



Full Commission Meeting Agenda

Thursday, October 1, 2015
7:00 PM

Location:

Municipal Office Building
701 N 7th Street, Lobby
Kansas City, Kansas 66101
Commission Chambers

NameAbsent

Mayor Mark Holland

☐

Commissioner At-Large Dist. 1 – Melissa Bynum

☐

Commissioner At-Large Dist. 2 – Hal Walker

☐

Commissioner Gayle Townsend

☐

Commissioner Brian McKiernan

☐

Commissioner Ann Brandau-Murguia

☐

Commissioner Harold Johnson

☐

Commissioner Mike Kane

☐

Commissioner Angela Markley

☐

Commissioner James Walters

☐

Commissioner Jane Philbrook

☐

SERGEANT-AT-ARMS: CAPTAIN DUSTIN DUNGAN

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND KEN NETTLING, FAITH LUTHERAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO OCTOBER 1, 2015 AGENDA**

XVI. PUBLIC ANNOUNCEMENTS (topics added)

1. Notice of Need (NON) posted for Chief Knowledge Officer recruitment services. Submittals are due October 2, 2015, to the Purchasing Department's eProcurement site.
2. FACETS will present the final Fire Department Study report on October 15, 2015, at 5:00 PM to the Full Commission and members of the public in the 5th floor conference room.
3. Planning Updates:
 - a. BNIM and TranSystems have been selected as lead consultants for the Rosedale Master Plan.
 - b. The team of Vireo, Olsson, and Gould Evans has been selected to work on the Tri-City / K-32 Corridor and Quiet Zone studies.
 - c. White, Smith & Associates has been selected to work on the Sign Code amendment.

VI. CLERK'S STATEMENT

VII. PLANNING AND ZONING CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

Item No. 1 - #SP-2015-47 - STEVE MCDONALD/GEIGER READY MIX

Synopsis:

Renewal of a Special Use Permit (#SP-2014-54) for a portable concrete plant at 4313 Speaker Road, submitted by Robin H. Richardson, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR FIVE (5) YEARS) (130353)

Tracking #: 15112

Item No. 2 - #SP-2015-49 - KATHERINE KELLY

Synopsis:

Special Use Permit for three (3) storage containers at 4223 and 4225 Gibbs Road, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR**

APPROVAL FOR TWO (2) YEARS) (150266)

Tracking #: 15113

Item No. 3 - #SP-2015-50 - JANELLE PETERSON

Synopsis:

Special Use Permit for a bed and breakfast at 3200 North 115th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR**

TWO (2) YEARS) (040308)

Tracking #: 15114

Item No. 4 - #SP-2015-51 - MICHAEL YEAGER

Synopsis:

Home Occupation Special Use Permit for the making of yard and garden ornamentation, custom automotive parts and general customer metal work at 4855 Georgia Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150267)**

Tracking #: 15115

Item No. 5 - #SP-2015-52 - WIL ANDERSON WITH BHC RHODES

Synopsis:

Renewal of two (2) Special Use Permits (#SP-2012-53 and #SP-2013-10) for a fill site with recycling and truck weigh scale at 626R North 47th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (130098)**

Tracking #: 15116

B. VACATION APPLICATION

Item No. 1 - #U/E-2015-10 - MONITA IRELAND WITH UNIVERSITY OF KANSAS

Synopsis:

Vacation of utility easements at 2146 West 39th Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL) (040033)**

Tracking #: 15119

C. PLAN REVIEW APPLICATION

Item No. 1 - #PR-2015-21 - KHALID BANDAY/KAM DESIGN AND CONSTRUCTION

Synopsis:

Preliminary Plan Review for a convenience store at 4116 Metropolitan Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL) (130077)**

Tracking #: 15118

D. ORDINANCE AMENDMENTS

Item No. 1 - ORDINANCE AMENDMENT - SEC. 27-340

Synopsis:

Certain amendment to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning the definition of a dog kennel. submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

(150202)

Tracking #: 15120

Item No. 2 - ORDINANCE AMENDMENT - SEC. 27-726

Synopsis:

Certain amendments to Section 27-726, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning signs in the right-of-way, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

(100058)

Tracking #: 15121

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

Item No. 1 - AN ORDINANCE

Synopsis:

An ordinance vacating a street (#S-2015-7) at 4826 McGurk Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(150236)**

Tracking #: 15131

Item No. 2 - AN ORDINANCE

Synopsis:

An ordinance vacating right-of-way (#R/W-2014-6) at approximately 3717 Cambridge, Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning, 573-5774 **(140351)**

Tracking #: 15132

Item No. 3 - AN ORDINANCE

Synopsis:

An ordinance vacating right-of-way (#R/W-2014-3) at approximately 3717 Cambridge, Kansas City, Kansas, submitted by Robin H. Robinson, Director of Planning, 573-5774 **(140351)**

Tracking #: 15133

Item No. 4 - AN ORDINANCE

Synopsis:

An ordinance relating to dog kennels; amending Chapter 27, Article VIII, Section 27-340 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning, 573-

5774 (150202)

Tracking #: 15134

Item No. 5 - AN ORDINANCE

Synopsis:

An ordinance relating to portable signs in the right-of-way; amending Chapter 27, Article VIII, Section 27-726 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning, 573-5774 (100058)

Tracking #: 15135

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATION

Item No. 1 - #SP-2015-16 - RANDEL AND BARBARA VANBEBER

Synopsis:

Renewal of a Special Use Permit (#SP-2013-8) to keep two (2) goats at 3415 North 63rd Street, submitted by Robin H. Richardson, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS – 7/1 VOTE) (130035)

Tracking #: 15123

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR THURSDAY, OCTOBER 1, 2015

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2014.

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

IX. MAYOR'S AGENDA

X. NON-PLANNING CONSENT AGENDA

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

Item No. 1 - RESOLUTION: UG SMALL BUSINESS INCENTIVE PILOT PROGRAM

Synopsis:

A resolution adopting the creation of the UG Small Business Incentive Pilot Program, submitted by Charles Brockman, Economic Development.

*On September 14, 2015, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 15110

Item No. 2 - MINUTES

Synopsis:

Minutes from Special Session of September 3, 2015.

Tracking #: 15111

Item No. 3 - WEEKLY BUSINESS MATERIAL

Synopsis:

Weekly business material dated September 24, 2015.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

Item No. 1 - PUBLIC HEARING/RESOLUTION: DAIRY FARMERS OF AMERICA IRBS

Synopsis:

Conduct a public hearing to consider a resolution of intent to issue \$46M in industrial revenue bonds (IRBs) and approve a PILOT structure for Dairy Farmers of America's (DFA) global headquarters to be located at the intersection of France Family Dr. and 98th St., submitted by George Brajkovic, Economic Development Director. DFA is requesting an increase in the IRB issuance amount from \$30M to \$46M.

On February 26, 2015, the commission unanimously adopted Resolution No. R-18-15, approving the Development Agreement with the DFA. Subsequently, on May 14, 2015, the commission unanimously adopted Resolution No. R-31-15, authorizing the intent to issue \$30M in IRBs.

Tracking #: 15108

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: Petition #SP-2015-47 (130353)

GENERAL INFORMATION

Applicant:
Ronald Cowger

Status of Applicant:
Representative
AGC Engineers, Inc.
405 South Leonard, Suite D
Liberty, MO 64068

Requested Action:
Renewal of a special use permit

Date of Application:
July 27, 2015

Purpose:
To renew a special use permit for a portable
wet mix concrete plant

Property Location:
4313 Speaker Road

Existing Zoning:
M-3 Heavy Industrial District



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

Existing Uses:	North:	Industrial uses
	South:	Industrial uses
	East:	Industrial uses
	West:	I-635

Total Tract Size: 6.8 acres

Master Plan Designation: The Master Plan designates this property as area for industrial development.

Major Street Plan: Speaker Road is designated as a Class “C” thoroughfare.

Advertisement: The Wyandotte Echo – August 20, 2015
Letters to Property Owner – August 20, 2015 and September 24, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Ronald Cowger with AGC Engineers, Inc. is representing Ready Mix in seeking a renewal of their special use permit (#SP-2013-54) for a portable wet mix concrete plant.

City Ordinance Requirements: Sec. 27-592 through Sec. 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located in the center of an industrial area.

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

The zoning of the property is M-3 Heavy Industrial District. If Ready Mix continues to be properly operated, the operations are compatible with nearby properties.

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

The use does not detrimentally affect nearby properties.

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

The property is not vacant and has currently been operating under a special use permit for the last two (2) years.

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

The current and proposed continued use is in compliance with the Master Plan.

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

This proposal would not create any issues with traffic or the street network.

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

This use is not a necessary convenience to the public. This will only be a convenience to the owners and those who use their products. However, the proposed use will not create any issues with the appropriate use, visual quality, or marketability of adjoining property.

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

This is not foreseen to be an issue as long as the property is continued to be operated properly.

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

Concrete plants can often spill concrete and create a substantial amount of dust. Spills can lead up to issues with storm drainage systems and create maintenance problems through rain and site run off. Ready Mix has been operating under a plan that minimizes the dust.

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

Not applicable

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

The gain to the community as a whole is another source for ready-made concrete in the community.

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

This is not foreseen to be an issue.

PREVIOUS ACTIONS

The Board of Commissioners approved a two (2) year special use permit for a portable wet mix concrete plant at 4313 Speaker Road on November 7, 2013 as case #SP-2013-54.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 31, 2015. According to the applicant, no one was in attendance. The meeting began at 5:00 p.m. and adjourned at 5:30 p.m.

KEY ISSUES

Parking
Past Stipulations

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2015-47, subject to:

Urban Land Use and Planning Comments:

- 1. Where do employees and others that are coming and going from the plant park their personal vehicles?**

Applicant's Response: Geiger has acquired the Blue Hat property north of Speaker Road and employees are currently parking on that lot (see Photo 1 and Photo 2). Visitor parking and office personnel park on the north side of the office/maintenance building (see Photo 3).

- 2. Please respond and provide pictures to show that all stipulations in the original special use permit (#SP-2013-54) have been followed and complied with. These stipulations are listed below:**
 - A 24' wide road will be paved from the entrance gate to the plant and around to the exit. This is a one-way road designed for all ready-mix trucks being batched by the portable plant.**

Applicant's Response: See Photo 1 and Photo 10

- An additional 14' will be paved on the west side of building 4401 as a staging area for trucks to prepare to load (this 14' section will be a part of the entrance road, making it 38' feet for approximately 225').

Applicant's Response: See Photo 1 and Photo 10

- A concrete slab 80' x 12' will be placed for the base of the plant.

Applicant's Response: See Photo 4 and Photo 11

- A concrete slab 56' x 16' will be placed under the aggregate loading hoppers.

Applicant's Response: See Photo 5

- A concrete slab 55' x 136' will be placed as a base for the rock and sand stockpiles.

Applicant's Response: See Photo 1

- When necessary, water and/or calcium chloride will be applied to unpaved sections to suppress dust.

Applicant's Response: Geiger Ready Mix has operational procedures in place to make sure that dust is not a problem. In fact, KDHE has commended Geiger on their efforts to minimize air pollutions from the plant.

- The batch plant will use the wet batch mixing process- no dust during production of the concrete mix.

Applicant's Response: See Photo 6 and Photo 7 for dust collection system.

- A central dust collection system will collect dust from rock and sand as it is being charged into the wet batch mixer.

Applicant's Response: See Photo 6 and Photo 7

- Two cement silos will have individual dust collectors.

Applicant's Response: See Photo 7

- Two cement silos will also have pinch valves installed to limit overfilling.

Applicant's Response: See Photo 8

- When necessary water spray bars will be activated to dampen dry rock being conveyed to the plant bins.

Applicant's Response: Geiger Ready Mix has operational procedures in place to make sure that dust is not a problem. One part of that procedure is to use spray bars on the conveyor (see Photo 9).

3. Any approval for a renewed special use permit would be for five (5) years.

Applicant's Response: No comment

Staff Conclusion:

Staff recommends approval for five (5) years subject the following stipulations:

1. Upon completion of the building addition that is currently under review by the Development Review Committee, the area south of Speaker Road must be paved.
2. All vehicles, including employee vehicles and concrete mixing trucks, must park on an improved surface.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2015-47** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 14, 2015 City Planning Commission Minutes
Aerial Image
Zoning Map
Neighborhood Meeting Documents (Minutes, Sign-In Sheet, Affidavit)
Applicant's Responses and Photographs

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing	September 14, 2015	October 1, 2015
Special Use	Approval	

STAFF CONTACT: **Taylor Plummer** **tplummer@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2015-47** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2015-47**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

130353 SPECIAL USE PERMIT APPLICATION #SP-2015-47 – STEVE MCDONALD WITH GEIGER READY MIX – SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-54) for a portable concrete plant at 4313 Speaker Road

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and,
7. The publications in The Echo for the special use permits.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Planning Commissioner Carson asked that Piper Landing Third Plat be removed from the Consent Agenda. Mr. Brian Margo asked that Special Use Permit #SP-2015-16 be removed from the Consent Agenda. Planning

Director Richardson stated that he would like to add a stipulation to McKinley Point. Right now there is an alley on the plat and the comment will be to change the wording from alley to common access easement prior to recording. There is no need to remove it from the Consent Agenda.

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

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye
Motion to APPROVE Passed: 8 to 0	
Subject to:	

Urban Land Use and Planning Comments:

1. Where do employees and others that are coming and going from the plant park their personal vehicles?

Applicant's Response: Geiger has acquired the Blue Hat property north of Speaker Road and employees are currently parking on that lot (see Photo 1 and Photo 2). Visitor parking and office personnel park on the north side of the office/maintenance building (see Photo 3).

2. Please respond and provide pictures to show that all stipulations in the original special use permit (#SP-2013-54) have been followed and complied with. These stipulations are listed below:

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Applicant's Response: See Photo 1 and Photo 10

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- Two cement silos will also have pinch valves installed to limit overfilling.

Applicant's Response: See Photo 8

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Applicant's Response: Geiger Ready Mix has operational procedures in place to make sure that dust is not a problem. One part of that procedure is to use spray bars on the conveyor (see Photo 9).

3. Any approval for a renewed special use permit would be for five (5) years.

Applicant's Response: No comment

Staff Conclusion:

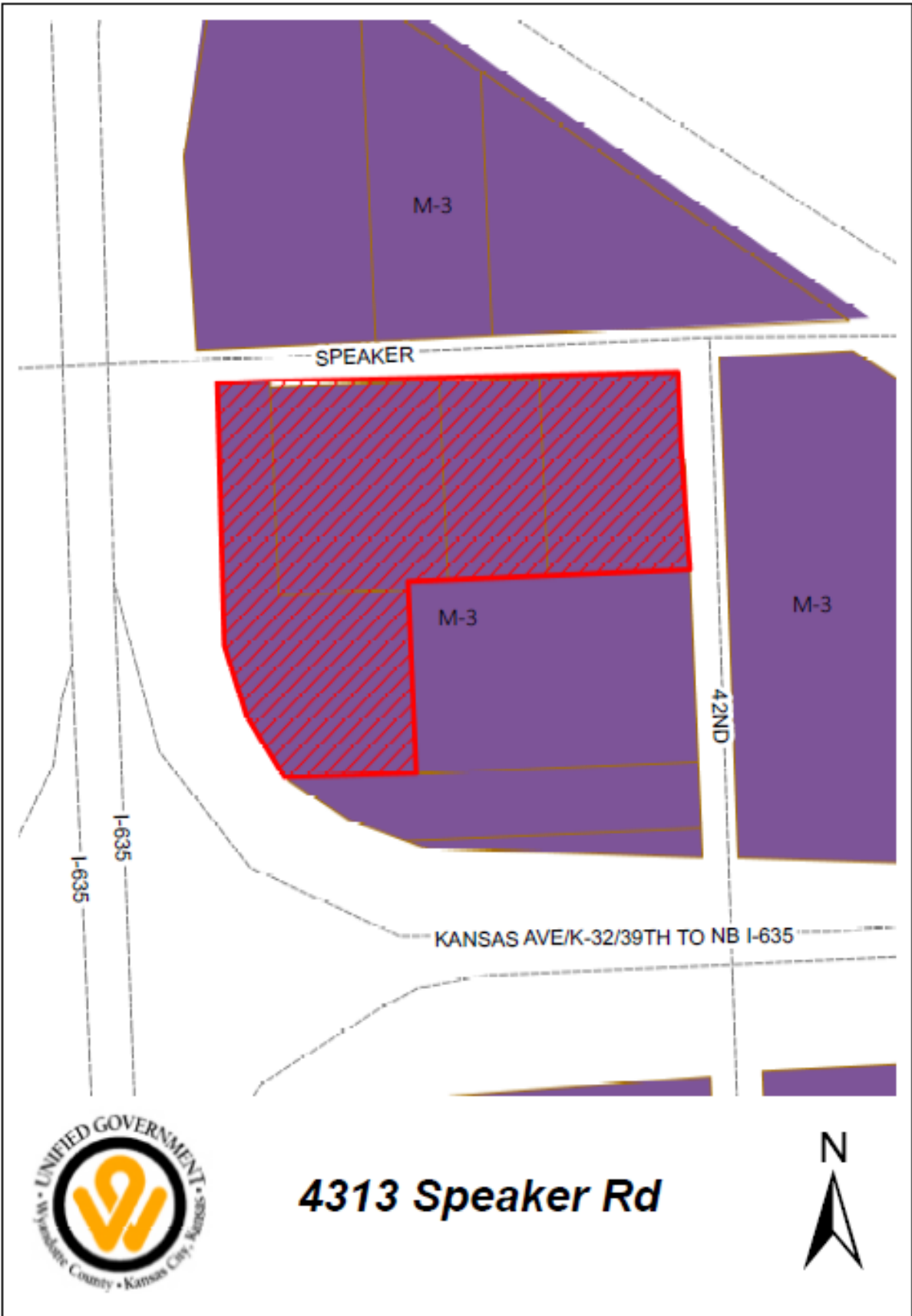
Staff recommends approval for five (5) years subject the following stipulations:

- 1. Upon completion of the building addition that is currently under review by the Development Review Committee, the area south of Speaker Road must be paved.**
- 2. All vehicles, including employee vehicles and concrete mixing trucks, must park on an improved surface.**



4313 Speaker Rd





Neighborhood Meeting for SUP Extension
Meeting Minutes

Application Number: SP-2015-47

Date: 8/31/2015

Location: 4303 Speaker Road, KCK 66106

Meeting Scheduled to commence at 5:00pm

None of the adjacent property owners invited by certified mail showed-up for the meeting.
Consequently, after waiting until 5:30pm I "adjourned" myself and closed the facility.

Submitted by Steve McDonald, President/CEO, Geiger Ready-Mix Co. Inc.



Neighborhood Meeting for SUP Extension
8/31/15

Sign-In Sheet

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AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP-2015-47
2. That I conducted a neighborhood meeting on Monday, Aug. 31, 2015
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of Sept., 2015

My commission expires 8th of Aug, 2018


Notary Public





Photo 1 – Overall Site



Photo 2-employee parking lot on north side of Speaker Road (on recently acquired Blue Hat Property).



Photo 3- additional parking for employees and visitors (south side of Speaker Road).



Photo 4-concrete slab under base of plant.



Photo 5-concrete under aggregate loading hoppers.



Photo 6-mixer for the wet batch mixing process & shows the central dust collection system and tubing coming off the mixer to the dust collector.



Photo 7-the two large boxes on top of each silo are individual dust collectors.

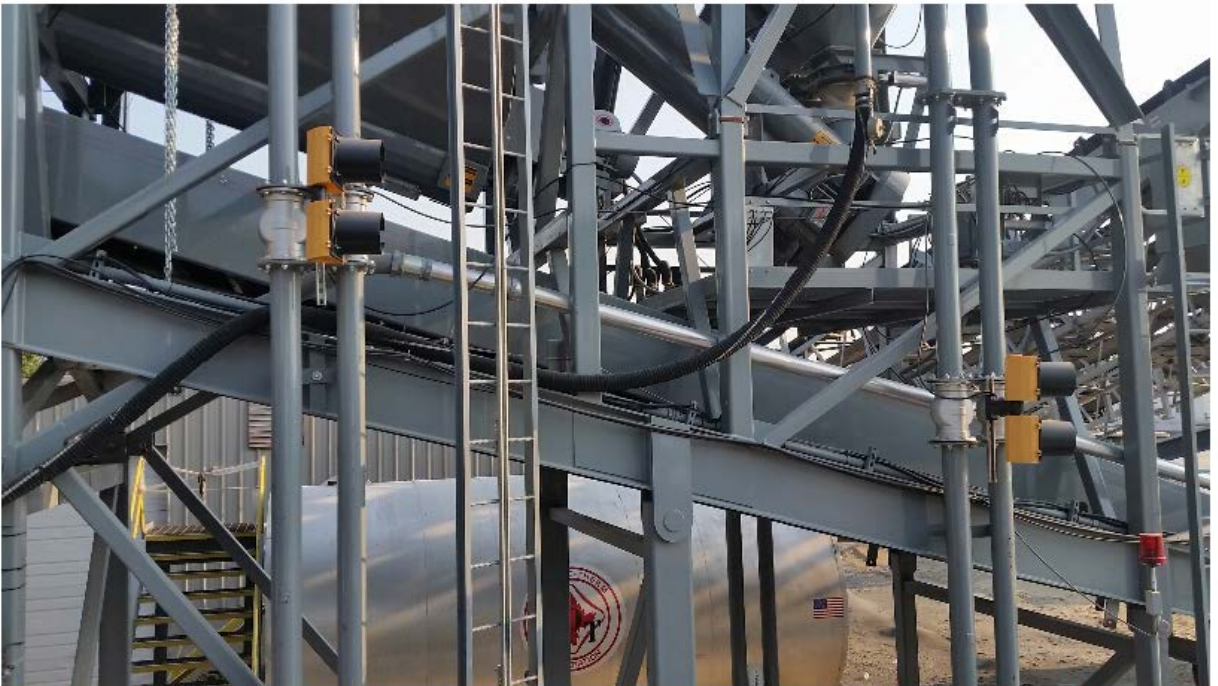


Photo 8-pinch valves that protect from overfilling the silo's. (Silver sections just behind the stop lights) The stop lights also light up when the silo is full as a visual reference in combination with the pinch valves.



Photo 9-water spray bar to dampen dry rock or sand being conveyed into the plant bins.



Photo 10- One way access drive and staging lane for wet batch plant.



Photo 11-Concrete slab under wet batch plant



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: Petition #SP-2015-49 (150266)

GENERAL INFORMATION

Applicant:
Katherine Kelly

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

Requested Action:
Special use permit

Date of Application:
July 31, 2015

Purpose:
Approve special use permit for three
(3) new storage containers

Property Location:
4223 and 4225 Gibbs Road



SP-2015-49



Existing Zoning: R-1 Single Family Residential District

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

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

Total Tract Size: 3.46 acres

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

Major Street Plan: Gibbs Road is designated as a local street.

Advertisement: The Wyandotte Echo – August 20, 2015
Letters to Property Owner – August 20, 2015 and September 24, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a special use permit to replace two (2) small storage sheds with three (3) new storage containers. One will be the processing facility, one for long-term storage and one to better house the equipment that they use

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is residential in nature.

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

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

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

The removal of restrictions should not detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

The applicant is replacing an already existing use and this will not result in an increase in traffic.

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

The existing and proposed uses are not reasonably necessary for the convenience and welfare of the public. However, the property was previously undermined and unsuitable for development. Therefore, the land has been cultivated to grow fruits, vegetables and herbs which are sold at local markets or shared with the community to the benefit of the local community. This use does not substantially or permanently injure the use, quality, or marketability of adjoining property.

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

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

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

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

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

This is not foreseen to be an issue.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowners is minimal; however, the production of fresh, local foods is important for the health of the community. New storage containers and additional workspace will help to reach the goals of the organization and support the Healthy Communities Wyandotte initiative.

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

This is not foreseen to be an issue.

PREVIOUS ACTIONS

The Board of Commissioners approved a two (2) year special use permit for an existing greenhouse, storage container and office building at 4223 Gibbs Road on December 4, 2014 as case #SP-2014-73.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 25, 2015 from 5:30 p.m. to 6:00 p.m. According to the applicant, no one was in attendance. The applicant noted the following:

On August 20th, Gary Anderson at 4228 Dodson, next door to Gibbs Road Farm, phoned to let us know that he would not be making the meeting, but that he was in full support of the project.

On August 21st, Fran Hilt (2400 South 42nd Street) and Dot Wartenberg (2434 South 42nd Street) visited with Josh Smith, the Gibbs Road Farm Manager with some questions. The two main ones were (1) would the project increase traffic at Gibbs Road Farm and the answer was that it would not; and (2) whether the project would impact the value of the property. After consultation with the project planning committee, the answer was that it would not.

KEY ISSUES

Setbacks
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2015-49, subject to:

Urban Planning and Land Use Comments:

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

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

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

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

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

Applicant's Response: Please see map attached.

4. Any approval would be recommended for two (2) years. Upon renewal of the special use permit, a permit could be extended to a longer period of time.
5. There are 2014 taxes due on this property; they should be paid as soon as possible.

Applicant's Response: Payment has been delayed due to health issues of the property owner, but should be completed shortly. (NOTE: They have been paid.)

Staff Conclusion:

Staff recommends approval for two (2) years, as the applicant provided an updated site plan showing the three (3) proposed containers with the proper setbacks from adjacent property lines.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2015-49** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 14, 2015 City Planning Commission Minutes
Zoning Map
Aerial Maps
Parking Agreement with Master's Community Church
Site Drawing
Neighborhood Meeting Documents (Minutes, Sign-In Sheet, and Affidavit)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 14, 2015	October 1, 2015
Special Use	Approval	

STAFF CONTACT: **Rob Richardson** **rrichardson@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2015-49** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2015-49**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

150266 SPECIAL USE PERMIT APPLICATION #SP-2015-49 – KATHERINE KELLY -

SYNOPSIS: Special Use Permit for three (3) storage containers at 4223 and 4225 Gibbs Road

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated August 20, 2015;
7. The Notices to property owners dated August 20, 2015.

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

Mr. Joshua Smith, 3716 Wyandotte, Kansas City, Missouri, farm manager for Cultivate Kansas City, appeared in support of this application. He stated that they want to have three (3) more containers on their property. One will be the processing facility, one for long-term storage and one to better house the equipment that they use. Chairman Hurrelbrink stated that the application states that it is for two (2) storage containers.

Ms. Linda Siemens, representing the applicant, appeared in support of this application. She stated that they originally requested two (2) storage containers and they had it changed to three (3) storage containers hereafter. She was told that they had changed it in time and it would be advertised for three (3) containers. (Staff checked and the publication to the newspaper was for three (3) containers. The staff report and agenda state that it is for two (2) containers.)

Planning Commissioner DeWitt asked if the delinquent taxes have been paid. Ms. Siemens stated that they were paid today and she showed Director Richardson the receipt.

No one appeared in opposition to this application.

Planning Director Richardson stated that he reviewed the tax receipt and the taxes were paid. The staff recommends approval of the three (3) containers subject to the stipulations in the staff report.

On motion by Mr. Carson, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2015-49:**

Carson	Aye
Connelly	Not Present
DeWitt	Aye

Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

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

Urban Planning and Land Use Comments:

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

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

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

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

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

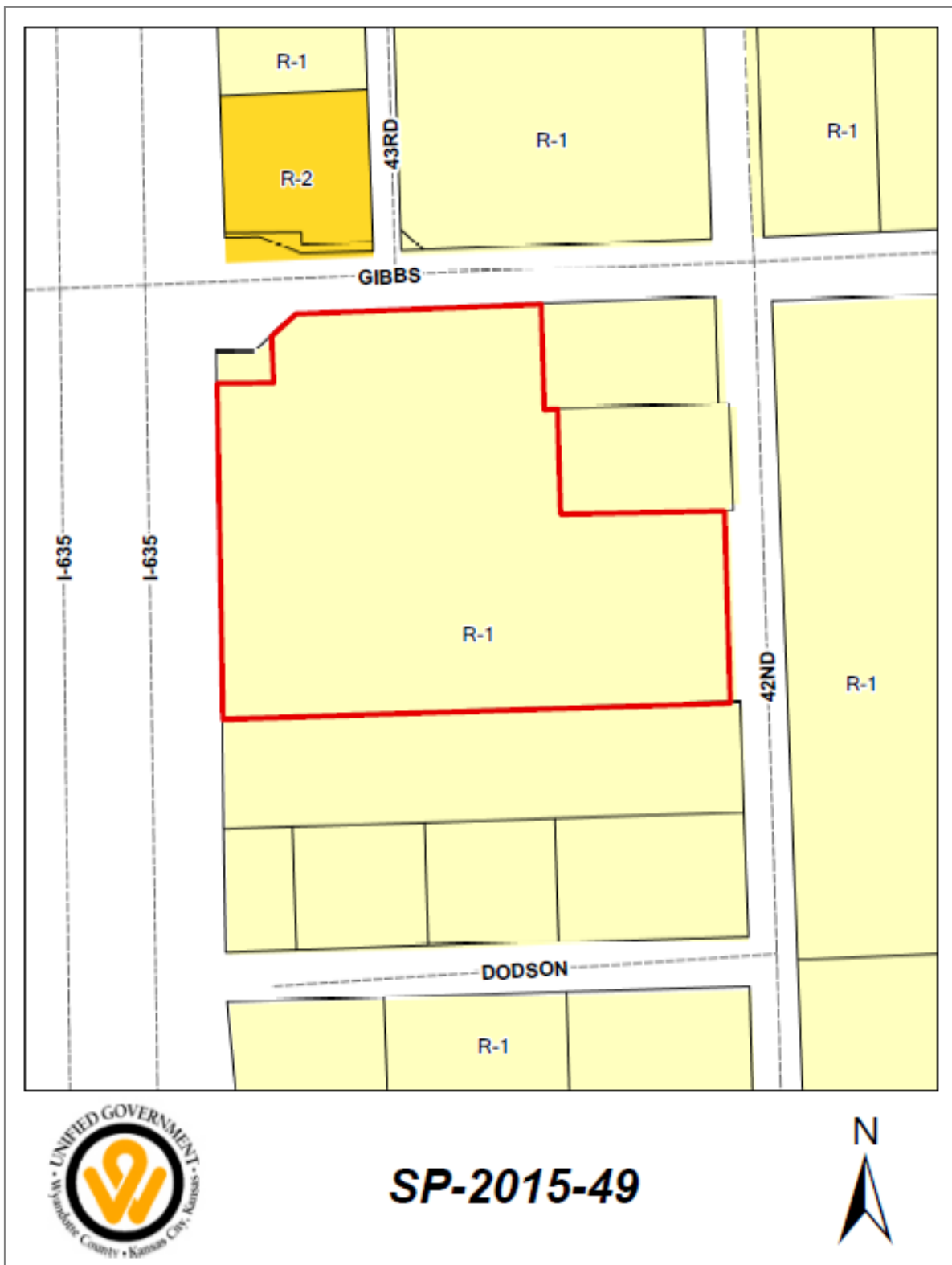
Applicant's Response: Please see map attached.

4. Any approval would be recommended for two (2) years. Upon renewal of the special use permit, a permit could be extended to a longer period of time.
5. There are 2014 taxes due on this property; they should be paid as soon as possible.

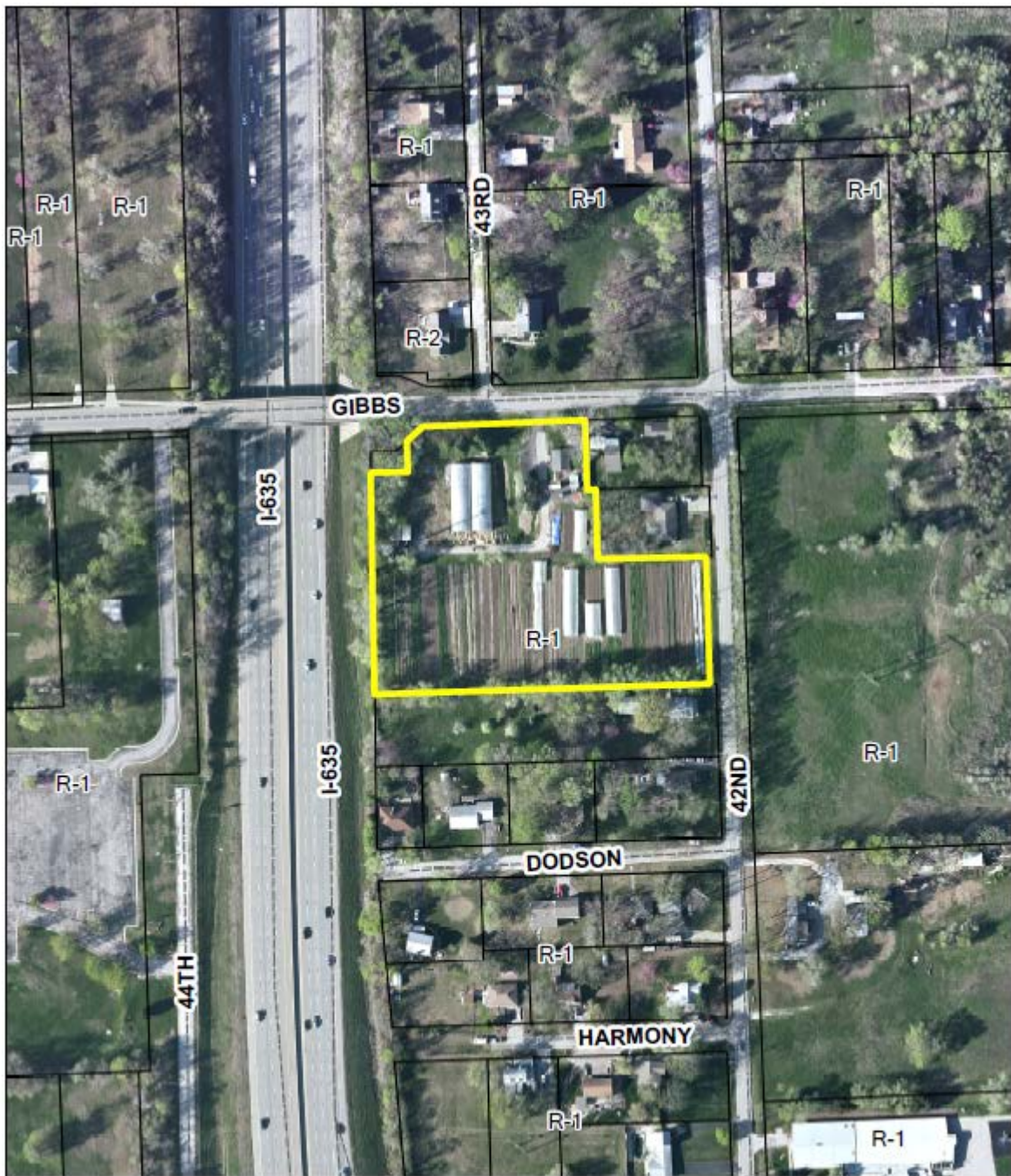
Applicant's Response: Payment has been delayed due to health issues of the property owner, but should be completed shortly. (NOTE: They have been paid.)

Staff Conclusion:

Staff recommends approval for two (2) years, as the applicant provided an updated site plan showing the three (3) proposed containers with the proper setbacks from adjacent property lines.







SP-2015-49



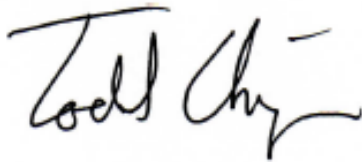
8/28/15

Department of Urban Planning and Land Use
Unified Government of Wyandotte County and Kansas City,
Kansas
701 N 7th St, Ste 240
Kansas City KS 66101

Dear Department of Urban Planning and Land Use:

This letter is to put into writing an informal agreement between The Master's Community Church and Cultivate Kansas City that supports Cultivate Kansas City's use of our parking lot during their times of high volume traffic, such as their annual transplant sale, and those days when large volunteer groups visit to work at the farm.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Chipman". The signature is fluid and cursive, with a horizontal line extending from the end.

Todd Chipman, Pastor
The Master's Community Church
2548 S 42nd St
Kansas City, KS 66106



#SP-2015-49

MASTER PLAN

CULTIVATE KANSAS CITY/
GIBBS ROAD FARM
4223 Gibbs Road
KANSAS CITY, KS

October 1, 2015

DATE

PROJECT

OWNER

ARCHITECT

ENGINEER

LANDSCAPE ARCHITECT

PLANNING

CONSTRUCTION

OPERATION

MAINTENANCE

REPAIR

RENOVATION

RECONSTRUCTION

REDEMPTION

REDEMPTION

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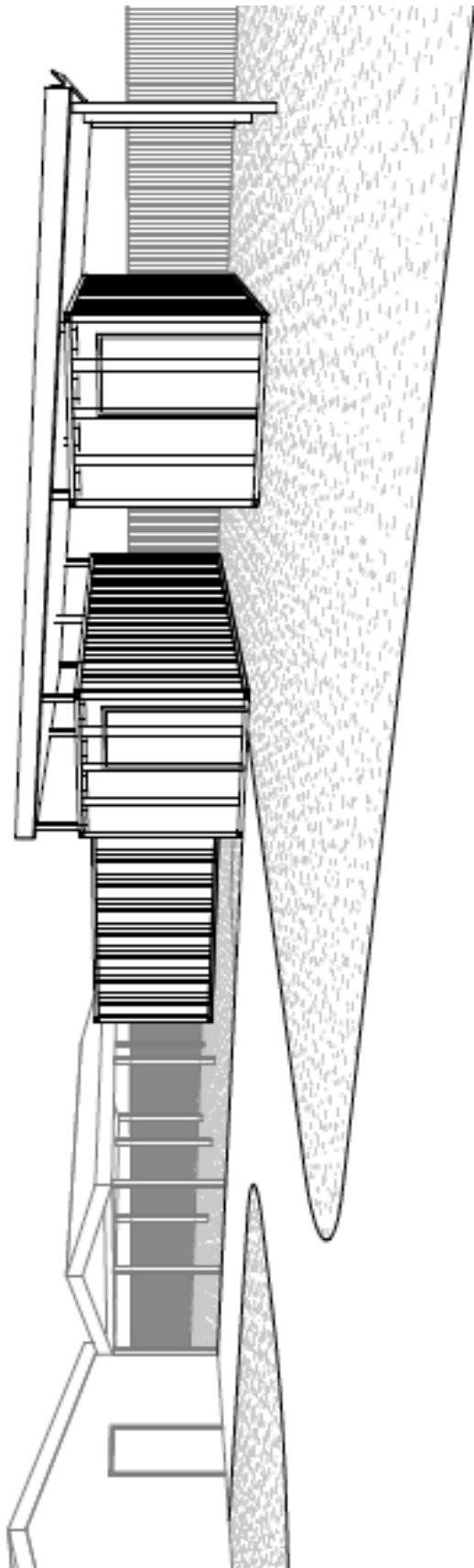
REDEMPTION

REDEMPTION

REDEMPTION

REDEMPTION

REDEMPTION



FLOOR PLAN

Neighborhood Meeting Minutes:

Application Number: SP-2015-49

Date and Location: August 25, 2015, 4223 Gibbs Road, Kansas City KS

Meeting called to order at: Scheduled time was 5:30 p.m. However, meeting was not held due a lack of attendance.

Names of people in attendance:

- Linda Siemens, Operations Manager, Cultivate Kansas City
- Josh Smith, Farm Manager, Cultivate Kansas City

Meeting adjourned at: 6:00 p.m.

Minutes taken by: Linda M. Siemens, Cultivate Kansas City

Additional Notes:

On August 20, Gary Anderson living at 4228 Dodson, next door to Gibbs Road Farm, phoned to let us know that he would not be making the meeting, but that he was in full support of the project.

On August 21, Fran Hilt (2400 S 42nd St) and Dot Wartenberg (2434 S 42nd St) visited with Josh Smith, the Gibbs Road Farm Manager with some questions. The two main ones were (1) would the project increase traffic at Gibbs Road Farm and the answer was that it would not; and (2) whether the project would impact the value of the property. After consultation with

**Neighborhood Meeting: August 25, 2015, 5:30 p.m.
held by Cultivate Kansas City at Gibbs Road Farm
4223 Gibbs Road, Kansas City, Kansas, 66106**

Sign-In Sheet

Name	Address	City, State, Zip
<u>Linda Siemens</u>	<u>Cultivate Kansas City</u>	
<u>Josh Smith</u>	<u>Cultivate Kansas City</u>	

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP-2015-49.
2. That I conducted a neighborhood meeting on August 25, 2015.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Linda Siemens
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of August 2015
My commission expires 25 of August, 2018



Gayle Buff
Notary Public



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: Petition #SP-2015-50 (040308)

GENERAL INFORMATION

Applicant:
Janelle and Brandon Peterson

Status of Applicant:
Applicants
5144 Cody Street
Overland Park, KS

Requested Action:
Approve Special Use Permit

Date of Application:
July 31, 2015

Purpose:
To operate a bed and breakfast in the home

Property Location:
3200 North 115th Street

Existing Zoning:
R-1 WYCO Single Family District



Existing Surrounding Zoning: **North:** AG Agricultural District
South: R-1 WYCO Single Family District
East: R-1 WYCO Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Large lot single family residences and vacant parcels
South: Large lot single family residences and vacant parcels
East: Large lot single family residences and vacant parcels
West: Large lot single family residences and vacant parcels

Total Tract Size: .98 acre

Master Plan Designation: The City Wide Master Plan designates this property for suburban residential use.

Major Street Plan: North 115th Street is a designated Class C thoroughfare

Advertisement: The Wyandotte Echo – August 20, 2015
Letters to Property Owner – August 19, 2015 and September 24, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking a special use permit in order to operate a bed and breakfast out of the four-bedroom home.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This neighborhood is largely still undeveloped but planned for large lot residences.

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

The zoning and uses of nearby properties are set out above and are residential in nature. The bed and breakfast, while a commercial venture, would be a primarily residential use.

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

The home was built in such a manner that lends itself well to a bed and breakfast use. The property is currently secluded enough to not be a burden on adjacent property owners.

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

The property is not vacant but the home is unoccupied.

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

Special Use Permits are not specifically addressed in the Master Plan.

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

The proposed use could bring a number of cars to the property, which, though there are few neighbors, could be a burden to those in the area. Guests of the bed and breakfast would not be permitted to park anywhere but in the driveway.

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

The proposed use is not particularly necessary for the convenience and welfare of the public though the argument could be made that tourists to western Wyandotte County for various attractions need a variety of accommodation choices.

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

This should not be an issue.

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

This should not be an issue.

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

This should not be an issue.

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

There would be no significant gain to the public health, safety and welfare from the denial of this special use permit.

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

This is not expected to be an issue.

PREVIOUS ACTIONS

The applicants submitted an application for a Special Use Permit for a bed and breakfast at this location in May 2015. There was some neighborhood concern though there seemed to be a working agreement with the applicants and nearby property owners. The application was withdrawn due to an offer on the house by another purchaser. That offer has since fallen through and the Petersons are under contract on the house, pending the approval of this action.

The Petersons have updated their original business plan (update attached) and revised the number of available guest rooms as they are planning to finish the living space above the detached garage. This space, while available to guests, will be on the same address and utility meter as the main home and will not be equipped as full, stand-alone living quarters.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 19, 2015. Three people attended. The Petersons have met with many of the nearby property owners outside of that meeting and are cooperating with them to make this a mutually acceptable business venture.

The applicant has since sent a follow-up letter to neighbors and interested parties (dated August 24). There was no new comment to date.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2015-50, subject to:

Urban Planning and Land Use Comments

This house, as built seems to be very well suited for this type of use, with the ability to have private areas for the homeowners and proprietors and large accommodations as well as communal spaces for guests. The large lot should ensure the privacy of any future neighbors as well as alleviate any parking or congestion concerns.

Staff feels this locally owned and operated bed & breakfast could be a positive addition to the area, which has seen tremendous growth and gained on popularity for out of town visitors with the Legends Outlets, Schlitterbahn waterpark, Kansas Speedway, T-Bones and Sporting Parks, as well as the development of new corporate offices for national companies Cerner and Dairy Farmers of America. Providing visitors to Kansas City, Kansas with many options for accommodations is important for remaining a destination in the region.

Staff would also like to note that the Petersons have made themselves available to their potential neighbors, working to come to solutions for contentious issues potential problems before they had arisen. Having open and productive dialogues with adjacent property owners is always the goal of the neighborhood meeting requirement of the Special Use Permit process and staff is pleased to see such cooperation among neighbors.

Stipulations:

1. No signage will be permitted
2. No on-street parking will be permitted
3. Owners must maintain residence in the home
4. Approval for two (2) years initially
5. All proper building permits must be obtained for existing work, as noted below, as well as the finishing the above-garage space
6. The above-garage space must use the same address as the main house and must remain on the same utility meter

Public Works Comments

None

Business Licensing Comments

The following permits were issued for the completion of this house - Permit 02300-00022, 03300-00926 and 06300-00419. This project is completed through the rough-in inspection. All permits were abandoned and the project was never completed. Records indicate the house is occupied without a final inspection. Renew permits and request a final inspection.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2015-50 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 14, 2015 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Neighborhood Meeting Information
Update letter to neighbors
Business Plan (abridged)
Photos of the property, submitted by the applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 14, 2015	October 1, 2015
Special Use	Approval	

STAFF CONTACT: **Jamie Ferris** **jferris@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2015-50 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2015-50** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

040308 SPECIAL USE PERMIT APPLICATION #SP-2015-50 – JANELL PETERSON - SYNOPSIS: Special Use Permit for a bed and breakfast at 3200 North 115th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated August 20, 2015;
7. The Notices to property owners dated August 20, 2015.

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

Mrs. Janell Peterson, 5144 Cody Street, Shawnee, Kansas, applicant, appeared in support of this application. She stated that they are back before the Commission (they were before the Commission in June) as the property in-between the time that they were before the Commission received another offer and the homeowner made a decision to proceed with that offer and had asked the Planning Commission to remove the application which was previously approved by the Commission. That offer fell through and a couple of weeks later the owner approached them to find out if they were still interested in purchasing the property and they said that they were. The house is now under contract and they will be closing on the purchase on or before October 30th. The homeowner has accepted their offer. She further stated that they took the opportunity to edit the application and include a third guest space above the garage. In the original application, they indicated that they would do that at a future time but they decided to ask for approval of that item also.

Mr. Eric Morrison, owner of the property in question, appeared in support of this application.

No one appeared in opposition to this application.

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

On motion by Mr. Carson, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2015-50:**

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments

This house, as built seems to be very well suited for this type of use, with the ability to have private areas for the homeowners and proprietors and large accommodations as well as communal spaces for guests. The large lot should ensure the privacy of any future neighbors as well as alleviate any parking or congestion concerns.

Staff feels this locally owned and operated bed & breakfast could be a positive addition to the area, which has seen tremendous growth and gained on popularity for out of town visitors with the Legends Outlets, Schlitterbahn waterpark, Kansas Speedway, T-Bones and Sporting Parks, as well as the development of new corporate offices for national companies Cerner and Dairy Farmers of America. Providing visitors to Kansas City, Kansas with many options for accommodations is important for remaining a destination in the region.

Staff would also like to note that the Petersons have made themselves available to their potential neighbors, working to come to solutions for contentious issues potential problems before they had arisen. Having open and productive dialogues with adjacent property owners is always the goal of the neighborhood meeting requirement of the Special Use Permit process and staff is pleased to see such cooperation among neighbors.

Stipulations:

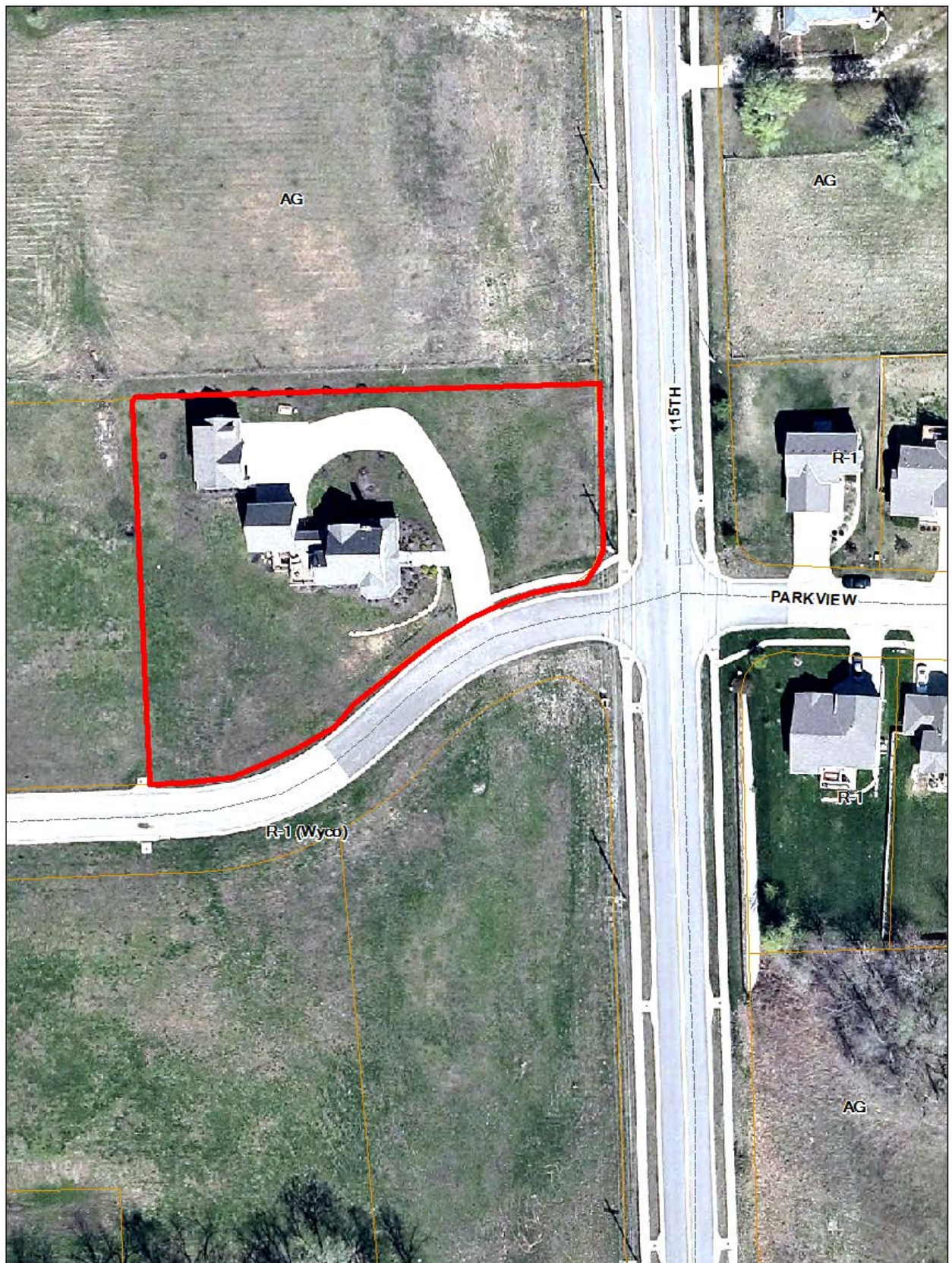
- 1. No signage will be permitted**
- 2. No on-street parking will be permitted**
- 3. Owners must maintain residence in the home**
- 4. Approval for two (2) years initially**
- 5. All proper building permits must be obtained for existing work, as noted below, as well as the finishing the above-garage space**
- 6. The above-garage space must use the same address as the main house and must remain on the same utility meter**

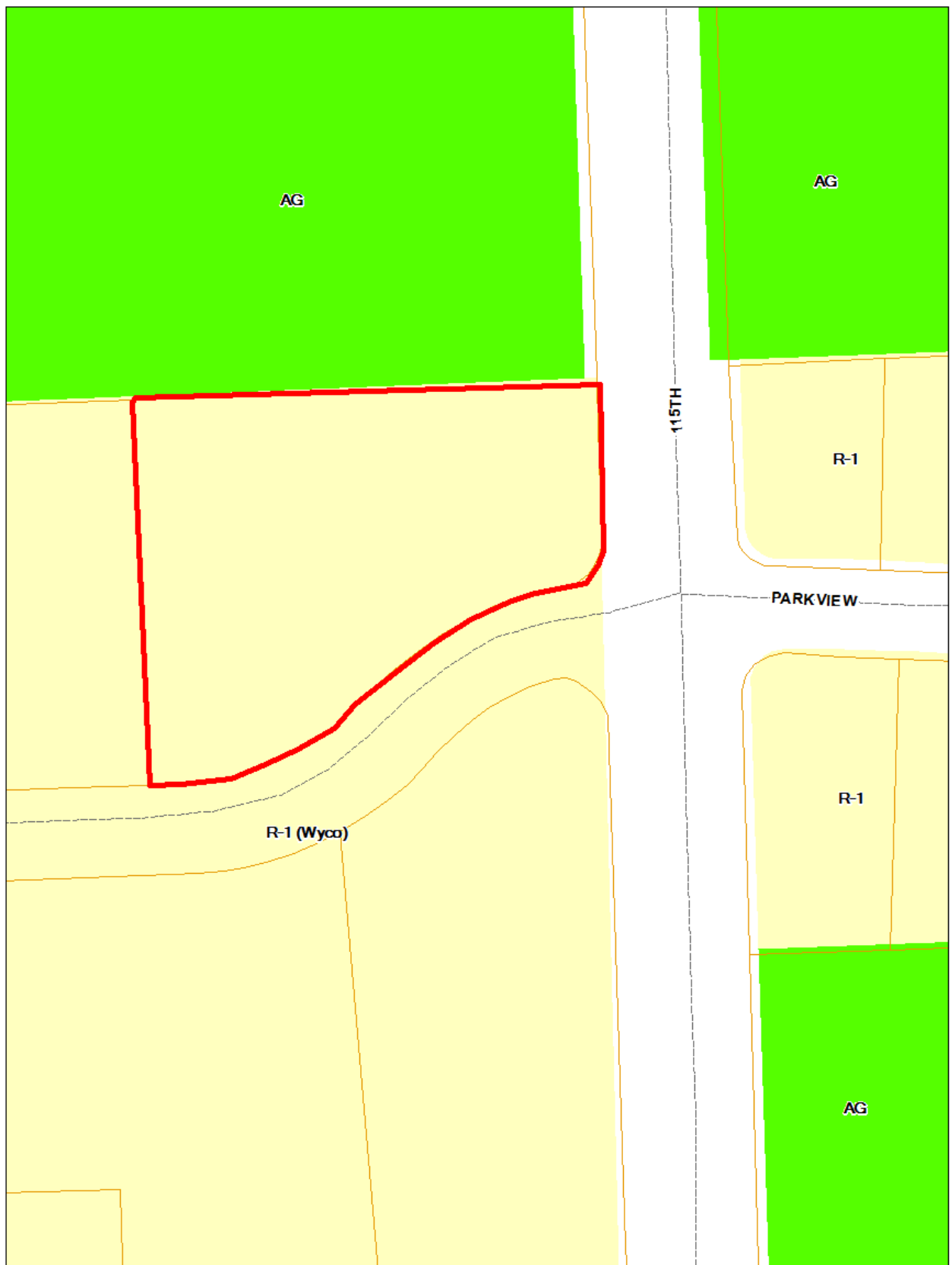
Public Works Comments

None

Business Licensing Comments

The following permits were issued for the completion of this house - Permit 02300, 00022, 03300-00926 and 06300-00419. This project is completed through the rough-in inspection. All permits were abandoned and the project was never completed. Records indicate the house is occupied without a final inspection. Renew permits and request a final inspection.





Minutes from Neighborhood Meeting:

Application Number: #SP-2015-35

Date and Location: Tuesday, May 19, 2015 at 3200 N 115th Street, Kansas City, KS 66109

Participants in attendance:

Brandon & Janell Peterson

Tim Siebold

Sara Blair

Dan & Ronda Dumovich

Brenda R. Willis

Summary of meeting details:

Meeting began at 6:00 p.m.

As participants arrived on site at the property, Mr. and Mrs. Peterson provided a tour of the home to familiarize those attending with their proposed vision for the layout and operations of the bed & breakfast. Tours included all areas including the main floor of house (proposed spaces for guest access), quarters located above attached garage (proposed one-bedroom suite accommodations), lower level of main house (proposed studio apartment accommodations), and the upper levels for those who were interested (proposed owners quarters).

At the conclusion of these tours, all parties gathered in the basement where Mr. and Mrs. Peterson provided information about themselves as well as the proposed business operations for the bed and breakfast. Applicants also asked the following questions during this discussion:

Mrs. Blair asked whether the Petersons would be living at the home while operating the bed & breakfast. Mrs. Peterson assured her that this would be the case and living here and raising their sons in the Piper schools was one of their draws to the area.

Mr. Dumovich and Mrs. Blair expressed their concerns about the impact of the bed & breakfast operation on property values of houses in the subdivision, as they are both in negotiations to build on lots near the property. The Petersons' real estate representative, Mr. Siebold addressed the matter stating that from his perspective and based on his experience in the industry, bed & breakfast owners are generally good neighbors who keep up their properties in an effort to attract and maintain their business image. The impact of the guests on the area would be minimal as the typical B&B guest goes out to explore the area after breakfast and returns after dinner. Alternately, the size and layout of the property may tend to attract a buyer who is looking for a dwelling where multiple family members or others could reside which may present other less desirable challenges. Mrs. Peterson also expressed her willingness to investigate this question with the planning department and Kansas Bed & Breakfast Association if they so desired.

Ms. Willis asked about details of the permit regarding review and length. Mrs. Peterson explained that the initial permit would be approved for a shorter period (approximately 2 years) after which time it would be reviewed. The intent is to make certain that the owners are doing the business as expected and it is not having an adverse impact on the surrounding neighborhood. If the conditions are met for approval again, the permit may be extended for a greater length of time.

Mr. Dumovich expressed his desire that the exterior of the property and its surrounding land be properly maintained and Mr. Peterson assured him that would be the case if they were to purchase the property.

Ms. Willis asked whether there would be any signage placed on the property to promote the business. Mrs. Peterson answered by saying that the permit itself has certain restrictions on what sort of signage can be utilized and those details are still under investigation with the Urban Planning Department. If any signage will be erected, it will likely be something small located under the mailbox, etc. with the primary purpose of helping guests locate the property.

Mrs. Blair inquired when the Petersons expected to be open for business and they responded that based on the zoning process duration and contract negotiations the earliest they would expect to be open for business would be August 1st, 2015.

Mr. Dumovich asked how bed & breakfast guests would be handled, specifically with a concern about those that may utilize the accommodations on race weekend. Mr. Peterson expressed that our reservation system will require the need for personal contact with guests and thus allow some initial screening of potential guests. They will be required to agree to the bed & breakfast policies and if any guest does not abide by those policies the owners will not hesitate to ask the guest to leave or involve appropriate authorities. He also expressed that while this will be a business venture, the property will primarily be their home and thus guests will be held to standards that he would expect from anyone staying in a family home – especially where children are present. A discussion about Mr. Peterson's experience over years of his family's car racing spectatorship has also indicated to him that not every attendee would be the type to cause disturbances.

During discussions about the property, Ms. Willis expressed that she had purchased this home as a foreclosure when the interior was still unfinished. She has completed the interior and lived in the home until approximately three years prior. The participants briefly discussed the history of the property and the surrounding lots based on her work and experience.

Mr. Dumovich inquired what renovations or updates would be undertaken at the property. Mr. Peterson responded that the short-term list included tile in the downstairs kitchen, general cleaning and shampooing of the carpets. From that point, it would be assessed whether any carpeting or bath fixtures would need to be replaced and then further into the future they would like to finish the space above the detached three-car garage as another place for guest accommodations. Initially, investments would be made on furnishings and other necessities for guest comfort.

Mr. Peterson and Mr. Dumovich also briefly discussed the stipulations for the subdivision contained in the guidelines of the homeowners' association. When Mr. and Mrs. Peterson first viewed the property with the seller's agent it was understood that there had not yet been any regulations drafted and thus he was interested in knowing more information.

After participant questions had been answered and a brief thanks and closing were completed the participants departed. Mrs. Peterson provided each of them with a fact sheet (attached) that provided a bit more information about the bed & breakfast and their contact information.

Meeting concluded at 7:10 p.m.

Additional Note:

Earlier in the day on May 19th, Mrs. Peterson was contacted by phone by Mrs. Amory Lovin who is the homeowner at 11461 Parkview Avenue. Her home is located directly across 115th Street from the property. She also posed the following questions:

Amory - Will granting this Special Use Permit set a precedent for other businesses to come into our neighborhood?

Janell – It is my understanding that the Urban Planning Department takes every case under close consideration in order to protect the integrity of the neighborhood and that by approving this permit it will not necessarily mean that other, more commercial enterprises will move into the area. It is also our intent to maintain the bed & breakfast as a homestay atmosphere where the majority of the activity on the property will be the normal and expected activity of a family with two young children.

Amory – How will parking be handled?

Janell – Parking for guests will be available in the attached two-car garage and in the infrequent event that parking is needed for more than two vehicles they will be accommodated on the home's drive. Street parking will not be allowed.

Amory – Will there be any commercial lighting installed or a lighted sign?

Janell – No, only the lighting you would expect from a residential home would be utilized.

Amory - Can you move out of the house and hire a manager to run the b&b?

Janell – It is our intention for this to be our home at least until our sons have completed school (approximately 18-20 years). I believe that the Special Use Permit is also subject to being discontinued if we no longer own the home.

Amory – Are you aware there is a school bus stop just next to the home?

Janell – I was not, but on a personal note I'm glad to hear it! We would certainly not expect enough traffic to impact any school bus operations.

August 24, 2015

Janet L Parker, CSC/APC
701 N 7th Street, Suite 423
Kansas City, KS 66101

Dear Ms. Parker,

We hope that this letter finds you well as you are wrapping up summer and heading back into another school year. In May, you received a letter from us and an invitation to a neighborhood meeting to discuss plans for the home at 3200 N 115th Street in Kansas City, Kansas. Since that time, there have been some developments and we wanted to take an opportunity to update you with the latest information.

The letter you received in May was a part of our initial zoning application process in which we petitioned to utilize the property as both our private residence, as well as a bed and breakfast. The petition was unanimously approved by the City Planning Commission on June 8th. In order to receive final approval for the permit, the application would need to be approved by the Wyandotte County Board of Commissioners on June 25th. Prior to that meeting, the homeowners received an offer on the property that they accepted and the application was removed due to the anticipated purchase of the property by another party. We were deeply disappointed that we would be unable to make the house our home.

Fast forward several weeks and we were contacted by the homeowner's agent. He notified us that the pending sale had fallen through and wondered if we were still interested in the property. We certainly were! Due to the fact that the initial application had been removed from the Commissioners' agenda, we are now required to reapply for the Special Use Permit. The county is not requesting that we hold an additional neighborhood meeting, but we did want to write and keep you updated on the status of the property. At this time, our offer has been accepted by the homeowner and we have begun the application process with the Department of Urban Planning and Land Use.

You will once again see a sign posted at the property and receive notice of the City Planning Commission hearing. This hearing is scheduled for Monday, September 14, 2015 at 6:30pm in the Commission Chamber of the Municipal Office Building (Lobby Level), 701 North 7th Street Trafficway. If you have any questions or concerns that were not addressed during our previous application process, please contact us at (913) 219-3333 or attend the meeting and we would be happy to talk with you.

We are eagerly anticipating the approval of the permit so that we can make 3200 N 115th Street our new home. (Our son is already packing his stuffed animals!) Pending final approval of the permit at the Board of Commissioners meeting on October 1st, we will be moving into the neighborhood in mid-October and anticipate opening the bed and breakfast suites to guests in early 2016. We would like to offer our sincere thanks to those who have participated in this process with us and look forward to becoming your neighbor soon.

Most sincerely,



Brandon and Janell Peterson

DESCRIPTION OF BUSINESS

Nature of the Business

The property is intended for use as a Bed and Breakfast, to be called the Westwind.

Requests for a Special Use Permit are pending review and approval from the Unified Government of Wyandotte County, Kansas. Based on the provided calendar of deadlines and meetings, a final answer is expected on October 1, 2015. Upon approval, owners will proceed with securing the property, applying for appropriate licenses, finishing the additional guest space, and furnishing the property. Taking into account the expected tourism climate in order to take advantage of peak occupancy opportunities, the goal is to open the bed & breakfast for business in February 2015.

The property was selected based on a variety of factors, including:

- Ease of access from major travel outlets (highway accessibility and distance to airport)
- Location in a popular recreational destination with a proven track record of attracting travelers, tourists and special event visitors
- Character and charm of the property
- Excellent floor plan that requires very minimal renovation to open as a bed & breakfast (spacious guest rooms, private baths, and ample common areas)
- Adequate off-street parking
- Opportunity for expansion of business with unfinished space above detached garage
- Familiarity with the greater metropolitan area provides ability to assist guests with questions and market business to existing connections in tourism and hospitality market

Guests can enjoy ample common areas, including a sun-drenched dining room, sitting room, hearth room, and kitchen seating area. Furnishings and furniture will provide a comfortable and inviting atmosphere for both the family leisure traveler as well as the business guest with a mix of traditional style and modern simplicity. Features of the common areas include a fireplace, a varied selection of reading material and games, brochures and guidebooks for area attractions, and a refreshment area. Sitting areas will

be comfortable and well lighted with flexible seating arrangements to encourage peaceful solitude or enlightening conversation, based on guest desires.

Guests will also be able to enjoy outdoor pursuits with a variety of options. The property features a deck with patio dining set and barbeque grill located off of the main kitchen toward the rear of the home. They may also choose to relax on the wrap-around porch which has entrances from both the main hall as well as the sitting room. Guests occupying the studio apartment on the lower level may enjoy their own private patio, complete with conversation set seating that is accessed directly from their private entrance.

Finally, the green space on the property features fruit trees, a vegetable garden, blackberry bushes, a swing set and the opportunity to enjoy a game of croquet or badminton with available equipment. We also plan to offer a fire pit where guests can reserve the opportunity to gaze at the stars or roast a marshmallow on crisp fall evenings. Most of these areas are obstructed from the view of surrounding neighbors and utmost care will be taken to insure that activities do not fall outside of the expected character of the surrounding residential neighborhood.

The one-bedroom suite is privately located above the attached garage. Guests will be allowed to utilize one garage space (2 based on availability) and the entrance to their accommodations can be accessed directly from their parking. They will also have access to the main house via the sun porch as well as direct access to the outdoor deck. Upstairs, the suite features a bedroom with queen bed and a sitting area with sofa sleeper to accommodate up to four guests. There is a private bath with shower, large walk-in closet, and zoned climate control. The suite will feature a desk and Google Fiber high-speed wireless internet that will appeal to business travelers as well as a compact personal refrigerator and flat-screen television with cable access.

The studio apartment space is located on the lower level of the main home. These guests will also be allowed to utilize one garage space (2 based on availability). The private entrance to their accommodations is available by exiting the garage to the deck and descending the outdoor stairs. They may also access the apartment through the main home during inclement weather. This space features a full kitchen stocked with all basic cooking and dining supplies and a dining area that seats six. The apartment features a

king-sized bed in a secluded niche as well as a sofa bed in the sitting area. Cozy chairs, a fireplace, flat-screen television with cable and high-speed wireless internet round out the living space. Two closets are available for guest belongings as well as a private bath with shower. A high quality roll-away air mattress will be available to accommodate an additional guest or child.

The third space above the detached garage will also be finished as guest quarters. This space will be finished with a plan to appeal to those searching for a more private retreat. It will include a king-sized bed, cozy seating area, and kitchenette. The space will have its own private bath with a two-person Jacuzzi tub and enclosed shower. In an effort to also create a space suitable to those traveling for business, the suite will be equipped with high-speed wireless internet, a flat-panel television and dining set suitable for use as a work surface.

A full breakfast will be served and included in the room rate for both above-garage suites. Studio apartment guests will be furnished with enough supplies stocked in their kitchen for the first morning or they may elect to eat in the dining room during their stay for an additional fee. Upon special request, guests may also ask for a tray provided to their room during specified service times.

Breakfast shall include a selection of fresh fruit, pastries, yogurt, juice and coffee. Each day will also offer a rotating selection of comforting and seasonal hot items such as Cinnamon Roll French Toast, Fluffy Buttermilk Pancakes, Scrambled Eggs with Diced Ham, Pumpkin Waffles, etc.

Turn down service, evening refreshments, a baby crib, babysitting services, and special getaway packages will further entice the area's visitor demographic to choose the property for their overnight needs. The property will also endeavor to open its doors to small groups such as bible studies, craft nights, and book clubs to further expand the potential audience and also provide opportunities for additional facility rental income.

Guest parking both in the garage spaces and on the property drive should be sufficient to meet the demand of both the homeowners and guests. Parking on the adjacent street will not be permitted.

Proposed rates and policies are outlined in the Industry Analysis Section.

Physical Description of Buildings and Property

Located at 3200 N 115th Street, the house and adjacent structures are on a prominent corner lot in an area that is currently a lovely mix of both rural and suburban homes. The Victorian style of the home's exterior provides charm and character to the property and it may be a surprise for some guests to learn that it was constructed in 2002. Present on the one acre parcel are a large three story house, an attached two-car garage with upper living quarters, and a detached three-car garage with upper living quarters that will be finished within the first few months of operation.

The main house consists of four bedrooms, three and a half baths, a hearth room, dining room, sitting room, large family room, a sun porch, and two full kitchens. The interior is accented with hardwood floors throughout the main level, two fireplaces, unique architectural accent windows, wide staircases with decorative spindles, and beautiful views from the multitude of windows.

Landscaping is taking root on the property and includes a variety of fruit trees, established garden beds, berry and grape vines, as well as other ornamental trees and plants. A unique feature of this property is the rain barrel system concealed under the wrap-around porch to provide water for the landscaping. The limestone rock wall feature and driveway are in good condition as well as the exterior porch and deck surfaces.

Proposed Rates

In Season (March and May-August) based on Double Occupancy			Off Season (April and September-February) based on Double Occupancy		
One-bedroom Suite	Studio Apartment	Detached Suite	One-bedroom Suite	Studio Apartment	Detached Suite
\$150	\$250	\$250	\$125	\$200	\$250
*add \$10 per person per night for additional guests					
**rate premiums will be calculated for high demand event weekends					
<i>Note: Rates were determined by reviewing local Bed & Breakfast and hotel lodging rates and calculating average valuations of special room features.</i>					

Proposed Policies

- Rates are on a per night basis and include breakfast when applicable, snacks and beverages.
- Payment required 1 week prior to visit and secured with a credit card at time of reservation.
- Major credit cards and cash are accepted.
- Our policy allows for cancellations up to one week prior to your intended arrival with full refund, less a \$10.00 booking fee.
- Late notice cancellations or no-shows will be charged the full cost of the reservation.
- Check in time is arranged at the time of your reservation. If you are going to be more than 30 minutes late for your check in, please give us a call! Preferred check in will be between 4 and 6 p.m.
- Check out will be 11 a.m.
- Holiday and special event (Race, etc.) weekends require a 2 night minimum stay.
- Families traveling with children are welcome (and encouraged!)
- Breakfast is served every morning at 9:00 a.m., unless you are otherwise advised. Please notify the innkeeper of all food allergies and foods you do not eat when your confirmation is received. We are happy to accommodate dietary restrictions, but may do so only if we are informed of them before you arrive.
- We are a smoke and tobacco free facility. A violation of this policy or a suspicion of a violation (room smells strongly of smoke after you leave) will result in a \$200 cleaning and purifying fee.
- Pets will not be allowed.
- By submitting a reservation request, you not only agree to accept and abide by the policies of Westwind Bed & Breakfast, but you are also creating a legally binding contract.

PERSONNEL

Personnel Requirements

The only personnel utilized for running the Westwind Bed & Breakfast will include the owner/innkeeper family.

Owner/Operator Qualifications

As innkeepers, the owner couple brings a variety of skills to this endeavor. Mrs. Peterson received her bachelor's degree in Hotel and Restaurant Management and a minor in Business Administration from Kansas State University. Since that time, she has worked as an event planner and volunteer coordinator for organizations such as the Kansas City Symphony, Kansas City Ballet, the Church of the Nazarene and the KC STEM Alliance. She has also volunteered or held membership in various regional and industry organizations including the Professional Convention Management Association (PCMA), Kansas City Convention and Visitors Association (now VisitKC), and NonProfit Connect. Her experience ranges from hotel housekeeping to convention planning for over 7,000 attendees. Most recently, Mrs. Peterson has operated an independent event and volunteer management service from her home and served as a contractor to multiple Kansas City organizations.

Mr. Peterson has been employed at Cerner Corporation for over ten years in a variety of technical and networking capacities and plans to continue in this role in addition to the bed & breakfast. He brings a wealth of technical skills not just to the computing functions of the business, but also as an accomplished home remodeler. He has updated home mechanical systems and aesthetics in his own 50-year-old property and the caliber of his work has earned him involvement in various other projects at other homes and church facilities. Mr. Peterson has also served as a leader and group facilitator for several Financial Peace University courses and has a strong mind for financial management and investments.

Resumes available in the supporting documentation.

Consultants

Owners have consulted with the state Bed and Breakfast Association, Kansas City Convention and Visitors Bureau, and other local innkeepers. They will be working with the local office of the Small Business Administration to further refine their business practices and gain new insights in online marketing and analytics. They also have existing relationships with marketing, accounting and insurance professionals to guide them in their needs business operations. In May, the owners attended an aspiring innkeeper seminar one-on-one with a successful local B&B owner who serves as the Regional Director for their area of the Kansas Bed & Breakfast Association.

RENOVATION AND EXPANSION PLANS

The current property which will operate as the Westwind Bed & Breakfast will not require substantial renovations to satisfy regulations or standards set forth by the bed & breakfast industry. In order to best utilize the existing property, the owners plan to update and remodel private bath facilities, update flooring where necessary, and finish the existing space located above the detached garage.













Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: Petition #SP-2015-51 (150267)

GENERAL INFORMATION

Applicant:
Michael Yeager

Status of Applicant:
Resident
Michael Yeager
4855 Georgia Avenue
Kansas City, Kansas 66104

Requested Action:
Approve Special Use Permit

Date of Application:
July 31, 2015

Purpose:
Home Occupation for the making of yard and garden ornamentation, custom automotive parts, and general metal work

Property Location:
4855 Georgia Avenue



Existing Zoning: MP-1 Planned Light Industrial District and CP-1 Planned Limited Business District

Existing Surrounding Zoning:

North:	R-1 Single Family District
South:	R-1 Single Family District
East:	R-1 Single Family Park District
West:	R-1 Single Family District

Existing Uses:

North:	Single family residences
South:	Single family residences
East:	Single family residences
West:	Single family residences

Total Tract Size: .15 acre

Master Plan Designation: The City Wide Master Plan designates this property for low-density residential use.

Major Street Plan: Georgia Avenue is a designated local street

Advertisement: The Wyandotte Echo – August 20, 2015
Letters to Property Owner – August 19, 2015 and September 24, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting. One neighbor sent a letter of support (included in minutes.)

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking a special use permit to allow the making of yard and garden ornamentation, custom automotive parts, and general metal work.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The area is exclusively residential.

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

With proper precautions to prevent noise from being an issue, this use could be suitable in this location.

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

Noise could be an issue for nearby properties.

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

The property is not vacant.

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

Special Use Permits are not specifically addressed in the Master Plan.

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

So long as sales are not occurring on the property, this should not be an issue.

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

The proposed use is not necessary for the convenience and welfare of the public. If proper precautions are taken, there should not be a significant effect on adjoining properties.

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

Noise, vibration, dust and dirt are all potential effects of this type of use.

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

Proper precautions must be taken to ensure the excess material is not an issue.

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

This is not expected to be an issue.

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

There is little public gain from this operation.

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

This is not expected to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 27, 2015, three people were in attendance. There is no known opposition at this time.

KEY ISSUES

Type of manufacturing
Customers coming to the property

PLANNING COMMISSION RECOMMENDATION

The planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2015-51, subject to:

Urban Planning and Land Use Comments:

1) What types of firearms parts will you manufacture at your home?

Applicant Response: After much thought, I have decided to exclude the making of firearm parts and accessories. The target market is already flooded with the items that I have the equipment and skills to manufacture.

2) Are you planning on having customers come to your home? Please explain.

Applicant Response: No, I do not intend to have customers come to my home. Besides the liability created by having a customer in the workplace, this is my home, I live here and don't want a parade of people I don't know coming here. If there ever were a need for a customer to come to my home, it would be on a very limited, appointment only basis

3) What kind of noise, vibration, and/or dust can be expected with the work you do?

Applicant Response: Noise, dust, and vibration will be a factor within the confines of the workspace. However, the noise and vibration is no greater than the average lawn mower, and the workspace is contained within four stone walls and a concrete floor. The noise and vibration will remain well contained within the workspace. I am currently installing a ventilation and filtration system to take care of the dust created by my work.

- 4) Please submit photos of the work space and its relation to the neighboring properties

See below.

Stipulations:

1. No signage will be permitted on site
2. Noise and dust must be kept to a minimum; noise-producing work should conclude by 8 pm each night
3. Customers may only come to the home on a “by-appointment” basis
4. Approval is for two (2) years.

Public Works Comments:

None

Business Licensing Comments:

If approved, applicant will need to file occupation tax application with our office.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2015-51** to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 14, 2015 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Photos submitted by applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 14, 2015	October 1, 2015
Special Use	Approval	

STAFF CONTACT: **Jamie Ferris** **jferris@wycokck.org**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2015-51** as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2015-51** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

150267 SPECIAL USE PERMIT APPLICATION #SP-2015-51 – MICHAEL YEAGER - SYNOPSIS: Home Occupation Special Use Permit for the making of yard and garden ornamentation, custom automotive parts, and general customer metal work at 4855 Georgia Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated August 20, 2015;
7. The Notices to property owners dated August 20, 2015.

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

Mr. Michael Yeager, 4855 Georgia Avenue, Kansas City, Kansas, applicant, appeared in support of this application. He stated that he wants to start a small light fabrication business.

Planning Commissioner Schwartzman asked if this is going to be a blacksmith operation; will there be any forges, etc. Mr. Yeager stated no.

Chairman Hurrelbrink asked if it is mainly grinding, drilling, welding and sanding. Mr. Yeager stated yes.

Mr. Julie Farrell, 4855 Georgia Avenue, Kansas City, Kansas, read the following letter into the record that was provided to them by one of their neighbors as he was unable to attend the meeting tonight: "Regarding Michael Yeager's petition as I am unable to attend the meeting I am writing this statement that I fully approve of Michael Yeager's request as he has my trust as a long time neighbor. Thank you, Michael Millhouse." She stated that he lives at 2636 North 49th Street.

No one appeared in opposition to this application.

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

On motion by Mr. Escobar, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2015-51:**

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1) What types of firearms parts will you manufacture at your home?

Applicant Response: After much thought, I have decided to exclude the making of firearm parts and accessories. The target market is already flooded with the items that I have the equipment and skills to manufacture.

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- 4) Please submit photos of the work space and its relation to the neighboring properties

See below.

Stipulations:

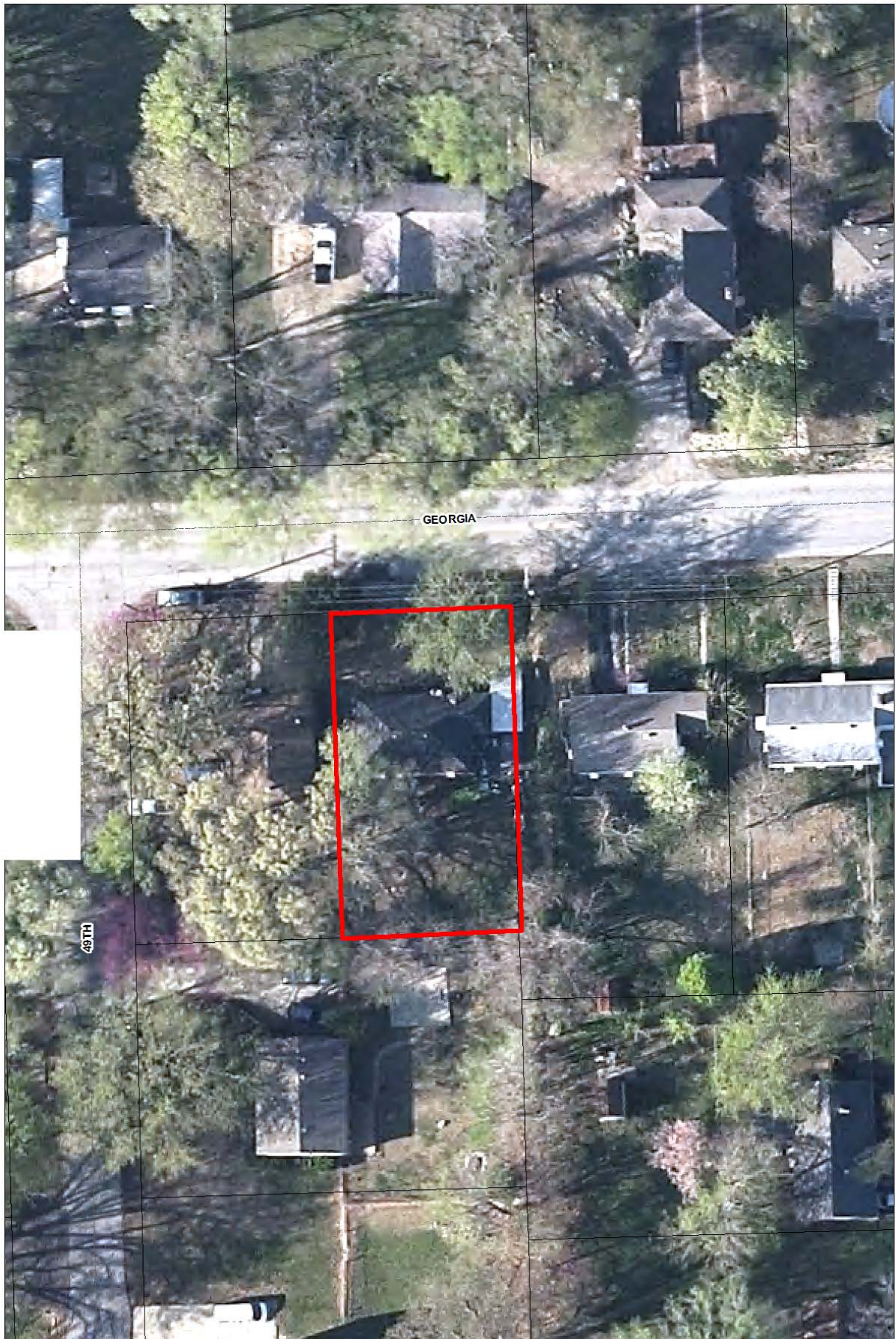
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4. Approval is for two (2) years.

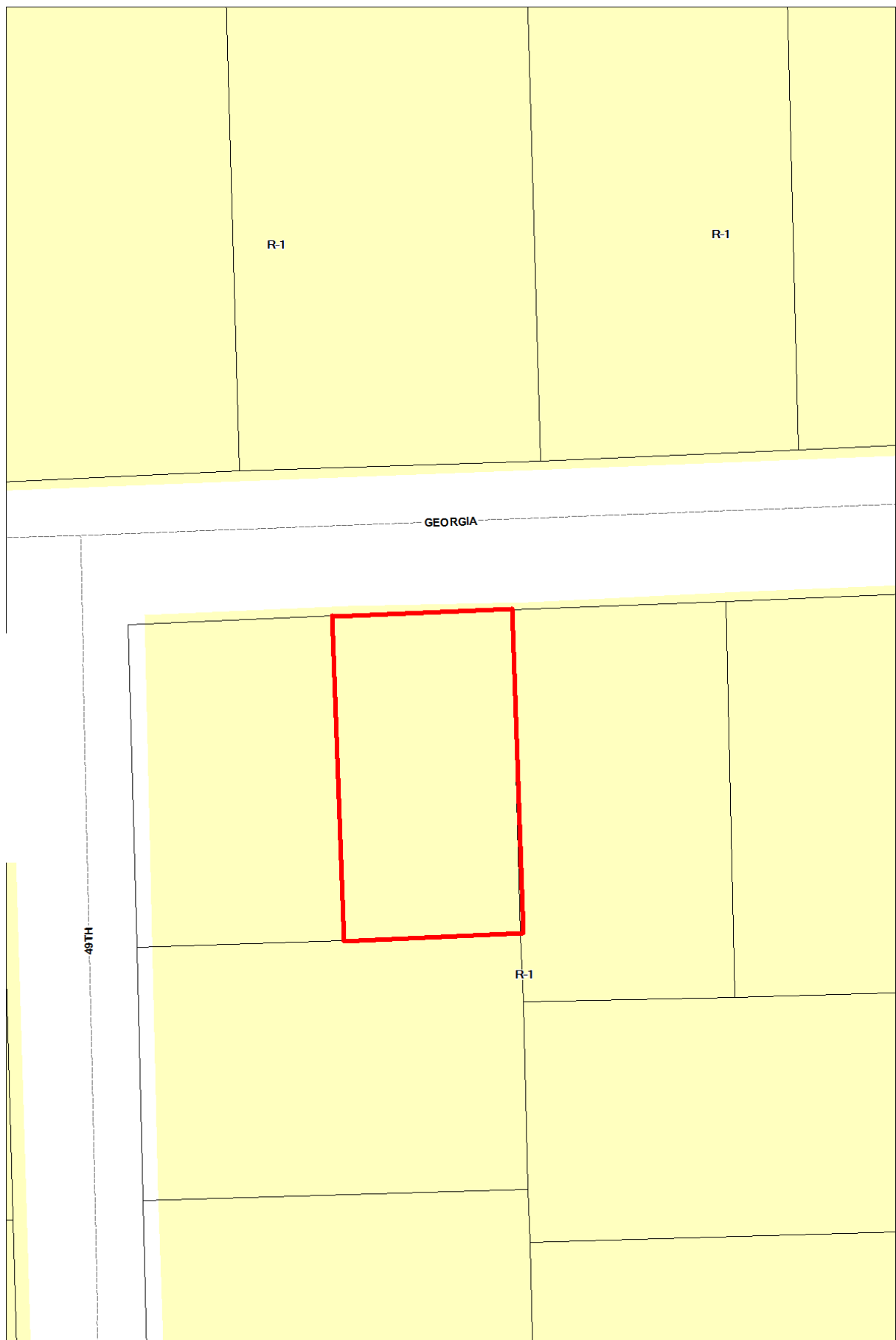
Public Works Comments:

None

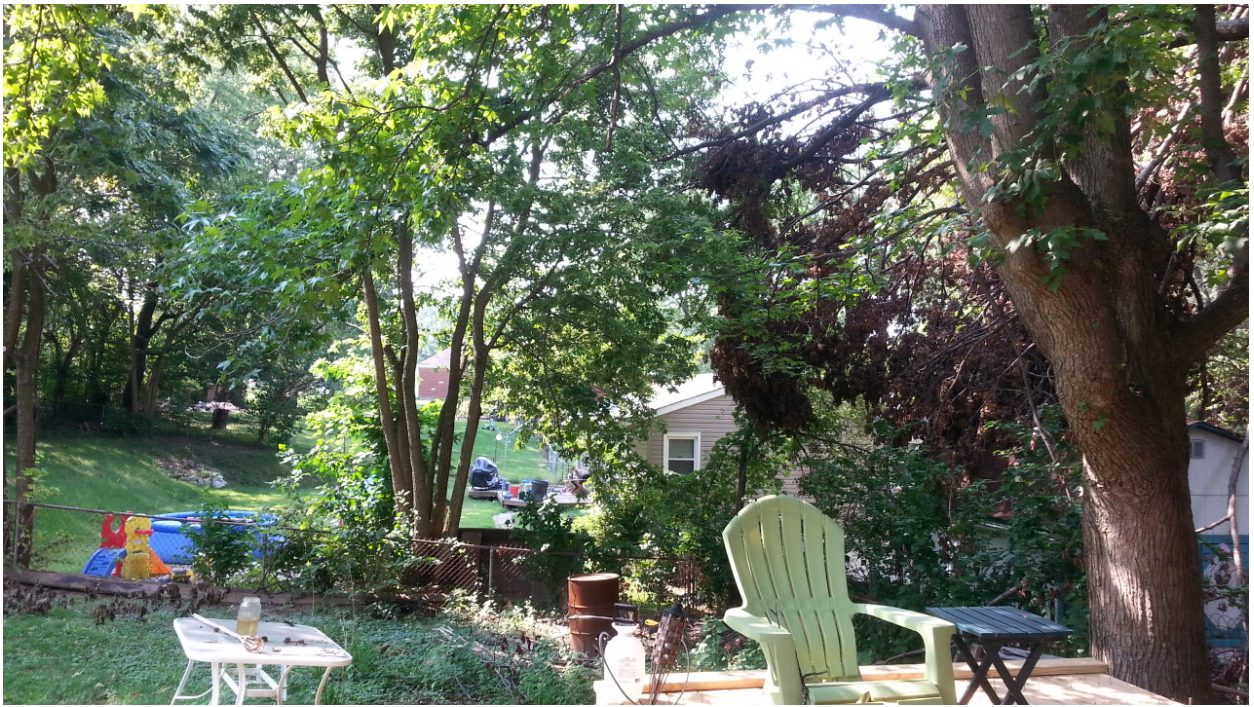
Business Licensing Comments:

If approved, applicant will need to file occupation tax application with our office.















Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: **Petition #SP-2015-52 (130080)**

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
Representative for Recyclable Materials
Relocating, LLC
Wil Anderson
BHC Rhodes
901 North 8th Street
Kansas City, Kansas

Requested Action:
Renewal of two (2) Special Use Permits

Date of Application:
July 31, 2015

Purpose:
Operate a dirt fill and recycling center and
a truck weigh scale

Property Location:
626R North 47th Street



Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** C-1 Limited Business District **and** CP-2
Planned Commercial District
South: MP-1 Limited Industrial **and** CP-1
Planned Limited Commercial District
East: R-1 Single Family District **and** C-1
Limited Business District
West: R-1 Single Family District **and** AG
Agricultural District

Existing Uses: **North:** Commercial and retail
South: Undeveloped
East: Residential
West: Residential

Total Tract Size: 19.67 acres

Master Plan Designation: The City Wide Master Plan designates this property for Mixed Use development.

Major Street Plan: 47th Street is a designated local street

Advertisement: The Wyandotte Echo – August 20, 2015
Letters to Property Owner – August 19, 2015 and September 23, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking to renew two (2) Special Use Permits, combined into one application, to fill and remove dirt on the property for a materials recycling operation and operate a truck weigh scale.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is predominately rural in nature, however there is a similar operation located to the east, across 47th Street. These businesses are shifting the area to more industrial usage.

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

With proper precautions, the fill use could be compatible.

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

This is not expected to be a problem.

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

The property has never been developed.

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

Special Use Permits are not specifically addressed in the Master Plan.

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

The number of trucks bringing and removing the material to the area due to this site is expected to increase significantly.

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

The proposed use is not necessary for the convenience and welfare of the public. If proper precautions are taken, there should not be a significant effect on adjoining properties.

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

Noise, vibration, dust and dirt are all potential effects of this type of use.

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

Proper precautions must be taken to ensure the excess material is not an issue.

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

The natural composition of this property will be permanently changed by this use.

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

There is little public gain from this operation.

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

This is not expected to be an issue.

PREVIOUS ACTIONS

Special Use Permits for this operation were approved in 2009, 2011, and 2013.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 27, 2015 with one neighbor in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Special Use Permit Application #SP-2015-52, subject to:

Urban Planning and Land Use Comments:

This is the combining of two existing Special Use Permits. Staff notes that while the use is not changing, the review process is now combining the applications. Note that 3:1 is the maximum allowable slope for maintenance of turf.

Approval would be for two (2) years.

Public Works Comments:

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

- 1) Site visit shall be required between A/E and Unified Government. Contact Brent Thompson 573-5710 to schedule site visit.**

***Applicant Response:* Applicant met with County Surveyor and discussed. This was at the same time a hard copy of the full set of plans as submitted was supplied to NRC.**

Business Licensing Comments

Special Use Permit for a recycling operation at 822 North 47th Street) raises the question will there be an expansion of recycle materials to include (tree and yard composting, mulching, tire and rubber, aluminum and metals, glass and plastics) that would be processed. Is there expectation that they would continue to expand to the south across vacant properties toward the prior Forest View landfill?

Applicant Response: There is no intention to handle the above enclosed materials.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2015-52** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 14, 2015 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Site Plan
Neighborhood meeting minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 14, 2015	October 1, 2015
Special Use	Approval	

STAFF CONTACT: **Jamie Ferris**
 jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2015-52** as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2015-52** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

130080 SPECIAL USE PERMIT APPLICATION #SP-2015-52 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Renewal of two (2) Special Use Permits (#SP-2012-53 and #SP-2013-10) for a fill site with recycling and truck weigh scale at 626R North 47th Street

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and,
7. The publications in The Echo for the special use permits.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Planning Commissioner Carson asked that Piper Landing Third Plat be removed from the Consent Agenda. Mr. Brian Margo asked that Special Use Permit #SP-2015-16 be removed from the Consent Agenda. Planning Director Richardson stated that he would like to add a stipulation to McKinley Point. Right now there is an alley on the plat and the comment will be to change the wording from alley to common access easement prior to recording. There is no need to remove it from the Consent Agenda.

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

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

Motion to APPROVE Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

This is the combining of two existing Special Use Permits. Staff notes that while the use is not changing, the review process is now combining the applications. Note that 3:1 is the maximum allowable slope for maintenance of turf.

Approval would be for two (2) years.

Public Works Comments:

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

- 1) Site visit shall be required between A/E and Unified Government. Contact Brent Thompson 573-5710 to schedule site visit.

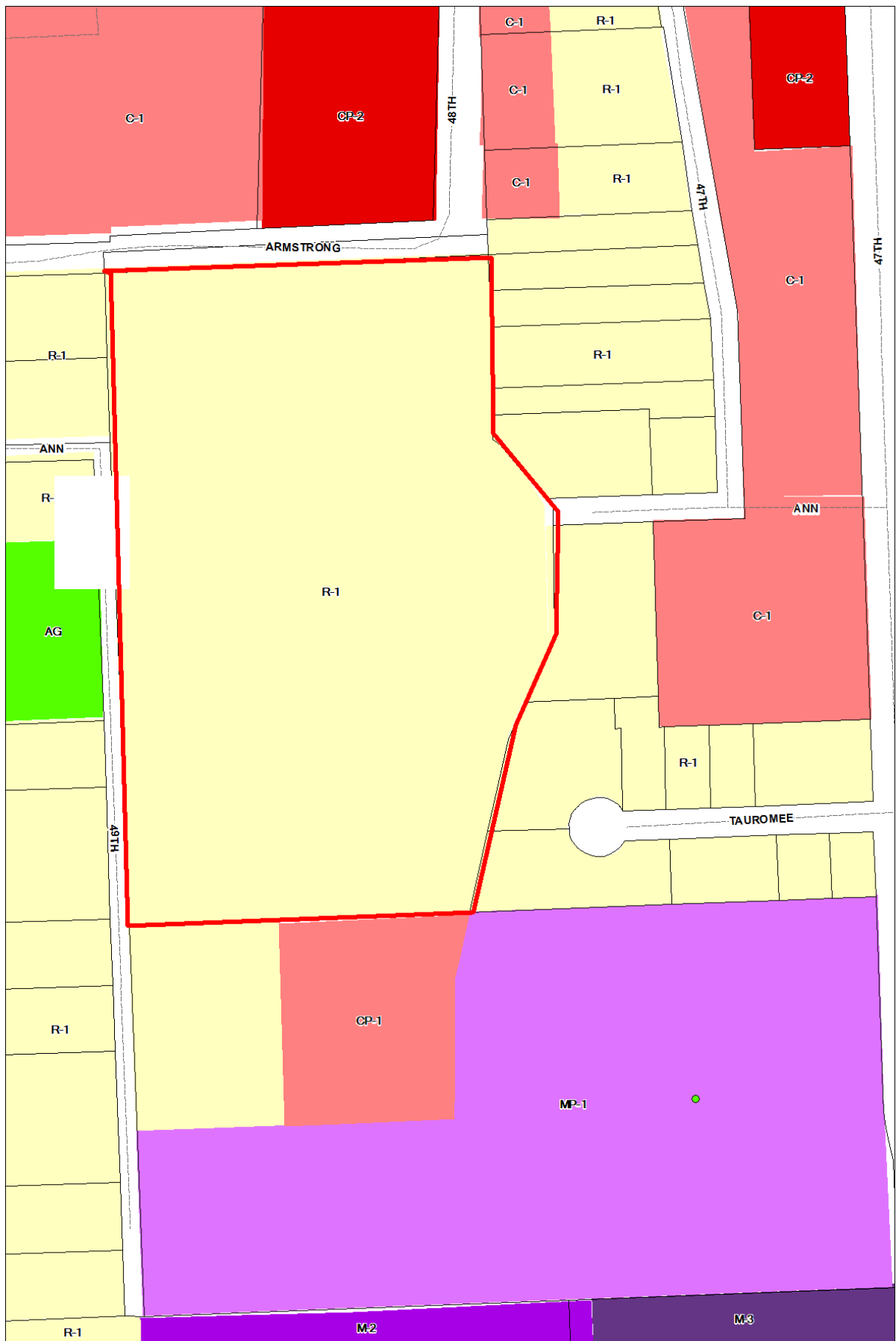
Applicant Response: Applicant met with County Surveyor and discussed. This was at the same time a hard copy of the full set of plans as submitted was supplied to NRC.

Business Licensing Comments

Special Use Permit for a recycling operation at 822 North 47th Street) raises the question will there be an expansion of recycle materials to include (tree and yard composting, mulching, tire and rubber, aluminum and metals, glass and plastics) that would be processed. Is there expectation that they would continue to expand to the south across vacant properties toward the prior Forest View landfill?

Applicant Response: There is no intention to handle the above enclosed materials.





Neighborhood Meeting

Start 4:30p.m. – End 5:10 p.m.

Land use SP-15402-00048 (Ref SP-2015-52)

Meeting to openly discuss the renewal for the 2 special use permits.

Attendees:

Jeffrey P. Means

Winfred Anderson

Brigitte Fossett

4:30 p.m. Jeff Means introduce himself and directed that the purpose of the meeting was to have the opportunity for surrounding neighbors to ask questions and voice concerns about the on-going project. Winfred Anderson being present was available to give responses to any question and concerns (listed below).

Discussion of issues

1. (Fossett) How long will project last?
(Anderson) The total project will last 1-2 years, but the project area is moving south away from Ms. Fossetts home around the first of January.
2. Ms. Fossette voiced a concern about dust, noise, and the crews on site working late at night and sometimes 7 days a week.
Mr. Anderson explained that the site has to be open when other companies have material to drop off, he cannot control the work hours of the adjacent construction site that use his site for a material drop. His intent is to not work Sundays and only until noon on Saturdays.
3. (Fossette) Are you going to fill in the whole area?
(Anderson) Per the plans.
4. (Fossette) Isn't there a designated path that the drivers at to follow off of 50th? The roadway is being damaged due to the heavy trucks.
(Anderson) We try to direct traffic, but the drivers do not work for us, they are private customers that use our site for material drops, there are constantly new drivers that do not know the designated route. We have printed maps that we give out with our tickets to drivers and we tell them when we see them in error. We will continue to work to prevent the damage.
5. (Fossette) How often do you plan to be open 7 days a week?
(Anderson) Our intent is to never be open on Sundays, but rarely, we will have to be open for larger jobs to use our site. Generally we are only open on Saturday from 7a.m. to noon.

Being no other questions or concerns the meeting was closed.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: Vacation Petition #U/E-2015-10 (040033)

GENERAL INFORMATION

Applicant:
Monita Ireland

Status of Applicant:
University of Kansas Medical Center
3901 Rainbow Boulevard
Kansas City, KS 66160

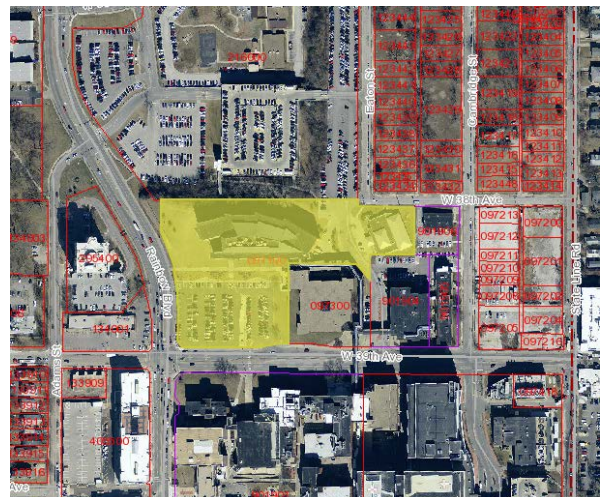
Requested Action:
To vacate right of re-entry for public utilities

Date of Application:
July 30, 2015

Purpose:
To demolish the parking lot and build a new
Health Education Building

Property Location:
2146 West 39th Avenue

Existing Zoning: CP-0 Planned Nonretail Business District



Existing Surrounding Zoning: **North:** RP-5 Planned Apartment District
South: RP-5 Planned Apartment District
East: CP-0 Planned Nonretail Business District
West: RP-6 Planned High-Rise Apartment and C-1 Limited Business District

Existing Uses: **North:** Parking lot
South: KU Medical Center
East: Medical office buildings
West: A commercial strip center and an apartment tower

Neighborhood Characteristics: The character of the neighborhood is comprised mainly of the University of Kansas Medical Center buildings and associated parking lots.

Total Tract Size: 5.5 acres

Master Plan Designation: The Rosedale Master Plan designates this property as Public/Semi-Public.

Major Street Plan: Rainbow Boulevard is classified as a Class A Thoroughfare and West 39th Avenue is classified as a Class C Thoroughfare.

Advertisement: Wyandotte Echo – August 20, 2015
Letters to Property Owners – August 19, 2015 and September 24, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Monita Ireland wants to vacate the re-entry rights of this utility easement that was previously vacated in 1967. In the future, an educational building will be built on the property.

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

FACTORS TO BE CONSIDERED

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

This is not an issue.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service provided by the East Patrol, District #332

e. *Fire*

Fire service provided by Station #10

f. *Transit*

Kansas City ATA provides transit service along Rainbow Boulevard, Route #105 and #107.

g. *Schools*

Kansas City, Kansas USD 500

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

This is not applicable.

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

This is not applicable.

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

This is not applicable.

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

This is not applicable.

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

This will not be an issue.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Utility Easement Vacation Application #U/E-2015-10, subject to:

Urban Planning and Land Use Comments:

1. **If approved, the applicant will be responsible for a \$50 ordinance publication fee.**

Applicant Response: Acknowledged.

Public Works Comments:

None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #U/E-2015-10 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 14, 2015 City Planning Commission Minutes
Site Survey
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 14, 2015	October 1, 2015
Vacation	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**U/E-2015-10** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **U/E-2015-10**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

040033 UTILITY EASEMENT VACATION APPLICATION #U/E-2015-10 – MONITA IRELAND WITH UNIVERSITY OF KANSAS MEDICAL CENTER – SYNOPSIS:

Vacation of utility easements at 2146 West 39th Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated September 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated August 20, 2015;
7. The Notices to property owners dated August 20, 2015.

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

Ms. Monita Ireland, 8429 Lee Boulevard, applicant, appeared in support of this application. She stated that she is the project manager with KUMC for this \$75 million building. They are requesting to vacate utilities that were vacated in the 1960s but they held the right for future and they are present to finalize the vacation of this. They have worked with Rob Richardson and Bill Heatherman on this. It used to be a residential area and has not been for years and they are breaking ground for this project.

No one appeared in opposition to this application.

Planning Director Richardson stated that at the time the utilities were vacated the city reserved the right of re-entry and the right of re-entry is what is being vacated. The staff recommends approval.

On motion by Mr. Carson, seconded by Mr. Gonzalez, the Planning Commission voted as follows to recommend **APPROVAL** of **Utility Easement Vacation Application**

#U/E-2015-10:

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. If approved, the applicant will be responsible for a \$50 ordinance publication fee.

Applicant Response: Acknowledged.

Public Works Comments:

None

[illegible]



Figure 1. Photograph of 2146 W. 39th Avenue looking north (provided by the applicant).



Figure 2. Photograph of 2146 W. 39th Avenue looking north (provided by the applicant).



Figure 3. Photograph of 2146 W. 39th Avenue looking north (provided by the applicant).



Urban Planning and Land Use

701 North 7th Street, Room 423
5750
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-

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

To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: Petition #PR-2015-21 (130077)

GENERAL INFORMATION

Applicant:
Khalid Bandy

Status of Applicant:
Representative
KAM Design & Construction, Inc.
9000 East Bannister Road
Kansas City, MO 64134

Requested Action:
Approve Preliminary Plan Review

Date of Application:
June 26, 2015

Purpose:
To build a convenience store expansion

Property Location:
4116 Metropolitan Avenue

Existing Zoning:
CP-2 Planned General Business District



Surrounding Zoning: **North:** R-1 (B) Single Family District
 South: C-1 Limited Business District / R-1(B) Single Family District
 East: R-1(B) Single Family District
 West: C-1 Limited Business District

Existing Uses: **North:** Narrow Lot Homes
 South: Convenience store/Narrow Lot Homes
 East: Narrow Lot Homes
 West: Auto shop and retail

Total Tract Size: .377 acre

Master Plan Designation: The City-Wide Master Plan designates this property for Neighborhood Commercial Use

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

Advertisement: Property Owner Letters – July 14, 2015, July 31, 2015 and September 24, 2015
 Wyandotte Echo – Not Required

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: One neighbor appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Khalid Banday with KAM Design & Construction, Inc. wants to build a 1650 square foot addition to an existing convenience store at 4116 Metropolitan Avenue.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

This portion of Metropolitan is mixed use in nature; this site is directly adjacent to residences.

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

This property is not vacant.

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

The proposed use conforms to the Master Plan.

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

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

To be designed to meet City Code

d. Police

Police service is provided by the West Patrol, District #222

e. Fire

Fire service is provided by Station #19 located at 80th and Minnesota Avenue

f. Transit

Kansas City ATA provides transit service along State Avenue, Route #101.

g. Schools

Kansas City, Kansas USD 500

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements if significant revisions are made and/or variances are obtained.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 21, 2015, with four people in attendance. No opposition was recorded.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of Preliminary Plan Review Application #PR-2015-21, subject to:

Urban Planning and Land Use Comments:

Building Architecture:

1. **Sec. 27-576(c)(1) - Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.**

The bar has been raised with commercial buildings. The pictures of the Family Dollar in the attachments are the level of detail we expect to see with smaller commercial buildings.

2. **Sec. 27-576(c)(2) - In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:**

- a. Divisions or breaks in materials;
- b. Building offsets (projects, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in roof lines.

3. **Sec. 27-576(e)**

(1) **Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.**

- a. **Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.**
- b. **Highly tinted glass or glass tinted in unnatural colors should be avoided.**

- (2) Exterior building materials shall not include the following:
- Split shakes, rough sawn, or board and batten wood;
 - Vinyl siding;
 - Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
 - Field painted or prefinished corrugated metal siding;
 - Standard single-tee or double-tee concrete systems; or
 - EIFS at the ground level or comprising more than 15 percent of any facade.

Applicant Response: Please see the revised elevations (below)

Staff Response: The revised elevations do not meet the Commercial Design Guideline criteria. The elevation labeled 'West' with no windows (two of the elevations are shown as 'West') needs to include more variation from the above list including variation in roof line, columns, window, and differentiation in color as well as materials.

- Downspouts shall be internalized.

Applicant Response: Please see Sheet A2 (below)

- Masonry columns shall wrap the entire metal column underneath the gas canopy. Please provide gas canopy elevations.

Staff Response: Metal casings are not allowable under the Commercial Design Guidelines, the gas canopy columns shall be wrapped with masonry.

Landscaping and Screening:

- Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - The district requirement is one tree per 7,000 square feet of site area. The property is .377 acres, so 3 trees are required per code.
 - All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - Landscaping shall be irrigated.
- Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.
- Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

- a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
5. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.
6. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one foot candle as measured from said property line. Wall pack lighting is not permitted.

Applicant Response: Please see the revised Landscaping Plan that has taken care of all requirements of landscaping and screening needs.

7. A wooden privacy fence adjacent to all residential properties with masonry columns every 32 running feet is installed.

Signage:

1. Sec. 27-727 states that in C-2, three (3) wall signs are permitted at seven (7) percent signable wall area or in lieu of one (1) wall sign, a detached sign can be constructed. In the case of the monument sign, the sign face may be 40 square feet, 8 feet in overall height and 5 feet setback from the property line.
2. Staff stipulates that if this petition is approved, a monument sign is the only permitted detached sign on the property.
3. Banners are not allowed to be hung from the building or on the structure of the gas canopy. Attention attracting devices such as streamers, pennants,

inflatables, and wind catchers are prohibited. The applicant is still eligible to use these devices for special events on a temporary basis by applying for a temporary banner permit through the Urban Planning and Land Use Department.

4. Window graphics must be scenic pictures only and cannot take up more than 25% of the window area. No painted messages are allowed. All graphics must be at least 6 inches back from the glass of window.

Applicant Response: No new exterior signs are proposed in this project.

Staff Response: Please note that all existing signage must meet these requirements as well.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) This project shall design, construct and replace fallen retaining wall.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #PR-2015-21 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

September 14, 2015 City Planning Commission Minutes
Aerial photograph
Zoning map
Site Plan
Landscape Plan
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	September 14, 2015	October 1, 2015
Preliminary Plan Approval		

STAFF CONTACT: Jamie Ferris jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2015-21** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2015-21**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

130077 PLAN REVIEW APPLICATION #PR-2015-21 – KHALID BANDAY WITH KAM DESIGN AND CONSTRUCTION, INC. – SYNOPSIS: Preliminary Plan Review for a convenience store at 4116 Metropolitan Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 14, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated August 20, 2015;
7. The Notices to property owners dated August 20, 2015.

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

No one appeared in support of this application.

Mr. Kurt Kennedy, 1220 Northwest 67th Street, Kansas City, Missouri, appeared in opposition to this application. He stated that he owns the property at 4112 Metropolitan which is next to this property. He stated that he attended the neighborhood meeting on July 22nd and Mr. Banday was present and showed the drawings. He was told as far as

the privacy screening between this building and his property, they would put up a tall shrub and he does not believe that will work. He is requesting a wooden privacy fence for the screening. He stated that this would be for the visual screening and the fact that he gets lots of trash onto his property from this store.

Planning Director Richardson stated that this is a preliminary plan review and will be back for final plan review. The staff would add a stipulation recommending a wooden privacy fence adjacent to all residential properties with masonry columns every 32 running feet.

On motion by Mr. Schwartzman, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Preliminary Plan Review Application #PR-2015-21**:

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

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

Urban Planning and Land Use Comments:

Building Architecture:

1. **Sec. 27-576(c)(1) - Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.**

The bar has been raised with commercial buildings. The pictures of the Family Dollar in the attachments are the level of detail we expect to see with smaller commercial buildings.

2. **Sec. 27-576(c)(2) - In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:**
 - a. **Divisions or breaks in materials;**
 - b. **Building offsets (projects, recesses, niches);**
 - c. **Window bays;**
 - d. **Separate entrances and entry treatment; or**
 - e. **Variation in roof lines.**

3. Sec. 27-576(e)

- (3) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.**
 - a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.**
 - b. Highly tinted glass or glass tinted in unnatural colors should be avoided.**
- (4) Exterior building materials shall not include the following:**
 - a. Split shakes, rough sawn, or board and batten wood;**
 - b. Vinyl siding;**
 - c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;**
 - d. Field painted or prefinished corrugated metal siding;**
 - e. Standard single-tee or double-tee concrete systems; or**
 - f. EIFS at the ground level or comprising more than 15 percent of any facade.**

Applicant Response: Please see the revised elevations (below)

Staff Response: The revised elevations do not meet the Commercial Design Guideline criteria. The elevation labeled 'West' with no windows (two of the elevations are shown as 'West') needs to include more variation from the above list including variation in roof line, columns, window, and differentiation in color as well as materials.

3. Downspouts shall be internalized.

Applicant Response: Please see Sheet A2 (below)

4. Masonry columns shall wrap the entire metal column underneath the gas canopy. Please provide gas canopy elevations.

Staff Response: Metal casings are not allowable under the Commercial Design Guidelines, the gas canopy columns shall be wrapped with masonry.

Landscaping and Screening:

- 1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.**
 - a. The district requirement is one tree per 7,000 square feet of site area. The property is .377 acres, so 3 trees are required per code.**

- b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - c. Landscaping shall be irrigated.
- 2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.
- 3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
- 4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- 5. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.
- 6. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one foot candle as measured from said property line. Wall pack lighting is not permitted.

Applicant Response: Please see the revised Landscaping Plan that has taken care of all requirements of landscaping and screening needs.

- 7. A wooden privacy fence adjacent to all residential properties with masonry columns every 32 running feet.

Signage:

1. Sec. 27-727 states that in C-2, three (3) wall signs are permitted at seven (7) percent signable wall area or in lieu of one (1) wall sign, a detached sign can be constructed. In the case of the monument sign, the sign face may be 40 square feet, 8 feet in overall height and 5 feet setback from the property line.
2. Staff stipulates that if this petition is approved, a monument sign is the only permitted detached sign on the property.
3. Banners are not allowed to be hung from the building or on the structure of the gas canopy. Attention attracting devices such as streamers, pennants, inflatables, and wind catchers are prohibited. The applicant is still eligible to use these devices for special events on a temporary basis by applying for a temporary banner permit through the Urban Planning and Land Use Department.
4. Window graphics must be scenic pictures only and cannot take up more than 25% of the window area. No painted messages are allowed. All graphics must be at least 6 inches back from the glass of window.

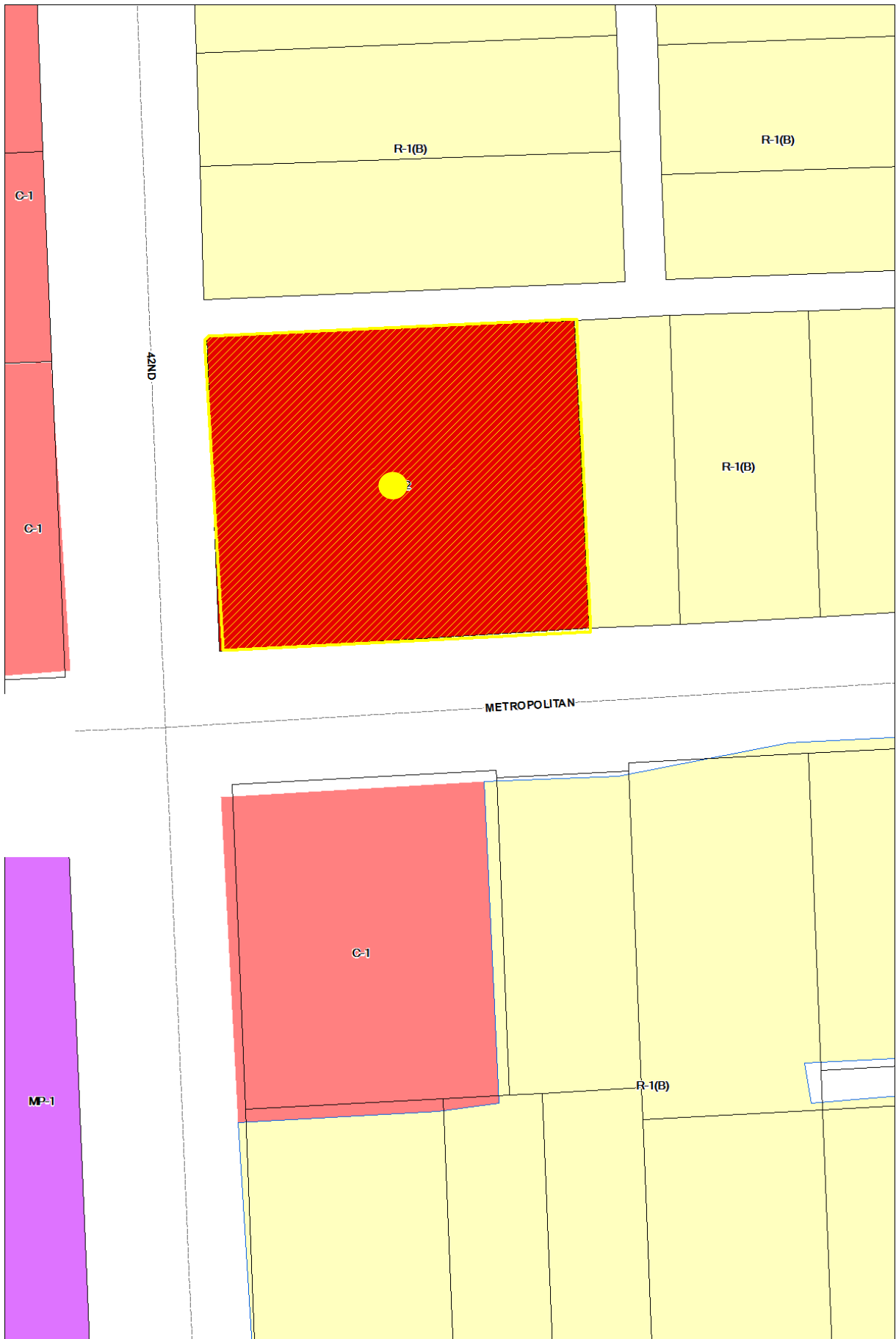
Applicant Response: No new exterior signs are proposed in this project.

Staff Response: Please note that all existing signage must meet these requirements as well.

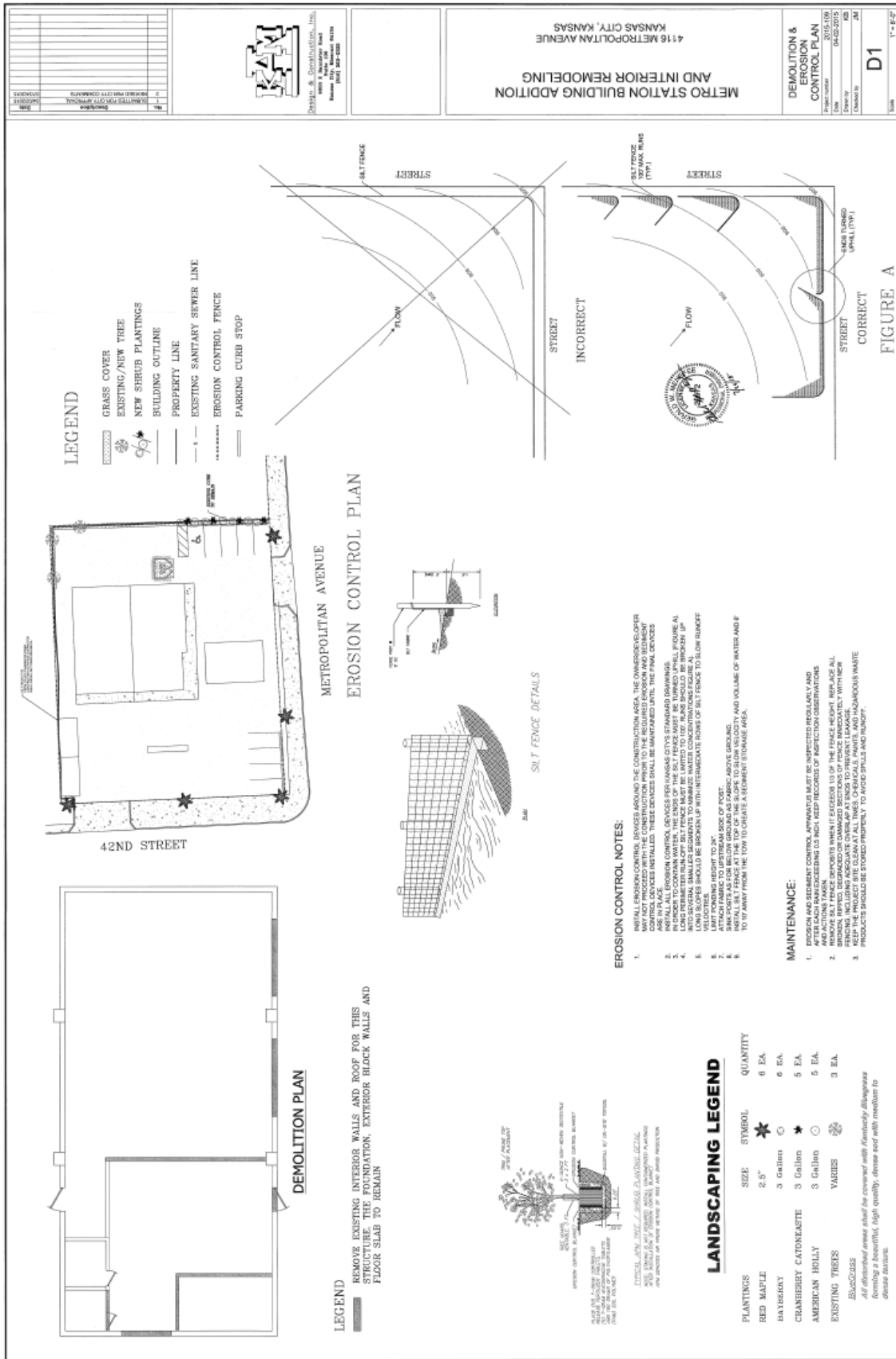
Public Works Comments:

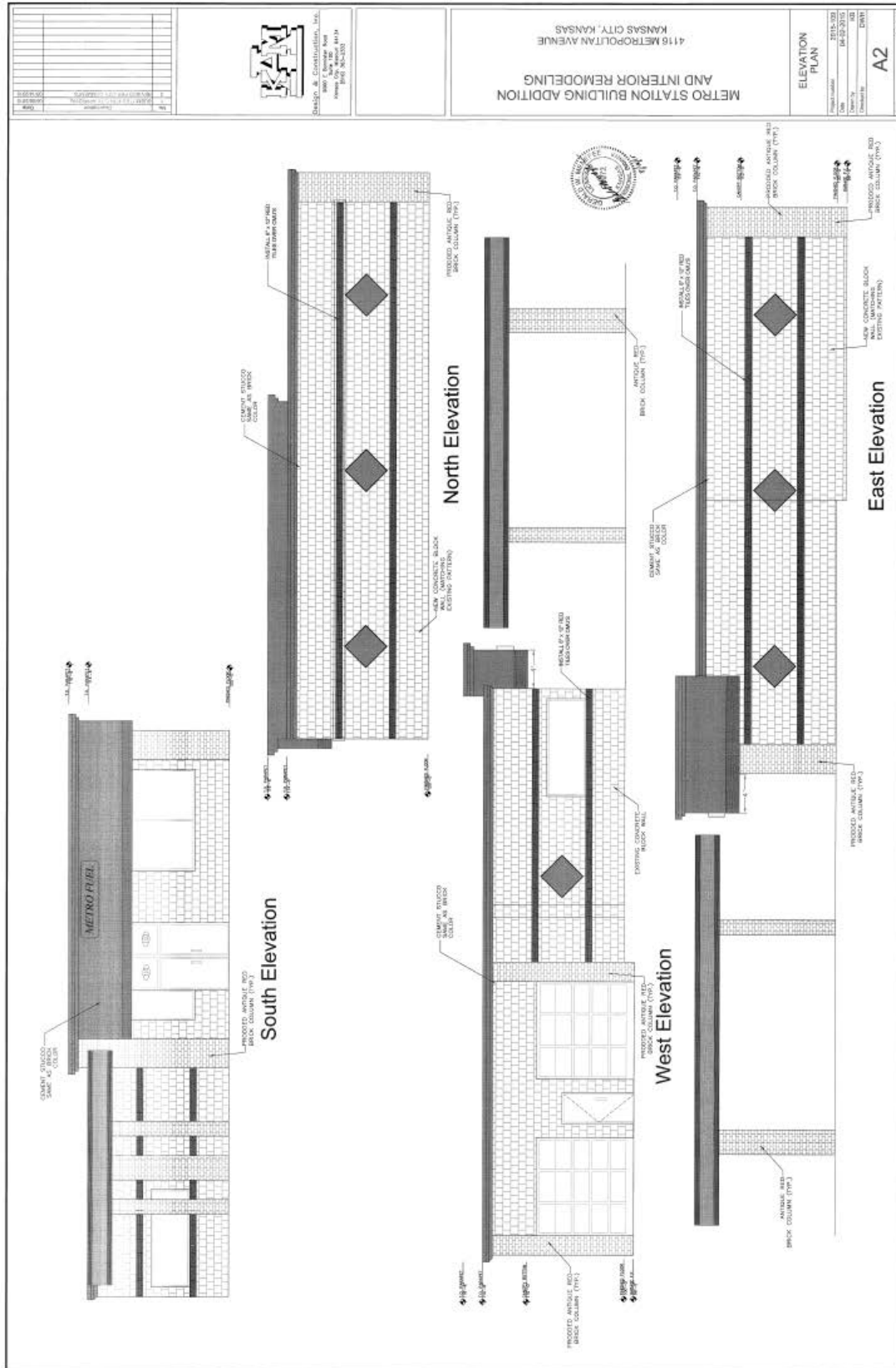
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) This project shall design, construct and replace fallen retaining wall.













Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: October 1, 2015

Re: **Proposed Ordinance Amendment concerning the definition of dog kennel (150202)**

GENERAL INFORMATION

This is a request of staff from Animal Control to process the following:

- Strike the current definition of a “dog kennel”
- New definition for “dog kennel”
- To bring Chapter 27 – Planning and Development into alignment with Chapter 7 – Animals of the Unified Government of Wyandotte County and Kansas City, Kansas Code of Ordinances

Purpose: To bring Chapter 27 – Planning and Development into alignment with Chapter 7 – Animals of the Unified Government of Wyandotte County and Kansas City, Kansas Code of Ordinances

Advertisement: August 20, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Staff proposes the following ordinance modification to achieve the goals of the community:

Sec. 27-340. Definitions.

Dog kennel means any premises where ~~three~~ four or more dogs are owned, boarded, bred and/or offered for sale.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of this ordinance amendment.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 14, 2015	October 1, 2015
	Approval	

STAFF CONTACT: **Taylor Plummer** **tplummer@wycokck.org**

MOTIONS

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

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

OR

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

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

150202 Certain amendment to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning the definition of a dog kennel

Planning Director Richardson stated this ordinance amendment concerns the definition of a dog kennel. In the last year the Board of Commissioners changed the Animal Control regulations allowing for three (3) dogs without a special use permit. This ordinance amendment brings the zoning ordinance into compliance with what was approved previously. The staff recommends approval

No one appeared in support or opposition to this ordinance amendment.

Planning Commissioner Carson asked how the change came about from two (2) dogs to three (3) dogs. Planning Director Richardson stated that the Board of Commissioners went through a fairly extensive process and they changed the allowance from two (2) dogs to three (3) dogs.

On motion by Mr. Schwartzman, seconded by Mrs. Walker, the Planning Commission voted as follows to recommend **APPROVAL of this ordinance amendment:**

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

Motion to recommend APPROVAL Passed: 8 to 0



Urban Planning and Land Use

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To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: **Proposed ordinance amendment concerning signs in right-of-way (100058)**

GENERAL INFORMATION

This is a request of staff to prepare and process the following ordinance amendment to bring the Code of Ordinances into compliance with Kansas State law, specifically Kansas House of Representatives Bill 2183.

Purpose: To bring the Code of Ordinances into compliance with Kansas State law

Advertisement: August 20, 2015

Public Hearings: September 14, 2015 and October 1, 2015

Public Opposition: No one appeared in opposition at the September 14, 2015 City Planning Commission meeting.

PROPOSAL

Staff proposes the following ordinance modifications to achieve the goals of the community:

Sec. 27-726. - Prohibited signs.

The following types of signs shall be prohibited, except where specifically permitted under the provisions of this division:

- (1) Any sign that is not otherwise included under types of sign permitted in this division.
- (2) Any roof sign, wind or banner sign, portable signs, pennants, search lights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons and other gas filled objects.
- (3) Any sign mounted on a platform, trailer, or motor vehicle, whether operable or inoperable, which sign may be placed on or near the premises of the business being advertised. Such prohibition shall not extend to trucks or other legitimate carriers and delivery vehicles that may be parked on such premises in the course of their normal operations.
- (4) Any sign located in a public or private right-of-way, railroad rights-of-way or public and private utility easements, except those signs required by governmental authority.
 - a. Exception. A portable sign of no greater than thirty-two (32) square feet in surface area is permitted during the forty-five (45) days prior to, and the two (2) days following any public election.
- (5) Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency vehicle, or which hides from view any traffic or street sign or signal or device.
- (6) Any sign giving false statements concerning zoning or land use.
- (7) Electronic message centers except for time and temperature signs and except as otherwise may be permitted.
- (8) In no case shall any sign be placed within a regulatory sight triangle, twenty-five (25) feet of the edge of pavement, or any clear zone as defined by the American Association of State Highway and Transportation Officials.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **approval** of this ordinance amendment.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 14, 2015	October 1, 2015
	Approval	

STAFF CONTACT: **Taylor Plummer** **tplummer@wycokck.org**

MOTIONS

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

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

OR

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

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

100058 Certain amendments to Section 27-726, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning signs in the right-of-way

Planning Director Richardson stated the Kansas House of Representatives, followed by the Senate and signed by the Governor passed Bill 2183 which allows for political signs in the right-of-way unless a city adopts an ordinance relating to the safety of those signs, where they are placed and visual obstructions; this is complicated. As the Commission knows, the staff is getting ready to re-write the sign code and the reason for that is the Supreme Court in Reed versus Gilbert said that if you have to read the sign to decide what kind of sign it is, then you are regulating content which has previously been determined unconstitutional by the courts. In this same short time period this law was passed that says political sign can be put in the right-of-way except for safety issues. There are two problems now in that it has been said that it is a political sign, which has to be read to determine what it is which would probably be unconstitutional under Reed and if you can't read the sign to see what it says, then anyone can put a sign in the right-of-way under that law. The proposed ordinance protects the city from public safety issues under the current law. The ordinance says that no sign shall be placed within a regulatory sight triangle or within 25' of the edge of the pavement or any clear zone as defined by the American Association of State Highway and Transportation Officials. The staff has worked on the exception language under item number (4). Director Richardson stated that this is not the preferred strategy but it is one to protect the safety at this point in time. The staff recommends approval of this code to protect the health, safety and welfare of the public from visual obstructions in the right-of-way which might lead to automobile accidents.

Planning Commissioner Gonzalez asked if this ordinance amendment changes anything with regard to political signs in the right-of-way. Planning Director Richardson stated that the way that this is written, it would be more permissive than the current code. Right now no signs are allowed in the right-of-way. What is being said is that if you are 25' back from the right-of-way, then you can put up a sign. He stated that there could be thousands of signs in the right-of-way during the political season along I-70 all across the state because there is a huge right-of-way. In residential areas, the property lines are 11' back of curb and you can put signs in your yard anyway until the new signage code is adopted. This new ordinance will not allow signs in the sight triangle or anywhere where a visual obstruction can be caused. It is written simple enough that it can be enforced.

Planning Commissioner Carson stated that this ordinance amendment does not deal with real estate signs or directional signs and where to put them. Planning Director Richardson stated no, not right now.

No one appeared in support or opposition to this ordinance amendment.

On motion by Mr. Ernst, seconded by Mr. Escobar, the Planning Commission voted as follows to recommend **APPROVAL of this ordinance amendment:**

Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

Motion to recommend APPROVAL Passed: 8 to 0

150236

(Published _____)

#S-2015-7

ORDINANCE NO. _____

AN ORDINANCE vacating all of McGurk Street adjacent to Lots 9-22, Lee Wood Acres Annex, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 4826 McGurk Street, Kansas City, Kansas.

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

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

All of McGurk Street adjacent to Lots 9-22, Lee Wood Acres Annex, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 4826 McGurk Street, Kansas City, Kansas.

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

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____

MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

140354

(Published _____)

#R/W-2014-6

ORDINANCE NO. _____

AN ORDINANCE vacating right-of-way: All of the East Half of Cambridge Avenue Right-of-Way extending to the centerline of 38th Street and all of 38th Street Right-of-Way and all of the Alley adjoining Block 1 of Mable Park; All the North Half of 38th Street Right-of-Way extending to the Northerly prolongation of the Westerly Line of Block 1 Maple Park; All the South Half of 37th Street and all of the Alley adjoining Lots 51 through 100 of Oxford Place; All of Cambridge Avenue Right-of-Way adjacent to Lots 26 through 30 and all of the Alley adjoining Lots 21 through 30, except the North 3.00 feet thereof, Oxford Place; All of 37th Street Right-of-Way and all of the Alley, adjoining Lots 1 through 17 and Lots 34 through 50, except the South 10 feet thereof, Oxford Place; All of the Alley adjoining Lots 61 through 95 Oxford Park, all subdivisions lying in the Southwest Quarter of Fractional Section 26 and the Northwest Quarter of Fractional Section 35, Township 11 South, Range 25 East, in Kansas City, Wyandotte County, Kansas, located at approximately 3717 Cambridge, Kansas City, Kansas

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

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

1. All of the East Half of Cambridge Avenue Right-of-Way extending to the centerline of 38th Street and all of 38th Street Right-of-Way and all of the Alley adjoining Block 1 of Mable Park
2. All the North Half of 38th Street Right-of-Way extending to the Northerly prolongation of the Westerly Line of Block 1 Maple Park
3. All the South Half of 37th Street and all of the Alley adjoining Lots 51 through 100 of Oxford Place
4. All of Cambridge Avenue Right-of-Way adjacent to Lots 26 through 30 and all of the Alley adjoining Lots 21 through 30, except the North 3.00 feet thereof, Oxford Place
5. All of 37th Street Right-of-Way and all of the Alley, adjoining Lots 1 through 17 and Lots 34 through 50, except the South 10 feet thereof, Oxford Place
6. All of the Alley adjoining Lots 61 through 95 Oxford Park.

All subdivisions lying in the Southwest Quarter of Fractional Section 26 and the Northwest Quarter of Fractional Section 35, Township 11 South, Range 25 East, in Kansas City, Wyandotte County, Kansas, located at approximately 3717 Cambridge, Kansas City, Kansas.

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

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

140351

(Published _____)

#R/W-2014-3

ORDINANCE NO. _____

AN ORDINANCE vacating right-of-way between West 36th Avenue and West 39th Avenue known as Cambridge Street, also West 37th Avenue between Eaton Street and Cambridge Street all lying in the Southwest $\frac{1}{4}$ of Fractional Section 26, and Northwest $\frac{1}{4}$ of Fractional Section 35, Township 11 South, Range 25 East, Kansas City, Wyandotte County, Kansas, located at approximately 3717 Cambridge Street, Kansas City, Kansas.

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

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

Right-of-way between West 36th Avenue and West 39th Avenue known as Cambridge Street, also West 37th Avenue between Eaton Street and Cambridge Street all lying in the Southwest $\frac{1}{4}$ of Fractional Section 26, and Northwest $\frac{1}{4}$ of Fractional Section 35, Township 11 South, Range 25 East, Kansas City, Wyandotte County, Kansas, located at approximately 3717 Cambridge Street, Kansas City, Kansas.

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

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____

MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

150202

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to dog kennels; amending Chapter 27, Article VIII, Section 27-340 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 27, Planning and Development, Article VIII, Section 27-340 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 27-340. Definitions.

Dog kennel means any premises where ~~three~~ four or more dogs are owned, boarded, bred and/or offered for sale.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2015.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Patrick Waters
Legal Department

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to portable signs in the right-of-way; amending Chapter 27, Article VIII, Section 27-726 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 27, Planning and Development, Article VIII, Section 27-726 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 27-726. - Prohibited signs.

The following types of signs shall be prohibited, except where specifically permitted under the provisions of this division:

- (1) Any sign that is not otherwise included under types of sign permitted in this division.
- (2) Any roof sign, wind or banner sign, portable signs, pennants, search lights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons and other gas filled objects.
- (3) Any sign mounted on a platform, trailer, or motor vehicle, whether operable or inoperable, which sign may be placed on or near the premises of the business being advertised. Such prohibition shall not extend to trucks or other legitimate carriers and delivery vehicles that may be parked on such premises in the course of their normal operations.
- (4) Any sign located in a public or private right-of-way, railroad rights-of-way or public and private utility easements, except those signs required by governmental authority.
 - a. Exception. A portable sign of no greater than thirty-two (32) square feet in surface area is permitted during the forty-five (45) days prior to, and the two (2) days following any public election.
- (5) Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency vehicle, or which hides from view any traffic or street sign or signal or device.
- (6) Any sign giving false statements concerning zoning or land use.

- (7) Electronic message centers except for time and temperature signs and except as otherwise may be permitted.
- (8) In no case shall any sign be placed within a regulatory sight triangle, twenty-five (25) feet of the edge of pavement, or any clear zone as defined by the American Association of State Highway and Transportation Officials.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2015.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Patrick Waters
Legal Department



Urban Planning and Land Use

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To: Unified Government Board of Commissioners
From: City Staff
Date: October 1, 2015
Re: Petition #SP-2015-16 (130035)

GENERAL INFORMATION

Applicant:
Randel and Barbara VanBeber

Status of Applicant:
Applicants
3415 North 63rd Street
Kansas City, KS 66104

Requested Action:
Renewal of a special use permit to keep
two goats on 1.4 acres

Date of Application:
March 10, 2015

Purpose:
To keep two goats on 1.4 acres

Property Location:
3415 North 63rd Street

Existing Zoning:
R-1 Single Family District



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

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

Total Tract Size: 1.4 acres

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

Major Street Plan: Pawnee Avenue is designated as a local street.

Advertisement: The Wyandotte Echo – April 16, 2015
 Letters to Property Owner – April 14, 2015, May 19, 2015, June 12, 2015, August 3, 2015 and September 24, 2015

Public Hearings: May 11, 2015, June 8, 2015, July 13, 2015, July 19, 2015, July 30, 2015, September 14, 2015 and October 1, 2015

Public Opposition: One person appeared in opposition at the May 11, 2015 and June 8, 2015 and September 14, 2015 City Planning Commission meetings and the July 30, 2015 Board of Commissioners meeting.

PROPOSAL

Detailed Outline of Requested Action: Randel and Barbara VanBeber are requesting renewal of a special use permit to continue to keep two goats on 1.4 acres of property.

City Ordinance Requirements: 27-592 to 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This neighborhood is residential in nature.

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

If the proper precautions are in place, staff would consider this proposal to be compatible with nearby uses.

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

The property is restricted for residential. With the proper precautions the additions of small goats will not have a negative effect on adjacent property.

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

The property is not vacant. It is the current home of the applicants.

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

The City-Wide Master Plan does not address special use permits.

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

The proposal would not create any more traffic than what is currently there.

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

Generally, the proposal is only for the benefit of the applicant.

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

This is not foreseen to be an issue.

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

The only foreseen issue is excessive surface water runoff polluted with animal waste due to overgrazed and trampled land, which can cause public health issues downstream.

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

Staff does not believe that this will be an issue.

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

This project may negatively impact public health due to overgrazed and trampled land leading to increased surface water runoff polluted with animal waste.

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

Staff does not believe that this will be an issue.

PREVIOUS ACTIONS

A special use permit to keep two goats on 1.4 acres was previously issued for this property on January 31, 2013 for a two (2) year timespan.

This application was held over from the May 11, 2015 City Planning Commission meeting due to the fact that the applicants could not be present due to storm damage clean up on their property. This application was held over for a second time from the June 8, 2015 City Planning Commission to give the applicant time to invite Code Enforcement and Animal Control to their property to ensure proper animal living conditions.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required.

KEY ISSUES

Increased surface water runoff
Animal waste
Acreage of grazing land

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **approval** of Special Use Permit Application #SP-2015-16, subject to:

- 1. Approval would be for two (2) years**
- 2. Property owners maintain daily disposal of goats' waste**
- 3. Property owners complete fence addition within a three (3) month time span**
- 4. The goats' diet remain as stated in applicant's response—molasses, corn, oats, hay, carrots and cabbage—to ensure that the grass is not overgrazed**
- 5. Animal Control issues permits for two (2) goats. The permits should be issued continuously through the special use permit approval period and the permit will become invalid if the permits are not renewed or not issued for noncompliance of the city codes.**

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2015-16 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 11, 2015 City Planning Commission Minutes
June 8, 2015 City Planning Commission Minutes
July 13, 2015 City Planning Commission Minutes
September 14, 2015 City Planning Commission Minutes
Zoning Map
Vicinity Map
Aerial Map
Applicant's Statement
Conservation District Comments
Applicant's Response
Site Pictures
Applicant's Animal Control Response
Animal Control Notice
Pit Bull Mix Ownership Documentation
Animal Immunization Records
Dog Animal Control Licenses
Pictures Submitted by Brian Margo

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 11, 2015	July 30, 2015
Special Use	Held Over	Referred Back
	June 8, 2015	October 1, 2015
	Held Over	
	July 13, 2015	
	Approval	
	September 14, 2015	
	Approval	

STAFF CONTACT: Taylor Plummer tplummer@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2015-16** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2015-16**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

MAY 11, 2015 CITY PLANNING COMMISSION MINUTES:

130035 SPECIAL USE PERMIT APPLICATION #SP-2015-16 – RANDEL AND BARBARA VANBEBER – SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-8) to keep two (2) goats at 3415 North 63rd Street

Planning Director Richardson stated the staff was contacted by the applicants this afternoon stating that they could not be present as they had storm damage were cleaning up. The staff did not know of any opposition at the time the agenda was published. He further stated that the staff recommends that this application be held over until the June 8, 2015, City Planning Commission meeting.

On motion by Ms. Huey, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2015-16:**

Carson	Not Present
Connelly	Aye
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Aye
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Not Present
Walker	Aye

Motion to HOLD OVER Passed: 8 to 0

JUNE 8, 2015 CITY PLANNING COMMISSION MINUTES:

130035 SPECIAL USE PERMIT APPLICATION #SP-2015-16 – RANDEL AND BARBARA VANBEEBER – SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-8) to keep two (2) goats at 3415 North 63rd Street

Randel and Barbara VanBeeber, 3415 North 63rd Street, Kansas City, Kansas, 66104, applicants, appeared in support of this application. Mr. VanBeeber stated that he wants to keep the goats that he wants to keep the goats that he has had for his grandkids. They are pets and he has a fenced-in area for them. He further stated that they take care of them and no one that he knows of has complained about the goats.

Mr. Brian Margo, 6420 Edith Avenue, Kansas City, Kansas, appeared in opposition to this application. He stated that he is against this application as this is an ongoing situation. He stated two (2) years ago he was present and stated that he supported Randy and Barbara to have the animals. Randy had told him that he was going to change his ways and would not let the dogs run anymore; he was putting up a fence to let the goats run from one section to the next section. He thought that everyone deserved a second, third and fourth chance. In the two (2) years since they have been given their permit, their dogs have continued to run and they have not had their legal vaccinations and the goats have not seen a vet since they have been taken in. They have one dog that you can feel its skull through its neck. He stated that he was not able to stop and get the pictures but this dog weighs less than 60 pounds and stands 5' tall at the head; this dog is much underfed. Chairman Hurrelbrink reminded Mr. Margo that this application is for goats and asked him to limit his comments to the goats. Mr. Margo stated that the situation is that whenever you have an animal like this that you claim that you love so much, why should you be given a special use permit when you cannot take care of them. That is the whole point about the dogs; he knows that this is about the goats. When you have four (4) other animals on the property that you are not taking care of that is the issue. The last time that these animals saw a vet and had their vaccinations was 2012. One of them is an illegal animal as it is a Pit Bull. The goats are living in an area that is small. The applicant has 2.5 acres and has been working on getting it fenced in for 2 ½ years. It does not take that long to put up the fence and it does not take much to keep a dog locked up and it does not take much to keep a goat restrained. These animals are not being cared for. He does not think that anyone should be given a special privilege when they cannot do what they are supposed to do with the other animals. He stated that if the list was expanded 500 yards there would be 15 different people present stating that they have been chased by the applicants' dogs and the mailman has been chased by the dogs. The bus stop was moved as its drop off because Mr. VanBeeber would not restrain his dogs. Is this about the goats? Yes. Should he be rewarded for behaviors that he does with other animals because he wants a special use permit for goats? No, he should not.

Planning Commissioner Schwartzman asked if he has contacted the Humane Society. Mr. Margo stated that Thursday night he called the police because he had the applicant's dog and the dog is a Weinheimer and they are a sweet dog. When you are able to count their vertebrae in the ribs and see their hip bones, there is an issue. He asked the police what he should do and they told him to restrain the animal and said they were sending an officer over. The officer called the Humane Society. The post

office contacted the applicants and told them that they could not let the dogs run loose. The school board has sent notices saying that they could not let their dogs run. He cannot count the times that he has seen Animal Control over there stating that they need to keep their dogs up. Mr. Margo stated as soon as Mr. VanBeeber gets someone yelling at him he locks the dogs up. The Humane Society and Animal Control do not have the right to walk onto the property and search around; they need probable cause. This has been their handcuff because they would find that there is a Pit Bull and they do not license two (2) of the dogs in case they got caught.

Planning Commissioner Connelly asked if the goats have caused any problems. Mr. Margo stated not for him personally. He has talked to the other neighbors and they do complain about the odor because the goats are killing off the grass and they are living in their own feces. He stated that fortunately he lives on the 200' notification range edge and he does not smell them. His issue is that they have not been to a vet and they are not being cared for. As everyone knows, animals need baths too and none of the dogs or goats has been cleaned, groomed, trimmed, etc. in over two (2) years.

Chairman Hurrelbrink asked the applicants if they wished to respond and they declined.

Planning Director Richardson stated that the staff recommends that this application be held over for the applicants to provide the medical records and invite Animal Control and Code Enforcement onto their property to inspect the living conditions.

On motion by Mr. Ernst, seconded by Mrs. Walker, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2015-16 for one (1) month for the applicants to provide the medical records and invite Animal Control and Code Enforcement onto their property to inspect the living conditions:**

Carson	Aye
Connelly	Aye
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Aye
Hurrelbrink	Chairman
Pauley	Aye
Schwartzman	Aye
Walker	Aye

Motion to HOLD OVER Passed: 10 to 0

JULY 13, 2015 CITY PLANNING COMMISSION MINUTES:

130035 SPECIAL USE PERMIT APPLICATION #SP-2015-16 – RANDEL AND BARBARA VANBEBER – SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-8) to keep two (2) goats at 3415 North 63rd Street

Mr. Randel Van Beber, 3415 North 63rd Street, Kansas City, Kansas 66104, applicant, appeared in support of this application. He stated that nothing has changed since the last meeting.

Mr. Brian Margo, 6240 Edith Avenue, Kansas City, Kansas, 66104, appeared in opposition to this application. He stated that it comes from animal care concern. They let their animals run loose, they do not take care of them, they have not had proper medical treatment, several of the dogs have been hit by cars, and he does not take them to the vet to be taken care of. The living conditions for the animals is deplorable. He stated that the applicant told him that he does not turn on his air-conditioner because the coils are full of goat feces on the outside. He stated that he had to get his grandson to come out and look at it and he was told there was no fixing it. He stated that he knows this is about goats but they are talking about the animals that the applicant lets run free (dogs) and transferring that care over to the other animals (goats). Mr. Margo stated that if he has a Guinee pig he is not going to treat it any differently than a rabbit. He is talking about animals that have not had vaccinations, proper veterinary treatment in four (4) years and the only reason he did that was because he was applying for this special use permit. He further stated that he tried helping the applicant two (2) years ago and the applicant told him a beautiful story about how he was going to change and start taking care of his animals, he would keep them locked up etc. and he was putting up a fence in those two (2) years. He stated that half of the applicant's yard is already covered by a fence and all he had to do was put up the other half. It has taken him two (2) years to do that. He has shown no interest except snowballing the Commission, the city and everyone else that he is going to take care of these animals and he has not done so.

Planning Commissioner Schwartzman asked how he knows that the animals have not had their vaccinations, etc. Mr. Margo stated that the applicant was supposed to have brought veterinary care up here; he does have a picture of one of the dog tags that shows the last tag on this. He sent the photo to Mr. Richardson's email; he was also told that photographs were not allowed at the meeting so he did not bring them. Mr. Schwartzman asked him about the goats. Mr. Margo stated that the goats have not seen any veterinary care. Mr. Schwartzman asked if he has any proof of that; can he verify that. Mr. Margo stated no he cannot but can the applicant verify that he has?

Planning Commissioner Gonzalez asked if Mr. Margo is closer to the Edith side or the applicant. Mr. Margo stated that he is closest to the applicant to the south on the north side of Edith Avenue. He is within 200' of the property in question. Mr. Gonzalez asked if he has been in contact with Animal Control. Mr. Margo stated that Animal Control has not contacted him since the last meeting. They have been called several times about the animals; there have been multiple animals. He stated that he was asked if he has any problems with the odor from the goats. He stated that he lives far enough away, and he has four (4) dogs, so it doesn't affect him. He is more concerned about the care of the animals. The noise from the animals do not keep them up at night but the dogs do run loose and they do come up and get fed. One complaint that they did file with Animal Control (and the Police Department was the one that called them) is that the dogs are at his house eating three (3) cups of food at a time. That is the reason he keeps bringing up the dogs and health care transfers over from one animal to the next.

Planning Commissioner Pauley asked if there are any Animal Control or Police records for this address. Planning Director Richardson stated that there are some records in the

staff report and the most recent is that they were cited for having Pit Bulls and the Pit Bulls have been removed.

Chairman Hurrelbrink asked Mr. Margo if he stated that he has four (4) dogs. Mr. Margo stated yes. Chairman Hurrelbrink asked if he has a special use permit for those four (4) dogs. Mr. Margo stated no. Chairman Hurrelbrink stated that he would suggest that he get one.

Mr. VanBeber stated that he does not know where Mr. Margo got his information but his dogs stay fenced up and everything is clean around his yard. He stated that Mr. Margo is lying about several things; he does not know what he is talking about. His dogs have their shots and he does have the tags for the dogs. He has a friend that gives his goats their shots and his dogs have had their shots. They only seem to bother Mr. Margo.

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

Planning Commissioner Carson asked staff to comment on the comments made by the Conservation District as they are saying that the seeding is in bad shape, it is overgrazed and trampled, there is a large area in the back that could be fenced to allow more pasture and the goats should not be allowed in this present location. Director Richardson stated that part of the stipulations address this and that is completing the fence. When the fence is completed, then the goats can be out in more than just the small contained area they are now.

Planning Commissioner Gonzalez asked if staff can confirm the rabies certificates, etc. are new from the last meeting. Director Richardson stated yes, those documents are new.

Planning Commissioner Ernst asked if it is correct, except for the Pit Bulls (which have been resolved), that Animal Control did not have any problems with the way he was keeping his animals. Director Richardson stated that is correct.

Planning Commissioner Pauley asked if the special use permit could be approved for less than five (5) years. Director Richardson stated yes.

On motion by Mr. Connelly, seconded by Mr. Schwartzman, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit #SP-2015-16:

Carson	Aye
Connelly	Aye
DeWitt	Aye
Ernst	Aye
Escobar	Not Present
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	No
Schwartzman	Aye
Walker	Not Present

Motion to APPROVE Passed: 6 to 1

Subject to:

Urban Planning and Land Use Comments:

- 1) The opinions of surrounding property owners are critical. Are there significant complaints made by surrounding property owners?**

Applicant's Response: None

- 2) What is the goats' diet? What is the square footage of the fenced area where the goats graze?**

Applicant's Response: Molasses, corn, oats, hay, carrots and cabbage, will add fencing totaling 1.5 acres

- 3) What measures do you take to ensure that the fenced area is not overgrazed and trampled?**

Applicant's Response: The goats are fed enough molasses, corn, oats, hay, carrots and cabbage to not need to graze a lot.

- 4) Do you plan to increase the fenced, grazing area for your two (2) goats?**

Applicant's Response: Yes

- 5) How often do you clean up the goats' waste?**

Applicant's Response: Every day – waste goes in the garden

Staff recommends approval subject to:

- 1. Approval would be for five (5) years**
- 2. Property owners maintain daily disposal of goats' waste**
- 3. Property owners complete fence addition within a three (3) month time span**
- 4. The goats' diet remain as stated in applicant's response—molasses, corn, oats, hay, carrots, and cabbage—to ensure that the grass is not overgrazed**

As per Animal Control, they do not foresee any issues.

Applicant's Response: Okay

Conservation District Comments:

There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes silt loam and Knox silt loam 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.

This site is not being managed well. The seeding is in bad shape. It is overgrazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste which can cause health issues downstream. This site is too small for these animals. This size of goat needs to have at least one acre of well managed pasture per goat. If it is poorly managed

then you will need two to three acres of pasture. Goats also like a larger percent of browse material in the pasture mix.

There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed in the present location. Runoff from this site will go directly into the drainage way to the south.

Applicant's Response: Okay

Animal waste needs to be cleaned up on a daily bases and disposed of property. This site will cause excessive runoff and carry animal waste with it."

Applicant's Response: Okay

Public Works Comments:

No comments

Update – July 13, 2015 Planning Commission Meeting:

The Planning Commission voted to HOLD OVER Special Use Permit Application #SP-2015-16 for one (1) month for the applicants to provide the medical records and invite Animal Control and Code Enforcement onto their property to inspect the living conditions.

The applicants contacted Animal Control on June 15, 2015 and were instructed to get rid of their pit bull mix dog, as pit bulls are not allowed in the city. The applicants submitted a letter to staff stating they would get rid of the pit bull mix dog on June 15, 2015. A notice from Animal Control from May 11, 2015 was also submitted by the applicant that stated, on complaint of 2 illegal pit bulls, no violation was observed.

Code Enforcement reported no current violations for this property.

The applicants submitted immunization records for both goats, as well as their dogs. Records were submitted for their dogs in response to a neighbor's concern of no immunization records for all animals on the property. Documentation stating the applicants have given away their pit bull-mix dog was also received by staff.

Staff also contacted the Humane Society in Kansas City, Kansas and they stated that they had not had any calls for issues on this property.

Staff Conclusion:

Staff recommends approval subject to:

1. Approval would be for five (5) years
2. Property owners maintain daily disposal of goats' waste
3. Property owners complete fence addition within a three (3) month time span

4. The goats' diet remain as stated in applicant's response—molasses, corn, oats, hay, carrots and cabbage—to ensure that the grass is not overgrazed
5. Animal Control Permit issued for two (2) goats

SEPTEMBER 14, 2015 CITY PLANNING COMMISSION MINUTES:

130035 SPECIAL USE PERMIT APPLICATION #SP-2015-16 – RANDEL AND BARBARA VANBEBER – SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-8) to keep two (2) goats at 3415 North 63rd Street
Mr. Randel VanBeber, 3415 North 63rd Street, applicant, appeared in support of this application. He stated that the fence is almost completed for the goats. He further stated that everything else is the same; he has done everything requested.

Mr. Brian Margo, 6240 Edith Avenue, Kansas City, Kansas, appeared in opposition to this application. He showed the Commission pictures of the applicant's dogs. He stated that he has been in opposition to the special use permit of the goats because of the treatment of animals. Chairman Hurrelbrink stated that the case is about goats and not dogs and asked why he is showing pictures of dogs. Mr. Margo stated that his opposition is the fact that he has to show non-care of the animals. When you have animals as starved as these dogs are and you can count their spine, they are not going to change their habits for two (2) goats when they cannot take care of their dogs. The applicant says that he takes care of his animals but you should not be able to see a dog's spine no matter how old it is. The picture of the dog shows that he is starved and malnutrition and undercared for. He showed a picture of the dog's tag and stated that this was the last time (2012) that the dog had seen a vet before 2015. They went three (3) years without seeing a vet. He showed a picture of the dog with his collar and it shows that the dog has not had a bath because the hair has collected in the collar. He showed a picture of the other dog that runs the neighborhood and he takes the collar off of him because he does not want to get busted for it. He showed another picture and stated that you can see the dog's spine and ribs. If you look at the dog's left leg you will see that it cannot lay flat on the ground because it curls upward. That is because the dog was hit by a car a couple of times and was never taken to a vet for care. He showed a picture of him feeding the dog on his porch. Mr. Margo stated that Land Use Management did their review and inspection. They came out and said that the applicant should not be approved. They said do not approve them and because the report states that they are not cleaning up after the goats and the feces is running into the water system as the goats are not being maintained. He showed a water filter from his house that he changes every month. His water level is already at a hardness scale that is off the chart. He knows that this is not fresh water intake coming into his house but it is still water that hits the water table that eventually hits the water system. They are already having problems as there are solid objects on the filter that is coming into his house. He does not want anything else coming into it and he knows the Commission would not either. A special use describes that you are supposed to have regular veterinary care for any animals and visits for any animals that receive a special use permit. The applicant cannot give the Commission a regular veterinary description because his friend does all the veterinary work even though the laws stipulate must be a licensed veterinary and have records. These are pets and the applicant has stated that he wants to use them for his grandkids. This is a goat that weighs between 150 and 200 pounds; this is not a petting zoo goat that weighs 40 pounds. These goats are big enough that

they could kill a grown man. The applicant wants to expose them to children. Beyond all the other irresponsible activities, let's get back to the fact that the dog is walking dead. If you watch TMZ presently there are zombies that look between than this dog. There should not be any variance on this at all. They are saying put up a fence, keep the animal clean, etc. and he is not abiding by any of the laws whatsoever. The applicant comes in here and laughs at the Commission and says look I have a fence put up. It took him two (2) years to put up a simple fence in the first place and then the dogs have not seen a vet in three (3) years and only because the Commission told him to. If it absolutely has to be approved, he must have these goats – don't give him five (5) years – those animals are not going to see a vet in five (5) years if they ever see one again. Make him do six (6) months or every year and made him prove that he has to take care of his animals if he wants to be treated special. That is what this is – a special allowance permit. This isn't for people to break the laws and get away with it. It is for people that obey the laws and are needing a little bit of assistance.

Planning Commissioner Schwartzman asked if he had permission to go onto their (VanBeber's) property and take these pictures. Mr. Margo stated that he did not go onto their property; the pictures were taken from his porch and that is why he does not have pictures of the goats. He was feeding them middle to high-grade food and the dog ate 3.5 cups.

Planning Commissioner Ernst asked with regard to the filter that came out of his house, is he implying that is because of the applicant. Mr. Margo stated that the water is hard enough as it is and they do not need anything else put into it. The city had a survey done and the response was to not approve it because of the water table.

Planning Commissioner Schwartzman asked if he is on well water. Mr. Margo stated no, he has pump water from BPU.

Planning Commissioner Gonzalez stated that he wishes that he had pictures of the goats because there was a resident that did not take care of his horse and the neighbor took a picture of the horse when it died. Mr. Gonzalez stated that the Commission needs substantial evidence from Animal Control and Code Enforcement. He stated that he is glad that he showed the pictures of the dogs because he can relate to that. He asked if he can say anything about Animal Control and Code Enforcement. Mr. Margo stated that he has been in contact with them and they have been notified for various reasons. They have been out there and confirmed what he had been saying. He stated that even with the special allowance permit you are still supposed to have the vet records, etc. from a licensed vet. He stated that he cannot prove that they are not taking them, but they cannot prove that they are taking them. Code Enforcement has been out there several times and that is why they are seeking the special use permit for the goats because they received a violation for them two (2) years ago. He stated that it is in the report that they are living in too small of an area, the ground is completely deteriorated (it is a mud pit) and there has been no vet care for the goats.

Mrs. VanBeber stated that Frankie, their dog, had two (2) severe seizures last year and if the neighbor came and asked them, they could have told him. The only problem that she had from that was that they had to diaper her. Now she has cancer and is not going to live much longer but she is not in any pain. She just does not eat food like she

used to. She is almost 12. Goats will not stand in freestanding water and will not walk through mud. Their yard is fine. He has an agenda and they do not know what else to do as this keeps going on and on. Mr. VanBeber stated that Mr. Margo is lying. Mrs. VanBeber stated that they have done everything requested. She stated that Frankie (dog) is not going to live much longer and they want her to die at home and she is not in pain; they love her. These are all rescue dogs. Mr. VanBeber stated that the dogs are in the house every night and they feed them. Mr. Margo said that he feeds them and he is not telling the truth. Mrs. VanBeber stated that time that Mr. Margo called Animal Control and the police; Animal Control and the policeman came to her house and they left Frankie at home with them. They have their shots and they clean up every night after the goats. They change their bedding and use hay and not straw. If the Commission came by now they would see food for the dogs and goats.

Planning Director Richardson stated that he would call the Commission's attention to the staff report and the Conservation District's comments. The comments refer to pasturing goats and that is what they are going to eat and not necessarily that they are going to have other food provided. That is what they would need if they were not being fed alternative food sources. The report does not say not to approve but the concerns that they have that are addressed in the staff comments. On page 33 of the staff report, although he is not as concerned as the neighbor, he would recommend changing approval for one (1) year and on the last stipulation about Animal Control issuing a permit for two (2) goats, he would note that the permit should be issued continuously through the special use permit approval period and the permit will become invalid if the permits are not renewed or issued for noncompliance of the city codes.

On motion by Mr. Ernst, seconded by Mr. Schwartzman, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2015-16,**

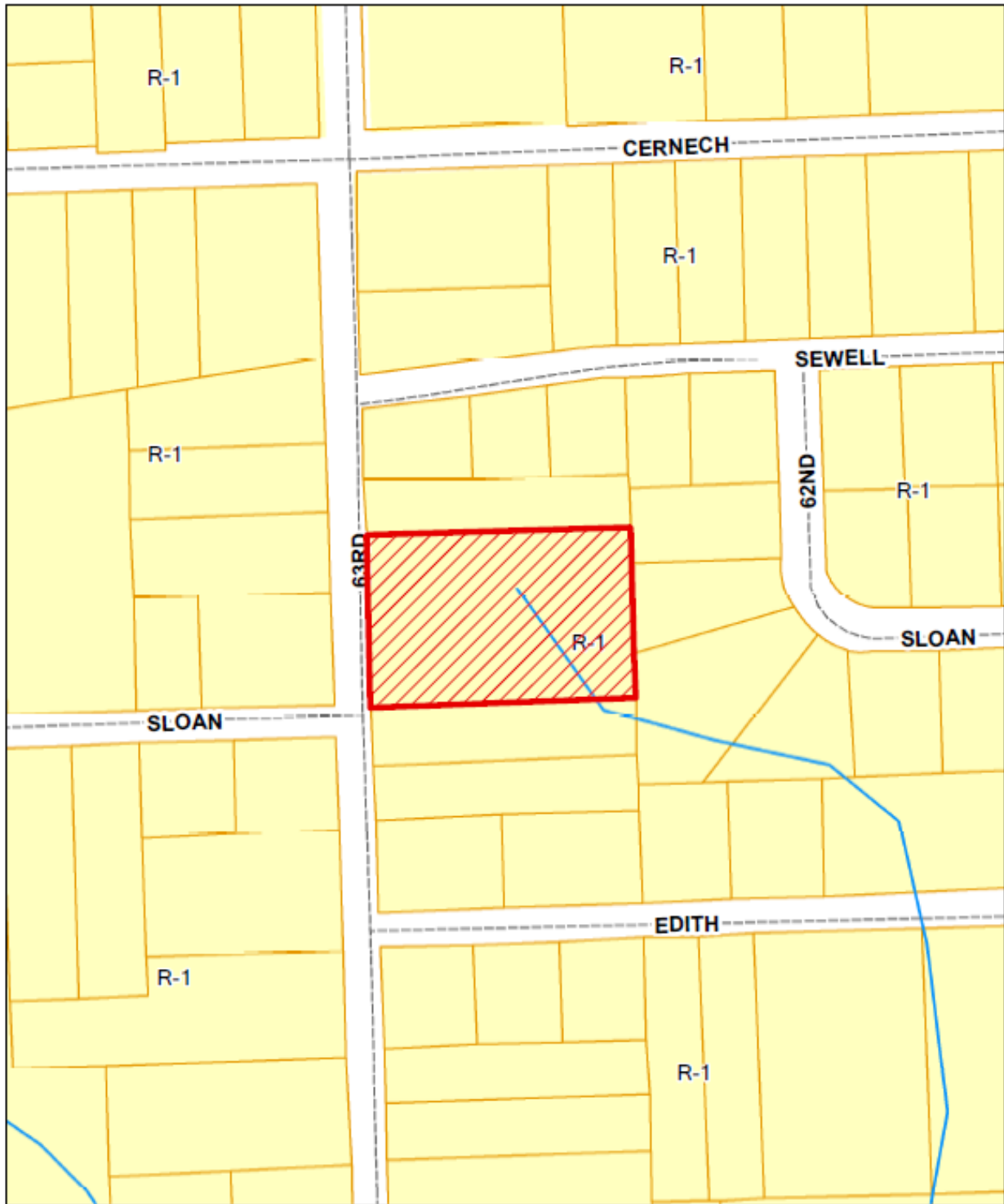
Carson	Aye
Connelly	Not Present
DeWitt	Aye
Ernst	Aye
Escobar	Aye
Gonzalez	Aye
Huey	Not Present
Hurrelbrink	Chairman
Pauley	No
Schwartzman	Aye
Walker	Aye

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

- 1. Approval would be for two (2) years**
- 2. Property owners maintain daily disposal of goats' waste**
- 3. Property owners complete fence addition within a three (3) month time span**
- 4. The goats' diet remain as stated in applicant's response—molasses, corn, oats, hay, carrots and cabbage—to ensure that the grass is not overgrazed**

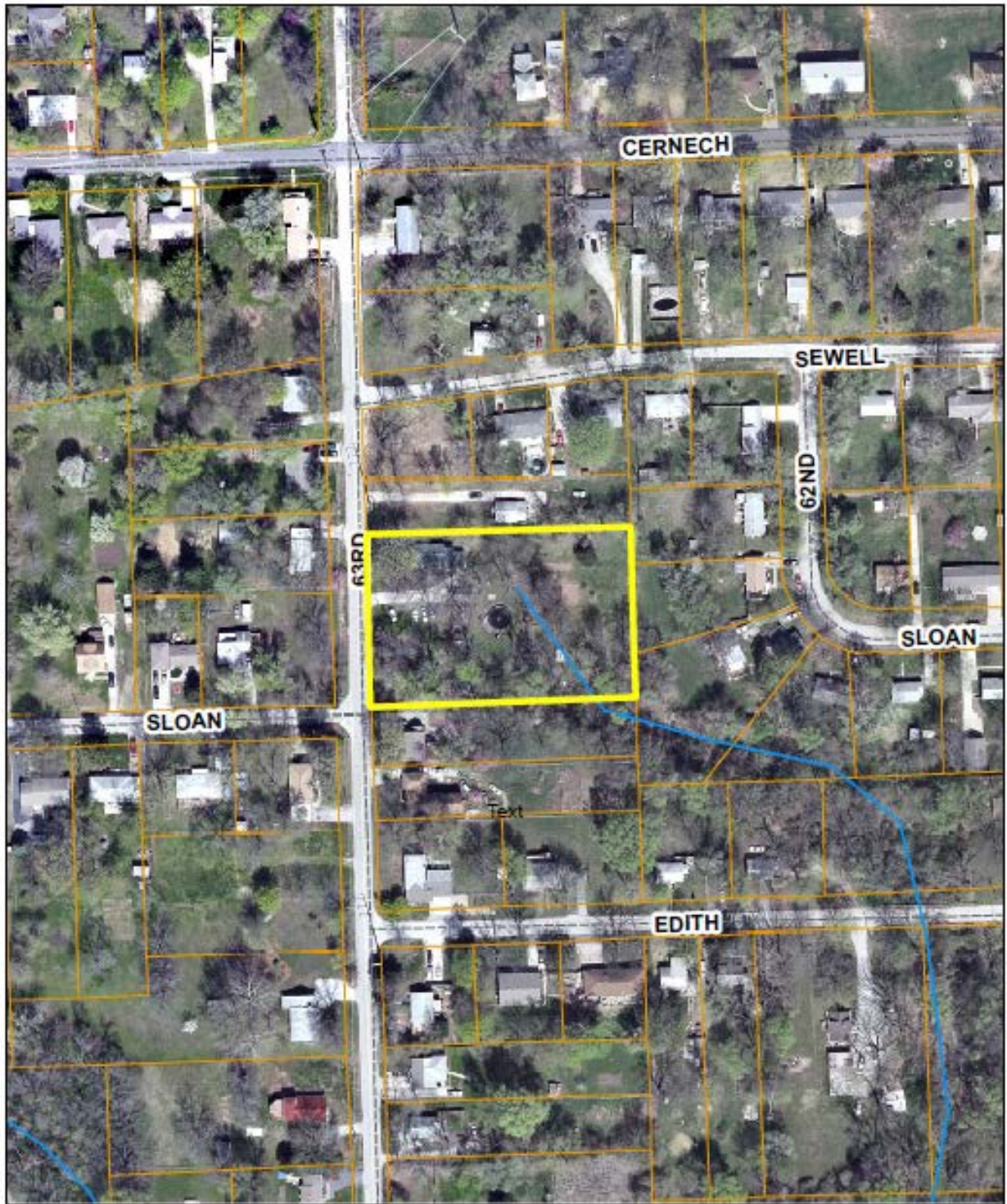
5. **Animal Control issues permits for two (2) goats. The permits should be issued continuously through the special use permit approval period and the permit will become invalid if the permits are not renewed or not issued for noncompliance of the city codes.**



SP - 2015 - 16
3415 N 63rd Street



NOT TO SCALE



SP - 2015 - 16
3415 N 63rd Street



NOT TO SCALE



SP - 2015 - 16
3415 N 63rd Street



NOT TO SCALE

6. Additional Information Please note any additional information that may assist staff in reviewing this request.

THESE ANIMALS ARE FED A ANORGANIC DIET, SO THEY HAVE LESS
(GOATS)
SMELL. THEY ARE FEMALES, WHICH MAKES THEM LESS APT TO
LEAVE AN ODER. THEY ARE FED 2 TO 3 TIMES A DAY - AND WATERED.
THEY HAVE SHELTER AND ~~AN~~ HEAT LAMP FOR WINTER COLD,
STRAW AND HAY, FOR FOOD AND BEDDING. VERY ENTERTAINING ANIMALS.

CONTINUED - INFO - FROM PAGE (3-7)

THESE GOATS ARE VERY WELL
CARED FOR - THEY ARE FED A MULTI-
GRAIN FEED - HAY, CARROTS, CARROTS,
GRAPES. ~~BY~~ THEY LOVE COOKIES AND
CANDY - M&M'S. I ALSO TRIM THEIR
HOOFES, ~~AND~~ THESE GOATS ARE
SPOILED, VERY MUCH SO, IF SOMEONE
COMES INTO MY DRIVE - THEY LETS
ME KNOW, JUST LIKE A DOG.

THANK YOU.

THEY HAVE BEEN A JOY IN
OUR - LIVES - TO MY WIFE AND I,
ALSO TO OUR DOGS - NEIGHBORS
CHILDREN - AND MANY OTHERS.

THANK AGAIN.

Barbara & Russell LaBri



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

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

April 15, 2015

RE: SP-2015-16 Barbara and Randel Vanbeber 3415 North 63rd Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2015-16 Barbara and Randel Vanbeber 3415 North 63rd Street.

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

MAPS AND REPORTS

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

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

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

- There are two major soil type identified: Ladoga silt loam, 3 to 8 percent slopes silt loam and Knox silt loam 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site is not being managed well. The seeding is in bad shape. It is over grazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste which can cause health

issues downstream. This site is too small for these animals. This size of goat needs to have at least one acre of well managed pasture per goat. If it is poorly managed then you will need two to three acres of pasture. Goats also like a larger percent of browse material in the pasture mix.

- There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed in the present location. Runoff from this site will go directly into the drainage way to the south.
- Animal waste needs to be cleaned up on a daily bases and disposed of properly. This site will cause excessive runoff and carry animal waste with it.

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

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

Sincerely,



Cheri Miller
District Manager

enclosures

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

Staff does not believe that this will be an issue.

PREVIOUS ACTIONS

A special use permit to keep two goats on 1.4 acres was previously issued for this property on January 31, 2013 for a two (2) year timespan.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required.

KEY ISSUES

Increased surface water runoff
Animal waste
Acreage of grazing land

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

Any approval would be for two (2) years.

NONE

1) The opinions of surrounding property owners are critical. Are there significant complaints made by surrounding property owners?

2) What is the goats' diet? What is the square footage of the fenced area where the goats graze? *will add fencing totally*

3) What measures do you take to ensure that the fenced area is not overgrazed and trampled? *1.5 Acres*

4) Do you plan to increase the fenced, grazing area for your two (2) goats?

5) How often do you clean up the goats' waste?

*yes
every day - waste
goes in garden*

OK

As per Animal Control, they do not foresee any issues.

Conservation District Comments:

"There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes silt loam and Knox silt loam 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.

This site is not being managed well. The seeding is in bad shape. It is overgrazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste which can cause health issues downstream. This site is too small for these animals. This size of goat needs to have at least one acre of well managed pasture per goat. If it is poorly managed then you will need two to three acres of pasture. Goats also like a larger percent of browse material in the pasture mix.

OK

There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed in the present location. Runoff from this site will go directly into the drainage way to the south.

OK

Animal waste needs to be cleaned up on a dally bases and disposed of property. This site will cause excessive runoff and carry animal waste with it."

Public Works Comments:

No comments

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend of Petition #SP-2015-16 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

Zoning Map
Vicinity Map
Applicant's Statement
Conservation District's Comments
Street Views

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 11, 2015	May 28, 2015
Special Use		

STAFF CONTACT: Taylor Plummer tplummer@wycokck.org

MOTIONS

I move the Kansas City, City Planning Commission **RECOMMEND APPROVAL** of Petition #SP-2015-16 to the Unified Government Board of Commissioners as meeting

#SP-2015-16

May 11, 2015

5





JUNE 15-2015

Taylor.

I'M SENDING THIS INFO-
ABOUT MY DOGS - I HAVE 4.
I HAVE A CHI - A GERMAN
SHORTHAIR - A WEIMENRIVER.
AND A MIXED PIT- THE ANIMAL
CONTROL TOLD ME TO GET
RID- OF THE (PIT MIXED). DO YOU
KNOW HOW HARD THIS WILL BE FOR-
ME? LIKE A CHILD, I'VE HAD FOR
6 YEARS. YOU DON'T REALIZE HOW
MUCH PAIN IN MY HEART, THIS HAS
CAUSED ME. I'LL GET RID OF HER.
SHE WAS THROWN ON ME BY A
BLACK MAN, THAT DROVE A CHURCH
BUS, I GUESS I MORE LESS RESCUED
HER. I GAVE HER AWAY, 2 TIMES.
I GOT HER BACK SHE IS REGISTERED
IN LEAV. CO. TO MY DAUGHTER.

BOTTOM LINE. I'LL GET RID OF
HER. ANIMAL CONTROL DEALS WITH
THIS. ALL THE TIME I KNOW. BUT
WHEN YOU LOVE AN ANIMAL - AS MUCH I
LOVE MY DOGS AND GOATS, IT
BREAKS MY HEART. I DON'T GET
RID OF MY PETS UNTIL THEY PASS.
NOT LIKE A LOT OF PEOPLE WITH NO
FEELINGS. SUCH AS MINE.

Randy VanBuren

NOTICE



KANSAS CITY, KANSAS
POLICE DEPARTMENT
ANIMAL CONTROL UNIT
3301 Park Drive
913-321-1445
8am - 5pm Monday thru Friday



Date 5-11-15 Officer WE NOT

Address 3415 N 63RD Inv _____

M ___ F ___ Breed _____ Color _____

Cage Adopt _____ Stray _____ Bite Case _____ Neg _____

On A Complaint Of:

☒ Illegal Animal PIT BULLS (2)

____ Your animal running at large

____ Animal bite - The need to confine your animal for ten days
for rabies observation per state law

____ Your animal being mistreated due to:

____ Lack of shelter

____ Lack of water

____ Entanglement on _____

____ Possible condition that would require medical attention

____ Unsanitary condition on property

____ Your animal being a nuisance due to its _____

____ Other _____

The results of the investigation are:

☒ No violation was observed

____ Your animal was impounded

____ Your animal was observed in violation and you are required
to contact our office.

____ If shelter and/or water are not provided for your animal
within 12 hours, your animal will be impounded

____ If your premises are not cleaned within 12 hours, a citation
will be issued

____ If your dog creates a nuisance due to its barking, you
can be cited

If there are any questions, please call the office.

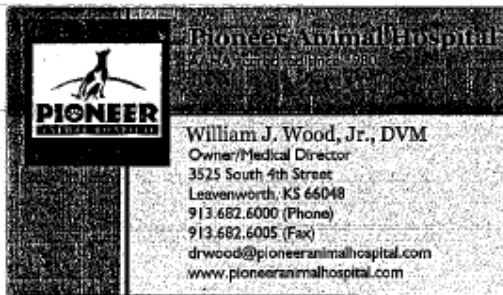
Reminder Letter Report

Sorted by Client ID

Client ID	Client Name	Patient ID	Patient Name	Item ID/Description	Type	Date
3176	Morris, Courtney					
Phone:	(913) 449-9570					
		6586	Molly	CRV3 Canine Rabies Vacc - 3 Year	L	9/13/2013

TO WHOM IT MAY
CONCERN.

I HEREBY HAVE GIVEN
AWAY MY DOG TO MY DAUGHTER
IN LEAVEN WORTH. SHE NOW OWNS
MOLLY PIT-MIX. -



SIGNED
Paul J. Wood

THIS IS THE DOCTOR'S
NAME & ADDRESS. -

7/24/2013

To whom it may concern:

This letter is to verify that our daughter Courtney Morris is the legal owner of Molly resident of Leavenworth County, a mixed breed terrier.

We were dog-watching in the middle of May, as our daughter was on vacation.

We appreciate your time on this matter,

Randy and Barbara VanBeber

Courtney Morris

Courtney Morris

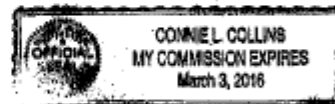
STATE OF KANSAS

COUNTY OF WYANDOTTE

On this 24 day of JULY 2013, before me, the undersigned,
a Notary Public, personally appeared Courtney Morris and
She is who executed the foregoing instrument.

Connie L Collins
Notary Public

My commission expires: March 3, 2016



Coronado Animal Hospital
5600 State Ave
Kansas City, KS 66102
(913) 287-6777

Rabies Certificate

Client ID: 4466	Patient ID: 10442
Client Name: Randy VanBeber	Patient Name: LuLu
Address: 3415 N 63 st	Species: Canine
	Breed: Chihuahua
Kansas City, KS 66104	Sex: Female
Phone: (913)299-8712	Color: brown
	Markings:
	Birthday: 01/04/2013
	Weight: 6.20 pounds on 1/5/2015

Tag Number: 12210	Vaccination Date: 6/17/2015
Lot Number: S409069	Expiration Date: 6/17/2016
Producer: pfizer	
K / MLV: Killed Virus	

Staff Name: Dr. Lawrence S. Allen 
License Number: 3815

Coronado Animal Hospital
5600 State Ave
Kansas City, KS 66102
(913) 287-6777

Rabies Certificate

Client ID: 4466	Patient ID: 7471
Client Name: Randy VanBeber	Patient Name: Frankie
Address: 3415 N 63 st	Species: Canine
	Breed: Weimaraner
Kansas City, KS 66104	Sex: Spayed Female
Phone: (913)299-8712	Color: grey
	Markings:
	Birthday: 06/29/2005
	Weight:

Tag Number: 12212	Vaccination Date: 6/17/2015
Lot Number: S409069	Expiration Date: 6/17/2016

Coronado Animal Hospital
5600 State Ave
Kansas City, KS 66102
(913) 287-6777

Rabies Certificate

Client ID: 4466	Patient ID: 7472
Client Name: Randy VanBeber	Patient Name: Molly
Address: 3415 N 63 st	Species: Canine
	Breed: Pitbull Mix
Kansas City, KS 66104	Sex: Spayed Female
Phone: (913)299-8712	Color: Tan/White
	Markings:
	Birthday: 06/29/2008
	Weight: 68.00 pounds on 10/12/2012

Tag Number: 12211	Vaccination Date: 6/17/2015
Lot Number: S409069	Expiration Date: 6/17/2016
Producer: pfizer	
K / MLV: Killed Virus	

Staff Name: Dr. Lawrence S. Allen 
License Number: 3815

Coronado Animal Hospital
5600 State Ave
Kansas City, KS 66102
(913) 287-6777

Rabies Certificate

Client ID: 4466
Client Name: Randy VanBeber
Address: 3415 N 63 st
Kansas City, KS 66104
Phone: (913)299-8712

Patient ID: 7473
Patient Name: Tootsie
Species: Canine
Breed: Retriever, Labrador Mix
Sex: Spayed Female
Color: Brindle
Markings:
Birthday: 06/29/2004
Weight: 49.00 pounds on 1/12/2012

Tag Number: 12213
Lot Number: S409069
Producer: pfizer
K / MLV: Killed Virus

Vaccination Date: 6/17/2015
Expiration Date: 6/17/2016

Staff Name: Dr. Lawrence S. Allen
License Number: 3815

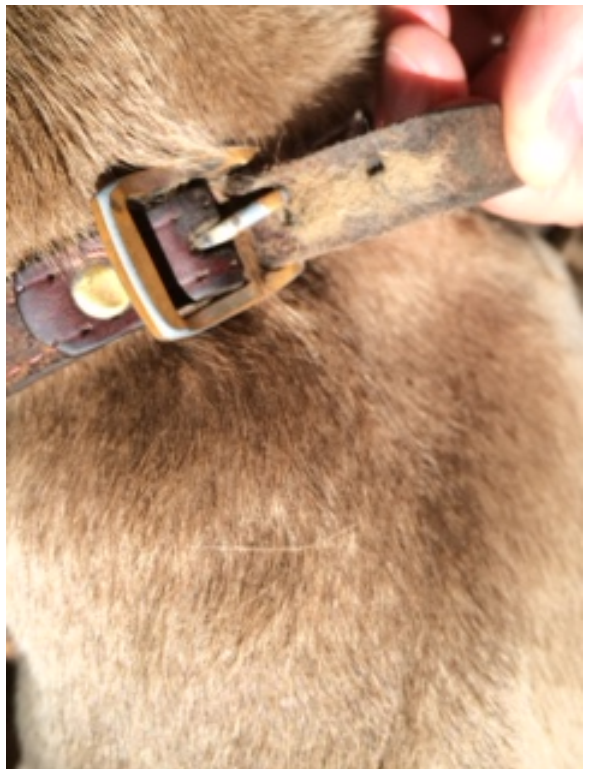


Sold to Randy Vanbeber

2 goats July 2013 with
all Shots + Worming

June 16, 2015 Follow up booster
on vaccines + Re Worm
Jung Schullian

3415, N 63rd St







Staff Request for Commission Action

Tracking No. 15110

Full Commission Meeting Date: 10/01/2015

Committee: Full Commission

Date of Standing Committee Action: 9/14/2015

(If none, please explain):

Publication Required: Yes 10/08/2015

<u>Date:</u> 09/24/2015	<u>Contact Name:</u> Charles Brockman, Management Analyst	<u>Contact Phone:</u> x5733	<u>Contact Email:</u> cbrockman@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

The Unified Government ("UG") Economic Development Department has created a new incentive pilot program called the "UG Small Business Incentive Pilot Program".

The Pilot Program will promote a city-wide incentive, but especially for areas like the downtown corridor and older urban areas of Wyandotte County by providing grants to small businesses to assist with start-up inventory, marketing, and other operating costs. The Pilot Program will also assist existing businesses with cost related to repairing/renovating store fronts in order to attract new businesses.

Action Requested:

Adopt the resolution approving the UG small business incentive pilot program plan

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

ED&F Memo, Resolution, Plan



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

THROUGH: George Brajkovic
Economic Development Director

FROM: Charles A. Brockman, Analyst
Economic Development

DATE: September 1, 2015

RE: **Unified Government (“UG”) Small Business Incentive Pilot Program**

The Unified Government (“UG”) Economic Development Department has created a new incentive pilot program called the “UG Small Business Incentive Pilot Program”.

The Pilot Program will promote a city-wide incentive, but especially for areas like the downtown corridor and older urban areas of Wyandotte County, by providing grants to small businesses to assist with start-up inventory, marketing, and other operating costs. The Pilot Program will also assist existing businesses with costs related to repairing/renovating store fronts in order to attract new businesses.

(Published in *The Wyandotte Echo* on October 8, 2015)

RESOLUTION NO. _____

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) is committed to fostering an environment where small businesses can grow and prosper; and

WHEREAS, the Economic Development Department has created the UG Small Business Incentive Pilot Program to provide grants to small businesses with one hundred (100) employees or less to assist with inventory, marketing, operating, and repair/renovation costs for activities associated with start-up or expansion of small businesses.

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

That the Board of Commissioners of the Unified Government is committed to fostering an environment where small businesses can grow and prosper and to that end, the Mayor/CEO, County Administrator, and the Unified Government’s other officers, agents, and employees are hereby authorized and directed to take such further action, and to execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT THIS 1ST DAY OF OCTOBER 2015.

Unified Government Clerk

Approved as to Form:

Unified Government Counsel



UG Small Business Incentive Pilot Program Plan

TABLE OF CONTENTS

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Exhibit B – Point Matrix	
Exhibit C – Approval Process	

Preface

In recent years, there have been significant changes in Kansas City, Kansas, including public infrastructure improvements, a new transit hub, and new businesses. In order to encourage continued growth, the Unified Government of Wyandotte County/Kansas City, Kansas (“UG”) Economic Development Department is implementing the UG Small Business Incentive Pilot Program (“Pilot Program”). The Pilot Program is citywide and will provide grants to small businesses to assist with start-up inventory, marketing, and other operating costs. The Pilot Program will also assist existing businesses with costs related to repairing/renovating store fronts in order to attract new businesses.

SECTION 1 – Pilot Program Goal

The Pilot Program will provide grants to small businesses—one hundred (100) employees or less—to assist with start-up inventory, marketing, and other operating costs. The Pilot Program will also assist existing businesses with costs related to repairing/renovating store fronts in order to attract new businesses.

SECTION 2 – Pilot Program Target Area

The Pilot Program is a citywide incentive, but will target areas with businesses in need of start-up costs or store front repair/renovation, such as the downtown corridor and older urban areas of Kansas City, Kansas.

SECTION 3 – Pilot Program Strategy

The Pilot Program strategy is to promote small business activity for the target areas through one-time grants to applicants.

The UG will provide grants of \$2,500 to \$10,000 to applicants in need of one or more of the grant types listed below.

Types of grants:

1. Lease/Rent (up to 6 months),
2. Renovation costs (sheetrock, flooring, painting, etc.),
3. Façade repairs (painting, sealing, etc.),
4. Inventory costs (office supplies, miscellaneous equipment, etc.), and/or
5. Other start-up and operating costs (marketing, etc.).

The UG will make every effort to market the Pilot Program online and through selected partnering organizations.

SECTION 4 – Pilot Program Funding Source

The initial funding source for the Pilot Program is the 2015 Amended and 2016 Proposed Budgets. Subsequently, a percentage of the UG Industrial Revenue Bond (“IRB”) issuance fees will fund the Pilot Program. The chart below provides an example of how IRB issuance fees could replenish Pilot Program funds.

IRB Issuance Fees	UG Maintains	Program Funding	
1st	\$25,000.00	\$0.00	
2nd	\$12,500.00	\$12,500.00	} capped at \$50,000
3rd	\$12,500.00	\$12,500.00	
4th	\$25,000.00	\$25,000.00	
	\$25,000.00	\$0.00	

SECTION 5 – Pilot Program Application Procedure

1. Obtain an application from the UG Economic Development Department. See EXHIBIT A.
2. Submit completed application and related documentation to the UG Economic Development Department located at 701 North 7th Street, Suite 421, Kansas City, Kansas 66101.
3. Submit documentation for each of the following types of grant requested:
 - A copy of the lease/rent agreement,
 - Renovation cost,
 - Façade repair cost,
 - Inventory cost, and/or
 - Documentation of other start-up or operating costs.
4. Submit a business summary along with the completed application and supporting documentation. A business summary is a short description of your business, including information such as the nature of the business, when it was formed, how long it has been operating, number of employees, business goals and progress on attaining those goals, plans for growth and expansion, and any roadblocks encountered to achieving business goals.
5. The UG reserves the right to request additional information, make additional stipulations, and/or deny the application. The UG will provide a written explanation for denying an application within two (2) weeks of application submission.

SECTION 6 – Pilot Program Grant Approval and Award

The Economic Development Department will review and score applications based on the matrix system in EXHIBIT B. The review and approval process will proceed utilizing the internal controls depicted on EXHIBIT C.

Applicants will be notified of eligible status within two (2) weeks of application submission. Disbursement of grant funds will typically occur two (2) weeks after notice of award.

Within thirty (30) days of expending grant funds, applicant must submit receipts to the Economic Development Department to verify costs for lease/rent payments, renovation, façade repair, inventory, start-up, and other operations up to the amount of the grant award.

SECTION 7 – Pilot Program Oversight/Advisory Board

The Pilot Program will have an advisory board initially consisting of members from the UG. As the Pilot Program matures, the advisory board will include members from selected partnering organizations. The advisory board will meet in April of each year to review the Pilot Program progress.

SECTION 8 – Pilot Program Reporting

Economic Development staff will report quarterly to the Economic Development & Financing Standing Committee on the Pilot Program's activity.

EXHIBIT A

Small Business Grant Application

Procedures:

1. Applicant must submit a completed application and supporting documentation to be eligible for a grant.
2. Submit documentation for each of the following grant types requested:
 - A copy of the lease/rent agreement (up to 6 months),
 - Renovation cost (sheetrock, flooring, painting, etc.),
 - Façade repair cost (painting, sealing, etc.),
 - Inventory cost (office supplies, miscellaneous equipment, etc.), and/or
 - Other start-up and operating cost (marketing, etc.).
3. Submit a business summary. A business summary is a short description of your business, including information such as the nature of the business, when it was formed, how long it has been operating, number of employees, business goals and progress on attaining those goals, plans for growth and expansion, and any roadblocks encountered to achieving business goals.
4. The UG reserves the right to request additional information, make additional stipulations, or deny the application. The UG will provide a written explanation for denying an application within two (2) weeks of application submission.
5. Eligible grant amounts are based on a point matrix system and may be a combination of the above fund types depending on need.
6. The UG will notify eligible applicants within two (2) weeks of application submission. Grant disbursement will occur within thirty (30) days following notice of eligibility.
7. Within thirty (30) days of expending grant funds, applicant must submit to the Economic Development Department receipts for lease/rent payments, renovation cost, façade repair cost, inventory costs and/or other start-up cost up to the amount of the grant award.

Application Information:

Date _____, 20____

Name _____ Phone _____

Company Name _____ Phone _____

Mailing Address _____

Business Address _____

Business Inception Date: _____

Type of Business: A. _____ Retail B. _____ Office C. _____ Other

If other, please describe: _____

Grant Amount: A. _____ \$2,500 B. _____ \$5,000 C. _____ \$10,000

Grant Type: A. _____ Interior Rehab B. _____ Façade work C. _____ Inventory
D. _____ Lease/Rent E. _____ Other

If "Other", describe how the grant money will be used (be specific):

Applicant:

By signing below, the applicant agrees to adhere to all procedures in this application:

Submitted by: _____, 20____
(Print name) (Signature) (Date)

DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

Date application came into this office: _____, 20____

Application completed in full and all documentation is attached: Yes ____ No ____

Staff initials ____

EXHIBIT B

Point Matrix

Applicant-		
1. Requirements		
a. Completed Application	Required	
b. Supporting Documentation	Required	
c. Business Summary	Required	
Comment:		
2. Available Points		
	Max Pts.	Application
a. New Business	3	
b. Existing Business	2	
c. Building Purchased	5	
d. Lease/Rent	4	
e. Façade repair	2	
f. Interior renovation	2	
g. Inventory	2	
h. Other start-up cost	2	
i. Investment amount \$0 -\$10,000	2	
Investment amount \$10,000 - \$50,000	3	
Investment amount \$50,000 and up	5	
j. Number of employees the first year – one point per employee up to 10 employees	1 - 10	
k. Wyandotte County employee residency	2	
Comment:		___ points

Score Range and Potential Grant Eligibility:

1 – 5 points = \$2,500

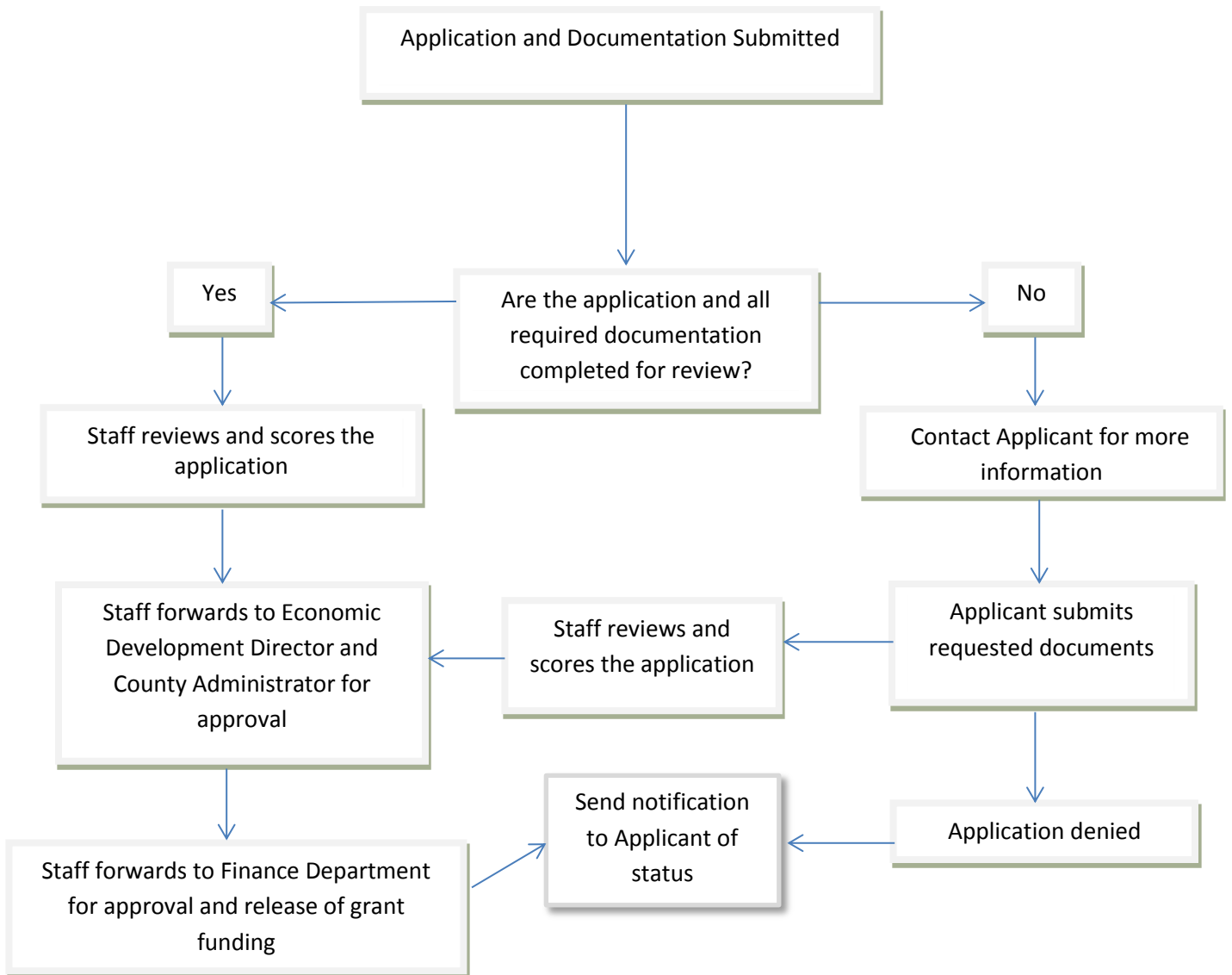
6 – 10 points = \$5,000

11+ = up to \$10,000

The grant amount awarded is directly tied to the business need. For example, if an applicant scores 11+ points but documentation only shows a need for \$5,000, then the grant will be \$5,000. Any increase above the need must be documented.

EXHIBIT C

Approval Process



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

SPECIAL SESSION, THURSDAY, SEPTEMBER 3, 2015

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, September 3, 2015, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District (left meeting at 6:03 p.m.); Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Jody Boeding, Chief Legal Counsel; Ken Moore, Deputy Chief Legal Counsel; Lew Levin, Chief Financial Officer; Mike Tobin, Interim Director of Public Works; Renee Ramirez, Director of Human Resources; Shakeva Christian, Human Resources; Jason Banks, Asst. to the Mayor/Manager; Lindsay Behgam, Executive Coordinator to the Mayor; Emerick Cross, Commission Liaison; Maureen Mahoney, Asst. to Mayor/Chief of Staff; and Officer John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, September 3, 2015, at 5:00 p.m. in the 9th floor conference room of the Municipal Office Building for an executive session regarding labor. At 5:30 p.m. a special session will be held in the 5th floor conference room regarding the grant process.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to go into executive session for 20 minutes regarding labor. Motion carried unanimously.

Mayor Holland reconvened the special session at 5:16 p.m.

MAYOR HOLLAND called the special session to order at 5:30 p.m.

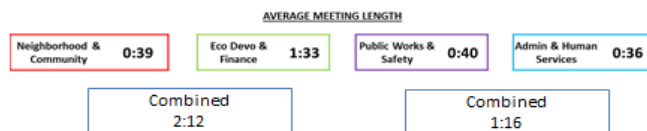
ROLL CALL: Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Holland.

Mayor Holland said the special session tonight is specifically about policy and process for grants. This has been a big topic of discussion. The discussion really started around the Casino Grant Fund when it came into being three years ago and how to process that. It has been an ongoing discussion. We have some other funds that we do grants with; the Drug & Alcohol Fund and the Turf Fund. Those have been ongoing for a number of years and have not had any controversial piece to them. They have just been ongoing and seem to be working well. The CDBG, how we do grants in terms of the budget and for CDBG specifically, how those are operated; I think all of those we need to look at how we're going to do that from a policy level.

What I want to do tonight is have that discussion and direct staff based on this discussion to formulate policies around those and then we need a destination point for staff to report back.

One of the things I've thought a lot about, and I've talked to some of you about this, I'm looking at taking the CDBG Subcommittee and dissolving that and putting that CDBG work into the standing committees. That has a number of advantages. The meeting times are consistent both for staff and for commissioners, it brings in the Clerk's office for minutes, they are on TV and it's also better communication to the commissioners because each standing

Average / Combined Meeting Durations



Those of you who are on Economic Development & Finance and Neighborhood & Community Development know that your meetings run on average an hour longer than the other one. If you're on Public Works & Safety and Administration & Human Services, an hour less so as I was looking at this thinking CDBG does both Human Services and Neighborhood & Community Development so I think it could be legitimately placed in either, but in working at the workload on those two committees I think it clearly belongs in Administration & Human Services. The other advantage of that, against her better judgment, is it keeps Angela Markley as the Chairperson of that CDBG work. This is also a good place I think for the other conversations about how we do grants and that ongoing work. It also gives a forum for all the commissioners to be at those meetings and of course all the recommendations the full commission would obviously vote. That's the reasoning behind why I chose Administration & Human Services to assign this to.



What I want to do now is look at the process for Casino Grants and other granting ways that we do it. I think the \$10 question or the \$20 question is—we've done it both ways, we've done a third party making the decision and we've done the commissioners making the decision and I want to revisit that conversation early so we have time to put the system in place we want for the coming year.

I also want to talk about how we're doing the application for our budget in February when people are submitting that application and whether it gets directed directly to CDBG or whether it gets directed into a budget request. With that background I want to call on Commissioner Bynum. She has done a lot of thinking about this and I think I want to turn it over to her to kind of lead us out and then we will just open it up for discussion.

Commissioner Bynum said I had started this conversation with Mr. Bach I think mostly as a result of stepping into these processes kind of midway, if you will. Both the Casino Grant process and the CDBG process were well underway when I arrived here and so I found myself kind of playing catch-up with both of the processes.

These are just my observations as I play catch-up with understanding the two processes and we have I think multiple funds from which we can grant money.

We know that we have the UG Casino Grant. There may be other charitable opportunities coming our way. We know that we have the Special Alcohol & Drug Fund and we have CDBG that as I came into this process for several years now I think in an attempt to put

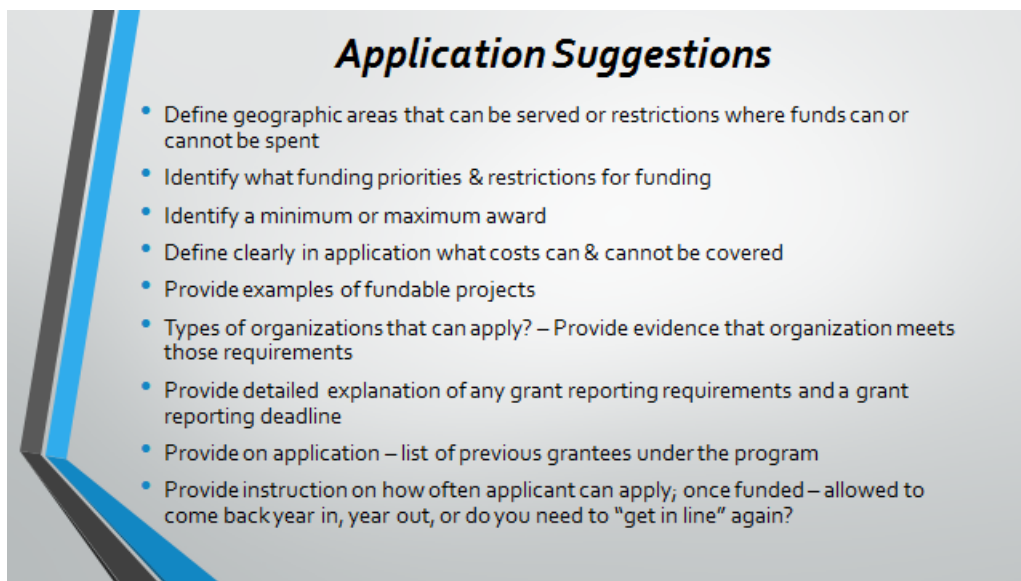
some clarity and structure around our funding there had been the Community Funding Application that I would suggest we just call CDBG. This is all my observations based on what I've seen so far and it's all just for purposes of opening the conversation and we will just take it from there.



Those are the funds that we basically call Grant Funds and like I said there is a potential that there could be others coming forward as we pursue more economic development.



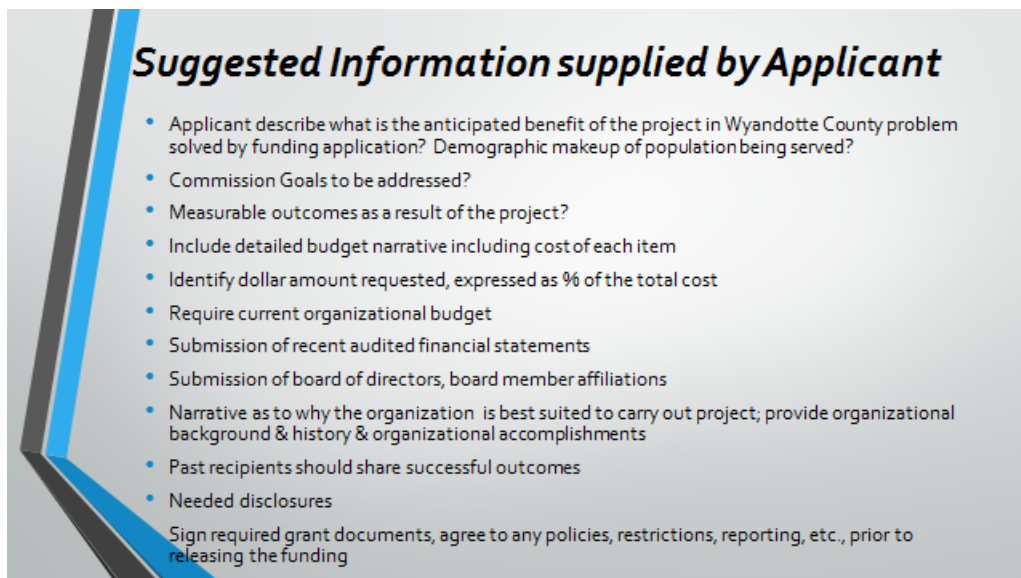
This slide is the beginning of the thoughts that I had put in front of Mr. Bach and his staff. I had asked him to direct me in terms of the appropriate way to communicate what I was thinking about the process to you all. He set a meeting with me and I basically sat down and went through with him my thoughts on the process as I've seen it so far starting with the website because right now if you go to the website there is a button that says I want to and then you can click a dropdown menu and one of your choices on the dropdown menu is "apply for a grant". I have simply said if you click on "apply for a grant", it takes you straight to CDBG. My suggestion would be that we just offer a little more transparency and that button takes you to "These are the funding categories" where we have grant funds available and click on one of those and it very clearly tells you this is the funding window for these grant funds, this is the click here for the "funding process for these grant funds", etc. I'm just saying that's almost from a marketing perspective website wise. When you click on one of the grant funds it would tell you these are the types of projects we would prefer to fund with this money, this is the money that's available, and also fairly clearly identify what we won't fund with that particular pot of money. Again, I think those are marketing mechanisms.



This and the next slide are just again my thoughts on application suggestions. The Casino Grant I think follows a lot of this already. I think the question for the Casino Grant conversation is more around how to administer that process. For purposes of the Community Funding

Application these are the suggestions that I am making based on what I saw in that application currently.

- We should be straight forward and tell folks when they click on the button what is the geographic area that dollar amount will serve.
- What are the restrictions on where the funds can or cannot be spent?
- Identify what are our funding priorities; what are our restrictions for funding.
- Is there a minimum or maximum amount that we're willing to grant?
- Tell applicants clearly what costs can and cannot be covered with that grant funding.
- Give them examples of fundable projects.
- I think we should agree as an organization who can apply. Do they need to be a 501c3 and if that's the funding requirement, then they should provide evidence that they are.
- A detailed explanation of whatever our grant reporting requirements would be, a deadline for those grant reporting requirements.
- A list of previous grantees under that program.
- Instructions on how often can applicants apply. Once their funded can they come back year in and year out or should we ask them to get in line again.



On the side of the applicant these are my thoughts on that process.

- For purposes of them filling out an application have them tell us what's the benefit of the project.

September 3, 2015

- What Commission goals does it address?
- Can they give us measurable outcomes as a result of the project?
- Can they give us a detailed budget narrative including the cost of the items that they are going to spend money on?
- Can they give us their dollar amount of the grant request expressed as a percent of the total cost of the project?
- They need to be providing a current organizational budget.
- They could be asked to provide audited financial statements.
- They could be submitting to us their Board of Directors.
- Give us a narrative as to why they are well-suited to carry out the project they are asking us to fund.
- Any organizational background or history.
- If they are a past recipient, they could be sharing with us the successful outcomes of their previous funding.
- Any needed disclosures.
- I think a signature page where they're signing that they agree to the policies we've put forward including the reporting.

That is it. I think there is a marketing piece involved, I think those are my suggestions as I, again, observed particularly the Community Funding process and some of those could even be woven into the Charitable Grant Dollar process. That's what I wanted to bring to you. This was the way it was suggested that I share those thoughts with you and I appreciate very much being able to do it.

Commissioner Markley said I think those are all great ideas and actually some of them we talked about prior to this budget season and we just didn't get them done fast enough basically. I noticed you said with the audited financial statements you said they could be asked to supply them. In terms of the people who have applied in the past who are particularly our Casino Grant Program we would probably eliminate almost all of them if we asked for audited financials because they're just not large enough organizations to be getting audited financials every year so we would want to keep that in mind. If we're going to be funding the Neighborhood Community

Garden, they're not going to have that kind of information. When you said they could be asked to provide that, if they have them, I think we should ask for them but we should be cognizant of the fact that some of them won't. **Commissioner Bynum** said I think we could clearly identify—now I could be wrong but I think our Casino Grant application does require a 501c3 so they would have something that they could supply. They could supply a 990, but I think we could clearly define for them here's what acceptable for you to submit as your financials.

Commissioner Townsend said just to echo the statement that Commissioner Markley made; I think those are good suggestions. Some of them might be a bit overwhelming for some of the smaller entities as you've already pointed out and some of those things I think are just for us as commissioners to evaluate in the context of the application like does it go to Commission Goals. I don't know that's something for the applicant necessarily as much for us to evaluate. That's the only thing and that's the thing I liked about having the opportunity this time to kind of direct the Casino money because you could help some of the smaller entities that may not have had the opportunity in the past.

Commissioner Walters said I'm particularly interested in the Casino Grant comments. I don't have all the requirements memorized so I couldn't really tell as we were going through those which of any deviated from our current list of requirements. I think it is good to have a debrief on the Casino Grant process because we made a dramatic change last year and we really haven't talked about how that worked. I will tell you I think it worked fantastically in my district and from a couple standpoints. One, I think for whatever reason it created a lot bigger pool of applicants and a lot more participation from people in District 7 who previously—there had never been an application from District 7 for the Casino Grant money. In conversation with people that I represent everybody who I have talked to had great things to say about that process so that's a good thing.

Our big change obviously was the decision-making. We wanted to try to keep the process pretty much the same. We advertise, we receive applicants, we have them vetted by the Greater Kansas City Foundation and the only change we were trying to make was that instead of a third party panel making the actual awards, the commissioners would make the actual awards. I think we could strengthen that a little bit. I don't know that we got that much vetting from the

Greater Kansas City Foundation and maybe we could review that portion of it a little bit. From my standpoint, and I'm glad we have this opportunity to talk about it, I think all of the improvements or changes we made to that process were done very well.

Commissioner Walker said I think in total the process worked well. I'm not opposed to making sure that we have accountability and somewhat more rigorous requirements, but I'm thinking of one group on Central Avenue that I donated to. I'm concerned that these small groups—it's going to be a difficult hurdle to meet all those requirements in terms of just getting through the paperwork necessary to get your application before us. I think I teamed up with Commissioner Townsend on one for \$10K. That was the largest in one piece I gave. The rest were \$2,500, \$5,000 and you know at some level I think there are groups that will say it's just not worth \$2,500 to go through all of this. It's early. We don't know what the results were of this year's donations yet so I don't know how to evaluate the impact we had. I've had no negative feedback about it. Obviously, there were groups that wanted money that did not receive it and I'm sure they are disappointed. I'm not opposed to looking at rules that regulate perhaps how many times or how much money in a given time period or those kind of things that they make sense. I think the money should be spread around the community, but it shouldn't be squandered in the community. I don't think everybody who applies is necessarily entitled to a piece of it every year or every other year, but I'm willing to look at some restrictions so it isn't the same groups getting the money every year all the time, but then again you look at who operates in the community and there is a fairly finite set of 501c3's that would apply for this money and so you are going to get some duplication year after year after year because they need money year after year after year and what they're doing is good work year after year after year. I wouldn't want to be too hard on restrictions, but yes maybe you cap them out, no more than—I don't know what the number would be \$25K in any two year period or pick a number, but I think we could look at some requirements. I just don't want a process like CDBG where the applicant has to go through a tortuous process to ultimately get the money. That's not what the purpose of this was for. It's not our money. We're giving away somebody else's money that they are required to give us and while we should be good stewards we should not—we're not the federal government either.

Commissioner Kane said I agree with Commissioner Walker. I don't want to make it any harder. I do like the list. I think we need to make the list shorter but it's a great starting point but kind of weed it out. I do oppose putting it on our committee just for the record. The reason they were shortest is because we're good. We do need to modify some stuff, but we need to not make it so complicated that the folks don't want to apply for it.

Commissioner Philbrook said I want to thank you for bringing all of this forward in such a concise manner. I think all of us have thought about this multiple times but it didn't float high enough on the list of things to work on so thank you for doing that on this.

My biggest concern about this process is that we understand exactly what vetting means and what that looks like you know to what extent we're vetting and what we're vetting for. Just to tell them to vet is not significant enough. We need to understand what we're asking them to do. I think that's part of why we missed some things last time was because the vetting was done a little bit differently so I would say we look at that and take note when we start this in our committee.

Commissioner Bynum said I think that Commissioner Walter's has correct a lot of what I suggested is present, I believe, in the Casino Charitable Grant Dollar Application. I'm not aware that the Commission sees the Drug & Alcohol grants. I haven't seen one of those applications in a long time, but way back when I remember that application had perimeters and it had restrictions and there is an appointed Drug & Alcohol Committee that looks at those and brings us those recommendations. It's interesting to me you know that the different grant funds have different processes under which they operate and I am really okay with that. I'm looking for transparency on the website; I'm looking for you know, again, buttons or links on the website. If we're going to have a button on the website that says "I want to apply for a grant", then when you click on it I would prefer that it takes you to "these are the grant funds that the Unified Government has available to you" and then under each of those categories it clearly defines for you what those opportunities might be.

The other point that I wanted to make around the latest grant round that we worked through which was the Community Funding Application was that timeline. I did want to mention that as well. That grant that ended up basically being the CDBG application has a

deadline of February and it struck me that if someone brought forward a very worthy project that fits within CDBG guidelines in March or April or even May, they wouldn't be able to apply for almost nine or ten more months. If they were funded in that following year, they wouldn't be funded with dollars until the year after that so I wondered about the possibility of extending out that time a little bit unless I don't understand that process. **Mayor Holland** said there has been a lot of conversation about this very topic and I think Commissioner McKiernan has volunteered to weigh in.

Commissioner McKiernan said so you have to go back a little bit further in history to understand. All your comments about publicizing and web links and transparency are well taken. They are important and they need to be followed, but especially Commissioner Markley and I have been very, very deliberate about moving up our deadlines so that we have—the February deadline ends up being deliberate so that we have those information before the first draft of the budget gets created because at this moment in time, if I'm not mistaken, department heads start turning in their first draft budgets in March. **Mr. Bach, County Administrator**, said yes. In fact we are already moving Capital up earlier than that. **Commissioner McKiernan** said so if somebody right now was to submit an application in April, the bottom-line is that for a lot of department spending it's already in first draft or second draft form so our intent was to move all of these submissions up before first draft was ever completed and then take all of that into the process so that our Finance team and all the other determiners of funding had all that information very early on. While I agree that we need to be just as open and as informative and educational as possible I think we need to keep the early deadline so that we can be very thoughtful and deliberate before the first draft of the budget every gets created.

Commissioner Markley said I get to say this last thing and then I'm going to leave you. I agree with Commissioner McKiernan obviously. There is history behind that in that during our first few budgets people would literally show up the night before we turned the budget in literally and sit at this table and say I need money and what happens, and we've seen it a little bit in the past budget as well, that everybody feels sorry for that person, they are really nice and they have a great program and we say okay you seem really nice and you have a great program, we're going

to give you some money and then our staff is left scrambling trying to figure out how to award those dollars literally at the eleventh hour and we want to avoid that.

The other thing I will say is you mentioned if they need the money fast, they have to wait until that new budget year. What we see every year is that you know we do the Revised 2015 and 2016 Budget so when we do have a project that maybe has a timeline or is a little more rushed, we've been able in most cases to allocate them in the Revised budget year which gives them the money in the year they are applying instead of in the future year. There is sort of a mechanism to handle those more rushed, as rushed as government can be, more rushed type grant applications and we've been lucky to always have that sort of turning money available to reallocate during the existing year and take care of those while still doing the future budget as well.

Mayor Holland said one thing I think we could do and what happens is right now we get that February deadline and the staff goes through and sorts all of those applications and says these could be CDBG, these could be General Budget. I think if we do what you're talking about, commissioner, and clearly delineate those as separate application forms that people would either need to apply for a General Budget or for CDBG, and then I think we could separate that. I think we could also help with the General Budget application. I think that's what you're talking about the Community application form, the very broad form, which was intended to give—and it was a very—it was a long conversation about whether or not we would even do an application because just having people stand up and ask for money didn't give us any structure. Our fear of creating an application is everyone would think that we're going to give out a lot of money. I think to create an application—to maybe strengthen the General Budget application form or maybe they can specify—you know a Transit request just came in through that to increase the bus route in Rosedale and we had that and we worked it through the budget and we were able to get it done and that was clearly General Budget money. I think we could identify on the form these are things that qualify for the General Budget, this is the application you want to fill out if it's General Budget that I think has to be done in February if we're going to have any shot at it getting into the General Budget.

I think the CDBG money could be—we can allocate the bucket during the budget of where that money is going to be like we did this year that this is going to be for our Housing

Reconstruction. We don't necessarily by the end of July have to designate who is going to receive the money and so it is possible that we could take the CDBG money, identify how we want to spend it and then do a separate application in that category. That's something obviously I've argued for before that I want to get the vision out to the community about what we're receiving applications for whether it's Human Services or Capital Investment or some kind of redevelopment. If we want to do an Economic Development focus or a Human Services focus and that's the debate we had during CDBG. I think we can set those percentages, set those amounts and then open that application up for people to apply specifically whether they want to apply for Human Services amount—and granted we might want to change the percentage a little bit depending on what applications come in because there might be a reason I think at the eleventh hour we had one where we took Capital money and put it back into Human Services. There could always be that flexibility from the Commission side, but I think if we set the general perimeters of CDBG and separate that application completely out from the General Budget application, it could potentially have a different timeline and would not necessarily be tied to February like the General Budget one is.

Commissioner Markley said and this will probably be something that the committee can debate as we go forward as far as what that date looks like. I do think there will still have to be a deadline that's probably earlier than, Mayor, you would propose just because as we have learned the process to get a project jump started in CDBG is long and difficult. If we want the money to be spent within the budget cycle, which we would like to get to a point where that's happening, it hasn't happened in the past, but we want to spend that money as quickly as the federal government wants us to spend it. We can't wait halfway through the year to allocate the funds so we will have wrestle with what exactly that date is, but I think there has to be a date there so that we can make sure we're moving that along in a speedy way. **Mayor Holland** said as speedy as government can be. I don't think we want a rolling budget cycle—a rolling application but whenever the application comes in then we will consider it.

Commissioner Johnson said I heard you talking about Casino Grants, but we also have the CDBG and we have the Drug & Alcohol Grants. There are processes for all of those and I tend to agree with the comments that have already been made particularly for the smaller

organizations and for the smaller amounts. I don't think we should be so onerous on those, however, as those amounts increase I think that we should be a little bit more diligent to get more information on those. Also, as a newbie I think maybe this might be something as a suggestion, is that we would perhaps look at all of those application processes during Strategic Planning to see where there might be processes and/or areas that we can improve and/or modify in that particular area. There might be, at that particular time rather, there might be similarities and/or there might be areas that we find that are not as productive in those application processes along all three of those lines and if there are other areas as well, maybe that would be a good time for us to kind of lay out all of the different areas that we have grant funding and the processes by which applicants are able to apply.

I do agree also with Commissioner Bynum about putting it out on the website and having a place where they can go to such a place as an al carte listing I suppose to be able to click in the area that they would like to apply.

I would like to look at all of the different application processes and make decisions based on that intelligence at that particular time.

Commissioner Philbrook said all the different processes, so is it just the CDBG stuff that Administration & Human Services is going to be looking at or is it the whole herd? **Mayor Holland** said well I just want to congratulate you at this time on that committee that I anticipate the whole herd will go to this group just so it has a working place. I think there is consistency needed and there's like topic. We don't need to reinvent the wheel. If you come up with a good process for one, it's going to be a similar good process for the other. My other comment about this is that I think that our committee would be bringing this back to the full commission at that time for us to kick the tires and figure out where we want to go. **Mayor Holland** said the standing committee can send things to the Commission either for consideration or for decision so it can either be brought to the Commission as a discussion item or it can be brought to the Commission as an action item. We just need a working group to strengthen it and I think the staff needs to listen to this dialogue and take the pieces that we're working on and craft some structure to that conversation so it's not just an open ended conversation the whole time and I have the commitment from staff that they are going to be doing that to bring some more structure

to this and maybe even bring a recommendation to that standing committee that the standing committee will have a starting from and can move pieces here and there. I think that's the goal.

Commissioner Walker said I think the Alcohol Advisory Committee was established initially many years ago, to Commission Johnson's question, was simply because the state law limits somewhat, I don't know if severely is the word, that money can't be given to a community farm. It's pretty much for the use of alcohol treatment counseling and so there is a very limited subset of applicants. There's not a lot of discretion in where that money can be used. I mean if the Commission wants to take on the additional work of going through that rather than have a committee of people do that, participate in that, I guess that's fine; but it's going to be more in my mind cumbersome to do that and less efficient for us with the time limits and the work we already have. Again, I don't care. It's just that there is no discretion to funnel that money into other kinds of projects. It has to go to alcohol treatment. **Mayor Holland** said that's right. It's probably our most restricted fund.

Commissioner Bynum said with respect to that particular fund I really wasn't even sure if the state law requires that we have a separate set of appointments. I mean we appoint people to that board for that purpose and I don't know if that's required by state law or not. I know that money is governed fairly strictly. One of the comments I made to Mr. Bach and his staff when I was meeting with them was that I cannot move beyond the irony of the notion that in order to get more Drug and Alcohol money into that fund we have to drink more alcohol and I struggle with the irony of that. Beyond that I'm aware that it's governed by state law. **Commissioner Walker** said that's true. **Mayor Holland** said its alcohol tax. **Commissioner Walker** said its alcohol tax so the more you drink the more money we get in the fund.

Commissioner Walters said just a couple comments that are rolling through my brain right now. The Casino Grant money is \$500K. The CDBG is a couple million dollars and our budget is \$320 some million dollars. I know in the last year particularly Brian and Angela has spent a lot of time trying to figure out and process for CDBG. I know the previous year Brian and I and Ann spent a lot of time trying to process a new format for the Casino Grant funding so we spend a lot of time on a very small portion of our budget. I am cautious about suggesting that we spend any time at Strategic Planning on this kind of thing because we already spent so much time,

various commissioners have, in trying to continually improve the process and I think we should continually improve it, but I don't think we need to start over every year or every two years. Strategic Planning is very important. I think we should keep our eye on the large issues and the issues that really affect our county both now and in the future more so than these two items.

Commissioner Johnson said I want to make some clarifying statements. I think it's an interest of making sure that we're all on the same page and not in the interest of starting all over, but making sure we're all on the same page to understand where these funds are going and how they are meant to be spent, that we all know. It will probably be rehashing it for some of the more tenured commissioners, but at least to make sure that we're all on the same page in terms of knowing where these funds go particularly as it relates to Drug & Alcohol. If it's going through a special committee that we're assigning persons to, I have no problem with that. I just think it would be good to make sure that we're all on the same verse on the same page as it relates to that. That's just a matter of information and a time to maybe add or modify, if we see the need to, as opposed to suggesting and insulting the time that has already been spent by those commissioners that have spent a lot of time already. It's just a matter of making sure that we're all on the same page and reading from the same sheet of music so to speak.

Mayor Holland said I can say the fastest way to address all of these would be to set up a structure like Drug & Alcohol for each of them and assign them out and not spend Commission time on them. That would be one alternative, that we assign them to a subcommittee, a third party, that we pick of our choosing and let them vet it and let them do all the work and make the recommendations and then we would spend much less time on each of these grants than we do now. That's just an observation.

Commissioner Bynum said I appreciate the conversation. Part of why I brought it was because of the observations that I had like I said coming in basically midway through both the Casino process and the CDBG Community Funding process. To Commissioner Walters point, it's interesting to me that if you put the Casino Grant application side by side with the Community Funding Grant application, the grant that has a max award of \$44,900 is more structured and stringent than the application that could potentially award hundreds of thousands of dollars. That

is part of the observation I was making as I made my way through that process for the first time with all of you and its part of why I was bringing these bullet points to your attention. I appreciate the conversation very much and I'm just hopeful that we can tweak the marketing piece of it all, website and otherwise, and I will look forward to joining those fellow commissioners on the AHS Standing Committee to work on this further.

Commissioner Murguia said I have just some very overarching brush comments to make and just my experience for being on the Commission for eight years and I would welcome anyone that has been on—Commissioner Kane has been on longer than myself. You know our government is, as Jim has alluded to by talking about the \$350 some million dollar total budget, there are many pieces to our government. I'm just saying if anyone that is elected to office thinks that they're going to learn every piece of that in the four years that they're here, you won't. I've been here for eight years and I can tell you after my first term I was so frustrated because I tried to learn and get in the weeds on every single topic and every single issue. I learned very quickly that I needed to focus on the areas that I felt in government were a priority with my district and I did that by looking at a survey of my district and finding out what my districts priorities were and I focused in on those. There are things that we talk about that I can tell you a commissioner like Commissioner Bynum has been on the Commission for five months will probably likely know more than I do because you just have to cut your losses. You just have to decide what is important, what your particular focus is going to be on and you need to drill in on that to really have the level of impact that you want to have. I get when Commissioner Johnson says we all need to be on the same page and all understand that. I just don't want you to have any false expectations that we're always all going to be on the same page and I don't mean in a negative way, I mean that we're all going to have the same level of understanding of every topic because I'm telling you right now I'm not going to work that hard because there is no way any human being can understand every facet of what we do up here at the government.

My understanding that these Commission committees were formed is to sort of in a very positive way divide and conquer. What I liked about our Commission is that they are very driven and wanted to see results, wanted to see things get done, make a difference, and what we identified is that those grassroots organizations in our community were having the greatest impact and we were doing the least amount to support them financially. That is something, and

it's not necessarily what an appointed committee understands, because they would simply be reviewing more from an academic perspective the grant proposal that was given. The benefit of breaking these committees down by commissioners is that commissioners as elected officials should, if they're elected, understand their district and understand the needs and the wants of the majority of people that live there so that was one of the benefits.

A couple other points, so I would just really encourage all of you to make the best use of all of our time that if somebody has a particular interest in a particular area of our government, that they investigate that with our staff. That's what they're here for. I can tell you Doug Bach and all of his staff are fantastic about answering questions I may have about a particular thing whether it be employee raises, union issues, CDBG money; depending what the topic is. I will still remind all of you there are things after eight years here that I know very little about simply because there is just not enough time in the day to know that.

The other thing is we have got a lot going on at this government and we don't have a lot of staff for those of us, the Mayor, myself, Commissioner Kane; who were here when the recession hit, again, don't ask me to give you the details. This is something that I just relied on Doug and the former Administrator Dennis Hays to handle, but I think we—am I crazy to say we lost 400 jobs through attrition? **Mr. Bach** said 200. **Commissioner Murguia** said 200 jobs through attrition where you know people that retired we just didn't fill those positions again and so that really cut our staff levels. I will tell you I don't really recall Administrator Hays or Administrator Bach since then refilling all those positions that they are trying to become more efficient themselves. Our Commission was willing to step up and do some of this legwork, roll up our sleeves and actually get into the weeds and actually do some of the work so that's originally what my understanding was with having these Commission committees.

I'm with Commissioner Walters that these commissioners that serve on these committees, in particular again, I'll echo Commissioner McKiernan and Commissioner Markley; they have spent hours and hours of time and I know—I'm not sure what Commissioner McKiernan does but Commissioner Markley is a fulltime attorney and she works fulltime and she has a family also and she is very busy so I appreciate all the time she spent on it. I just don't want us to—I think the committee thing is a fantastic. I particularly love the idea of every meeting that we have being videotaped. I love that because then there is a record of what is said

and what is done and I do love that so I think that's great, but that's just my general observation in regard to committees and how things are allocated.

Commissioner Kane said I don't and I'm not trying to make anybody mad, I like the idea of the subcommittee where they come back and talk to us because when you throw this on—and Commissioner Murguia is right, I'm really good with union issues and there are so much other issues that I'm pretty weak in for two reasons. One, I don't want to dig into it and two, that's not my area of interest and when we throw this away from a committee who brings back the ideas, and I know we had an issue this last time and we need to get past that, but I would still rather have a committee of two or three, have them come back and get the issue straightened out and then work with the issues they brought us to instead of putting it on a committee that some may be more interested than others. **Commissioner Philbrook** said you're not referring to our committee are you? **Commissioner Kane** said well I'm specifically talking about myself because this doesn't affect my area as much as it does some of the other areas. I'm serious.

Commissioner Walker said I guess I have a general question for Mr. Bach. I don't have a problem with giving it to a standing committee or to a permanent Ad Hoc Committee. I guess I believe that the people that should be on this Ad Hoc Committee are the people that have not only an interest in CDBG, but their district is involved with CDBG. Where we seem to have a disconnect is that it's my understanding that this Ad Hoc Committee was told that we do not have the personnel to staff a televised Ad Hoc Committee or keep minutes or record. Is that true? Do we not have the manpower to—I mean part of the goal here is to make it a transparent process and either way achieves that. It's just like Commissioner Kane said, he's on that particular committee and I don't think his district is eligible for CDBG funding so his interest would naturally be less so. I don't believe Commissioner Walters has any CDBG eligibility because the two cities he has don't seek the funding. **Commissioner Philbrook** said no, he has some of Kansas City, Kansas. **Commissioner Walters** said but not CDBG eligible. **Commissioner Walker** said well in any event I guess my point is, Mayor, I'm fine with you going either way. I wonder if you get a better product out of a disinterested committee that has people that don't have the direct benefit—I don't know that the whole committee would be disinterested, but where is the best talent for CDBG and where do you put them and how do you

insure the transparency that everybody can turn on the TV or get a copy of minutes of what transpired. That's the goal, is it not? **Commissioner Walters** said that's one of them. **Commissioner Walker** said so I guess either way.

Mayor Holland said I will let Mr. Bach answer the question that you asked him specifically about staffing. Several things about the standing committees that are just very efficient in terms of we already have a program for making sure every commissioner gets the agenda for both sets. We already have staffing deadlines built into the calendar where we know when that's coming forward. We just have a system already set up, all the meetings are at 5:00 p.m. and usually 5:30 p.m. or 6:00 p.m. so we have just a set system that works very efficiently and I think moving this into that efficient system helps it so that's my thinking on that. I will let Mr. Bach answer your direct question.

Mr. Bach said I think as far as where the committee meets—if we were meeting in this room, one that's a resource issue just from Logistics that we would have to have so that comes into play. Now I will say when it comes to special meetings and times yes I'm limited on what we have. You know we put together UGTV. Basically we started it without a budget and then we've allocated money to it and put a little bit more toward equipment. I haven't hired any new staff to do that. Basically Mr. Birch is my number one, in a singular motion, two camera operator. We've built in some back up staffing, found it to be as efficient to go out and have some outside sourcing to come in for that to be his back up. There is a cost to that and I don't have additional money built in so if we were to do additional meetings that we wanted to have recorded, then we would need a budget for it.

One thing I would offer on the comment about coming—kind of the structure back to this meeting and I think this kind of goes back to Commissioner Walters comment that you do spend a lot of time on these grant programs and I think the Commission maybe takes them on in a different role beyond maybe what you have to and I know there is a lot of ownership to them, but I think if it's the policy level where you're after and the workload should be back on staff. I will say for as long as I've been here I've watched Community Development Block Grant money be a very painful process really. I mean there are some years that are less than others, but you know you all spend a lot of time working it and getting down into the weeds of every little thing about how we're doing it and I would say it would be a goal mine in working with you as we

come to standing committee would be how do we set these things at the policy level whereas you can put the onus back on staff to do some of the work, develop some of the different programs. I mean I will say for many parts there are a lot of staff members that are very tentative to do anything with some of these grant programs because they feel like the Commission is going to jump down on them about we're stepping across the line in getting something to this Commission and you ought to be telling us we should be doing that. If we go down this road, I will be directing my staff to come up and do the work so you're not feeling like you're spending all that time doing those things and coming up just as Commissioner Bynum went through the different layouts of how we advertise these things. I think if we know what we're doing as far as how we're going to go out and do these things in advance, then it becomes our obligation to get out there and put a good marketing program in place and make sure it's done, but a lot of times we're kind of feeling our way through all the time and we change so it's been hard. I would just say it's a partnership there where we need to step up and do a lot more work with this process too with you.

Commissioner Murguia said I just want to follow-up on one of your comments Doug. I apologize, but I will lose my train of thought, I don't want you to keep too far off it. I like everything that you're saying except I'm going to stick up for your staff here for a minute. Melissa Mundt happened to be the one working with us on CDBG and it turned into such a big deal I even recognized it was a fulltime job just the CDBG Committee was. I even recognized that and today it is still a fulltime job for Melissa answering my questions and I recognize that. I tried to express that in an email Melissa. I recognize that. It makes me uncomfortable because I think how is she spending all this time on CDBG when I know she has other things she has to be doing. As Jim said, that's how much—what percentage of our budget and so I agree with you in what you're saying and I also think that from a policy perspective in making a policy decision I think that is going to continue to increase the workload because really in these meetings—I can only speak to, for example, Casino Grant funds. You know I was on the committee with Brian, Jim and myself and when we came up with they asked us how do you want to do this, we told them, they did do the work. Brian, Jim and I didn't sit down and draw up the document that said these are the requirements to apply for this money. I didn't do that. Yes, Joe did it. That's right. Joe, you were in our meetings, I can't even remember. There is always a staff person so all the documents that come in front of the Commission are done by your staff. So now if you're

suggesting that they try to do it after conversation I think sometimes that's not always great specific enough direction to get them going. I just think it could be—it would turn into a bigger job than it is now. I know Commissioner Markley who chaired the CDBG Committee worked very closely with Melissa and I know she did some of the actual work. You know Commissioner Markley is an attorney so she was able to actually do some of the work. I think that's helpful to staff at times, not necessarily their job, but helpful. I'm fine with doing it where all of that falls onto staff. I think that's a great idea, but I'm not sure that staff is going to think that's a great idea with all the stuff we have going on. I just don't think we have enough staff. Now I sound like you. I don't think we have enough staff to do what our Commission is asking them to do; I just don't think we do.

Mr. Bach said I just wanted to add one more comment I guess just to add to the overall workload and it's a positive. I don't know how many of you remember this and I think some of you do, but one of the positive things we have coming as we move into the phase of Schlitterbahn, they have to write us a \$750K check which will probably be coming in in the next month and that's toward charitable programs so it falls into the mix with that. Now, it's not as lucrative annually you know next year then it moves to \$100K and I think it has a ramp up of about \$25K plus each year so that's one of the things you all approved with them and we've moved forward. It's another good pot of money that comes back in but it falls into the mix here and I just didn't want to miss that because it will probably be about a month and it will be starting to head our way and then we will figure out which program to put it in.

Mayor Holland said I think this dialogue has been good. I think we have a lot for the staff to digest from this meeting to bring back to the standing committee and I do think that I would aspire and I might be alone, I would aspire that we spend as much time on the other grants as we do on the Drug & Alcohol Grant. Where the state sets the perimeters and policy, we appoint people capable of filling that protocol and then the grants are made and we ultimately approve them. I would just say we could spend less time on this, but I think that's going to be ultimately for this Commission to decide.

Commissioner Walker asked are we at some future meeting or special session or at Strategic Planning going to further clarify policies surrounding CDBG at least to the extent of addressing

the confusing things we heard that you couldn't apply if you hadn't spent the money in the year that you got it. Everybody had a territory and you couldn't go anywhere else. I mean those of are some of things and I'm sure there are many others and I don't know that I have an answer to what those rules are but we have to get to that sometime. **Mayor Holland** said we have to get to that and my recommendation is I think that needs to be the first order of business for the standing committee because I think the Casino Grant we have a little more time until the first of the year, but I think the CDBG rules and guidelines and we have \$350K in limbo, if I remember correctly, that committee will have to make a recommendation on and then this full commission ultimately will decide. I think the first order of business would be to address the CDBG guidelines and especially that initial \$350K.

Commissioner Murguia said so I would suggest this would be a great opportunity, Administrator Bach; it would be great if you would email out to all the commissioners the CDBG guidelines. I think that would be a fabulous start. Email it out to them; take a look at that document. **Commissioner Walker** said you mean the existing federal guidelines? **Commissioner Murguia** said yes. I think that's it. You're asking for the guidelines for CDBG money. Wilba has worked tirelessly along with Melissa to express to all of you that the guidelines every single thing you say there is an exception to, everything you propose it depends, it's very in-depth, it's very in detail, it's very specific to the project. This question has come up over and over again. So just for my piece of mind all that I would request, not that any of you are going to read it, but I would love it if Mr. Bach would give Melissa the opportunity to email out to this Commission the CDBG guidelines please because I have that book at my house, actually it's a two book binder, that is that thick and those are actually the guidelines and so if we want to do that, that would be great.

Commissioner Walker said that's not what I'm talking about. If the guidelines are already defined, the answer to those two questions that I just raised and there are probably others that I'm forgetting, well then we need to have our Legal Department answer those questions for us. **Commissioner Murguia** asked what two questions. **Commissioner Walker** said does a 501c established in a certain area have exclusivity and can't go outside the borders of where they're doing their primary work. In other words, could you know stay out of you know—as far as I'm concerned, and Highland Crest is my area, there are different areas in each district; anybody that wants to come build there that's fine with me. I want to tell you if there's not a

federal guideline that says so, then we need a local guideline that says if some other 501c already exists in Turner wants to build there, let them build and that's the same with CHWC. If you want to build houses over here, anybody can do it. If you want to build in the northeast in a collaborative effort or uncollaborated effort with somebody else and then the one about can you apply in a year in which you had received the previous budget year and you didn't spend the money? Well, the problem there is you can't get the money. **Commissioner Murguia** said my question is, Hal, if somebody answers those two questions for you is that going to cause you to ask more questions? **Commissioner Walker** said well that's the only two I can think of that I've got. I was just throwing that out there. Maybe the other commissioners had other issues that came up during that whole debate, but if the federal guidelines answers all our questions, then I'm fine with it. I know what federal guidelines look like. I've dealt with them in all kinds of subjects. They are voluminous. I know Gayle with her job; I can't even imagine what the federal aviation has for guidelines. They must be volumes and volumes and volumes. No, I don't want to read a book that thick on CDBG. I just want our people to be able to understand on a laymen's level what the rules are.

Commissioner Townsend said I agree with Commissioner Walker. I don't know that sending out the regs is really going to get to the issue of allocation. That's what we were dealing with as a committee and as the broader Commission. You know what are we going to do in terms of anybody can apply. The issue comes down to how the money is allocated and to who is it allocated. That's what we decide.

Mayor Holland said that's right. The questions that Commissioner Walker asked I think are policy questions internal to the Unified Government in terms of can you apply if you have the unspent money, that's an internal question because I don't know that the federal guidelines speak to that and that wasn't even a formal policy of ours, it was more of an informal policy. I think we need to see that this group to come up with firmer or recommendations for our local allocation and we need to turn those rules, the guidelines we want over to staff to vet through the regulations because I don't think you start with the regulations. I think you start with the intent of the Commission and then you vet it against the regulations to make sure what we're wanting to do is allowed under CDBG policies. **Commissioner Walker** said maybe we need to vet the, for lack of a better term, the usual suspects that apply for CDBG money and find out what they

think the rules are and collect all these things, their understandings, just these kinds of things that were said during the discussion because I never heard any of those rules ever before, but yet they seem to think they are rules that you can't go outside your—I'm repeating those two, but maybe you all heard others. Anyway you've answered the question. We're going to address it at a later meeting in more detail, but we should know what our people think. **Mayor Holland** said sooner than later I think. I think we cannot let CDBG money sit idly for any length of time.

**MAYOR HOLLAND ADJOURNED THE
MEETING AT 6:40 P.M.**

dt

Bridgette Cobbins
Unified Government Clerk

September 3, 2015



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3064

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: September 24, 2015

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

Weekly Business Material for September 24, 2015

1. CONTRACT:

Kansas Heavy Construction, LLC, for 2015 CNIP Bid Package No.1. Project ID 1294, \$924,458.30.

Action: Approved by Deputy County Administrator and received and filed.

2. COMMUNICATION:

Low Levin, Chief Financial Officer, regarding warrant cancellations:

<u>WT. NO.</u>	<u>ISSUED</u>	<u>AMOUNT</u>	<u>FUND / VENDOR</u>
762706	4/2/2015	\$975.00	160/County General Fund V #32762 past 45 days
757091	1/23/2015	\$640.75	791/Tax Distribution Fund
769022	6/26/2015	\$640.74	V #T1032 Wrong Vendor & Address
773437	8/28/2015	\$20.50	160/County General Fund V #35012 Issued in error
771241	7/24/2015	\$2,000.00	110/City General Fund V #FW077 Lost Warrant
773147	8/21/2015	\$24.59	160/County General Fund V #J8178 Doesn't want to be paid for this service
765800	5/8/2015	\$10.66	790/Tax Collection Fund 160/County General Fund V #1464Q Past 45 days
771078	7/24/2015	\$151.80	790/Tax Collection Fund V #5284P Past 45 days

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 22, 2015:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Ada V. Palacios	B & L	9/24/15	Caretaker

Section II - Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Janae N. Robbins	Appraiser's Office	9/10/15	Info Systems Analyst	Program Supervisor

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Logan Anderson	DA's Office	9/25/15	ADA II
Chukar M. Bailey	Parks/Rec	9/7/15	Lifeguard
Jaelan L. Bradley	Parks/Rec	9/7/15	Lifeguard
Tyler W. Burnett	Parks/Rec	9/1/15	Lifeguard
Erin Chappell	Parks/Rec	9/7/15	Lifeguard
Yadira Chavez-Arambula	Parks/Rec	8/21/15	Lifeguard
Julian H. Cole	Parks/Rec	8/27/15	Lifeguard
Marquise J. Cooper	Parks/Rec	8/11/15	Lifeguard
Catherine L. Cortez	Parks/Rec	8/21/15	Lifeguard
Michael T. Creek Jr.	Parks/Rec	8/21/15	Lifeguard
Craig G. Duke	Fire/Admin	9/16/15	Deputy Fire Chief
Michael R. Garcia	Fire	9/16/15	Master Firefighter
Brandon W. Hand	Parks/Rec	9/4/15	Instructor
Mark S. Heinson	Fire	9/16/15	Master Fire Driver
Terrance L. Henderson	Parks/Rec	9/6/15	Leader
Fabian A. Hernandez	Parks/Rec	9/10/15	Instructor
Kennedy Hernandez	Parks/Rec	9/7/15	Leader
Armani D. Hooks	Parks/Rec	9/7/15	Lifeguard
Brandon D. Huskey	Parks/Rec	8/10/15	Lifeguard
Doris E. Jones	Parks/Rec	9/7/15	Instructor
Irene M. Manning	Health/PHS	9/22/15	Program Coordinator
Anthony W. Mots	Fire	9/16/15	Master Fire Captain
Marisa Ortiz	Parks/Rec	7/8/15	Lifeguard
Nicole Ortiz	Parks/Rec	8/21/15	Lifeguard
Angelo Pena	Parks/Rec	7/30/15	Lifeguard
Jahania Pena	Parks/Rec	9/7/15	Leader

Sofia Pena	Parks/Rec	8/26/15	Lifeguard
Marcos C. Ramirez	Parks/Rec	8/21/15	Lifeguard
JaJuan Reed	Parks/Rec	9/7/15	Lifeguard
Terryl E. Rubin Jr	Parks/Rec	9/5/15	Lifeguard
Sa'Mone D. Springsteen	Parks/Rec	9/6/15	Lifeguard
Ivica Tomasic	Parks/Rec	9/11/15	Maint Tech I

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Harry Keith Jr	Sheriff/Admin	10/9/15	Deputy
Charles A. Lyles	Sheriff/Admin	10/17/15	Deputy

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Kathryn C. Smith	Appraiser's Office	9/24/15	Admin Supt Asst	Admin Supt Specialist

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Robert Angell	Police	ACD code change effective 9/17/15
George Sims	Police	ACD code change effective 9/17/15
Nykita S. Sullivan	Finance/Treasury	Amend PAC 9/9/14 to reflect employee type change from 3/1 effective 8/28/14

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 24, 2015:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Fobert E. Fields	Public Works/Parking Control	09/24/15	School Crossing Guard

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Daniel W. Andrews	Fire Suppression	9/17/15	Fire Driver	Fire Captain
William J. Feden	Fire Suppression	9/17/15	Fire Driver	Fire Captain
Brooke A. Haulmark	Election Office	9/24/15	Intensive Supervision Officer	Program Coordinator

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Jo D. Boeding	Legal Dept.	9/10/15	Chief Legal Counsel

Section VI - Interruption in Pay (Workers Comp Adjustments, Suspensions, etc.)

Name	Department/Division	Eff. Date Begins	Eff. Date Ends
John C. Cygiel	Urban Planning & Land Use	9/21/15	9/25/15

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Albert and Nettie Crouch, 6537 Georgia Ave., alleging damage to hub caps due to a sign hitting it.

Action: Received and filed. Copy previously forwarded to Legal Department.

6. NOTICE OF CLAIMS:

Patricia Ann Luikart, 214 N. 82nd Street, vs. Unified Government of Wyandotte County and Kansas City, Kansas, through James Barnett and G. Stuart Englebert, Attorneys, Barnett Law Firm, Ctd., 816 Ann Ave., Kansas City, Kansas, alleging injuries sustained to leg after stepping on a water meter cover on August 9, 2015.

Jermaine Elerson, 5724 Waverly Ave., vs. Unified Government of Wyandotte County and Kansas City, Kansas, through Rick W. Devault, Attorney, The Devault Firm, L.C., 3720 NE Troon Drive, Lee's Summit, MO, alleging injuries sustained while in Kansas City, Kansas Police custody on August 2, 2015.

Action: Received and filed. Copies previously forwarded to Legal.

7. SUMMONSES:

U.S Bank National Association, vs. Pauline Acosta et. al., John Doe, Mary Doe, Unified Government of Wyandotte County/Kansas City, Kansas; Joseph Acosta, Attorney in Fact; Case No. 2015-CV-000861.

Henry L. McDaniel, vs. the Unified Government of Wyandotte County/Kansas City, Kansas, 2015-CV- 000879.

Action: Received and filed. Copies previously forwarded to Legal Department.



Staff Request for Commission Action

Tracking No. 15108

Full Commission Meeting Date: 10/01/2015

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 09/24/2015	<u>Contact Name:</u> George Brajkovic, Director	<u>Contact Phone:</u> x5749	<u>Contact Email:</u> gbrajkovic@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

On 02/26/15, the Board of Commissioners adopted R-18-15, approving the Global Headquarters Development Agreement with the Dairy Farmers of America, Inc (DFA). Subsequently, on 05/14/2015, the Board adopted R-31-15, a resolution of Intent to issue \$30M in Industrial Revenue Bonds (IRBs) to finance the project. As the project design is nearing completion, DFA is requesting an increase in the IRB issuance amount from \$30M to \$46M. Cost adjustments in both Building and M&E costs are the areas of increase.

As required by KSA 12-1740, a public hearing must be conducted to consider an abatement/PILOT associated with the use of IRBs. As such, staff has vetted the increase request, completed a Cost-Benefit-Analysis, and is supporting the request as submitted by DFA.

Action Requested:

Conduct Public Hearing to consider PILOT.

Adopt Resolution of Intent to issue \$46M in IRBs and approve PILOT structure.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent DFA

RESOLUTION NO. R-____-15

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES IN THE AGGREGATE AMOUNT NOT TO EXCEED \$46,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING MULTIPLE FACILITIES FOR THE BENEFIT OF DAIRY FARMERS OF AMERICA, INC.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Dairy Farmers of America, Inc., a Kansas cooperative marketing association, or its successors or assigns (collectively, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing and equipping one or more facilities as more fully described in the Application (each, a “Project” and collectively, the “Projects”) through the issuance of its industrial revenue bonds in one or more series (collectively, the “Bonds”), the aggregate principal amount of all series of the Bonds not to exceed \$46,000,000, and to lease the Projects to the Company, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of each Project by the issuance of the Bonds in one or more series under the Act, the aggregate principal amount of all series of the Bonds not to exceed \$46,000,000, each series of the Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the applicable Project by the Unified Government to the Company.

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

Section 1. Approval of Projects. The Governing Body of the Unified Government hereby finds and determines that the acquiring, constructing and equipping of the Projects will promote the general welfare and economic prosperity of Kansas City, Kansas, and the issuance of the Bonds in one or more series to pay the costs of the Projects will be in furtherance of the public purposes set forth in the Act. The Projects shall be located on approximately 12 acres of land that is generally located at the intersection of France Family Drive and 98th Street in Kansas City, Kansas, as further described in the Application.

Section 2. Intent to Issue Bonds. The Governing Body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Projects out of the proceeds of the Bonds of the Unified Government in one or more series, the aggregate principal amount of all series of the Bonds not to exceed \$46,000,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government will (i) issue the Bonds in one or more series to pay the costs of acquiring, constructing and equipping each Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of each Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of each series of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of each series of the Bonds and each Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and provision of ad valorem property tax abatement, including payment of all costs of issuance; (iv) the receipt and approval by the Unified Government of appropriate applications for the issuance of each series of the Bonds, (v) the adoption of an Ordinance authorizing the issuance of each series of the Bonds and (vi) no default shall exist and be continuing under the World Headquarters Development Agreement dated as of March 30, 2015 between the Unified Government and the Company, as amended (the "Development Agreement").

Section 5. Sale of the Bonds. The sale of each series of the Bonds shall be the responsibility of the Company; provided, however, arrangements for the sale of each series of the Bonds shall be acceptable to the Unified Government.

Section 6. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct and equip the Projects, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments) for all real property financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request 100% ad valorem property tax abatement, the Company will agree to make payments in lieu of tax to the Unified Government during the term of the abatement for each Project equal to the amounts set forth in Exhibit D to the Development Agreement for the Office Abatements and 25% of the amount of taxes that would have otherwise been payable but for the abatement for the Innovation Abatements. The Unified Government and the Company shall enter into a Performance Agreement in substantially the form annually approved by the Governing Body for each Project. Each Project financed with the proceeds of a series of the Bonds shall be entitled to a separate 10-year ad valorem property tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the series of Bonds associated with such Project is issued. The amount of payments in lieu of taxes for each Project is subject to adjustment in accordance with the applicable Performance Agreement.

Section 7. Limited Obligations of the Unified Government. Each series of the Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to such series of Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the bond trustee for such series of Bonds and in favor of the owners of such series of Bonds, all as provided in the applicable Bond Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Bond Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 8. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of any series of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION - THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 9. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Projects, including the necessary planning and engineering for the Projects and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue each series of the Bonds by adoption of an Ordinance. The Unified Government has not yet adopted an Ordinance for any series of the Bonds. This Resolution only evidences the intent of the current Governing Body to issue the Bonds for the Projects. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for any series of Bonds will be issued or that any Project will be approved.

Section 11. Termination of Resolution. This Resolution shall terminate if the Company shall fail to incur at least \$20,000,000 of Project costs within three (3) years from the date of the adoption of this Resolution. The Unified Government at its discretion, upon the request of the Company, may extend this time period. Unless the Unified Government shall waive this requirement, the Company shall make application for any bonds issued pursuant to this Resolution prior to the date that is seven (7) years from the adoption of this Resolution by the Unified Government and the Company shall diligently pursue any such applications.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Company may, with the prior written consent of the Unified

Government, assign all or a portion of its interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of each series of the bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 14. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 1ST DAY OF OCTOBER, 2015.**

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

(Seal)

Attest:

By: _____
Unified Government Clerk