Township 11, Range 23;

thence East along the North line of fractional Section 6, Township 11, Range 23 to its intersection with the Southwest corner of Section 31, Township 10, Range 23;

thence North along the West line of Section 31, Township 10, Range 23 to the Northwest corner of Section 31, Township 10, Range 23 said corner also being the Southwest corner of Section 30, Township 10, Range 23;

thence continuing North along the West line of Section 30, Township 10, Range 23 to the Northwest corner of Section 30, Township 10, Range 23 said corner also being the Southwest corner of Section 19, Township 10, Range 23;

thence continuing North along the West line of Section 19, Township 10, Range 23 to the Northwest corner of Section 19, Township 10, Range 23 said corner also being the Southwest corner of Section 18, Township 10, Range 23;

thence continuing North along the West line of Section 18, Township 10, Range 23 to the Northwest corner of Section 18, Township 10, Range 23 said corner also being the Southwest corner of Section 7, Township 10, Range 23;

thence continuing North along the West line of Section 7, Township 10, Range 23 to the Northwest corner of Section 7, Township 10, Range 23 said corner also being the Southwest corner of Section 6, Township 10, Range 23 and the point of beginning;

all in Wyandotte County, Kansas.

Exhibit B

Planning and Development Zoning and District Regulations

Wyandotte County - Unified Government, Kansas, Code of Ordinances >> Chapter 27 - PLANNING AND DEVELOPMENT >>
ARTICLE VIII. - ZONING >> DIVISION 4. - DISTRICT REGULATIONS >>

DIVISION 4. - DISTRICT REGULATIONS

Sec. 27-452. - A-G agriculture district.
Sec. 27-453. - R rural residential district.
Sec. 27-454. - R-1 single-family district.
Sec. 27-455. - R-1(B) single-family district.
Sec. 27-456. - R-2 two-family district.
Sec. 27-457. - R-2(B) two-family district.
Sec. 27-458. - R-3 townhouse district.
Sec. 27-459. - R-4 garden apartment district.
Sec. 27-460. - R-5 apartment district.
Sec. 27-461. - R-6 high-rise apartment district.
Sec. 27-462. - R-M mobile home park district.
Sec. 27-463. - C-0 nonretail business district.
Sec. 27-464. - C-1 limited business district.
Sec. 27-465. - C-D central business district.
Sec. 27-466. - C-2 general business district.
Sec. 27-467. - C-3 commercial district.
Sec. 27-468. - M-1 light industrial and industrial park district.
Sec. 27-469. - M-2 general industrial district.
Sec. 27-470. - M-3 heavy industrial district.
Sec. 27-471. - TND Traditional neighborhood design district.
Sec. 27-472. - B-P Planned business park district.
Secs. 27-473—27-497. - Reserved.

Sec. 27-452. - A-G agriculture district.

- (a) *Generally.* This section applies to the A-G agricultural district. The purpose of the A-G agriculture district is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses, and as a holding zone for properties where more intense urban development is not yet feasible. Rezonings from this district shall be carefully considered in light of likely effects on the successful implementation of the comprehensive land use plan and the availability of public facilities. A subdivision that would create one or more lots of less than five acres will require rezoning to the appropriate residential or other zoning district.
- (b) *Permitted uses.* In the A-G agriculture district, no building, structure or land shall be used and no building or structure shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) One-family dwellings.
 - (2) Agricultural use, excluding feedlots or confinement livestock or poultry operations. The keeping or raising of livestock, horses, or poultry shall be limited to ownerships of at least one acre. Buildings, pens or other structures devoted to such use shall be located at least 100 feet from any street or property line. Agricultural uses shall be subject to the applicable regulations of the public health department and other unified government regulations.
 - (3) Publicly owned parks and playgrounds, including public recreation and service buildings and municipally owned swimming pools.
 - (4) Municipal facilities of a governmental nature.
 - (5) Railroad lead track rights-of-way, not including railroad yards, sidings, freight depots or train sheds, nor any other facilities which would encourage or require the stopping, starting, loading or unloading of trains.
 - (6) Board of public utilities' facilities.
 - (7) Crop and livestock testing facilities and laboratories.
 - (8) Churches.
 - (9) Golf courses and club houses appurtenant thereto, not including miniature golf courses, driving ranges, and other similar activities operated as a business.
 - (10) Greenhouses, nurseries and truck gardens limited to the propagation and cultivation of plants.
 - (11) Kennels for no more than ten dogs, provided the buildings and pens shall be located not less than 200 feet from any property line.
 - (12) Riding stables, fishing lakes and picnic groves, provided no concession or retail sales shall be permitted.
 - (13) Public and private schools, elementary and high, and institutions of higher learning, including stadiums and dormitories appurtenant thereto if located on the same campus.
 - (14) Publicly owned and operated museums, libraries and community centers.
- (c) *Plan approval.* For all uses and structures listed as permitted uses in subsections (b)(6)—(b)(14) of this section, preliminary development plans and final plans shall be approved by the planning commission prior to the construction of new or expanded facilities, such plans shall include details as set out in section 27-212. Such uses shall provide parking and paving setbacks of six feet unless otherwise approved by the planning commission. Notice shall be sent to property owners within 200 feet except for plan approvals for governmental facilities. Approval or disapproval by the planning commission shall be based upon the following:
- (1) The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
 - (2) The degree of harmony that will prevail between the visual quality of the proposed use, building or church and the surrounding neighborhood.
- The decision of the planning commission may be brought before the unified government board of commissioners for final determination.
- (d) *Height and area standards.* All buildings and structures and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a.

- Front yard: Not less than 50 feet.
- b. Side yard interior: Not less than 20 feet
 - c. Side yard, corner: Not less than 50 feet.
 - d. Rear yard: Not less than 50 feet.
- (3) Lot width and area shall be as follows:
- a. Lot width shall be not less than 250 feet measured at the building line; provided, however, that where a lot or tract has been in a single ownership since December 28, 1982, and has less width than required herein, this regulation shall not prohibit the erection of a single-family dwelling on a lot not less than 70 feet wide.
 - b. Lot area shall be not less than five acres per dwelling unit; provided, however, that where a lot or tract has been in single ownership since December 28, 1982, and has less area than required herein, this subsection shall not prohibit the erection of a single-family dwelling on a lot not less than one acre in area.
- (4) Minimum floor area shall be 864 square feet of habitable floor area for each residence.
- For additional standards and information, see division 8 of this article.
- (e) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1157; Ord. No. 64690, § 1(27-17), 8-30-1984; Ord. No. 64884, § 1, 10-3-1985; Ord. No. 65515, § 1, 3-8-1990; Ord. No. 65814, § 6, 7-8-1993)

Sec. 27-453. - R rural residential district.

- (a) **Generally.** The purpose of the R rural residential district is to accommodate low density residential development in areas of the city which are not likely to receive sanitary sewers and other urban services in the foreseeable future, and which are not likely to disrupt the pattern of urban development now or in the future due to rough terrain, isolated location or other factors. Prior to zoning property to this district, consideration shall be given to the compatibility with neighboring land uses, size and topography of the subdivision site, and the ability of the neighborhood to accommodate the development without excessive damage to soils, roads and other elements in the environment. No area of less than 20 acres shall be rezoned to the R rural residential district unless it is abutting an area already so zoned. This section applies to the R rural residential district.
 - (b) **Permitted uses.** In the R rural residential district, no building, structure or land shall be used and no building or structure shall be hereafter erected, converted or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Single-family dwellings.
 - (2) Churches.
 - (3) Any other use permitted in the R-1 district under the standards and requirements of that district.
 - (c) **Plan approval.** For all uses listed as permitted uses in section 27-452(b)(5)–(b)(9), preliminary development plans and final plans shall be approved by the planning commission prior to the issuance of building permits. Such plans shall include details as set out in section 27-212. Approval or disapproval by the planning commission shall be based upon the following:
 - (1) The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
 - (2) The degree of harmony that will prevail between the visual quality of the proposed use, building or church and the surrounding neighborhood.

The decision of the planning commission may be brought before the unified government board of commissioners for final determination.
 - (d) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 50 feet.
 - b. Side yard, interior: Not less than 20 feet.
 - c. Side yard, corner: Not less than 50 feet.
 - d. Rear yard: Not less than 50 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 120 feet measured at the building line.
 - b. Lot area: Not less than one acre per dwelling unit.
 - (4) Minimum floor area shall be 864 square feet of habitable floor area for each residence.

For additional standards and information, see division 8 of this article.
 - (e) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional information, see division 11 of this article.
- (Code 1988, § 27-1158; Ord. No. 64690, § 1(27-19), 8-30-1984)

Sec. 27-454. - R-1 single-family district.

- (a) **Generally.** The purpose of the R-1 single-family district is to accommodate the bulk of single-family detached housing in the city, particularly in newly developing areas where similar density of development now exists. This section applies to the R-1 single-family district.
- (b) **Permitted uses.** In the R-1 single-family district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Single-family dwellings.
 - (2) Municipal facilities of a governmental nature.
 - (3) Publicly owned parks and playgrounds, including public recreation and service buildings and municipally owned swimming pools.
 - (4) Railroad lead track rights-of-way, not including railroad yards, sidings, freight depots or train sheds, nor any other facilities which would encourage or require the stopping, starting, loading or unloading of trains.
 - (5) Board of public utilities facilities.
 - (6) Churches, on parcels no less than 120 feet wide and 15,000 square feet and in converted dwellings only when all provisions of the building code for the appropriate occupancy are met.
 - (7) Golf courses and club houses appurtenant thereto, not including miniature golf courses, driving ranges, and other similar activities operated as a business.
 - (8) Public and private schools, elementary and high, and institutions of higher learning, including stadiums and dormitories appurtenant

- thereto if located on the same campus.
- (9) Publicly owned and operated museums, libraries and community centers.
 - (10) Agricultural use, except that such uses that involve animals shall conform with section 27-609(3).
- (c) **Plan approval.** For all uses and structures listed as permitted uses in subsections (b)(5)—(b)(9) of this section, preliminary development plans and final plans shall be approved by the planning commission prior to the construction of new or expanded facilities. Such plans shall include details as set out in section 27-212. Such uses shall provide parking and paving setbacks of six feet unless otherwise approved by the planning commission. Notice shall be sent to property owners within 200 feet except for plan approvals for governmental facilities. Approval or disapproval by the planning commission shall be based upon the following:
- (1) The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
 - (2) The degree of harmony that will prevail between the visual quality of the proposed use, building or church and the surrounding neighborhood.
- The decision of the planning commission may be brought before the unified government board of commissioners for final determination.
- (d) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than seven feet.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: Not less than 30 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 65 feet measured at the building line.
 - b. Lot area: Not less than 7,150 square feet per dwelling unit; provided, however, that where a platted lot has less area or width than herein required and was of record as of May 20, 1968, the lot may be occupied by a single-family dwelling in accordance with the height and area standards of the R-1(B) single-family district.
 - (4) Minimum floor area shall be 864 feet of habitable floor area for each residence.

For additional standards and information, see division 8 of this article.

- (e) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.

(Code 1988, § 27-1159; Ord. No. 64690, § 1(27-21), 8-30-1984; Ord. No. 64884, § 2, 10-3-1985; Ord. No. 65814, § 7, 7-8-1993)

Sec. 27-455. - R-1(B) single-family district.

- (a) **Generally.** The purpose of the R-1(B) single-family district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents. This district is generally considered too intensive for single-family detached homes in developing sections of the city. This section applies to the R-1(B) single-family district.
 - (b) **Permitted uses.** In the R-1(B) single-family district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, converted or structurally altered unless otherwise provided in this article, except for one or more of the following uses: Any use permitted in the R-1 single-family district with uses other than single-family dwellings conforming to the standards and requirements of the R-1 single-family district.
 - (c) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than ten percent of the width of the zoning lot, but no less than three feet.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: Not less than 25 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 50 feet measured at the building line; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of I-635 that is less than 50 feet wide and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date. Residences east of I-635 can build at any width; given that the building is in accordance with The Narrow Lot Design Guidelines incorporated herein by reference dated February 18, 2008.
 - b. Lot area: Not less than 5,000 square feet per dwelling unit; provided, however, this provision shall not prohibit the use of any lot for the erection of a residence west of I-635, if such lot contains less than 5,000 square feet and was owned as a separate lot on July 26, 1956, and is not and has not been a part of a larger ownership since that date. Residences east of I-635 shall be in accordance with The Narrow Lot Design Guidelines incorporated herein by reference dated February 18, 2008.
 - c. The Narrow Lot Design Guidelines dated February 18, 2008, are modified as follows:
 - 1. A residence built on a narrow lot may match elevations of adjacent residences within that street without a raised porch, except as may be required by the building code.
 - 2. If the residence is constructed utilizing state or federal tax credits and the regulations relating to those tax credits have requirements for ADA accessibility, exceptions to the to the raised front entry requirements of the Narrow Lot Design Guidelines may be granted by the director of urban planning.
 - 3. The raised front entry height is reduced from 30 inches to 14 inches.
 - 4. If the narrow lot has a rise from front to rear of more than seven feet, the lot is eligible for a front loaded garage.
 - 5. **Alley and garage standards.**
 - a. If the narrow lot is on an unimproved or severely deteriorated alley, exceptions may be granted by the director of urban planning to the alley entrance requirements.
 - b. Garages in the rear yard shall be located to allow a sufficient turning radius to enter and exit the garage from the alley.
- Existing garage placement requirements should be utilized as guidelines.
- 6. **Siding standards.**
 - a. Any siding with a 50-year warranty will be allowed. This specifically replaces the cement board siding requirement.

- (4) Minimum floor area shall be 750 square feet of habitable floor area for each residence.
For additional standards and information, see division 8 of this article.
- (d) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each single-family dwelling. For additional standards and information, see division 9 of this article.
- (e) **Signs.** Uses other than single-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1160; Ord. No. 64690, § 1(27-23), 8-30-1984; Ord. No. O-2-10, § 1, 1-7-2010; Ord. No. O-19-11, § 1, 6-2-2011)

Sec. 27-456. - R-2 two-family district.

- (a) **Generally.** The purpose of the R-2 two-family district is to accommodate the bulk of two-family dwellings or duplexes, particularly in newly developing areas and areas where similar density of development now exists. Duplex development may also be used as a suitable transition between single-family development and other land uses of a more harsh nature. This section applies to the R-2 two-family district.
- (b) **Permitted uses.** In the R-2 two-family district, no building, structure or land shall be used and no building or structure shall be hereafter erected, converted or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-1 single-family district, under the standards and requirements of that district.
 - (2) Two-family dwellings, commonly referred to as duplexes.
- (c) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet (see exceptions in subsection (d) of this section).
 - b. Side yard, interior: Not less than eight feet.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: Not less than 30 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 75 feet measured at the building line.
 - b. Lot area: Not less than 3,575 square feet per dwelling unit for buildings erected, converted, or structurally altered for two-family occupancy.
 - (4) Minimum floor area shall be 750 square feet of habitable floor area per dwelling unit.
- For additional standards and information, see division 8 of this article.
- (d) **Parking standards.** Two off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. When no more than two off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than 20 feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front lot line to the garage door shall be not less than 36 feet, and space shall be provided in the drive for the parking of two passenger cars for each dwelling unit. For additional standards and information, see division 9 of this article.
- (e) **Signs.** Uses other than single-family or two-family dwellings shall be permitted one wall sign and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1161; Ord. No. 64690, § 1(27-25), 8-30-1984)

Sec. 27-457. - R-2(B) two-family district.

- (a) **Generally.** This section applies to the R-2(B) two-family district. The purpose of the R-2(B) district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of existing buildings and vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents. Conversion of residential buildings constructed as single-family dwellings shall be permitted only when parking, land, floor area and life safety requirements are fully met.
- (b) **Permitted uses.** In the R-2(B) two-family district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-1(B) single-family district, under the standards and requirements of that district.
 - (2) Two-family dwellings, commonly referred to as duplexes.
- (c) **Height and area standards.** All dwellings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than five feet.
 - c. Side yard, corner: Not less than 20 feet.
 - d. Rear yard: Not less than 25 feet.
 - (3) Lot width and area shall be as follows:
 - a. Lot width: Not less than 50 feet measured at the building line.
 - b. Lot area: Not less than 2,500 square feet per dwelling unit for buildings erected, converted, or structurally altered for two-family occupancy.
 - (4) Minimum floor area shall be 800 square feet of habitable floor area per dwelling unit.
- For additional standards and information, see division 8 of this article.
- (d) **Parking standards.** One parking space for each dwelling unit shall be provided on the premises. For additional standards and information, see division 9 of this article.
- (e) **Signs.** Uses other than single-family or two-family dwellings shall be permitted one wall and one detached sign. For additional standards and information, see division 11 of this article.
- (Code 1988, § 27-1162; Ord. No. 64690, § 1(27-27), 8-30-1984)

Sec. 27-458. - R-3 townhouse district.

- (a) **Generally.** The purpose of the R-3 district is to accommodate single-family attached residences at densities and with designs that bridge the gap between rental apartment units and single-family homes. The term "townhouse" includes duplexes, side by side units separated by a party wall, or units stacked one above the other. It is the intent of this zoning district that townhouse units be designed and constructed for individual ownership although rental units are not prohibited. This section applies to the R-3 townhouse district.

- (b) *Permitted uses.* In the R-3 townhouse district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-1(B) single-family district, under the standards and requirements of that district.
 - (2) Residential buildings containing two to 12 dwelling units.
- (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street (see exceptions under subsection (c)(2)e of this section).
 - b. Side yard, interior: Not less than ten feet between any building and any property line.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than 25 feet between any building and the property line of the project.
 - e. For parking and other paved areas: Not less than six feet from any property line; provided, however, no setback is required for parking in drives on the premises of a dwelling unit.
 - (3) Lot size and area shall be as follows:
 - a. Lot size: no R-3 townhouse district project shall be constructed on a lot less than one acre.
 - b. Lot area: not less than 4,000 square feet per dwelling unit.
 - (4) Minimum floor area: Not less than 750 square feet of habitable floor area per dwelling unit.

For additional standards and information, see division 8 of this article.

- (d) *Parking standards.* Two off-street parking spaces shall be provided for each dwelling unit, at least one of which shall be in a garage or carport. When parking spaces are provided on the premises of each dwelling unit, when no more than two off-street parking spaces are provided for each dwelling unit on the premises, when the lot has less than 20 feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front line to the garage door shall not be less than 35 feet and space shall be provided in the drive for parking two passenger cars for each dwelling unit. For additional standards and information, see division 9 of this article.
- (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
- (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
- (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-3 and the procedures are set out in section 27-212.

(Code 1988, § 27-1164; Ord. No. 64690, § 1(27-29), 8-30-1984; Ord. No. 66138, § 1, 8-15-1996)

Sec. 27-459. - R-4 garden apartment district.

- (a) *Generally.* The purpose of the R-4 garden apartment district is to accommodate low-rise multiple-family development at moderate densities. This is the most appropriate district for apartment development in the suburban areas of the city. It is anticipated that garden apartment buildings will be in clusters on sites large enough to allow several buildings. Sites should be carefully planned with maximum privacy and safety and adequate landscaping over the entire site. Such projects are most appropriate on arterial or collector streets or as transitions between business and single-family neighborhoods. This section applies to the R-4 garden apartment district.
- (b) *Permitted uses.* In the R-4 garden apartment district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
- (1) Any use permitted in the R-2 two-family district, under the requirements of that district.
 - (2) Garden apartment buildings or townhouses.
- (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
- (1) Height shall be not more than 2½ stories or 35 feet, except that buildings designed for senior and/or retired persons may be up to three stories.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street.
 - b. Side yard, interior: Not less than ten feet between any building and any property line.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than 25 feet between any building and the property line of the project.
 - e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any property line.
 - (3) Lot area shall be not less than 3,000 square feet per dwelling unit.
 - (4) Minimum floor area shall be 380 square feet of habitable floor area for each dwelling unit.

For additional standards and information, see division 8 of this article.

- (d) *Parking standards.* One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two parking spaces shall be provided for each dwelling unit that has two bedrooms or more. For additional standards and information, see division 9 of this article.
- (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
- (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
- (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designated and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-4 and the procedures are set out in section 27-212.

(Ord. No. 64690, § 1(27-31), 8-30-1984; Ord. No. O-65-02, § 5, 8-29-2002)

Sec. 27-460. - R-5 apartment district.

- (a) *Generally.* The purpose of the R-5 apartment district is to accommodate medium-density apartment buildings of more than two stories. At its higher range of permitted densities, this district is appropriate for infill or redevelopment sites and for areas of existing similar density near major business or employment centers, but not for suburban areas of the city. Conversions of residential buildings shall be permitted only when parking, land and floor area, and life safety requirements are fully met. This section applies to the R-5 apartment district.
- (b) *Permitted uses.* In the R-5 apartment district, no building, structure or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Any use permitted in the R-2 two-family district, under the requirements of that district.
 - (2) Apartment buildings.
- (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than four stories.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street.
 - b. Side yard, interior: Not less than ten feet between any building and any property line.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than 25 feet between any building and the property line of the project.
 - e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any other property line.
 - (3) Lot area shall be not less than 1,500 square feet per dwelling unit; provided, however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space.
 - (4) Minimum floor area: Not less than 380 square feet of habitable floor area per dwelling unit.

For additional standards and information, see division 8 of this article.

- (d) *Parking standards.* One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two parking spaces shall be provided for each dwelling unit that has two bedrooms or more. For additional standards and information, see division 9 of this article.
- (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
- (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
- (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent in this district is RP-5 and the procedures are set out in section 27-212.

(Code 1988, § 27-1165; Ord. No. 64690, § 1(27-33), 8-30-1984; Ord. No. 65552, § 2, 8-9-1990)

Sec. 27-461. - R-6 high-rise apartment district.

- (a) *Generally.* The purpose of the R-6 high-rise apartment district is to accommodate high-density apartment development of five stories or more. Such development is most suitable in and around the downtown area and in other carefully selected areas where excellent transportation and other services exist. It is also intended that the relatively high density of population permitted in this district be housed in buildings taller than two or three stories in order that reasonable open space may be provided. This section applies to the R-6 high-rise apartment district.
 - (b) *Permitted uses.* In the R-6 high-rise apartment district, no building, structure, or land shall be used and no building shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for the following uses:
 - (1) Any use permitted in the R-2(B) two-family district under the requirements of that district.
 - (2) Apartment buildings of less than five stories under the R-5 apartment district requirements.
 - (3) Apartment buildings designed solely for senior or retired persons.
 - (4) High-rise apartment buildings.
 - (c) *Height and area standards.* All buildings, structures and other uses of land shall conform to the following minimum standards:
 - (1) There shall be no minimum or maximum height requirement.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet from any public street.
 - b. Side yard, interior: Not less than ten feet between any building and any property line, plus an additional three feet for each story over four to a maximum requirement of 25 feet.
 - c. Side yard, corner: Not less than 25 feet from any public street.
 - d. Rear yard: Not less than the height of the building.
 - e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any other property line.
 - (3) The building floor area shall not exceed three times the area of the site (floor area ratio 3.0), and an area equal to at least 40 percent of the site area shall be maintained as nonvehicular open space.
 - (4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit.
- For additional standards and information, see division 8 of this article.
- (d) *Parking standards.* One parking space shall be provided for each dwelling unit that has one bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one parking space for each three dwelling units. One and one-half parking spaces shall be provided for each dwelling unit that has two bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission. For additional standards and information, see division 9 of this article.
 - (e) *Signs.* Uses other than single-family or two-family dwellings shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
 - (f) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. For additional standards and information, see division 10 of this article.
 - (g) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the

project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by the use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-6 and the procedures are set out in section 27-212

(Code 1988, § 27-1166; Ord. No. 64690, § 1(27-35), 8-30-1984; Ord. No. 64884, § 3, 10-3-1985)

Sec. 27-462. - R-M mobile home park district.

- (a) *Generally.* The purpose of the R-M mobile home park district is to accommodate the particular needs and requirements of mobile homes in areas where such needs can be reasonably and efficiently met. Special consideration must be given to the movement of traffic both within the mobile home park and of the mobile homes themselves on public streets, to the provision of safety features peculiar to the needs of mobile homes, to the provisions of amenities suitable to the density of mobile home parks, and to the safeguarding of the public health, safety, and general welfare. This section applies to the R-M mobile home park district.
- (b) *Permitted uses.* In the R-M mobile home park district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, converted, or structurally altered unless otherwise provided in this article, except for one or more of the following uses:
 - (1) Mobile home dwellings in a mobile home park of at least five acres that shall be designed for a maximum density of seven mobile homes per acre. Each mobile home shall be placed on its own mobile home space.
 - (2) Any legally established mobile home park including, those which are legally nonconforming uses, may use up to 30 percent of the mobile home pad sites for self-contained recreational vehicles. Such pad sites shall meet all R-M district requirements or be already legally established as an existing nonconforming use. No such pad within the mobile home park shall be located within 200 feet of a residential structure zoned R-1 single-family district. No recreational vehicle shall be used for permanent occupancy. Permanent occupancy shall be defined as remaining in one or more mobile home parks within the city for more than 180 days in any 365-day period, or as at least three separate times in a 365-day period, with each time separated by no less than 90 days.
 - (3) In a mobile home park established prior to November 20, 1969, any self-contained recreational vehicle in place as of the effective date of the ordinance from which this section is derived may remain for up to 18 months beyond said effective date. The park owner must provide a list to the unified government specifically designating any such recreational vehicle proposed to remain under this exception within 30 days of the effective date of the ordinance from which this subsection is derived. Thereafter, the park owner must report all recreational vehicles on the annual mobile home listing required for filing with the county in accordance with K.S.A. 79-336(4) also to the unified government.
 - (4) A special use permit may be sought for a campground and, if approved, variations from the standard set out herein may be permitted.
- (c) *Mobile homes, where permitted.* Mobile home, as used in this section, refers to manufactured housing built in compliance with 24 CFR 3280. Except as provided in this subsection, a mobile home may be permitted in the city only in an area zoned R-M mobile home park district.
 - (1) A mobile home may be permitted elsewhere in the city by the unified government board of commissioners for the purpose of providing temporary housing following a disaster, such as fire, windstorm, flood or other emergency or hardship, provided such mobile home is removed from its location within one year of its original placement.
 - (2) One or more mobile homes may be used as a temporary office or other nonresidential structure on the site of a construction project, provided such structure is removed upon completion of the project.
 - (3) A mobile home may be utilized as a single-family residence in any district in which single-family residences are permitted, subject to the following:
 - a. The home must be new when placed on the site.
 - b. The home must be placed on a permanent foundation that complies with the unified government's building code for residential structures. The foundation must include a solid perimeter wall.
 - c. The home must be oriented on the lot so that its long axis is parallel to the street. A perpendicular or diagonal placement is permitted only if the narrow dimension of the home nearest the street is no less than two-thirds of the lot width at the building line. Garages or other completely enclosed additions may be included to meet this requirement.
 - d. The home must be at least 22 feet wide over the major part of the mobile home.
 - e. The home must have a roof sloped at least four feet to 12 over no less than 40 percent of the total roofed area. Roof slope indicates the actual incline of a roof as a ratio of vertical rise to horizontal run, determination must be based on actual measurements and not on nominal designation or rules of thumb. It must consist of shingles or other material customarily used for conventionally built dwellings in the area.
 - f. The roof overhang must not be less than one foot measured from the vertical side of the mobile home.
 - g. The home and any attached building additions must be covered with an exterior material customarily used on conventional dwellings in the area. The exterior covering material must extend to the top of the foundation and no less than two feet from the ground. Exterior material customarily used on conventional dwellings does not include smooth, ribbed, or corrugated metal or plastic panels.
 - h. The home must meet all requirements required of other single-family residences in the area where it is to be located.
- (d) *Site location requirements.* No site shall be zoned the R-M mobile home park district unless the following location requirements are met:
 - (1) On a minimum 24-foot wide paved public street no more than 500 feet from a street designated and improved as a collector or thoroughfare on the major street plan.
 - (2) All intersecting streets from the collector or thoroughfare to the mobile home court shall have intersections adequate to accommodate maneuvering with a 14-foot by 80-foot mobile home.
- (e) *Height and area standards:*
 - (1) Height shall be not more than one story.
 - (2) Setback from property lines shall be as follows:
 - a. Setbacks around perimeter of mobile home park: Not less than 25 feet.
 - b. Front yard: Not less than 25 feet from any public or private street or drive.
 - c. Side yard, interior: Not less than 20 feet on the entry side of the mobile home and not less than five feet on the nonentry side from the side lot line.
 - d. Side yard, corner: Not less than 25 feet.
 - e. Rear yard: Not less than 15 feet from any lot line and not less than 25 feet from any street line.
 - (3) Lot width and area shall be as follows:

Mobile home space size: Not less than 40 feet by 100 feet.
- (f) *Required facilities.* In the R-M mobile home park district, the following minimum facility requirements shall be provided:
 - (1) A concrete patio 128 square feet or larger with a minimum width of eight feet for each mobile home space convenient to the entrance of the mobile home and appropriately related to the open area of the space.
 - (2) A concrete or asphalt mobile home pad of adequate size for each mobile home space to fit the outside dimensions of the mobile home to be placed thereupon. Each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the

- mobile home and installed within ten days of home placement.
- (3) Where public streets are provided, they will meet all unified government standards and specifications. All private streets shall be built to standards determined by the unified government engineer and shall be at least 24 feet wide. The unified government may at any time require traffic-control devices to be installed and maintained by the developer or owner on private streets as are deemed necessary to protect the public safety.
 - (4) A paved individual walkway not less than two feet wide shall be provided from each mobile home to a paved driveway or parking space.
 - (5) Appropriate recreational areas at a rate not less than 200 square feet per mobile home space shall be provided. Required recreational areas shall not be less than 2,000 square feet in size.
 - (6) If tenant storage facilities are to be provided outside the mobile home for or by the occupants, the location and design of the storage facilities shall be made a part of the final development plan. Storage facilities may be provided on each mobile home lot or in compounds located within 100 feet from each mobile home lot. If private fences between mobile home lots are to be allowed, they shall be of uniform height and approved as a part of the final development plan.
 - (7) A storm shelter shall be provided for persons living in the mobile home park. The storm shelter shall be adequately designed to protect occupants, and shall have an area of not less than 12 square feet per mobile home lot. The storm shelter shall have adequate fresh air ducts to accommodate the occupants, and storm shelters shall be so located to provide a reasonable degree of safety for all residents.
 - (8) All mobile homes newly installed shall be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding sides and roof in accordance with K.S.A. 75-1230.
 - (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of unsightly areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area and buffer plantings are required adjacent to single-family and two-family zoned property. For additional standards and information, see division 10 of this article.
 - (h) **Parking standards.** Two off-street parking spaces shall be provided for each dwelling unit. In addition, mobile home parks that do not have public streets shall provide visitor parking at a rate of one-quarter parking space for each mobile home lot, appropriately located and dispersed in separate parking lots having no more than eight parking spaces each. For additional standards and information, see division 9 of this article.
 - (i) **Management of mobile home parks.** Each mobile home park shall have a resident manager on staff and shall be operated in a sanitary, orderly and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated mobile home shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirlings, the collection of trash and garbage, and the attachment of appurtenances to the mobile homes shall be continually enforced. All drives, playground area and equipment, lawn and trees, and any recreational or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the city. All portions of the mobile home park shall be open and accessible to fire, police and other emergency and protective vehicles and personnel, including unified government and state inspectors.
 - (j) **Signs.** Each such project shall be permitted one wall sign and one monument sign. For additional standards and information, see division 11 of this article.
 - (k) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is RP-M and the procedures are set out in section 27-212.
(Code 1988, § 27-1167; Ord. No. 64690, § 1(27-37), 8-30-1984; Ord. No. 65417, § 11, 4-6-1989; Ord. No. 65690, § 6, 1-2-1992; Ord. No. 66814, § 8, 7-8-1993; Ord. No. 66012, § 1, 5-4-1995)

Sec. 27-463. - C-0 nonretail business district.

- (a) **Generally.** The purpose of the C-0 nonretail district is to accommodate services of an administrative, professional and governmental nature. It is intended that no products be handled on the premises other than documents involved in business transactions or items for display or training purposes. The size and bulk of buildings may vary, signs are modest in size and prominence, and the occupancy of the buildings is generally assumed to be in the 8:00 a.m. to 5:00 p.m. range, five days per week. Little noise or commotion is produced, and quality of architecture, screening and landscaping is emphasized to assure compatibility with nearby residential neighbors. Location should be on major streets, in or adjacent to the central business district, or as transition between retail uses and residential property. This section applies to the C-0 nonretail business district, except as stated otherwise.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the RP-4 garden apartment district under the standards of that district, except that single-family and two-family dwellings are not permitted in this district.
 - (2) Offices for the administrative functions of businesses, corporations, governmental agencies, utilities, social and philanthropic organizations.
 - (3) Offices for the sale of insurance, real estate, securities, and travel services, as well as equipment, products and materials that are located off the premises.
 - (4) Photographic studios, radio and television studios, hospitals and clinics for treatment of humans, dental laboratories, mortuaries, day care centers, beauty salons.
 - (5) Offices for professions such as medicine, law, engineering, architecture, osteopathy, chiropractic and counseling.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All functions and activities shall be conducted within a fully enclosed building.
 - (2) No stock in trade may be kept on the premises except that which is used in training, display or demonstration, all of which shall be kept inside a building.
 - (3) No use is permitted that involves the parking, storage, or continued presence of vehicles of over 18,000 pounds GVWR.
 - (4) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than three stories or 40 feet, except that in the CP-0 planned nonretail business district, buildings and structures shall not exceed 12 stories.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: Not less than ten feet plus one foot for each story over three.
 - c. Side yard, corner: Not less than 25 feet.

- d. Rear yard: Not less than 25 feet.
 - e. For parking and other paved areas: Not less than six feet from any property line or less than 25 feet from any street line.
- For additional standards and information, see division 8 of this article.
- (e) **Parking standards.** Uses in this district, except those situated in the area herein described as the central business district, require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. Buildings in the central business district, within the area bounded by Third Street and Eleventh Street, Ann Avenue and Washington Boulevard, need not provide off-street parking on the premises, if the planning commission determines that adequate alternative parking is available within a practical walking distance in order to protect the public safety and convenience. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one monument sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
 - (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property. For additional standards and information, see division 10 of this article.
 - (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of rezoning, a practice which may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-O, and the procedures are set out in section 27-212.
 - (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for use as an office or other business purpose unless the following conditions are met:
 - (1) Setbacks comply with those required in this district.
 - (2) All off-street parking required by this article or by the proposed use of the premises can be accommodated in the side or rear yard of the premises, and said premises has access and dimensions to permit the full and safe use thereof.
 - (3) The building is made to comply with all building and other code requirements of a commercial building.
 - (4) The premises is screened from any abutting property zoned or used for residential purposes.
 - (5) A site plan and an architectural plan depicting the requirements of subsection (i) of this section, plus any changes to the exterior of the building, shall be prepared by a registered architect and submitted for review and approval by the planning commission prior to issuance of building permits or occupancy of the building.

(Code 1988, § 27-1168; Ord. No. 64690, § 1(27-39), 8-30-1984; Ord. No. 64884, § 4, 10-3-1985; Ord. No. 66269, § 1, 9-4-1997)

Sec. 27-464. - C-1 limited business district.

- (a) **Generally.** The purpose of the C-1 limited business district is to accommodate retail and service establishments that serve, for the most part, a limited, definable trade area and may have close relationships with the residential areas they serve. The size of buildings, the peak hour flow of traffic, the size and prominence of signs and the amount of noise and commotion created are assumed to be moderate to low in scale compared to regional shopping centers and highway-oriented businesses. Clusters or centers on major intersections are preferable to strip patterns. This section applies to the C-1 limited business district.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Buildings to accommodate the sale of items such as and similar to:
 - a. Antiques, jewelry, glassware, artwork, hobby supplies, gifts, flowers, novelties.
 - b. Auto accessories.
 - c. Books, paper products, office supplies, cameras.
 - d. Sporting goods, music supplies and instruments, bicycles, pets.
 - e. Foods and beverages, including consumption on the premises.
 - f. Department store merchandise.
 - g. Hardware, paint, toys, electronic devices, household appliances and furnishings.
 - h. Clothing, shoes, pharmaceuticals and eyeglasses.
 - (2) Services such as all uses permitted in the C-O district under the requirements and performance standards of that district, including offices for administrative functions, medicine, dentistry, law, philanthropic organizations, counseling, insurance, real estate, securities, and preschools and day care centers.
 - (3) Additional uses such as:
 - a. Barbershops and beauty shops, churches, commercial parking lots.
 - b. Dry cleaning shops, self-service laundry and pick-up stations.
 - c. Dwellings, single-family under the R-1 requirements and two-family under the R-2 requirements.
 - d. Financial institutions, health studios and centers.
 - e. Locksmiths, shoe repair shops.
 - f. Places of assembly for no more than 50 people to be rented out for a period of a week or less.
 - g. Printing, arts and handicrafts, tailoring and dressmaking.
 - h. Schools of a nonacademic nature, including vocational and trade schools, and training centers.
 - i. Servicing of household appliances and small household equipment normally utilized within the home.
 - j. Small animal hospitals and clinics.
 - k. Theatres and commercial recreation, except those uses listed in less restrictive districts or in section 27-579.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building at all times, except that accessory storage and sale of landscaping and gardening supplies may occur outside during the spring planting season, and Christmas trees may be left outside during the period of sale if they do not reduce the capacity of a parking lot below that required by ordinance.
 - (2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood. No public address, paging or music system shall be used which can be heard outside the building.
 - (3) Beverages containing alcohol may be consumed on the premises only when food is also served on the premises. The sale of such beverages containing alcohol must total less in annual dollar volume than the sale of food. Private clubs are permitted in this district only by special use permit.

- (4) No drive-in or drive-through service directly to persons in automobiles is permitted where food and beverages are served.
 - (5) A maximum of three vehicle fuel pumps may be provided where convenience food products are sold in a building having at least 1,000 square feet devoted to such convenience sales.
 - (6) Sale of auto accessories shall be limited to those that do not require and do not normally involve installation in or on the vehicle on the premises. Tire and battery sales, transmission repair, body work and similar products and services are not allowed in this district.
 - (7) Sales of products shall generally be directly to the ultimate consumer. Wholesale sales or the handling in bulk form of the products or merchandise specified herein is not intended.
 - (8) No use is permitted that involves the parking, keeping, storage or continued presence of trucks of over 18,000 pounds GVWR, semitrailer rigs, contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.
 - (9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 8:00 a.m. and 1:00 a.m. of the following day.
 - (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than two stories or 35 feet.
 - (2) Setback from property lines shall be as follows:
 - a. Front yard: Not less than 15 feet.
 - b. Side yard, interior: None, except where a property in this district abuts a zoning district wherein a setback is required, then that same setback shall be provided on that property in this district.
 - c. Side yard, corner: Not less than 15 feet.
 - d. Rear yard: None, except when abutting property is used for or zoned for residential use a rear yard of no less than 15 feet shall be provided.
 - e. For parking and other paved areas: Not less than six feet from any property line.
- For additional standards and information, see division 8 of this article.
- (e) **Parking standards.** Uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. For additional standards and information, see division 9 of this article.
 - (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. Two wall signs and one detached sign are permitted each building. For additional standards and information, see division 11 of this article.
 - (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Six-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
 - (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-1 and the procedures are set out in section 27-212.
 - (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for commercial use, except that a residential building may be converted for office use under the conditions set out in section 27-463(i).
- (Code 1988, § 27-1169; Ord. No. 64890, § 1(27-41), 8-30-1984; Ord. No. 64884, § 5, 10-3-1985; Ord. No. 65417, § 12, 4-6-1989)

Sec. 27-465. - C-D central business district.

- (a) **Generally.** The purpose of the C-D central business district is to accommodate and encourage a broad range of business activities in the downtown section of the city. It is the intent of this district to allow a broad range of land uses, including retail, wholesale, services, residential, governmental, educational, religious, recreational and others which can function without adversely affecting neighboring property or the public interest in general. Intensive use of land and the continued use and renovation of existing structures is encouraged. This section applies to the C-D central business district.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in C-1 limited business district.
 - (2) Custom maintenance and delivery services.
 - (3) Dry cleaning and laundries.
 - (4) Exhibition and convention halls.
 - (5) Hotels and motels.
 - (6) Mixed commercial and residential structures in the CP-D district.
 - (7) Multifamily residential uses under the standards and requirements of the RP-6 planned apartment district, unless specifically reduced herein.
 - (8) Offices, financial institutions.
 - (9) Places of assembly and worship, health services.
 - (10) Printing and publishing.
 - (11) Multifamily residential uses in buildings of three stories or more originally constructed for office/commercial use.
- (c) **Plan approval.** Preliminary development plans and final plans shall be approved by the planning commission prior to the construction of new or expanded facilities except for single-family dwellings. Such plans shall conform to the requirements for preliminary and final plans as set out in section 27-212. Notices shall be sent to all property owners within 200 feet. Approval or disapproval by the planning commission shall be based upon the following:
 - (1) The degree of harmony that will prevail between the visual quality of the proposed use and the surrounding development.
 - (2) The degree of conformance with community plans and policies.
 - (3) The ability of the site to meet its parking needs or the ability of public or other available parking to meet these needs.
- (d) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building.
 - (2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.
 - (3) No drive-in or drive-through service directly to persons in automobiles is permitted where food or beverages are sold.

- (4) Sale of auto accessories shall be limited to those that do not require and do not normally involve installation on the vehicle on the premises. Tire and battery sales, transmission repair, body work and similar products and services are not allowed in this district.
 - (5) No use is permitted that involves the parking, keeping, storage or continuous presence of trucks of over 30,000 pounds GVWR rating, semitrailer rigs or portions thereof, contractors' equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.
 - (e) *Height and area standards.* All buildings and other uses of land shall conform to the following minimum standards:
 - (1) No minimum or maximum height requirement.
 - (2) No setback is required, except that where a property in this district abuts a zoning district where a setback is required, then that same setback shall be provided on that property in this district.
 - (f) *Parking standards.*
 - (1) Uses in this district need not provide off-street parking, except that residential occupancies shall provide not less than one off-street parking space for each dwelling unit, and hotels shall provide one off-street parking space for each room. Such parking spaces shall be paved and shall be on the premises or off the premises within 200 feet of the main entrance to the building served.
 - (2) The unified government may, in the planned zoning procedure, require that reasonable off-street parking be provided within a practical walking distance in order to protect the public safety and convenience. For additional standards and information, see division 9 of this article.
 - (g) *Signs.* Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building, and one monument sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
 - (h) *Landscaping and screening.* Where setbacks allow, a reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
 - (i) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-D and the procedures are set out in section 27-212.
 - (j) *Building conversion.* No building that was designed and constructed as a residential building shall be converted for commercial use in this district.
- (Code 1988, § 27-1170; Ord. No. 64690, § 1 (27-43), 8-30-1984; Ord. No. 85417, § 13, 4-6-1989; Ord. No. O-31-99, § 1, 4-29-1999; Ord. No. O-48-02, § 1, 6-27-2002; Ord. No. O-35-05, § 1, 5-4-2005)

Sec. 27-466. - C-2 general business district.

- (a) *Generally.* The purpose of the C-2 general business district is to accommodate a broad range of retail, wholesale and service establishments that serve a wide range of markets. While concentration of these uses into clusters and groups is highly desirable, it is anticipated that strips and small clusters along major streets will accommodate a large portion of this type of business. Size and type of buildings and accompanying land areas will vary widely, and traffic and commotion will, in some cases, produce noise levels which may be adverse to nearby residential property. The intensity of the use of land is expected to be moderate to low, except in those occasional cases where high-rise buildings or regional shopping centers are placed. Prominence of establishments in this district will call for a higher level of visual quality, greater setbacks, more landscaping and screening than in previous business districts. This section applies to the C-2 general business district except as otherwise stated.
- (b) *Permitted uses.* The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the C-1 limited business district.
 - (2) Shops and stores for the sale of department store merchandise, new and used automobiles and small and medium trucks, automobile supplies, motorcycles, motor fuels.
 - (3) Sales of such items as lawn and garden supplies and equipment, building supplies and materials.
 - (4) Services such as:
 - a. Automobile washing facilities.
 - b. Clubs and membership organizations other than class A and class B private clubs.
 - c. Dry cleaning and laundries.
 - d. Appliance and household equipment repair.
 - e. Maintenance and delivery services, exterminators.
 - f. Limited automobile repair.
 - g. Places of assembly.
 - h. Printing and publishing, custom furniture reupholstery and repair.
 - i. Hotels and motels.
- (c) *Performance standards.* No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All sales, services and storage shall be conducted within a totally enclosed building. No product may be handled or service rendered which cannot be accommodated within a building at all times, except that accessory sale and storage of landscaping and gardening supplies, Christmas trees, and vehicles for sale may be kept outside.
 - (2) No use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood.
 - (3) Beverages containing alcohol may be consumed on the premises only when food is also served on the premises. The sale of such beverages containing alcohol must total less in annual dollar volume than the sale of food. Private clubs are permitted in this district only by special use permit.
 - (4) Drive-in and drive-through facilities are permitted except for the sale of cereal malt beverages and alcoholic beverages, but only after vehicular approach and stacking space are deemed by the planning director and traffic engineer to be safe, workable and unlikely to produce congestion in the public streets. In the case of disagreement, the unified government board of commissioners shall make the final determination.
 - (5) Servicing of motor vehicles in this district is limited to that which produces no noise, fumes or odor which is perceptible from off the premises and which involves no outside storage or outside keeping of parts.
 - a. *Permitted services.* Except as accessory use to a new car dealership or department stores, activities, which involve machining, painting, removal, repair or rebuilding of major body, or chassis components, welding or sheet metal cutting are not permitted. Body and framework are not permitted. Servicing and repair is limited to vehicles of less than 12,000 pounds GVWR. Such operations as generator and starter repair, tire and battery installation, tune-ups and diagnosis, electrical and

fuel injection servicing, CV joint and clutch and timing belt maintenance and replacement, glass and upholstery replacement, brake installation, rust proofing, air conditioner repair, lubrication, and any scheduled maintenance are typical permitted services in this district. Engine replacement may be done only on an occasional basis and shall not be an advertised service.

- b. **Parking.** All auto servicing businesses established after the date of this section shall provide no less than four off-street parking spaces for each 1,000 square feet of building floor area. Such auto servicing businesses shall be required to do the following prior to opening for businesses:
 1. A dimensioned sketch showing a proposed parking layout that includes parking space striping, location of drive aisles, pavement and a screened trash enclosure being submitted and approved by the development review committee.
 2. Completion of the improvements necessary to implement the plan.
 3. The approved sketch shall represent a firm commitment on the improvement and maintenance of the site and repeated deviations from that layout in the field will be considered a violation of the provisions of this article and enforced accordingly.
- (6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet.
- (7) Sales of products shall generally be directly to the ultimate consumer. The handling in bulk form of the products or merchandise specified herein is not intended.
- (8) No use is permitted that involves the parking, keeping, storage or continued presence of trucks over 30,000 pounds GVWR rating, semitrailer rigs or portions thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.
- (9) Automobile washing facilities shall provide reservoir parking spaces between the lot entrance and the car wash equal to five times the capacity of the car wash facility.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than three stories, except that in the CP-2 planned general business district, buildings and structures shall not exceed 12 stories.
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: No setback is required except where a property in this district abuts a zoning district wherein a setback is required, then that same setback shall be provided on that property in this district.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: No setback is required except where a property in this district abuts a zoning district wherein a setback is required, then a setback of ten feet shall be provided on that property in this district.
 - e. Parking and other paved areas: Not less than six feet from any property line and not less than ten feet from any street right-of-way line.

For additional standards and information, see division 8 of this article.

- (e) **Parking standards.** Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a property prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-2 and the procedures are set out in section 27-212.
- (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for commercial use in this district.

(Code 1988, § 27-1171; Ord. No. 64690, § 1(27-45), 8-30-1984; Ord. No. 65417, § 14, 4-6-1989; Ord. No. 65814, § 9, 7-8-1993; Ord. No. O-115-02, § 1, 12-26-2002)

Sec. 27-467. - C-3 commercial district.

- (a) **Generally.** This section applies to the C-3 commercial district. The purpose of the C-3 district is to accommodate those businesses that are typically more offensive by reason of noise, commotion, appearance, hours of operation or general image as perceived by the public. The size, bulk and architectural quality of buildings will vary, exterior storage and display of merchandise and equipment will occur and varying degrees of adverse impacts will be experienced by nearby properties. Buildings will tend to be one and two stories in height and site locations will tend to be on major thoroughfares and peripheral to industrial districts or major business centers.
- (b) **Permitted uses.** The sale of products and offering of services in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive, but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the C-2 general business district.
 - (2) Buildings and yards for the sale or rental at retail or wholesale of items such as and similar to automotive equipment, cars, trucks, trailers, boats, mobile homes, camping accessories, farm equipment and supplies, manufactured homes, building supplies, lawn accessories, nursery stock, plumbing, heating and air-conditioning equipment and supplies.
 - (3) Services such as:
 - a. Auto and small- and medium-size truck repair and washing, farm machinery repair, adult motion picture theater, adult bookstore or adult video store, entertainment and recreation, except those listed in section 27-579.
 - b. General repair and fix-it shop.
 - c. Lawn, tree and garden services.
 - d. Making or assembly of products to be sold at retail on the premises.
 - e. Miniature golf courses and golf driving ranges.
 - f. Self-storage buildings.
 - g. General and special trades contractors.

- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
- (1) Drive-in and drive-through facilities are permitted, except for cereal malt beverages and alcoholic beverages, but only after vehicular approach and stacking space are deemed by the planning director and traffic engineer to be safe, workable and unlikely to produce congestion in the public streets. In the case of disagreement, the unified government board of commissioners shall make the final determination.
 - (2) Any making or assembly of products to be sold, including raw materials, and any servicing or repair activities shall be totally within an enclosed building.
 - (3) No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or otherwise injurious to humans or property shall be produced.
 - (4) No operation shall produce noise that exceeds 60dB(A) at repeated intervals for a sustained length of time measured at any point on the property line. No use shall cause the day-night noise level average to exceed 65dB(A) for any residence for a sustained period.
 - (5) Merchandise for sale or rent on the premises may be displayed or stored outside a building as appropriate only if it is kept off public sidewalks and streets and if it does not reduce the capacity of a parking lot below that required by this section. Such merchandise display need not be screened from view from the street, but shall not include auto parts, inoperable vehicles, junk or salvage. Such merchandise shall be a part of the main business of the property or clearly accessory to the activities and sales conducted within the enclosed building or be on a developed site of at least three acres which has had a business selling merchandise outside prior to January 2, 1999.
 - (6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.
 - (7) No use is permitted that involves the parking, keeping, storage or continual presence of trucks of over 30,000 pounds GVWR rating or semitrailer rigs or portions thereof, or heavy construction equipment. This does not apply to vehicles making normal deliveries or trips to serve the property.
 - (8) Automobile washing shall provide reservoir parking spaces between the lot entrance and the car wash equal to five times the capacity of the car wash facility.
 - (9) No adult motion picture theaters, adult bookstores or adult video stores shall be established within 500 feet of any church, schools (those permitted in residential districts), or any residentially zoned area.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
- (1) Height shall be no more than three stories, except that in the CP-3 planned commercial district, buildings and structures shall not exceed 12 stories.
 - (2) Setbacks from property lines shall be as follows:
 - a. Front yard: Not less than 25 feet.
 - b. Side yard, interior: No setback is required except that where a lot in this district abuts a zoning district wherein a setback is required then that same setback shall be provided on that property in this district.
 - c. Side yard, corner: Not less than 25 feet.
 - d. Rear yard: No setback is required except where a lot in this district abuts a zoning district wherein a setback is required then that same setback shall be provided on that property in this district.
 - e. Parking and other paved areas: Not less than six feet from any property line and not less than ten feet from any street right-of-way line.

For additional standards and information, see.

- (e) **Parking standards.** Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is CP-3 and the procedures are set out in section 27-212.
- (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted for commercial use in this district.

(Code 1988, § 27-1172; Ord. No. 64690, § 1(27-47), 8-30-1984; Ord. No. 64884, §§ 6, 7, 10-3-1985; Ord. No. 65079, §§ 1, 2, 11-6-1986; Ord. No. 65417, § 15, 4-6-1989; Ord. No. 65814, § 10, 7-8-1993; Ord. No. O-34-02, § 1, 4-25-2002)

Sec. 27-468. - M-1 light industrial and industrial park district.

- (a) **Generally.** The purpose of the M-1 light industrial and industrial park district is to accommodate those activities that are normally considered industrial in nature but which produce few if any external effects that may be adverse to nearby property or to the community in general. Goods which are handled or produced are typically small to moderate in bulk and weight; manufacturing or fabricating processes produce little noise, odors or airborne matter; and volumes of truck and rail traffic are light to moderate in relation to site area. Building sites usually have landscaped setbacks and open spaces, and outdoor service and storage areas are screened. The placement of this district should offer direct access to one or more major streets and involve land that can accommodate large one-story buildings and parking areas plus an adequate buffer for any adjoining residential property. This section applies to the M-1 light industrial and industrial park district except as otherwise stated.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the CP-1 planned limited business district except dwellings, under all the standards and requirements of that district.
 - (2) Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing or testing any commodity except those permitted only in the M-3 heavy industrial district and those listed in section 27-489(b)(5).
 - (3) Warehousing or wholesaling of any commodity except those permitted only in the M-3 heavy industrial district.

- (4) Public and private utility facilities.
- (5) Business services such as testing, photo processing, equipment rental, leasing, employment agencies, places of assembly, printing, exterminating, custom maintenance and delivery services.
- (6) General and special trades contractors.
- (7) Sales of building materials, contractor's equipment, furniture, office, hotel and restaurant supplies, machines, metals.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) All operations shall be conducted within a fully enclosed building.
 - (2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage of junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation.
 - (3) 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.
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 75 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
 - (4) All uses involving storage, handling, use or sale of hazardous and highly flammable or explosive materials (group H occupancies as defined by the Uniform Building Code) 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 at his discretion submit the use to the development review committee for review.
- (d) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:
 - (1) Height shall be not more than three stories or 50 feet, except that in the MP-1 planned light industrial and industrial park district, buildings and structures shall not exceed 160 feet.
 - (2) Setback from property line shall be not less than 25 feet except that parking, loading and other paved areas shall be not less than ten feet from any property line.

For additional standards and information, see division 8 of this article.

- (e) **Parking standards.** Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for building increments between 20,000 and 60,000 square feet. For buildings larger than 60,000 square feet the parking required for increments over 60,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 60,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-1 district. For additional standards and information, see division 9 of this article.
- (f) **Signs.** Signs are permitted in this district, but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building, and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) **Landscaping and screening.** A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is MP-1, and the procedures are set out in section 27-212.
- (i) **Building conversion.** No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Code 1988, § 27-1173; Ord. No. 64690, § 1(27-49), 8-30-1984; Ord. No. 65079, §§ 3, 4, 11-6-1986; Ord. No. 65417, § 16, 4-6-1989)

Sec. 27-469. - M-2 general industrial district.

- (a) **Generally.** The purpose of the M-2 general Industrial district is to accommodate a broad range of industrial and certain commercial uses, many of which will be of less visual quality and constitute a more intensive use of land than those uses typical of the M-1 district. Location of sites will logically relate to highway, major street, rail or river access although frontage on such a means of access is not always essential. A wide diversity of building sizes, architectural character and occupancy from one property to another is typical. Many uses in this district will have adverse effects on nearby residential property unless substantial buffering, land use transition, and traffic controls are utilized. This section applies to the M-2 general industrial district.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
 - (1) Any use permitted in the C-3 commercial district except dwellings, under the standards and requirements of that district.
 - (2) Any use permitted in the M-1 light industrial and industrial park district.
 - (3) Sales and rental of such items as lumber and other construction materials and supplies, heavy machinery and equipment, steel, food and dairy products, mobile and manufactured homes, monuments, marble, slate, recreation vehicles and equipment, chemicals, fuel.
 - (4) Services such as woodworking, machinery and equipment repair, cartage, lawn and building maintenance.
 - (5) Services such as railroad terminals, trucking terminals, truck stops, junior poster panel and poster panel advertising, contractor's storage yards.
 - (6) Telecommunication towers no more than 260 feet tall.
- (c) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
 - (1) 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.
 - b. Vibration or concussion perceptible without instruments at the property line.

- c. Noise greater than 80dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 85dB(A) for any residence for a sustained period.
- d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
- (2) No equipment, material or vehicles, other than operable 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.
- (3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district.
- (4) All uses involving storage, handling, use or 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.
- (5) No adult motion picture theaters, adult bookstores or adult video stores shall be established within 500 feet of any church, school (those permitted in residential districts), or any residentially zoned area.
- (6) Telecommunication towers shall comply with and be subject to the following:
 - a. All towers shall be set back from any existing off-site residence a distance no less than the height of the tower.
 - b. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the governing authority notifying the owner of such abandonment. The landowner shall be responsible for the removal in the event the lessee fails to remove it upon abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
 - c. Every telecommunication tower shall be subject to administrative review after three years regardless of the approved term of the special use permit or the date such tower was installed in an M-2 or M-3 industrial zone. Reviews will subsequently be required every three years thereafter. At the time of this review the applicant shall demonstrate to the satisfaction of the unified government that:
 - 1. The general appearance of the facility has been adequately maintained. This shall include landscaping, fencing, surfacing, tower appearance, etc.
 - 2. The structural integrity of the tower is uncompromised. A report from a licensed professional engineer shall be submitted by the applicant assuring this.
 - 3. A good faith effort has been made to cooperate with other providers to establish collocation at the tower site. Good faith effort shall include, but is not limited to, timely response to collocation inquiries from other providers and sharing of technical information to evaluation the feasibility of establishing collocation.
 - 4. The unified government may request that the applicant hire a qualified third party to prepare a report providing measurements of radio frequency radiation emissions and certifying compliance with all applicable regulations.
 Failure to adequately demonstrate compliance on any one of these items shall result in the initiation of an enforcement action in municipal court or at district court of the county.
 - d. In areas where surrounding buildings and facilities are served by underground utilities, all utility lines shall be underground.
 - e. All towers over 100 feet shall be designed to accommodate at least three communication carriers.
- (d) *Height and area standards.* All buildings and other uses of land shall conform to the following minimum standards:
 - (1) There shall be no minimum or maximum height requirements except that, where a property in this district abuts a zoning district wherein a height limitation is imposed by this division then that same height limitation shall apply to that property in this district within 25 feet of the common property line.
 - (2) Setbacks from property lines shall be ten feet for buildings and structures, six feet for all parking, loading, display and storage areas, except that along side and rear property lines adjacent to residentially zoned property, a 15-foot setback is required.

For additional standards and information, see division 8 of this article.

- (e) *Parking standards.* Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. 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. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. For additional standards and information, see division 9 of this article.
- (f) *Signs.* A broad range of signs is permitted in this district, including wall signs, detached signs and outdoor advertising. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided along side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) *Planned zoning.* All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is MP-2 and the procedures are set out in section 27-212.
- (i) *Building conversion.* No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Code 1988, § 27-1174; Ord. No. 64690, § 1(27-51), 8-30-1984; Ord. No. 65079, § 5, 11-6-1986; Ord. No. 65417, § 17, 4-6-1989; Ord. No. 66177, § 2, 12-5-1996; Ord. No. O-48-02, § 4, 6-27-2002)

Sec. 27-470. - M-3 heavy industrial district.

- (a) *Generally.* The purpose of the M-3 heavy industrial district is to accommodate those uses permitted in the M-1 and M-2 districts plus the

- remainder of the industries that are not included in those districts. Visual qualities and external effects of occupants in this district are likely to be adverse, in some cases affecting a sizeable land area. Location of sites would logically be limited to five or fewer sections of the community and relatively large land areas zoned. A substantial amount of heavy vehicular traffic and rail activity will occur with some occupants, and activity may be continuous through night time and weekend hours. This section applies to the M-3 heavy industrial district.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumerated uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
- (1) Any use permitted in the M-2 general industrial district.
 - (2) Bulletin outdoor advertising signs adjacent to freeways and expressways.
 - (3) Uses such as manufacturing or assembly of such large bulk products as railroad equipment, heavy contractor's equipment, aircraft, motor vehicles, bridge and bridge components, industrial production equipment concrete products, and watercraft. (Permitted in the more restrictive industrial districts if the standards and requirements of those districts can be met.)
 - (4) Telecommunication towers no more than 250 feet tall.
 - (5) Crematories, if the property is at least 500 feet from any residentially zoned land.
 - (6) Dead animals or offal reduction or processing.
 - (7) Extended or dead storage of motor vehicles, tow lots, and salvage yards for which a salvage special use permit is approved, as set out in division 6 of this article.
 - (8) Grain elevators, railroad yards.
 - (9) Hazardous waste disposal, storage (longer than 90 days) or treatment only if a special use permit is approved, as set out in division 6 of this article.
 - (10) Manufacturing of industrial chemicals, pesticides and agricultural chemicals, paints and related products, plastics, synthetic resins, cement, fireworks or explosives and other manufacturing operations with similar environmental effects.
 - (11) Metal smelting, refining of petroleum products, concrete and asphalt mixing plants.
 - (12) Warehousing, wholesaling, or retailing of fireworks or explosives and other operations with similar potential environmental effects.
- (c) **Plan review.** No permit for construction, reconstruction or expansion of a building, structure, outdoor service or activity area shall be issued, for uses listed under subsections (b)(5)—(b)(11) of this section, until and unless a development plan is first prepared by the applicant and approved by the planning commission after public hearing. The decision of the planning commission may be brought before the unified government board of commissioners for final determination. Plans submitted shall include at least the following:
- (1) Site plan showing buildings, drives, parking, outdoor storage or other activity.
 - (2) Area surrounding the site sufficient to indicate character, topography, current uses and street patterns.
 - (3) Elevation sketches of any buildings or structures with approximate dimensions.
 - (4) Indication of how wastewater, surface water, screening, and landscaping will be handled.
 - (5) Brief description of the operation and how conformance with performance standards will be maintained.
- (d) **Performance standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
- (1) 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
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. 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 85 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.
 - (2) 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.
 - (3) 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.
 - (4) 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.
 - (5) No adult motion picture theaters, adult bookstores or adult video stores shall be established within 500 feet of any church, school (those permitted in residential districts), or any residentially zoned area.
 - (6) Telecommunication towers shall comply with and be subject to the following:
 - a. All towers shall be set back from any existing off-site residence a distance no less than the height of the tower.
 - b. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the governing authority notifying the owner of such abandonment. The landowner shall be responsible for the removal in the event the lessee fails to remove it upon abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
 - c. Every telecommunication tower shall be subject to administrative review after three years regardless of the approved term of the special use permit or the date such tower was installed in an M-2 or M-3 industrial zone. Reviews will subsequently be required every three years thereafter. At the time of this review the applicant shall demonstrate to the satisfaction of the unified government that:
 1. The general appearance of the facility has been adequately maintained. This shall include landscaping, fencing, surfacing, tower appearance, etc.
 2. The structural integrity of the tower is uncompromised. A report from a licensed professional engineer shall be submitted by the applicant assuring this.
 3. A good faith effort has been made to cooperate with other providers to establish collocation at the tower site. Good faith effort shall include, but is not limited to, timely response to collocation inquiries from other providers and sharing of technical information to evaluation the feasibility of establishing collocation.
 4. The unified government may request that the applicant hire a qualified third party to prepare a report providing measurements of radio frequency radio emissions and certifying compliance with all applicable regulations.
 Failure to adequately demonstrate compliance on any one of these items shall result in the initiation of an enforcement action in municipal court or at district court of the county.
 - d. In areas where surrounding buildings and facilities are served by underground utilities, all utility lines shall be underground.
 - e. All towers over 100 feet shall be designed to accommodate at least three communication carriers.
- (e) **Height and area standards.** All buildings and other uses of land shall conform to the following minimum standards:

- (1) There shall be no minimum or maximum height requirements except as may be established by airport approach zones.
- (2) No minimum setback is set out herein, however such setbacks as are deemed in the public interest and reasonably protective of nearby property will be established in the plan review process prior to construction. Along side and rear property lines adjacent to residentially zoned property a 15-foot setback is required for all buildings, structures, parking, loading, display and storage areas.

For additional standards and information, see division 8 of this article.

- (f) **Parking standards.** Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building area be provided. 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. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. For additional standards and information, see division 9 of this article.
- (g) **Signs.** A broad range of signs is permitted in this district, including wall signs, detached signs and outdoor advertising. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (h) **Landscaping and screening.** All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (i) **Planned zoning.** All rezoning cases are reviewed relative to likely impacts of the proposed use on neighboring property and on the community in general. It is recognized that the manner in which a building is designed and located on a site, the visual perception of the project by nearby property owners, and the way that vehicular traffic and surface water are handled are important to the public welfare, yet may vary widely within the framework of these regulations and standards. Many such critical issues can be resolved in the public interest at the time of rezoning by use of the planned zoning process. This process involves submittal and approval of development plans at the time of zoning, a practice that may enhance neighborhood relationships and minimize traffic and other impacts on the public in general. The planned zoning equivalent to this district is MP-3 and the procedures are set out in section 27-212.
- (j) **Building conversion.** No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Ord. No. 64880, § 1(27-53), 8-30-1984; Ord. No. 64884, § 8, 10-3-1985; Ord. No. 65079, § 6, 11-6-1986; Ord. No. 65417, § 18, 4-6-1989; Ord. No. 66177, § 3, 12-5-1996; Ord. No. 66255, § 1, 8-7-1997)

Sec. 27-471. - TND Traditional neighborhood design district.

- (a) **Purpose.** This section establishes and encourages innovative mixed-use development as an alternative to typical post World War II suburban, use-segregated developments. Specifically, the TND is intended to be used for the creation of developments that:
 - (1) Create a dynamic, mixed-use environment, where walking is the predominant mode of transportation.
 - (2) Provide for a range of housing choices in close proximity to each other, including vertical mixed use.
 - (3) Create land development solutions that are not typically found elsewhere in the city.
 - (4) Produce quality public spaces that are usable for a variety of public and semi-public activities.
 - (5) Ensure higher standards of design and construction for buildings, public infrastructure, and landscaping.
 - (6) Guarantee a high degree of connectivity for pedestrian and vehicular traffic.
 - (7) Locate buildings close to the street, so that streets and squares are defined as "outdoor rooms".
 - (8) Utilize all the streets for on-street parking.
 - (9) Expedite the development process.
 - (10) Provide numerous, narrow, slow-speed streets to ensure the safety of pedestrians and bicyclists.
- (b) **Conceptual framework and T-zones.** Because of the unique characteristics of TND, a sub-classification of organizing property and uses is established. The sub-classifications for TND are called "transect zones" (T-zones). T-zones help to regulate the creation of the built environment by utilizing land use, density, and intensity to create a quality environment by using them as assets rather than regulating them as potential detriments to the development.
 - (1) **T-zone definitions:**
 - a. **T-1 Natural.** Land that will permanently remain undeveloped.
 - b. **T-2 Rural.** Large lot, rural and estate areas.
 - c. **T-3 Sub-urban.** The most natural, least dense, most residential context of a community.
 - d. **T-4 General urban.** A predominantly residential context, typically the largest zone within a community. It allows for the widest variety of housing choice.
 - e. **T-5 Urban center.** A denser, mixed-use context, typically located near the center of a pedestrian shed or as a corridor along important thoroughfares.
 - f. **T-6 Urban core.** The most dense, primarily mixed-use business, cultural and entertainment concentration of a region, typically assigned to major crossroads.
 - g. **D District.** Specialized single-use sections of a community that have a regional scale. Examples are hospitals, universities, stadiums or large wholesale markets.
 - h. **CS Civic space.** Sites reserved for civic buildings and civic open space. Zone CS includes land reserved for parks.
- (c) **Design manual.** In the TND district, a wide variety of uses and structures are permitted. To encourage this, the city requires any applicant seeking this zoning classification to submit as a part of the rezoning application a "design manual". The design manual shall include, but shall not be limited to:
 - (1) A detailed summary of the project;
 - (2) The scope and vision of the project;
 - (3) An detailed analysis of the existing and surrounding zoning;
 - (4) An detailed analysis of the existing site and development patterns at the neighborhood level;
 - (5) A plan that illustrates the location of the T-zones contained in the project;
 - (6) Illustrations of the building types contained in the project;
 - (7) Illustrated thoroughfare standards;
 - (8) Landscape standards;
 - (9) Architectural standards;
 - (10) A phasing diagram;
 - (11) Unit count;
 - (12) Illustrations of preliminary grading;
 - (13) Illustrations of pedestrian sheds;

- (14) Illustrations of parks, open space, block patterns, and street network;
- (15) Illustrations of the overall master plan layout.
- (d) **Performance standards.** Performance standards shall be governed by the design manual. The intent of the district is to allow for a mixture of uses, often adjacent to or very close to each other. Issues of noise, trash, and operational hours are to be closely coordinated. Every application shall include the following elements:
 - (1) The plan consists of a series of neighborhoods of an approximately ¼-mile radius, which correlates to a five minute walk from center to edge. This encourages walking and interaction among residents.
 - (2) Each neighborhood has a discernible center.
 - (3) Each neighborhood has a variety of dwelling types.
 - (4) All TND developments of 80 acres or more allow civic uses within the neighborhoods.
 - (5) Each neighborhood has a variety of open spaces.
 - (6) The development has streets laid out in a connected network, so there are multiple alternate routes to various destinations.
 - (7) Buildings are placed close to the street, so that streets and squares are defined as "outdoor rooms."
 - (8) Street designs accommodate parking. Parking lots and garages rarely front the streets, and are typically relegated to the rear of the lot.
 - (9) All T-5 and T-6 portions of a TND development abut and enter off a class A or B thoroughfare.
 - (10) All TND developments of 80 acres or more include a minimum of three out of the six T-zones excluding zones T-1, D, and CS.
 - (11) T-zones within the development are in succession (T-3, T-4, T-5 etc.), but may skip one zone. In no case may the T-zones skip over more than one zone (example T-2 to T-5). Zones D and CS do not occur in succession and may abut any other T-zone.
- (e) **Development review board.** There is hereby created a development review board (DRB). The DRB will act as the governing body for all areas zoned TND and shall enforce building layout, aesthetics, and the design manual.
 - (1) **Members.** The DRB is to be composed of six members:
 - a. The chairman of the planning commission, with the consent and approval of the planning commission, shall appoint two members of the planning commission to serve on the DRB.
 - b. The planning director shall appoint one member of the city's planning staff to serve on the DRB.
 - c. The public works director shall appoint one member of the city's public work's staff to serve on the DRB.
 - d. The applicant, or his designee, shall serve on the DRB.
 - e. The applicant's architect or designer shall serve on the DRB.
 - (2) **Organization and authority.**
 - a. **Organization.** The DRB shall elect officers as it deems necessary.
 - b. **Rules.** The DRB shall have the power to make whatever rules and guidelines necessary for the execution of its duties as set forth in this section. All rules shall be approved by the board of commissioners by resolutions before becoming effective. If no rules are readopted, Robert's Rules (RR) shall apply.
 - c. **Meetings.** The DRB shall meet on an as-needed basis, based upon the complete submission of applications.
 - d. **Records.** The DRB shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, determinations, and decisions. All such material shall be public record.
 - e. **Vacancies.** All vacancies on the DRB that are subject to appointment shall be reported to the planning commission.
 - (3) **Duties and powers.** The DRB will act as the governing body for a TND district.
- (f) **District size.** All parcels zoned TND shall meet one of the following criteria:
 - (1) Located west of Interstate 635 and containing a minimum of 80 acres.
 - (2) Located east of Interstate 635, not located in the Downtown, and containing a minimum of five acres.
 - (3) Located on an arterial collector.
 - (4) Located within ¼-mile of an existing transit stop.
 - (5) Located next to an existing TND zone and will connect with a public street to the existing TND zone.
- (g) **Permitted uses.** In the TND district, a wide variety of uses and structures are permitted. A use allowed by right or allowed by exception must occur within a structure intended for that use. Uses allowed by exception must be approved by the DRB. Structures and uses shall be regulated by T-zone:
 - (1) **Retail uses allowed by right.**
 - a. Barber and beauty shops.
 - b. Churches.
 - c. Multiple level commercial parking lots.
 - d. Dry cleaning shops, self-service laundry and pick-up stations.
 - e. Financial institutions, health studios and centers.
 - f. Locksmiths, shoe repair shops.
 - g. Places of assembly for no more than 50 people to be rented out for a period of one week or less.
 - h. Printing, arts and handicrafts, tailoring and dressmaking.
 - i. Servicing of household appliances and small household equipment normally utilized within the home.
 - j. Small animal hospitals and clinics.
 - k. Jewelry, house-ware, artwork, hobby supplies, gifts, flowers.
 - l. Books, paper products, office supplies, cameras.
 - m. Sporting goods, music supplies and instruments, bicycles, pets.
 - n. Foods and beverages, including consumption on the premises.
 - o. Toys, electronic devices, household appliances, and furnishings.
 - p. Clothing, shoes, pharmaceuticals and eyeglasses.
 - q. Custom furniture re-upholstery and repair.
 - r. Grocery, hardware, department store under 60,000 square feet.
 - s. Theaters and performance halls with up to three screens.
 - (2) **Retail uses allowed by exception.**
 - a. Automotive accessories.
 - b. Schools of a nonacademic nature including vocational and trade schools, training centers.
 - c. Taverns and private clubs.
 - d. Gas stations and convenience stores.
 - (3) **Office uses allowed by right.**
 - a. Offices for the administrative functions of businesses, corporations, governmental agencies, utilities, social and philanthropic organizations.
 - b. Offices for the sale of insurance, real estate, securities, and travel services, as well as equipment, products and materials

- which are located off the premises.
- c. Photographic studios, radio and television studios, hospitals and clinics for treatment of humans, dental laboratories, mortuaries, day care centers, beauty salons.
 - d. Offices for the professions such as medicine, law, engineering, architecture, osteopathy, chiropractic and counseling.
 - e. Day care and pre-schools.
- (h) **Building types.** In the TND, a variety of building types are permitted, from mixed-use buildings to single-family detached houses.
- (1) **Building type definitions.**
- a. **Accessory unit.** A dwelling unit (sometimes known as a granny flat) that is located over a garage on the same lot or premises as the main structure. An accessory unit may also be a single story dwelling unit, not associated with a garage, located on the same lot or premises as the main structure. Such units can be attached or detached from the main structure, and are located towards the rear of the lot. All accessory units shall have a maximum square footage equal to 50 percent of the main structure's finished space excluding garages and basements.
 - b. **Apartment building.** A structure with more than two dwelling units on one lot. The apartment building type may also be used for lodging purposes.
 - [c.] **Flat over flat (duplex).** A structure with two dwelling units placed one above the other.
 - [d.] **Live/work building.** A dwelling unit that contains, to a limited extent, a commercial component. A live/work unit is a fee-simple unit on its own lot with the commercial component limited to the ground level.
 - [e.] **Mixed use building.** A building or buildings that combines retail/commercial and/or service uses with residential or office use in the same building or on the same lot in one of the following ways:
 1. **Vertical mixed use.** A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.
 2. **Horizontal mixed use—Attached.** A single structure which provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.
 3. **Horizontal mixed use—Detached.** Two or more structures on one site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.
 - [f.] **Paired house (duplex).** A structure with two dwelling units placed one beside the other sharing a common wall.
 - [g.] **Prominent civic building.** A civic building located on a prominent community site. Prominent civic structures are allowed more design flexibility due to their role in the community and the plan. Prominent civic buildings are to be located in CS zones.
 - [h.] **Row house.** One dwelling unit attached by a common wall to another dwelling unit. A row house is generally a fee simple unit, from ground to roof, with no units above or below.
 - [i.] **Single-family detached house.** One dwelling unit on its own lot, detached from other adjoining lots.
 - [j.] **Small civic building.** A civic building specifically designed for a civic function but not located in a civic space (CS) zone.
 - [k.] **Small commercial building.** A single-use, one-story structure with either office or retail use.
- (2) **Allowed building types.** Building types are regulated by T-zone as listed in table 27-1176-1. Building types allowed by exception must be approved by the DRB.

Table 27-1176-1 Allowed Building Types

Building Type	T2	T3	T4	T5	T6	CS
Type I: Mixed Use Building			E	R	R	
Type II: Live/Work Building		E	E	R	R	
Type III: Small Civic Building		E	R	R	R	E
Type IV: Small Commercial Building				E		
Type V: Apartment Building			R	R	R	
Type VI: Rowhouse			R	R	E	
Type VII: Flat over Flat (Duplex)		E	R			
Type VIII: Paired House (Duplex)		E	R			
Type IX: Single Family Detached House	R	R	R			
Type X: Accessory Unit	R	R	R	R	R	

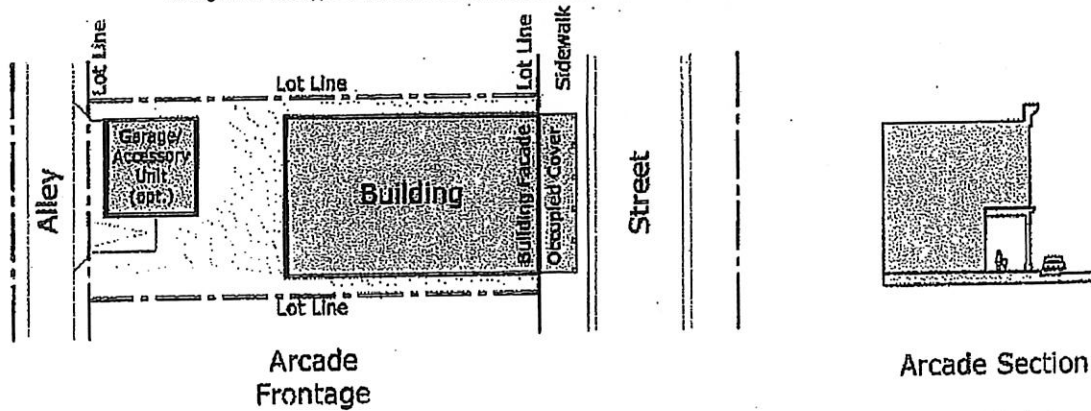
Type C: Prominent Civic Building	E	E	E	E	E
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Interpretation of Table 27-2276-1: "R" means allowed by right; "E" means allowed by exception. A blank cell means that the building type is not allowed.

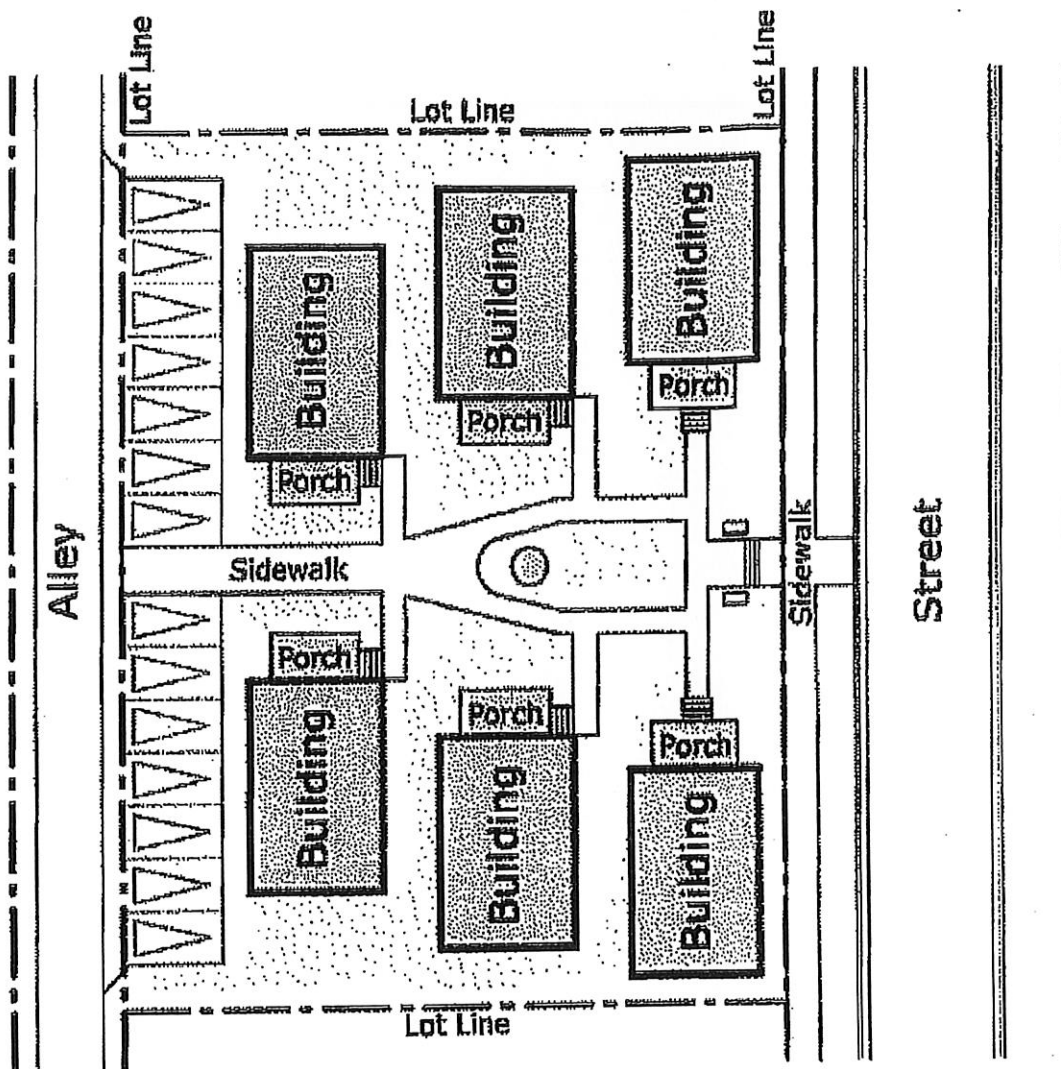
(i) *Frontage types.* In the TND, a variety of frontage types are permitted.

(1) *Frontage type definitions.*

- a. *Arcade.* A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk remains the frontage line. This type is conventional for retail use, with other uses in the occupied space above the colonnade.

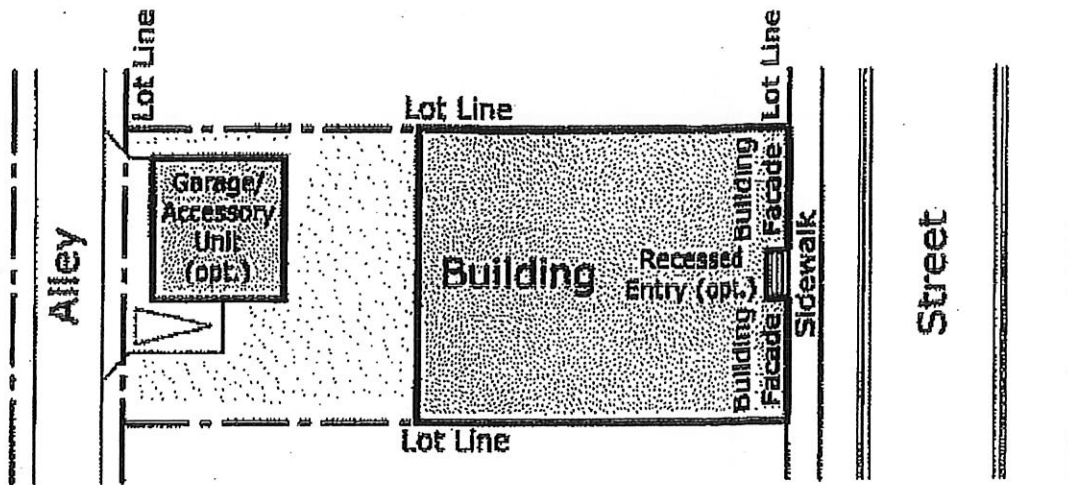


- b. *Common lawn.* A frontage wherein a group of buildings share a common lawn. The frontage has a visual relation to the street and to the buildings across the lawn.



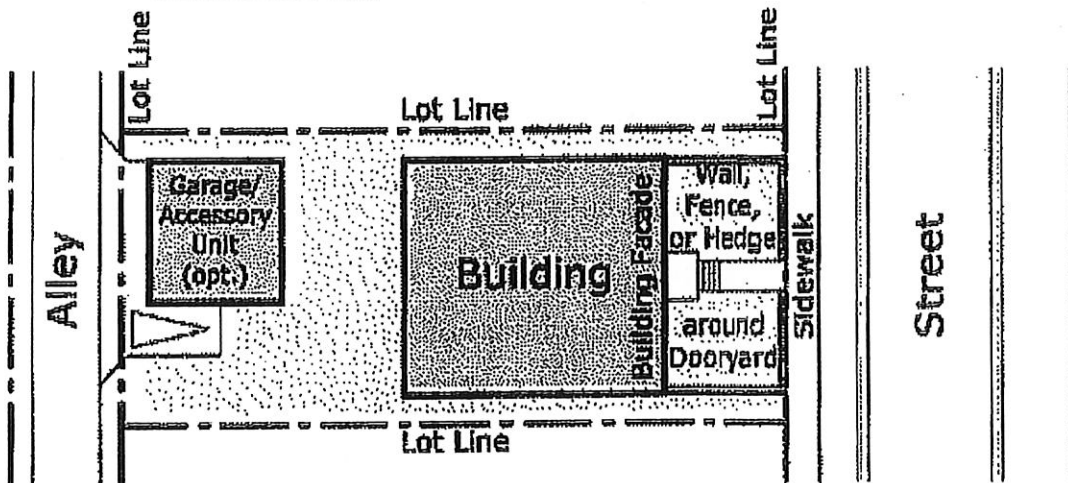
Common Lawn Frontage

- c. *Doorway.* A frontage wherein the facade is aligned with the sidewalk and the entry is a door flush with the facade, or recessed into the facade. This type is similar to storefront frontages, except that they are primarily used for residential entries.



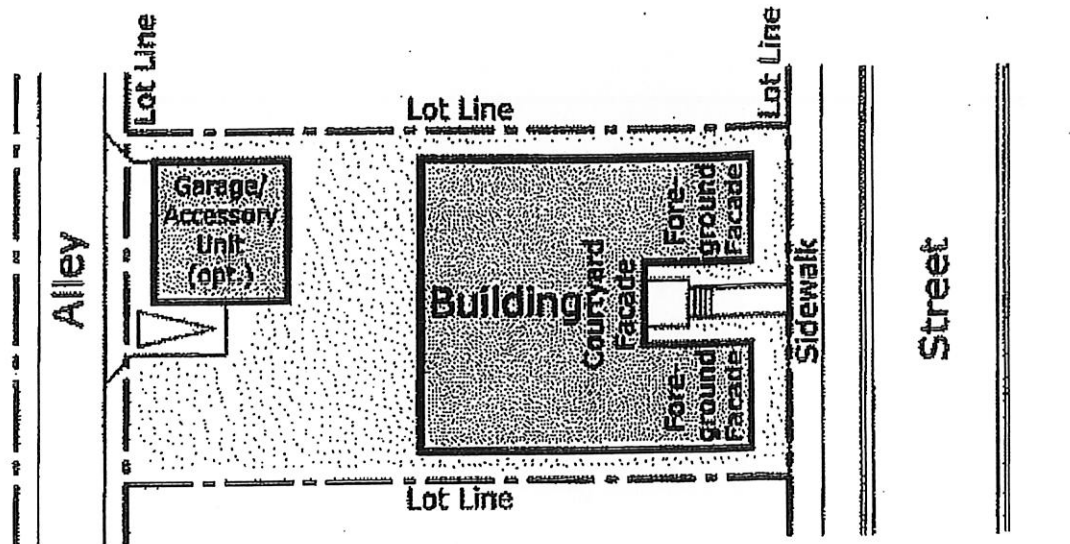
Doorway Frontage

- d. *Dooryard.* A frontage wherein the facade is set back from the frontage line by an at-grade courtyard. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The dooryard is suitable to conversion for outdoor dining.



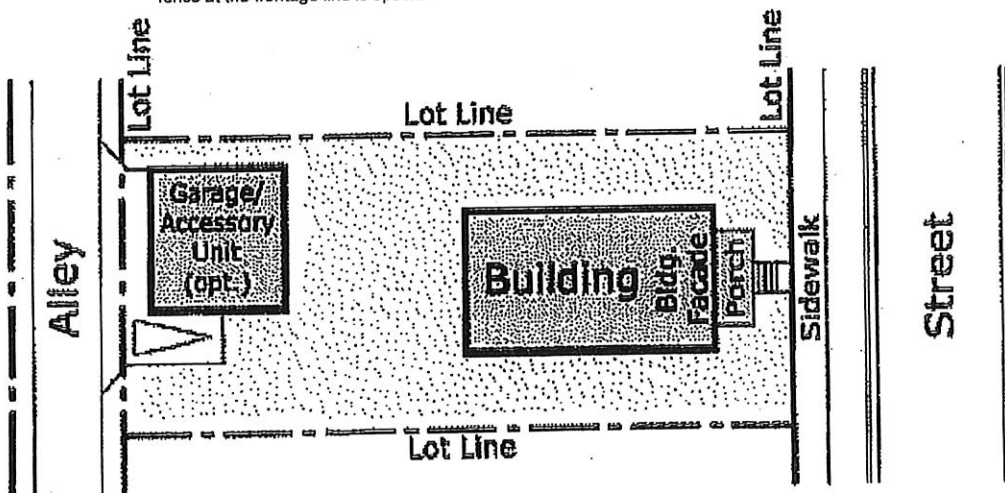
Dooryard Frontage

- e. *Forecourt.* A frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalk.



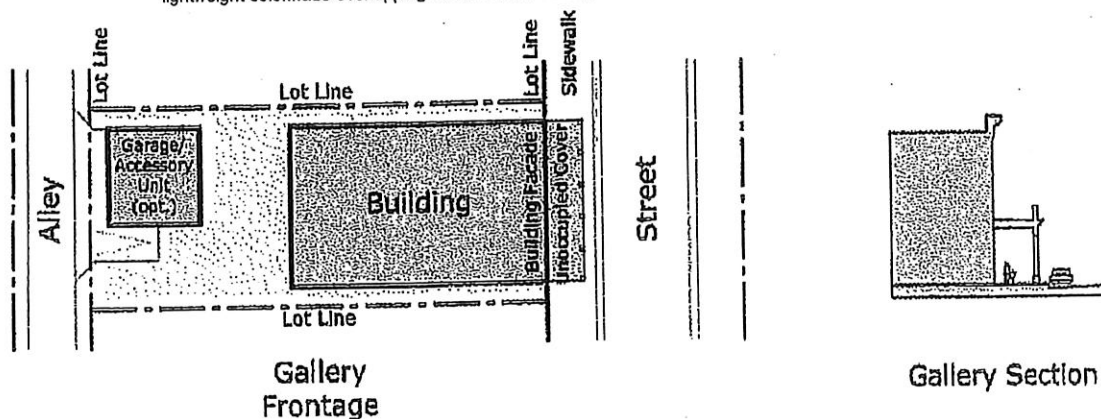
Forecourt Frontage

- f. *Front yard.* A frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line is optional.

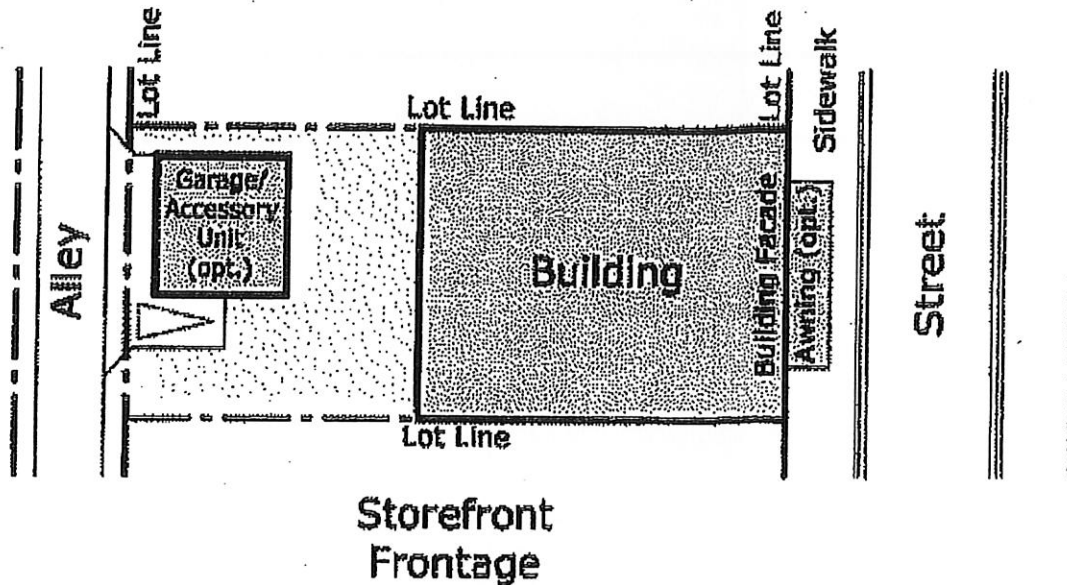


Front Yard Frontage

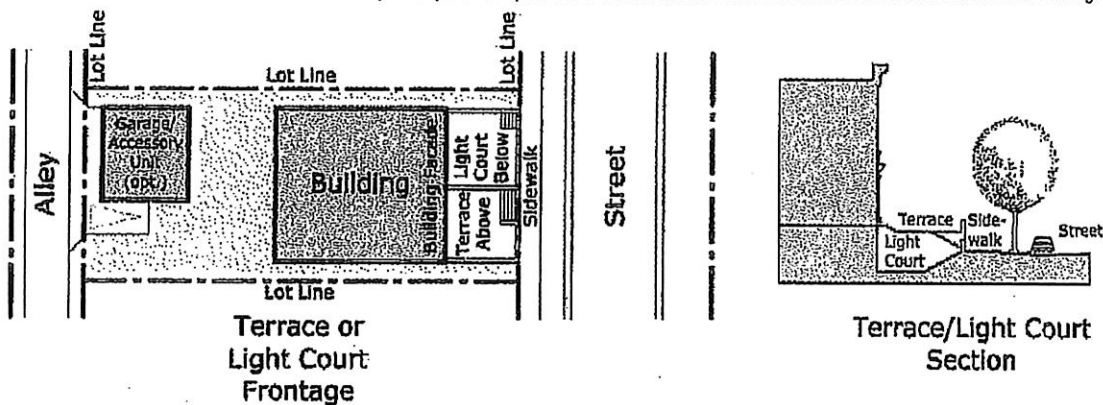
- g. *Gallery.* A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use.



- h. **Storefront.** A frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.



- i. **Terrace or light court.** A frontage where the facade is set back from the frontage line by an elevated terrace or sunken light court. The sunken court can potentially access an additional unit below grade. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The terrace is suitable to conversion for outdoor dining.



- (2) **Allowed frontage types.** Frontage types are regulated by building type as listed in table 27-1176-2.
Table 27-1176-2 Allowed Frontage Types

Building Type	Type I: Mixed-Use Building;rr; Type II: Live/Work Building;rr;	Type III: Small Civic Building;rr;	Type IV: Small Commercial Building;rr;	Type V: Apartment Building;rr;	Type VI: Rowhouse;rr;
Frontage Type					
Arcade	A	A	A	A	
Common Lawn				A	A
Doorway		A		A	A
Dooryard	A	A	A	A	A
Forecourt		A		A	
Front Yard		A		A	A
Gallery	A	A	A	A	
Storefront	A	A		A	
Terrace/Light Court			A		A
Building Type	Type VII: Flat over Flat (Duplex) Type VIII: Paired House (Duplex)	Type IX: Single Family Detached House	Type X Accessory Unit	Type C: Prominent Civic Building	
Frontage					

Type				
Arcade				Constraints are dependent on principal structures.;rr; By DRB Review
Common Lawn	A	A*		
Doorway				
Dooryard	A			
Forecourt				
Front Yard	A	A		
Gallery				
Storefront				
Terrace/Light Court	A			

Interpretation of Table 27-2276-2: "A" means allowed. "A*" means allowed in all applicable zones except T-2. A blank cell means that the building type is not allowed.

(j) *Function intensity standards.* The intensity of the uses are governed by T-zone, lot location, and parking requirements:

(1) *Applicable to all zones.*

a. *Applicable to all uses.* Use is limited by the parking requirement of subsection 27-1176(n).

b. *Residential.* Only one accessory unit or accessory structure shall be allowed per main structure.

(2) *Zone T-2.*

a. *Lodging.* The number of bedrooms permitted on each lot for lodging is limited to a maximum of 12 bedrooms.

(3) *Zone T-3.*

a. *Lodging.* The number of bedrooms permitted on each lot for lodging is limited to a maximum of 12 bedrooms.

b. *Office.* The building area available for office use on each lot is restricted to the first story of the principal or the ancillary building.

c. *Retail.* The area in T-3 available for retail use must be designated on the regulating plan. The total area of retail in T-3 is limited to 500 square feet at the first story for each 100 dwelling units within the entire TND development.

(4) *Zone T-4.*

a. *Lodging.* The number of bedrooms permitted on each lot for lodging is limited to a maximum of 12 bedrooms.

b. *Office.* The building area available for office use on each lot is restricted to the first story of the principal or the ancillary building.

c. *Retail.* The building area available for retail use is restricted to block corner locations at the first story.

d. *Residential.* In order to ensure a diversity of residential opportunities, a minimum of three of the allowed by right building types must be constructed, not including accessory units. Each type must account for at least ten percent of the total number of units within this zone only.

(5) *Zone T-5.*

a. *Residential.* In order to ensure a diversity of residential opportunities, a minimum of three of the allowed by right building types must be constructed, not including accessory units. Each type must account for at least ten percent of the total number of units within this zone only.

(k) *Height standards.* The height of the primary building on a lot is regulated by T-zone:

(1) *Applicable to all zones.* Accessory units (building type X) and accessory structures shall not exceed the height of the primary structure.

(2) *T-2.* No more than two and one-half stories for all building types.

(3) *T-3.* No more than two and one-half stories for all building types. Live/work buildings and flat over flat buildings shall at least two stories.

(4) *T-4.* No more than three stories for all building types. Mixed-use buildings, live/work buildings, and flat over flat buildings shall be at least two stories. Mixed use buildings and live/work buildings shall have a first floor to ceiling height of 15 feet minimum.

(5) *T-5.* At least two stories and no more than four stories for all building types. Mixed-use buildings, live/work buildings, and small commercial buildings shall have a first floor to ceiling height of 15 feet minimum.

(6) *T-6.* At least two stories and no more than eight stories for all building types.

(7) *D.* No more than four stories.

(8) *CS.* No height limitation.

(l) *Setback standards.* Setbacks are regulated by T zone and frontage type and are measured from the public right-of-way. Setbacks are regulated by transect zone and frontage type as listed in tables 27-1176-3 and 27-1176-4.

Table 27-1176-3 Front Setbacks

Transect Zone	T2	T3	T4	T5	T6	CS	D
Frontage Type							
Arcade		0'	0'	0'	0'	By Special Review	
Doorway							
Gallery							
Storefront							
Common Lawn		10-20'	0-10'	0-10'	0-10'		
Dooryard		8-20'	8-20'	8-20'	8-20'		
Forecourt		25' min.	10-35	10-35	10-35		
Facade							
Foreground Facade		10-25'	0-10'	0-10'	0-10'		
Front Yard	50' min.	10-25'	0-15'	0-15'	0-15'		
Terrace/Light Court		10-25'	8-20'	8-20'	8-20'		

Interpretation of Table 27-2276-3: A blank cell means that a standard is not applicable.

Table 27-1176-4 Side and Rear Setbacks

Transect Zone	T2	T3	T4	T5	T6	CS	D
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Setback Type						
Side Setback	50' min.	5' min.	0-10'	0-10'	0-10'	By Special Review;rr;
Rear Setback	50' min.	5' min.	5' min	5-10'	0-10'	
Corner Lot	50' min.	5' min.	5' min	5' min	0-10'	
Interior Lot	50' min.	5' min.	5' min	5' min	0-10'	
Lot with Alley;rr;	8'	8'	8'	8'	8'	

- (1) *Additional setback standards.*
- For parking lots and parking garages.* At least 25 feet from any public right-of-way and at least six feet from any property line.
 - Minimum thoroughfare landscaping and buffering setbacks.* The TND district thoroughfare landscaping and buffering setbacks shall comply with the landscape standards of this chapter.
- (m) *Lot size and area standards.*
- (1) *Lot size.* Lot sizes are regulated by T zone.
- T-2. Minimum of 20 acres average per dwelling unit.
 - T-3. A mixture of lot widths is required in order to achieve residential diversity. The provision of small, medium, and large lot widths shall be achieved as follows:
 - Small lots.* At least 25 percent and no more than 50 percent of the total number of lots in T-3 shall be 25 feet to 45 feet wide.
 - Medium lots.* At least 25 percent and no more than 50 percent of the total number of lots in T-3 shall be 45 feet to 80 feet wide.
 - Large lots.* At least 15 percent and no more than 35 percent of the total number of lots in T-3 shall be more than 80 feet wide.
 - T-4. Sixteen feet minimum lot width for attached housing, 25 feet minimum lot width for detached housing.
 - T-5. No minimum lot size. Lot widths are limited to no more than 80 feet. Lots with common lawn frontages have no maximum lot width.
 - T-6. No minimum.
 - CS. No lot size regulation.
 - D. By special review of the development review board.
- (2) *Minimum floor area.* Floor area requirements for the TND district are regulated by the currently adopted building code.
- (n) *Parking standards.* Parking standards are a component of the design manual, and shall be illustrated as such. Parking standards are regulated by T zone. Office and retail space may utilize the on-street parking adjacent to the lot frontage as part of the parking requirement.
- (1) T-2.
- Two off-street parking spaces shall be provided for each dwelling unit.
 - One off-street parking space shall be provided for each lodging bedroom.
- (2) T-3.
- Two off-street parking spaces shall be provided for each dwelling unit.
 - One off-street parking space shall be provided for each lodging bedroom.
 - Two parking spaces per 1,000 square feet of office or retail space shall be required.
- (3) T-4 and T5.
- One off-street parking space shall be provided for each dwelling unit.
 - One off-street parking space shall be provided for each lodging bedroom.
 - Two parking spaces per 1,000 square feet of office or retail space shall be required.
- (4) *Zone T-6.* There is no parking requirement for dwelling units, lodging units, office space, or retail space.
- (5) *Zone CB.* No parking regulation.
- (6) *Zone D.* By the DRB.
- (7) *Shared parking standard.* When sharing uses on a particular lot, the parking requirement may be further reduced by the following factors:
- Residential and office.* The combined requirement may be reduced by a factor of 0.75.
 - Residential and retail.* The combined requirement may be reduced by a factor of 0.9.
 - Office and retail.* The combined requirement may be reduced by a factor of 0.75.
 - Lodging and residential.* The combined requirement may be reduced by a factor of 0.9.
 - Lodging and office.* The combined requirement may be reduced by a factor of 0.8.
 - Lodging and retail.* The combined requirement may be reduced by a factor of 0.9.
- (8) If parking is reduced under subsection (7), above, the applicant must provide a written agreement between the owners and lessees of the parking spaces that complies with the following standards:
- The term of agreement is a minimum of 20 years.
 - The agreement must provide that it is enforceable by the Unified Government of Wyandotte County.
 - The agreement must provide that it binds all heirs, successors, and assigns to the lessor and lessee.
 - The agreement must be recorded with the register of deeds of the county.
 - If the agreement expires or terminates, the use for which the off-site parking was provided will be considered nonconforming. All approvals relating to the nonconforming use will be subject to revocation. Continuation or expansion of the nonconforming use is prohibited unless the use is brought into compliance with the parking regulations of this chapter.
- (o) *Additional standards.*
- Businesses providing drive up or walk up services such as restaurants must be designed to match the character of the development. In no case shall the drive thru lane or window abut or face a public street.
 - Gas stations, bank drive-thrus, and convenience stores must be designed to match the character of the development. In no case shall the gas pump canopy abut a public street. Any canopy must be attached to the primary building. All canopy supports must match the primary building material and design of the primary building.
 - Sidewalk sales and display of merchandise may only occur adjacent to storefront businesses in T-zone 5 and 6 where the paved sidewalk is a minimum of ten feet wide. The merchandise shall only be displayed along the tenant space and up to five feet from the building face. No used merchandise may be displayed outside. All merchandise sold outside must be of the same character and nature as the goods sold inside.
 - Outdoor eating areas for restaurants and drinking establishments are allowed along the sidewalk in T-zones 5 and 6 where the

- paved sidewalk is a minimum of ten feet wide. The merchandise shall only be displayed along the tenant space and up to five feet from the building face.
- (5) Outdoor eating areas for restaurants and drinking establishments may not occupy an area greater than ten percent of the floor area of the adjoining establishment.
 - (6) Communication antennas and towers shall comply with the accessory use section 27-1271 or special use permit section 27-1252 (32) of the unified government zoning code.
 - (7) All dwelling units within this district must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.
- (p) **Signs.** Each live/work unit shall be permitted a sign area that shall not exceed five percent of the first floor face. The sign area can be used in one wall-mounted sign, one projecting sign, or the sign area can be divided between a combination of the two sign types. In no case shall a projecting sign project more than three feet from the face of the building. All wall-mounted signs are to be individual channel lock letters. Portable signs such as sandwich boards are allowed but must be removed daily. Sandwich board signs are restricted to be no larger than two feet by two feet. All other commercial signs shall be governed by the C-1 or C-2 sign code.
- (1) **Prohibited signs.** The following signs are prohibited:
 - a. Internal illuminated signs for live/work units.
 - b. Attention-attracting devices for live/work units.
 - c. Electronic signs.
 - d. Pole signs.
 - e. Roof signs.
 - f. Obsolete signs.
 - g. Signs that falsely state that the building or portions thereof is reserved for a use that is inconsistent with the existing zoning.
- (q) **Roadway standards.** All roadways shall be governed by the street standards portion of the design manual and Code, which govern the specific design of every roadway in the district, including the provision of on-street parking. In general, roadways are to be designed for slower design speeds, to ensure the safety of pedestrians, bicyclists, and motorists. This entails narrower lane widths, the provision of on-street parking on all roadway types, and small curb radii at intersections. A variety of roadway types is encouraged, and block perimeters should be small. Specific roadway standards are noted in the appendix A of this chapter: TND roadway design criteria.
- (1) **Road type definitions.**
 - a. **Alley.** Very low capacity roadway with two-way yield operation along the rear of properties providing common access for parking, service areas, and accessory units as well as utility easements.
 - b. **Avenue.** Medium capacity roadway with intensive pedestrian use appropriate as the main street of the commercial or mixed use zone.
 - c. **Courtyard.** Low to very low capacity divided roadway with a landscaped median to provide direct local access along a dead-end alignment.
 - d. **Frontage road.** Low to very low capacity roadway parallel to a thruway to provide access to abutting property.
 - e. **Lane.** Low to very low capacity roadway with two-way yield operation to provide direct access to abutting land.
 - f. **Parkway.** Low to medium capacity divided roadway with a landscaped center median appropriate as the main street of the commercial or mixed use zone.
 - g. **Public square.** A configuration where the perimeter streets are all one way providing counter-clockwise circulation, with a landscaped center median.
 - h. **Route.** Low to medium capacity roadway that connects different parts of the TND but does not provide direct access or parking to abutting land.
 - i. **Street.** Low capacity roadway to provide direct local access to abutting land. A street may have either two-way or one-way operation.
 - j. **Thruway.** Medium to high capacity roadway that bisects or borders the TND and is part of the larger collector-arterial network of the city.
- (r) **Block sizes.** All blocks shall have the following maximum block perimeters:
- (1) Zone T-3: 3,000 feet maximum.
 - (2) Zone T-4: 1,800 feet maximum.
 - (3) Zone T-5: 2,000 feet maximum.
 - (4) Zone T-6: 2,000 feet maximum.
- (s) **Landscape standards.** All landscaping shall be governed by a landscape standards portion of the design manual, which lists plant species, instructions, location criteria, and their application in the various T zones.
- (1) **Frontage landscaping.** Minimum landscaping at the completion of construction between the frontage line and the building facade is regulated by frontage and building type.
 - a. **Arcade.**
 1. Applicable to all building types: Zero landscape plantings required.
 - b. **Common lawn.**
 1. Applicable to all building types: Six landscape plantings required per dwelling unit. At least one of the six required landscape plantings shall be a shade or ornamental tree.
 - c. **Doorway.**
 1. Applicable to all building types: Zero landscape plantings required.
 - d. **Dooryard.**
 1. Building types I, II, III, IV: Zero landscape plantings required.
 2. Building types V, VI, VII, VIII: Six landscape plantings required.
 - e. **Forecourt.**
 1. Applicable to all building types: Fifteen landscape plantings required
 - f. **Front yard.**
 1. Applicable to all building types: Eleven landscape plantings required. At least two of these landscape plantings shall be a shade or ornamental tree. Landscape plantings at approximately 30 inches on center shall be used along street-facing foundation walls.
 - g. **Gallery.**
 1. Applicable to all building types: Zero landscape plantings required.
 - h. **Storefront.**
 1. Applicable to all building types:
 - i. Storefronts less than 60 feet in length: Zero landscape plantings required.
 - ii. Storefronts greater than 60 in length: landscaping in the form of movable planter boxes and pots are required. One planter box with a minimum dimension of 18 inches by 18 inches shall be required per 25 feet of storefront length.

- i. *Terrace/light court.*
 1. Building types I, II, III, IV: Zero landscape plantings required.
 2. Building types V, VI, VII, VIII: Six landscape plantings required.
- (2) *Street trees.* Trees are required in the public right-of-way along streets, at a minimum of one shade tree every 40 feet, except where a park exists.
- (3) *Buffering.* In situations where the rear property of a detached single-family home abuts a public street, thoroughfare, or an existing detached single-family subdivision zoned R-1 or R-1(B), buffering shall be put in place to soften the impact of the development and protect future property owners from traffic sound and headlight glare. The necessary buffering shall be accomplished by the use of trees, shrubs, walls, and fences within a landscape easement or tract. The applicant shall submit a thorough landscape plan that addresses how this buffering will be accomplished. At least two of the following elements must be used:
 - a. Evergreen trees planted at 30 feet on center.
 - b. Evergreen shrubs planted at four feet on center.
 - c. A six-foot high masonry wall or solid fence.
- (t) *Building materials.* All building materials and their use shall be governed by the architecture standards portion of the design manual, which shall list specific material instructions and usage criteria. Masonry building materials approved for this district are stone, brick, cast stone, and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65 percent of the sum total of all building facades, except for building type X, single-family detached house, which shall have 25 percent of the sum total of all facades. Building type XI, accessory units, and accessory structures and garages shall be exempt from the masonry requirement but shall be constructed from the same materials as the main structure. Stucco in a TND development shall mean traditional stucco or gypsum concrete/plaster materials with smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100 percent excluding trim unless otherwise approved by the DRB. Exterior insulation and finish systems (EIFS) or pre-manufactured panels are not permitted. These provisions are intended to ensure a longer-lasting, sustainable appeal of the TND neighborhoods.
- (u) *Planned zoning.* This is a planned zoning district that involves the submittal and approval of preliminary development plans at the time of rezoning. Following zoning approval, all final plans are approved as follows:
 - (1) The DRB is delegated the authority to approve the final plan, except as provided in subsection [2], below.
 - (2) If the DRB does not reach a unanimous recommendation on a final plan, then the issue will be presented to the planning commission for final review following the normal criteria for final plan submission set out in subsection 27-211(f).
- (v) *Definitions for this section.*
 - (1) *Accessory structure.* Detached non-dwelling unit structure, including a garage, that is located on the same lot or premises as the main structure. Accessory structures shall not be located in the front yard.
 - (2) *Block.* The aggregate of private lots, passages, rear lanes, and alleys, circumscribed by thoroughfares.
 - (3) *Civic.* The term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, religion, and municipal parking.
 - (4) *Civic space.* An open area dedicated for public use.
 - (5) *Design manual.* A manual used as a tool for the applicant to present their vision for the TND development. The manual is accepted as the code for the development and is used as a guide for the DRB review board to assure that the original design, continuity and theme is carried through the marketing and building process.
 - (6) *Development review board.* This board will act as the governing body for the TND development and enforce building layout, aesthetics and the design manual. (See subsection 27-1176(e))
 - (7) *Frontage line.* The front property line and/or right-of-way line of a building lot.
 - (8) *Landscape planting.* A deciduous or evergreen tree or shrub planted between the frontage line and the front facade of a building. Perennial or annual flowers and bulbs are not considered landscape plantings.
 - (9) *Lodging.* Premises available for daily and/or weekly renting of bedrooms.
 - (10) *Masonry.* Durable, long-lasting materials such as stone, brick, cast stone, stucco, synthetic stone, cultured stone, and, glass-fiber reinforced concrete.
 - (11) *Open space.* An area or tract of land that is set aside and left natural or pristinely manicured for the enjoyment of the public. These areas should be accessible both physically and visually to residences of the community. Such land shall be owned and maintained by the developer, owner, or property owners association.
 - (12) *Outdoor room.* An open space that is framed by buildings, fences, walls, landscaping, or berms in order to create the feel of a private open space.
 - (13) *Pedestrian shed.* An area defined by the average distance that may be traversed at an easy walking pace from its edge to its center. This distance is applied to determine the size of a neighborhood or extent of a community. A standard pedestrian shed is one-quarter of a mile radius, or 1,320 feet. Pedestrian sheds should be conceived as oriented toward a central destination containing one or more important intersections, meeting places, civic spaces, civic buildings, and the capacity to accommodate a T-5 transect zone in the future.
 - (14) *Plan of record.* The plan that is accepted by the city planning commission and unified government board of commissioners as a part of the TND rezoning process. This plan shows the general shapes and forms of buildings, building materials, building locations, landscaping, open space and all other details of the plan. (See subsection 27-1176(c and d)).
 - (15) *T-zone.* A geographical cross-section, used to identify the level of urban character and intensity of a traditional neighborhood design project.
 - (16) *Use-segregated development.* A method of development wherein different types of uses are separated and sorted by type, size, and setback from property lines.
 - (17) *Walkable neighborhoods.* Neighborhoods that are designed to allow residents the ability and reason to walk around the neighborhood for goods, services, and social interaction.

APPENDIX A—TND ROADWAY DESIGN CRITERIA

Type	Thruway	Frontage Road	Avenue	Parkway	Route	Public Square	Street	Lane	Courtyard	Alley
Design speed	see comment	20	30	30	30	20	25	20	20	10
Maximum ADT	see comment	400	7,000	7,000	7,000	7,000	2,000	400	400	200
T-zones applicable to	All zones	T3, T4	T3, T4, T5, T6 districts	T3, T4, T5, T6 districts	T1 & T2	T3, T4, T5, T6 districts	T3, T4, T5, T6 districts	T3, T4	T3, T4	T3, T4, T5, T6 districts
Number of lanes	see comment	1 lane, one-way	2 or more,	2	2	1 or 2	2 or 1 for one-way	1 lane two-way	1 lane each way divided	1 lane two-way

		see comment	see comment					operation	by median, see comment	operation
Intersection spacing, block length min/max. sheet note 4	1/3 mile minimum for controlled intersection. Shorter allowed for right-in, right-out. Public square, courtyard, alley and lane cannot intersect thruway	220 feet/660 feet, sheet note 6	300 feet/660 feet	300 feet/660 feet	125 feet/660 feet	maximum length 300 feet. sheet note 7	125 feet/660 feet	125 feet/660 feet	125 feet/660 feet	125 feet/660 feet
Dead end alignment	see comment	not allowed	not allowed	not allowed	not allowed	not allowed	allowed, 600 feet max. min 75 feet cul- de-sac diameter	not allowed	allowed, 150 feet max	not allowed
Driveway access	none	allowed	limited	limited	allowed	not allowed	allowed	allowed	allowed	allowed
On-street parking	see comment	parallel or head in	parallel or head in	parallel or head in	not allowed	parallel or head in	parallel or head in sheet note 2	parallel only sheet note 2	parallel or head in	design garage setbacks to discourage parking in alley ROW
Pedestrian facilities	see comment	5 feet minimum conc sidewalk access side only	10 feet minimum conc sidewalk, both sides	8 feet minimum conc sidewalk, both sides	use bicycle path	5 feet in T3, 8 feet elsewhere. Required on outside only	5 feet minimum conc sidewalk, both sides	5 feet minimum conc sidewalk, both sides	5 feet minimum conc sidewalk, both sides	no separate facility
Curb to sidewalk clearance (parkway width)	see comment	3 feet minimum sheet note 1.	3 feet minimum sheet note 1.	3 feet minimum sheet note 1.	8 feet minimum, maximum so as not to discourage use of trail.	3 feet minimum sheet note 1.	3 feet minimum sheet note 1.	3 feet minimum	3 feet minimum	not applicable
Bicycle facilities	see comment	shared	4 feet bike lane exclusive of gutter or 10 feet separated path, concrete or asphalt	4 feet bike lane exclusive of gutter or 10 feet separated path, concrete or asphalt	12 feet conc or asphalt separated path	shared	shared	shared	shared	shared
Roadside drainage	see comment	stand-up curb and gutter	stand-up curb and gutter	stand-up curb and gutter, may be pitched to drain to one side only	open swale	stand-up curb and gutter, may be pitched to drain to one side only	stand-up curb and gutter	stand-up curb and gutter	stand-up curb and gutter, may be pitched to drain to one side only	none - graded like sidewalk, or center swale with inlets
Lane widths	travel lane to adjacent face of curb, sheet note 3	see comment	11 feet	13 feet	13 feet	11 feet	13 feet	11 feet	11 feet	11 feet, 20 feet at turn around
	travel lane not adjacent to curb	see comment	10 feet	12 feet	12 feet	10 feet	12 feet	10 feet	10 feet	10 feet, 20 feet at turn around
										Single lane at 12 feet. sheet note 5
										none

Parking parallel	see comment	7 feet	8 feet	8 feet	not allowed	8 feet	7 feet	7 feet	7 feet	not allowed
Parking heading	see comment	angled 45°, 16 feet	angled 45°, 18 feet	angled 45°, 18 feet	not allowed	angled 45°, 18 feet	angled 45°, 18 feet	not allowed	angled 45°, 18 feet	at 90°, 27 feet deep
Curb return radius	see comment	10 feet	20 feet	20 feet	25 feet	10 feet, see comment	10 feet, see comment	10 feet, see comment	10 feet, see comment	10 feet, see comment
Comment	Design of thruway not governed by this regulation.	Median between main roadway and frontage at least 15 feet not more than 35 feet		Median at least 25 feet not more than 60 feet		1. Median at least 40 feet not more than 75 feet 2. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	1. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	1. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	1. Median at least 22 feet but not more than 60 feet. 2. Curb return 20 feet when intersecting a one way street or a street with no parking on near side	25 feet at alley to alley intersections or

Sheet notes:

1. T4 and higher may use 10 feet minimum conc sidewalk with zero curb to walk clearance and 5 by 5 tree planters at maximum 40 feet spacing.
2. In T3 zone tree planters may be placed in the parking lane.
3. Minimum total pavement width shall be 20 feet on any roadway except alleys.
4. Normal measurement is from centerline of right-of-way. *Exception*, when other streets intersect an avenue, or divided roadway (parkway, public square and courtyard) the intersection spacing shall be measured to the centerline of the nearest travel lane of the divided roadway not to the centerline of the right-of-way.
5. Pavement width of alley shall be modified to provide passing opportunities consisting of 20 feet by 40 feet paved area to occur at least each 300 feet or once on every reach that is not visible from a higher capacity roadways at both ends of the reach.
6. Separation of entry and exit of frontage road from other intersections will follow the minimum intersection spacing requirements of the intersected street, except where entry or exit is restricted by design elements to permit a right turn only then the distance from the edge of the nearest through lane of a second intersecting street upstream of the frontage road intersection to the edge of the frontage road may be a minimum of 40 feet.
7. Each intersection onto a public square shall have a splitter island or other control to discourage wrong way entry to the public square.

The provisions of appendixes B—D to Ord. No. O-29-06 are hereby adopted by reference as if set out in this section at length.

(Ord. No. O-23-10, § 1, 4-29-2010)

Editor's note—

Ord. No. O-23-10, § 1, Apr. 29, 2010, repealed the former § 27-471 and enacted a new § 27-471 as set out herein. The former § 27-471 pertained to TND traditional neighborhood design district and derived from Code 1988, § 27-1178; Ord. No. O-9-01, § 1, 1-25-2001; Ord. No. O-29-06, § 1, 3-2-2006.

Cross reference—Definitions generally, § 1-2.

Sec. 27-472. - B-P Planned business park district.

- (a) **Generally.** The purpose of the B-P planned business park district is to allow a mix of primarily office, research and light industrial uses with limited retail and service uses in a planned business park setting. The district is a planned zoning district with a minimum area of ten acres, designed to provide for moderate density, high quality development with attractive buildings, increased amenities and open space. In appropriate situations, B-P planned business park zoning may be located adjacent to residential uses. This section applies to the B-P planned business park district.
- (b) **Permitted uses.** Occupancies of buildings and uses of land in this district are regulated both by performance standards and by enumeration of uses that are permitted. The following list is not all-inclusive but rather establishes a descriptive and typical range of activities that are appropriate in this district. All uses must be operated in conformance with the performance standards that follow:
- (1) Any use permitted in the CP-1 planned limited business district except dwellings, under the parking and basic landscaping requirements of that district.
 - (2) Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing or testing any commodity except those permitted only in the M-3 heavy industrial district and those listed in section 27-469(b)(5).
 - (3) Warehousing or wholesaling of any commodity except those permitted only in the M-3 heavy industrial district.
 - (4) Public and private utility facilities.
 - (5) Business services such as testing, photo processing, equipment rental, leasing, employment agencies, place of assembly, printing, exterminating, custom maintenance and delivery services.
 - (6) General and special trades contractors.
 - (7) Sales of building materials, contractor's equipment, furniture, office hotel and restaurant supplies, machines, metals.
- (c) **Performance and design standards.** No use of land or buildings in this district shall be allowed to exceed or violate the following standards:
- (1) All operations shall be conducted within a fully enclosed building.
 - (2) All storage of materials, products or equipment (beyond customary building mechanical systems) shall be within a fully enclosed building unless otherwise approved by the planning commission. In such a case, outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use, shall not include storage of junk or salvage and shall be so screened that the contents are not visible at eye level within 100 feet of the property line. Semitrailers not coupled with tractors shall be included in this area limitation.
 - (3) No noise, odors, vibration, or other impacts shall be discernible off the premises of the building.

- (4) Applicants for this district must include only land that is under unified control or under contract for sale that will provide unified control.
- (5) The preliminary and final plans shall include a coordinated architectural design for buildings, site improvements and landscaping.
- (6) Buildings are required to exhibit an attractive appearance especially toward the street and any nearby residential areas. Typically, such an attractive appearance would be characterized by significant use of glass, masonry, and other high quality finish materials and designs with significant offsets and articulation.
- (d) *Height and area standards.* All buildings and other uses of land shall conform to the following minimum standards:
 - (1) *Height.*
 - a. Not more than 50 feet.
 - b. Not more than 100 feet for structures other than buildings, but must be set back from the property line a distance equal to the height of the structure.
 - (2) *Setback from property lines.*
 - a. From residentially zoned or developed property or property having a residential designation on the land use plan, the minimum building setback is 50 feet and the minimum setback for parking, loading, and other paved areas is 25 feet.
 - b. From the perimeter of the business park the minimum building setback is 40 feet and the minimum setback for parking, loading, and other paved areas is ten feet.
 - c. Elsewhere, the minimum building setback is 25 feet and the minimum setback for parking, loading and other paved areas is six feet.
 - d. For additional standards and information, see division 8 of this article.
- (e) *Parking standards.* Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning and zoning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided for buildings of up to 20,000 square feet. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for building increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning and zoning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-1 district unless otherwise approved. For additional standards and information, see division 9 of this article.
- (f) *Signs.* Signs are permitted in this district but are limited in size, number, location and type of illumination. One wall sign is permitted on each of three facades of the building and one detached sign is allowed in lieu of one wall sign. For additional standards and information, see division 11 of this article.
- (g) *Landscaping and screening.* A reasonable amount of landscaping is required on all projects in this district with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas and enhancing the overall appearance. Such features shall be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 8,000 square feet of site area. Six-foot high architectural screening in combination with a 25-foot buffer area is to be provided along side and rear property lines common to or across an alley from residentially zoned property. For additional standards and information, see division 10 of this article.
- (h) *Building conversion.* No building that was designed and constructed as a residential building shall be converted to a nonresidential use in this district.

(Code 1988, § 27-1177; Ord. No. O-9-01, § 2. 1-25-2001)

Secs. 27-473—27-497. - Reserved.



Exhibit C

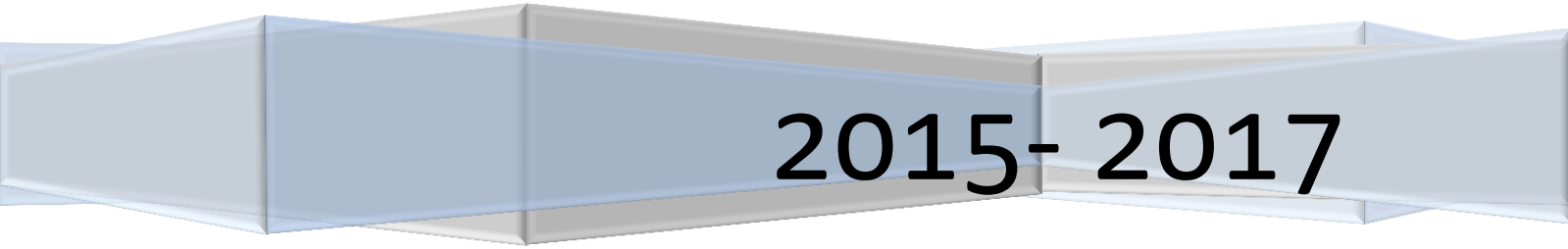
DEPARTMENT OF ECONOMIC DEVELOPMENT

Unified Government of Wyandotte County/Kansas City, Kansas

701 North 7th Street, Ste. 421
Kansas City, Kansas 66101

Phone: (913) 573-5730
Fax (913) 573-5745

Neighborhood Revitalization Act (NRA) Application



2015- 2017



NRA TAX REBATE PROGRAM INITIAL ELIGIBILITY CRITERIA

You must answer “YES” to each of the following questions in order to submit an NRA Application

- Are you the owner of the property?
- Is the property in the NRA Area?
- Are the taxes on this and other property you own current?
- Will the planned improvement comply with Unified Government zoning ordinances and all applicable codes?

NRA APPLICATION PROCEDURES

1. The application can be obtained from the Economic Development Department or the Building Inspections Division of the NRC, concurrent with a building permit. However, if the building permit has already been obtained or no permit is required for the work, an application can be obtained in person at the Economic Development Department located at 701 North 7th Street, Suite 421, Kansas City, Kansas 66101 or at the Unified Government’s website under Economic Development Department at <http://www.wycokck.org/economic/>.
2. Prior to any new construction, renovation, or expansion, the applicant shall submit to Economic Development staff a completed application pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation. When the project is completed, the applicant shall submit required post-construction documentation prior to receiving the NRA tax rebate.
3. It is suggested that the Building Inspections Division to reference in its files that the applicant is applying for the NRA tax rebate and to forward a copy of the building permit to the Unified Government Appraiser.
4. Prior to December 1, following commencement of construction, renovation, or expansion and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the NRA application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department.
5. On or before January 1, after the project is completed, the Unified Government Appraiser shall conduct an on-site inspection, review the construction records, and determine the new valuation of the real estate. The Appraiser shall submit a report of the new valuation and the revised tax information by June 1 to the Unified Government Treasurer.



6. Upon determination that the status of the improvements as of January 1 meets the eligibility criteria, the Appraiser shall certify the percentage requirements of Part 2, Section C to the Unified Government Clerk, Treasurer, and Economic Development Department.
7. Economic Development Department staff will notify the Appraiser of any new NRA applications and input the documentation for tracking.
8. Economic Development Department staff will notify the Finance Department of completed NRA tax rebates on an annual basis.
9. Economic Development Department staff will administer Part 2, Section D: Statement of Tax Status. If the taxes are not current, the application is denied until taxes are current.
10. Economic Development Department staff will forward Part 2, Section E: Statement of Administrative Application Conformance for NRA Tax Rebate to the Appraiser and the Treasurer upon completion of the administrative documentation for the project.
11. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year extending through the specified NRA tax rebate period, and within a thirty (30) day period following the date of tax distribution by the Unified Government to the other taxing units, the NRA tax rebate, less the appropriate administrative fee, shall be made to the applicant. The tax rebate shall be made by the Unified Government Treasurer from the Neighborhood Revitalization Fund established in conjunction with the Unified Government and the other taxing units participating by Interlocal Agreement. The Unified Government Finance Department and the Economic Development Department staff will make reports to the Unified Government Commission and other taxing units.
12. Applicant is **required** to pay taxes each year. A **rebate check** will be issued to applicant from the Treasurer's Office **after taxes are paid**. The NRA tax rebate applies only to the **additional taxes** resulting from the increase in assessed value of the property due to the improvement. For example, if taxes paid on vacant land is Five Hundred and 00/100 Dollars (\$500.00) and a structure is built on the vacant land (improvement) that raises the taxes to Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) (assuming the required assessed value has occurred), the incremental increase in tax is Two Thousand and 00/100 Dollars (\$2,000.00). The Two Thousand and 00/100 Dollars (\$2,000) less an administrative fee is the portion that will be rebated.
13. Applicants appealing their appraised values may jeopardize their eligibility for NRA participation for that year and following tax years and may initially encounter a one (1) year delay in determining their eligibility for NRA participation.



14. A copy of the certification for transfer (NRA Transfer of Deed form at the end of the application) must be used when transferring the NRA tax rebate. The certification should be completed when the property is sold and then sent to the Economic Development Department, Attention: NRA Program Staff, 701 North 7th Street, Suite 421, Kansas City, Kansas 66101. In such situations, the occupant may then be eligible to receive the NRA tax rebate pursuant to all other program criteria.

Part 1, Section A: General Information

The applicant is responsible for the following information and documentation when submitting an NRA application:

1. Application information
2. Property Area, Type, and Use
3. Improvement
4. Building Permits
5. Construction Time Line
6. Demolition of Structures
7. TIF District and Tax Credits
8. Application Fee
9. Utilization of Local, Minority, or Woman Owned Business Enterprise
10. Historic Designation
11. Pre and Post Construction, Renovation, or Expansion Requirements
12. Applicant Signature and Date

[Intentionally Left Blank]



Part 2, Section A: Completed by applicant (Please type or Print)

Application Information

Date _____, 20____

Applicant's name _____ Phone _____

Applicant's mailing address _____

Owner's name _____ Phone _____

Owner's mailing address _____

Project property address _____

Are you the owner of the property ____ Yes ____ No

Are you the developer ____ Yes ____ No

Developer's name _____

Company _____ Phone _____

Parcel Identification Number: _____ School District: _____

(Take Parcel ID number and legal description from your tax statement or call the Unified Government Clerk at 573-2874)

Legal Description of Parcel: (Use additional sheets if necessary)

Property Area, Type, and Use (check all that apply)

A. The Project is located in ____ Area 1 ____ Area 2 East ____ Area 2 West ____ Turner
USD 202 ____ Area 3 ____ Area 4 ____ Special Project Area - ____ Area 1 ____ State
Avenue Corridor

B. The Special Project Area is ____ Retail in Nature ____ Environmentally Contaminated
____ Historical



- C. The Project is ____ New Construction ____ Renovation ____ Expansion
- D. The Project is ____ Residential ____ Commercial ____ Office ____ Industrial ____ Retail
____ Historic ____ Environmentally Contaminated
- E. End use will be ____ Owner Occupied ____ Rental ____ Leased

Improvements

Describe the Improvements (Be specific)

Building Permit

Estimated cost of improvement: \$ _____

Building permit value: \$ _____

Construction Time Line

Construction commences on _____, 20__

Projected Date of completion _____, 20__ (estimate)

Demolition of Structure(s)

List building to be demolished: _____
(Use another sheet of paper if needed)

If demolishing residential structures complete the following:

- Number of dwelling units: _____ (List tenants if known occupying the building when purchased, or present tenants and note the date of occupancy or relocation. If needed, use a separate sheet of paper and attach it to this application)
- Demolition-permit number: (Attach copy of permit.) _____

TIF District or Tax Credits

Is the project or property within a TIF Redevelopment District ____ Yes ____ No



TIF name _____

Are you planning on applying for any tax credits? ____ Yes ____ No

What type of tax credits _____

Application Fee

An application fee of \$1,000.00 is required for all commercial, industrial, office, retail, historical, and environmentally contaminated projects. If the project is in a Special Projects Area and the construction cost is over \$10 million, the application fee is \$2,000.00. Checks will be made to the Unified Government Treasurer.

Utilization of Local, Minority, and Women Owned Business Enterprise

____ Yes ____ No (Applicant will contact the UG Contract Compliance Department for goals)

Historic Designation

____ Yes ____ No (Please attach proof of Historic State and or Federal designation)

Pre and Post Construction, Renovation, or Expansion Requirements

The following required documentation must be submitted with the application prior to any construction, renovation, or expansion along with the application to be eligible for the NRA tax rebate program:

1. A copy of the building permit that shows the estimated cost (this is not the permit that is posted on site)
 - a. In some cases permits are in stages. As an example: footings or demolition will come first before the building permit will be issued
 - b. All permits must be submitted. As an example: a building permit prior to any construction/renovation/expansion
2. Application fee (*if applicable*)
3. Pictures of proposed interior/exterior improvement area
4. A picture of the property with address (*if an existing structure*)
5. An aerial map showing the parcel/property



6. Plans/Renderings:
 - a. Residential new - pdf of house plans
 - b. Residential renovation/addition – project renderings (this can be what was submitted to Building Inspections Department)
 - c. Commercial new – pdf of architectural front elevation drawing
 - d. Commercial renovation/expansion – pdf of interior/exterior project renderings – this can be what was submitted to Building Inspections Department
7. A list of improvement cost or improvement bid estimates

Prior to receiving a rebate, the following required documentation must be submitted:

1. A Certificate of Occupancy (CO) or an approved Final Inspection form signed by the Building Inspections Division of NRC
2. Pictures of the completed improvement
3. Receipts or certification of construction expenses

Applicant Signature and Date

Submitted by _____ / _____ Date _____, 20____
(Please print) (Application's Signature)

DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

Staff Review of Application

Date application came into this office: _____, 20____

Application completed in full and all documentation is attached: Yes ____ No ____

Comments: _____

Approved: ____ Denied: ____

Authorized Signature



Part 2 Section B: To be filled out by the applicant

Prior to December 1, following commencement of construction and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the Neighborhood Revitalization Tax Rebate Incentive Program application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department Attention: NRA Program, at 701 North 7th Street Room 421 Kansas City, KS 66101

(Please type or print.)

Applicant's Name: _____

Property Address: _____

Parcel ID Number: _____

Building Permit Number: _____

Status of Construction Completion

_____ Incomplete project as of January 1 following commencement

_____ Completed project as of January 1 following commencement

[Intentionally Left Blank]



CERTIFICATION OF TRANSFER OF DEED FOR NRA PROGRAM

Owner or Developer/ Builder: _____

This is to certify that parcel No _____, commonly known as

_____,
Kansas City, Kansas, _____, on which _____
has _____ rehabilitated and existing structure, or _____ built a new existing structure, and has
been sold to _____ on the

_____ day of _____, 20____

The deed has been recorded at the Register of Deeds office on the _____ day of

_____ 20____. In book number _____ on page _____

By: _____ 20____

Print Name

Signature

Date

(Authorized Signature)

Please return completed form to:

Unified Government – Department of Economic Development

Attention: NRA Program Staff

701 North 7th Street, Suite 421

Kansas City, Kansas 66101

To: Unified Government Appraiser
Unified Government Treasurer

FROM: Unified Government Economic Development Department

The above certification from the above Owner/Developer/ Builder indicates that the NRA eligible structure was transferred on the date written above.

Pursuant to the terms of the NRA plan please transfer the property Tax Rebate effective the date the deed was recorded.

Authorized Signature
NRA Program Staff

Title

_____, 20____
Date



GENERAL ELIGIBILITY REQUIREMENTS FOR NRA TAX REBATE

Residential Improvements

- New construction or rehabilitation of structure.
- NRA projects are limited to Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.

Single-family, Duplex, and Townhomes (New or Rehabilitation):

- Single-family detached is on one (1) parcel.
- Duplex on one (1) parcel is considered one (1) single duplex.
- Duplex on two (2) parcels is considered single-family attached.
- Townhomes with three (3) units on three (3) parcels are single-family attached.

All of the above must be owner-occupied with the exception of a single duplex.

Multi-family Structure Projects (Rehabilitation Only):

- Subject to approval by the District Commissioner and At-Large Commissioner on proposed projects.
- New construction of multi-family projects are not eligible for the NRA tax rebate.
- Multi-family structures are considered three (3) or more units on one parcel.
- Townhomes on a single parcel with three (3) or more units are considered multi-family.

All residential improvements located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate.

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A. NRA Residential Criteria

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner-Occupied), and Single Duplex - New/Rehabilitation	15% assessed value	95%	10
1	Multi-family – Rehabilitation Only	15% assessed value	95%	10
1	Historical Structures Owner/Rental - Rehabilitation Only	5% assessed value	100%	10
2 East Turner USD 202	Single-family detached or Duplex single-family attached (Owner Occupied) – New Construction	\$175,000	95%	5
2 East & West	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New / Rehabilitation	15% assessed value	95%	5
2 East & West	Multi-family - Rehabilitation Only	15% assessed value	95%	5
2 East & West	Historic Structures Owner Occupied – Rehabilitation Only	10% assessed value	100%	5
3	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New/Rehabilitation	15% assessed value	95%	5
3	Historic Structures Owner Occupied – Rehabilitation Only	15% assessed value	100%	5
3	Multi-family – Rehabilitation Only	15% assessed value	95%	5
4	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied and have their own parcel), and Single Duplex - Rehabilitation Only	15% assessed value	95%	5

B. Low Income Housing Tax Credit (LIHTC)

- LIHTC projects are ineligible unless it is a new or rehabilitation senior residential housing project for the following categories of residential improvements:
 - A. Single-family detached
 - B. Duplex single or attached
 - C. Townhomes single or attached
 - D. Multi-family
 - E. Mixed-use



- LIHTC projects require Commission approval and a development agreement.

C. Tax Increment Financing (TIF)

- NRA projects are ineligible within TIF districts except within existing TIF districts in Area 1 which are eligible for a ninety-five percent (95%) rebate for five (5) years.
- Developer must be active and current on taxes.

Commercial, Office, Industrial, Retail Improvements

- New construction, rehabilitation, or expansion of structure.
- NRA projects are under Three Million and 00/100 Dollars (\$3,000,000.00) construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term.
- Commercial application fees for new construction, rehabilitation, and expansion:
 - A. All projects have a minimum fee of One Thousand and 00/100 Dollars (\$1,000.00).
 - B. Projects in Special Project Areas with a construction cost over Ten Million and 00/100 Dollars (\$10,000,000.00) have a fee of Two Thousand and 00/100 Dollars (\$2,000.00).
 - C. The application fee is waived for Land Bank properties.
- New construction, rehabilitation, or expansion of any type of commercial, office, retail, or industrial structure located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances, including zoning ordinances, may be eligible for the NRA tax rebate, provided the project is not eligible for an Investment Revenue Bond (IRB) or Economic Development Exemption (EDX).

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A. NRA Commercial Criteria

Projects with Construction Cost under Two Million and 00/100 Dollars (\$2,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	95%	5
2 West	Rehabilitation Only	15% assessed value	95%	5
3	New/Rehabilitation/Expansion	15% assessed value	95%	5
1	Historic Rehabilitation	5% assessed value	100%	10
2 East & West	Historic Rehabilitation	15% assessed value	100%	5
3	Historic Rehabilitation	15% assessed value	100%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	95%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5

Projects with Construction Cost of Two Million and 00/100 Dollars (\$2,000,000.00) to Three Million and 00/100 Dollars (\$3,000,000.00)

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
2 West	Rehabilitation Only	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion	15% assessed value	75-85%	5
1	Historic Rehabilitation	5% assessed value	80-90%	10
2 East & West	Historic Rehabilitation	15% assessed value	80-90%	5
3	Historic Rehabilitation	15% assessed value	80-90%	5
1	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	10
2 East	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5
2 West	Rehabilitation for Environmental Contamination	15% assessed value	75-85%	5
3	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	75-85%	5



Projects ranging between construction cost of Two Million and 00/100 Dollars (\$2,000,000.00) and Three Million and 00/100 Dollars (\$3,000,000.00) have a rebate starting at seventy-five percent (75%) and eighty percent (80%) for historic rehabilitation with the ability to increase the percentage by ten percent (10%) for using Local, Minority, or Women (LMW) business enterprise as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years. Applicants must contact the Contract Compliance Department to set LMW goals.

Special Project Areas

- Special projects are permitted in two areas:
 1. Area 1
 2. State Avenue Corridor
- Special projects are over Three Million and 00/100 Dollars (\$3,000,000.00) in construction cost.
- Special projects must meet one (1) of the following three (3) criteria:
 1. Retail in nature;
 2. Environmentally contaminated area; or
 3. Historic designation by either the State of Kansas or the Federal Register.
- The projects will be subject to construction participation requirements for the utilization of LMW contractors as provided in the IRB tax abatement policy. Projects meeting these criteria will be eligible for consideration of up to a twenty (20) year rebate starting at seventy-five percent (75%) and increased by ten percent (10%) for using LMW business entities as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years.
- Projects proposed under this provision will require specific approval by the Full Commission at a public meeting.

Special Project Area	Type of Investment	Minimum Value	Rebate	Yrs.
Area 1	Projects over \$3 million	15% assessed value	75-85%	Up to 20
State Avenue Corridor	Projects over \$3 million	15% assessed value	75-85%	Up to 20

Exhibit D

Part 1, Section A: General Information

The applicant is responsible for the following information and documentation when submitting an NRA application:

1. Application information
2. Property Area, Type, and Use
3. Improvement
4. Building Permits
5. Construction Time Line
6. Demolition of Structures
7. TIF District and Tax Credits
8. Application Fee
9. Utilization of Local, Minority, or Woman Owned Business Enterprise
10. Historic Designation
11. Pre and Post Construction, Renovation, or Expansion Requirements
12. Applicant Signature and Date

Exhibit E

Part 2 Section B: To be filled out by the applicant

Prior to December 1, following commencement of construction and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the Neighborhood Revitalization Tax Rebate Incentive Program application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department Attention: NRA Program, at 701 North 7th Street Room 421 Kansas City, KS 66101

(Please type or print.)

Applicant's Name: _____

Property Address: _____

Parcel ID Number: _____

Building Permit Number: _____

Status of Construction Completion

_____ Incomplete project as of January 1 following commencement

_____ Completed project as of January 1 following commencement

Exhibit F

Part 2, Section C: County Appraiser's statement of percentage requirements

The County Appraiser's NRA program staff will e-mail the Economic Development NRA program staff the following for each parcel once the new value is established.

County Appraiser's Statement of Percentage Requirements

	<u>Assessed Value</u> Prior to Improvements	<u>Assessed Value</u> After Improvements	<u>Assessed Value</u> Subject to Rebate
Land	\$ _____	\$ _____	\$ _____
Improvement	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____

After careful determination, it has been decided that the added improvements made to the structure on this parcel of land meets the required _____% increased new assessed valuation OR does not meet the required % _____ increased new assessed valuation.

For the following address:

Parcel _____

County Appraiser's Office
(Authorized Staff)

Title

Date

Exhibit G

Part 2, Section D: Economic Development statement of tax status

As of today _____, 20_____ taxes on this parcel of land.

_____ Are current

_____ Are not current

(Authorized Signature)

Date

Exhibit H

Part 2, Section E: Statement of Administrative Application Conformance for Tax Rebate

Based on the information supplied by the applicant and the tax status, a determination has been made that the applicant has completed all the required steps administratively for this parcel of land:

_____ Is in conformance

_____ Is **not** in conformance

Reason(s):

By: _____, 20 ____
Authorized Signature Date
Economic Development

Exhibit I

2014-RATE		2014 WYANDOTTE COUNTY TAX RATES											Added 2006	Added 2008
TAX UNIT	TAX DISTRICT	SCHOOL DISTRICT	DRG. DIST.	COUNTY LIBRARY	TOTAL RATES	STATE	COUNTY	CITY TWSP	COMM SCHOOL	DRG. COLLEGE	DRG. DIST.	COUNTY LIBRARY	Rec. Com.	USD 500 Library
KANSAS CITY														
010	1, 1A, 1AA, 1B, 1C, 1FF1, 1GG, DEL, PR, QU, SH, WY	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
020	1AA3 QU	500	WOL		170.853	1.500	38.488	43.473	49.165	26.108	3.208			8.911
030	1BB, 1E, SH, WY	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
040	1BB4, 1F, DEL, 47, WY	204		YES	178.160	1.500	38.488	43.473	63.008	26.108		5.583		
050	1EE SH	202	KV	YES	191.688	1.500	38.488	43.473	54.707	26.108	14.826	5.583	7.003	
060	1FF, 1G, 53, 63, DEL, PR	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
070	1G1 PR	203	WOL	YES	177.896	1.500	38.488	43.473	59.536	26.108	3.208	5.583		
080	2, 2A, SH	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
090	4B	500	FX		180.886	1.500	38.488	43.473	49.165	26.108	13.241			8.911
DELAWARE TOWNSHIP														
100	47A	204		YES	134.687	1.500	38.488	0.000	63.008	26.108		5.583		
100	49	204 EL		YES	134.687	1.500	38.488	0.000	63.008	26.108		5.583		
BONNER SPRINGS														
110	5	204			162.720	1.500	38.488	33.616	63.008	26.108				
EDWARDSVILLE														
130	6	204		YES	182.054	1.500	38.488	47.367	63.008	26.108		5.583		
140	6A DEL	500			171.539	1.500	38.488	47.367	49.165	26.108				8.911
LAKE QUIVIRA														
160	7 SH	202		YES	151.825	1.500	38.488	18.436	54.707	26.108		5.583	7.003	
KANSAS CITY T.I.F. DISTRICTS														
170	OPV (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
180	OSF (1C)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
190	OEa (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
210	OFC1 (1C)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
220	OFC2 (1E)	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
250	OMC (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
260	OTH (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
270	OZN (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
280	OWD (1BB4)	204		YES	178.160	1.500	38.488	43.473	63.008	26.108		5.583		
290	OTM (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
300	OAA (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
310	OCA (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
320	KSC1 (1F)	204		YES	178.160	1.500	38.488	43.473	63.008	26.108		5.583		
330	KSC2 (1FF1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
340	KSC3 (1FF)	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
350	ONA (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
360	OMR1 (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
370	OMR2 (1C)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
380	OMR3 (1E)	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
390	OAK (2)	500	KV		182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
400	OLV (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
410	OSP (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
420	OEH (1AA)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
430	ORP (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
440	OMS (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
450	OFF (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
460	OAR (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
470	OTN (1BB)	202		YES	176.862	1.500	38.488	43.473	54.707	26.108		5.583	7.003	
480	OEP (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
490	OW1 (1G)	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
500	OW2 (1G1)	203	WOL	YES	177.896	1.500	38.488	43.473	59.536	26.108	3.208	5.583		
510	OW3 (1A)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
520	OW4 (1AA3)	500	WOL		170.853	1.500	38.488	43.473	49.165	26.108	3.208			8.911
540	OSH (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
550	OMT (1B)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911

TAX UNIT	TAX DISTRICT	SCHOOL DISTRICT	DRG. DIST.	COUNTY LIBRARY	TOTAL RATES	STATE	COUNTY	CITY TWSP	SCHOOL COLLEGE	COMM	DRG. DIST.	COUNTY LIBRARY	Rec. Com.	USD 500 Library
560	OSW (1G)	203		YES	174.688	1.500	38.488	43.473	59.536	26.108		5.583		
570	OBS (5)	204			162.720	1.500	38.488	33.616	63.008	26.108				
581	ORB (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
582	ORB (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
590	OBT (1)	500			167.645	1.500	38.488	43.473	49.165	26.108				8.911
600	2	500			182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
601	2	500			182.471	1.500	38.488	43.473	49.165	26.108	14.826			8.911
SSMID														
700	1S	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
710	OSPS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
720	OTHS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
740	OSHS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
750	OSAS	500			180.144	1.500	38.488	43.473	49.165	26.108		12.499		8.911
2014 Tax Rate Totals (By Jurisdiction)														
					State Levy Rate	1.500				USD #202 Levy Rate		54.707		
										USD #202 Levy Does Not Incl Rec. Comm. Levy Rate Modified Nov. 2006				
					County Levy Rate	38.488				USD #202 Levy Rate (Rec. Comm.)		7.003		
										USD #202 Rec. Comm. (6.000) & Employee Benefits (1.003)				
					County Library Levy Rate	5.583				USD #203 Levy Rate		59.536		
					City of KCKS Levy Rate	43.473				USD #204 Levy Rate		63.008		
					City of Bonner Springs, KS Levy Rate	33.616				JUCO Levy Rate		26.108		
					City of Edwardsville, KS Levy Rate	47.367				Kaw Valley Drainage Dist. Levy Rate		14.826		
					City of Lake Quivira, KS Levy Rate	18.436				Fairfax Drainage Dist. Levy Rate		13.241		
					USD #500 Levy Rate	49.165				Wolcott Drainage Dist. Levy Rate		3.208		
					USD #500 Combined Public Library Board & Employee Benefits	8.911								
					Public Library Board = 7.862 & Employee Benefits = 1.049					SSMID		12.499		