

UPDATE
OCTOBER 26, 2017 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY SISTER THERESE BANGERT, OUR LADY AND ST. ROSE CATHOLIC CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, OCTOBER 26, 2017 AGENDA**
BLUE SHEET: Revised information for:
XIII. Administrator's Agenda Item #1 – Northwest Speedway STAR Bond District (American Royal)
(Document located with respective item)
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. NON-PLANNING CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN OSVALDO NAVARRO

PLANNING AND ZONING

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3133 - TODD ALLENBRAND WITH PAYNE & BROCKWAY, P.A.**

Synopsis: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District for multi-family townhomes at 1342 North 126th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 171355

2. **#3147 - SHIRLEY BAYLIFF**

Synopsis: Change of Zone from C-1 Limited Business District to R-1(B) Single Family District in order to sell the property (residence currently located on property) at 4229 Swartz Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 171356

3. **#3148 - MIKE O'CONNELL WITH HOLLIDAY PROPERTIES LLC**

Synopsis: Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District to convert the first floor of a residential structure to office space at 7341 Holliday Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 171357

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2017-20 - MICHAEL A. QUINN SR.**

Synopsis: Special Use Permit for a dirt fill at 4412 Gibbs Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 1 YEAR**)

Tracking #: 171358

2. **#SP-2017-32 - BEN STEPHENS WITH COPART**

Synopsis: Special Use Permit for expansion of Copart parking facility at 6130 Kansas Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 171359

3. **#SP-2017-50 - JULIE A. RAMIREZ**

Synopsis: Special Use Permit for the Temporary Use of Land to keep a storage container at 32 North 74th Street, submitted by Robin H. Richardson, AICP, Director of Planning,

573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 171360

4. **#SP-2017-53 - SCOTT SKALA WITH CZ-USA**

Synopsis: Special Use Permit for a shooting range at 3327 North 7th Street Trafficway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 171361

5. **#SP-2017-54 - WILLIAM MCNEALEY III WITH NCNEALEY TRUCKING LLC**

Synopsis: Special Use Permit for the Temporary Use of Land to park a commercial truck on a residential property at 2938 North 34th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 171362

C. VACATION APPLICATION

1. **#P/E-2017-10 - KORB MAXWELL WITH POLSINELLI PC**

Synopsis: Vacation of a pedestrian easement at 3928 Rainbow Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171364

D. PLAN REVIEW APPLICATIONS

1. **#PR-2017-21 - BEN STEPHENS WITH COPART**

Synopsis: Preliminary and Final Plan Review for the expansion of Copart's car storage facility at 6130 Kansas Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171365

2. **#PR-2017-38 - CHRIS HERRE WITH ROSE DESIGN BUILD INC.**

Synopsis: Preliminary and Final Plan Review for a new office and shop facility for A-1 Sewer and Septic Service at 1901 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171367

E. MASTER PLAN AMENDMENT

1. **#MP-2017-8 - MIKE O'CONNELL WITH HOLLIDAY PROPERTIES LLC**

Synopsis: Master Plan Amendment from Residential to Commercial Mixed Use at 7341 Holliday Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)
Tracking #: 171366

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

1. **REZONING ORDINANCE #3091-** An ordinance rezoning property at 616 North 9th Street from C-O Nonretail Business District to R-1(B) Single Family District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)
Tracking #: 171368
2. **REZONING ORDINANCE #3098 -** An ordinance rezoning property at 736 Shawnee Avenue from R-2(B) Two Family District to CP-1 Planned Limited Business District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)
Tracking #: 171369
3. **REZONING ORDINANCE #3119 -** An ordinance rezoning property at 10000 Lafayette Avenue from CP-2 Planned General Business District to CP-3 Planned Commercial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)
Tracking #: 171370
4. **REZONING ORDINANCE #3105 -** An ordinance rezoning property at 1215 Southwest Boulevard from M-2 General Industrial District to C-3 Commercial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)
Tracking #: 171371
5. **REZONING ORDINANCE #3095 -** An ordinance rezoning property at 11011 Leavenworth Road from A-G Agriculture District to R-1 Single Family District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)
Tracking #: 171372
6. **REZONING ORDINANCE #3110 -** An ordinance rezoning property at 2500 West 43rd Avenue from R-1(B) Single Family District to CP-1 Planned Limited Business District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)
Tracking #: 171373
7. **VACATION ORDINANCE #U/E & R/W-2015-6 -** An ordinance vacating a utility easement and right-of-way at 3414 North 109th Terrace, submitted by Robin H.

Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)

Tracking #: 171374

8. **VACATING ORDINANCE #A-2015-12 - An ordinance vacating an alley at 736 Shawnee, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)**

Tracking #: 171375

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR OCTOBER 26, 2017

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

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

REGULAR SESSION

IX. MAYOR'S AGENDA

X. NON-PLANNING CONSENT AGENDA

1. **APPROVAL: PARK DRIVE NEIGHBORHOOD REVITALIZATION STRATEGY AREA PLAN (SOAR)**

Synopsis: Request approval of the Park Drive Neighborhood Revitalization Strategy Area Plan (SOAR), submitted by Wilba Miller, Director of Community

On September 25, 2017, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Tracking #: 171292

2. **TWO ORDINANCES: PQ CORPORATION'S IRBS**

Synopsis: Request approval of the following ordinances authorizing the issuance of Taxable Industrial Revenue Bonds (PQ Corporation Project), submitted by Jon Stephens, Interim Economic Development Director.

- Series 2017A - \$7.5M
- Series 2017B - \$2.5M

On December 5, 2013, the Commission unanimously adopted Resolution No. R-127-13 to issue \$219M of IRBs in multiple series and a 75% tax abatement for PQ Corporation's multiphase expansion at 1700 Kansas Avenue.

Tracking #: 16817

3. **ORDINANCE: BPU WATER CENTER (MUNCIE SITE)**

Synopsis: An ordinance authorizing the Chief Counsel to commence legal proceedings to acquire property necessary for the Board of Public Utility's Water Operations Center (Muncie site), submitted by Ryan Haga, Assistant Counsel.

On September 14, 2017, the Commission unanimously adopted Resolution No. R-36-17, declaring the project to be a necessary, valid public improvement project and authorizing a survey of land to be acquired for said project.

Tracking #: 171346

4. **NOMINATIONS: BOARDS AND COMMISSIONS**

Synopsis: Nominations for Boards & Commissions:

Jody Boeding, Library Board, 10/26/17 to 3/31/20, submitted by Commissioner McKiernan
Timothy Howe, Area Wide Advisory Council on Aging, 10/26/17 to 3/31/20, submitted by Commissioner McKiernan

Charles Van Middlesworth, Landmarks Commission, 10/26/17 to 3/31/20, submitted by Commissioner McKiernan

Janice Santiago, Advisory Commission on Human Relations & Disability Issues, 10/26/17 to 3/31/18, submitted by Commissioner Walters

Tracking #: 171335

5. **MINUTES**

Synopsis: Minutes from regular session of September 28, 2017.

Tracking #: MINUTES

6. **WEEKLY BUSINESS**

Synopsis: Weekly business material dated October 12 and 29, 2017.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

1. ORDINANCE: LEAVENWORTH ROAD ORDINANCE NO. 2-BPU 38TH ST. TO 63RD ST.

Synopsis: An ordinance authorizing the Chief Counsel to commence legal proceedings to acquire property necessary for the Leavenworth Road, 38th St. to 63rd St. project (CMIP 1224), submitted by Ryan Haga, Assistant Counsel.

On May 11, 2017, the Commission voted 8-1 to adopt Resolution No. R-21-17, declaring the project to be a necessary valid public improvement, authorizing a survey of land to be acquired for said project, and directing the Chief Counsel to initiate eminent domain proceedings if necessary to acquire said land. On October 12, 2017, the Commission passed Ordinance No. O-48-17 authorizing the Chief Counsel to commence legal proceedings to acquire a portion of the property necessary for the project. This ordinance is supplemental and authorizes the Chief Counsel to commence legal proceedings to acquire the remainder of the property necessary for the project.

Tracking #: 171377

XIII. ADMINISTRATOR'S AGENDA

1. ORDINANCE: NORTHWEST SPEEDWAY STAR BOND DISTRICT (AMERICAN ROYAL)

Synopsis: Adoption of the STAR Bond Project Plan for the Northwest Speedway STAR Bond District and approval of the American Royal Development Agreement.

Tracking #: 171376

2. RESOLUTION: MOU WITH SEIU LOCAL #1

Synopsis: A resolution authorizing execution of a Memorandum of Understanding (MOU) between the Unified Government and the Service Employees International Union (SEIU) Local #1, submitted by Doug Bach, County Administrator. This is the second of 12 contracts to be ratified in 2017.

Tracking #: 171381

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, OCTOBER 26, 2017**

XIII. ADMINISTRATOR'S AGENDA

REVISED INFORMATION

**ITEM NO. 1 – 171376....NORTHWEST SPEEDWAY STAR BOND DISTRICT
(AMERICAN ROYAL)**

Synopsis: Replacing Article 4-Financing-Source of Funds, Sections (b) Collection of Increment tax Revenues and (c) Star Bonds Revenue Fund; Disbursements.



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 26, 2017

Re: Change of Zone #3133

GENERAL INFORMATION

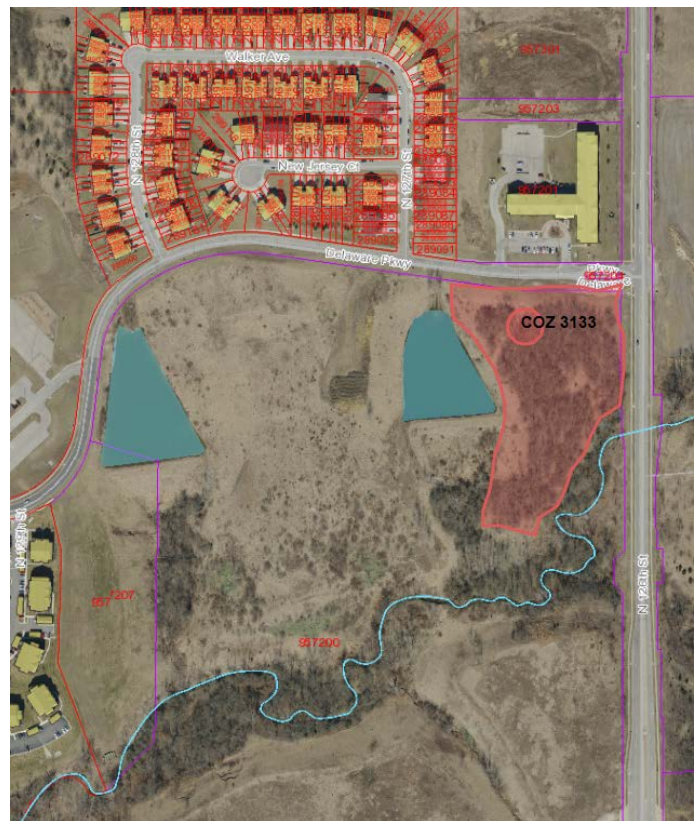
Applicant:
Todd Allenbrand

Status of Applicant:
Representative
Payne & Brockway, P.A.
426 S. Kansas Avenue
Olathe, Kansas 66061

Requested Action:
Change of Zone R-1 Single Family
District to RP-4 Planned Garden
Apartment District

Date of Application:
January 3, 2017

Purpose:
To obtain approval from a change of
zone in order to develop currently
vacant land into 14 4-unit townhome
buildings.



Property Location: 1342 North 126th Street

Existing Zoning: R-1 Single Family District

Surrounding Zoning:

North:	R-1 Single Family and RP-4 Garden Apartment Districts
South:	CP-2 Planned General Business and RP-3 Planned Townhouse Districts
East:	R-1 Single Family, RP-2 Planned Two Family, and RP-3 Planned Townhouse Districts
West:	RP-5 Planned Apartment and AG Agricultural Districts

Existing Uses:

North:	Residential
South:	Residential and undeveloped land
East:	Residential and undeveloped land
West:	Residential and educational

Total Tract Size: 5.35 acres

Master Plan Designation: The Piper-Delaware Master Plan designates this property for mixed residential use.

Major Street Plan: North 126th Street is a Collector Street

Advertisement: The Wyandotte Echo – January 19, 2017
Letters to Property Owners – January 19, February 1, March 13, August 10, August 31, and October 18, 2017.

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Mr. Allenbrand is seeking approval for a change of zone in order to develop currently vacant land into 14 4-unit townhome buildings on a 5.35 acre portion of a 76.44 acre parcel.

City Ordinance Requirements: Article XXII Sections 27-1001 – 27-1419 and Article XXI Sections 27-501 - 27-1000

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood is rural residential in nature with some nearby multi-family developments.

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

This area is primarily zoned for residential uses, many of which are designated for multi-family 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?*

This is not foreseen to be an issue.

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

This property has never been developed.

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

The use is in line with other development in the area and is not expected to have a substantial effect on nearby properties.

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

The proposed uses will likely increase traffic to the site, however, with proper design, will not adversely affect the road capacity or safety.

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

This change would be in conformance with the Master Plan.

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

This is not foreseen to be an issue.

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

a. Water service

To be built to current standards

b. Sanitary sewer service

To be built to current standards

c. Storm water control

To be built to current standards

d. Police

Police service is provided by Police District #224

e. Fire

Fire service is provided by District #4

f. Schools

Bonner Springs School District

g. Streets

See item #6 above

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

The proposed use would likely increase the property tax revenue and increased population density to the community.

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

The proposed use is expected to meet applicable ordinance requirements.

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

This change of zone will allow the owner to develop the land as 4-unit townhomes, not allowing this change of zone would restrict it to single family development. Whether this constitutes a hardship is subjective.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 26, 2017; no one attended.

KEY ISSUES

Future plat needed

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application #3133, subject to:

Urban Planning and Land Use Comments:

1. Final Plat and Final Plan applications will have to be filed
Acknowledged
2. Sidewalk must be provided
Acknowledged
3. Must comply with the City-Wide Master Plan
Acknowledged
4. Please submit architectural examples for the townhomes
Submitted by applicant and included in staff report
5. There should be a landscaped island in the large street bump-out
Submitted by applicant and included in staff report
6. All lots must be designed to be built without variances. It is contrary to the spirit and intent of the Code to knowingly create the need for variances.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Provide preliminary engineering site plan(s) to include existing site conditions, property lines, proposed site layout, utilities, dimensions from property lines, etc., in accordance with UG criteria. Plans shall be stamped and sealed by a State of Kansas Professional Engineer.
 - 2) A preliminary (or final) plat will be required for the proposed development. The plat should be squared up with roads and property lines and should include room for storm water BMP's (detention and treatment). The plat shall include the creek area to the southeast and pond on the west side with applicable dedication, i.e., separate tracts. Further discussion with staff is needed prior to a resubmittal.
 - 3) Will the proposed four-plex townhomes be subdivided into separate lots?
 - 4) The preliminary (or final) plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.
 - 5) The cul-de-sac west of 126th Terrace is wider than UG standards. Provide an island to separate & delineate traffic flow and driveway access.
 - 6) The proposed lot size and shape does not provide adequate access to the four-plex townhomes, i.e., driveways overlap. Townhomes in the cul-de-sac may need to be 3 units instead of 4 units for adequate access.

- 7) Provide a preliminary site or utility plan that shows the existing storm sewer and sanitary sewer utilities, and provide UG node numbers for existing structures and lines. Sanitary and storm sewer maps may be obtained from the Sewer Maintenance Department at (913) 573-5535.
 - 8) Provide a PE sealed preliminary storm drainage study addressing existing and proposed drainage patterns, storm detention and whether or not stormwater quality BMP's are required, including worksheets and calculations in accordance with MARC BMP manual.
 - 9) The preliminary storm drainage study shall identify the 100-year surface elevation of the creek along the southeast area and the pond on the west side. The proposed lot lines shall not cross the 100-year water elevations, and the low water opening shall be 1.5' above the 100-year water elevation(s).
 - 10) Preliminary plans shall show location(s) of preliminary stormwater detention basin(s) and stormwater quality BMP's and types.
 - 11) Any proposed work within the creek, pond or downstream channel will require a Corps of Engineers permit.
 - 12) Provide a PE sealed preliminary sanitary sewer memorandum explaining location of existing sewer main facilities and show on preliminary plans with proposed sanitary sewer main extension and improvements, service line locations, etc.
 - 13) Provide a preliminary erosion control plan, and show the proposed erosion control BMP types and preliminary locations in accordance with UG criteria.
 - 14) Construction Plans shall be reviewed and approved prior to UG Final approval and construction permit acquisition.
- B) Items that are conditions of approval (stipulations):
- 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3133 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Zoning map
Aerial photo
Plat and site layout
Landscape plan
Typical elevation of townhomes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 9, 2017	October 26, 2017
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3133 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 #3133 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Recording Secretary Parker stated that the Consent Agenda is now concluded and the Commission will move on to the Non-Consent Agenda. **Starts: 16:00**

CHANGE OF ZONE APPLICATION #3133 – TODD ALLENBRAND WITH PAYNE & BROCKWAY, P.A. – SYNOPSIS: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District for multi-family townhomes at 1342 North 126th Street. **Detailed Outline of Requested Action:** Mr. Allenbrand is seeking approval for a

change of zone in order to develop currently vacant land into 14 4-unit townhome buildings on a 5.35 acre portion of a 76.44 acre parcel.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 19, 2017; and
7. The Notices to property owners dated January 19, February 1, March 13, August 10 and August 31, 2017.

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

Present in Support:

- ❖ Mr. Mark Huggins, Payne and Brockway, representing the applicant, 426 South Kansas, Olathe, Kansas 66061

Planning Commissioner Childress recused himself at 6:50 p.m.

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 19:50 Director Richardson stated that with regard to Item 5 in the staff report (it is incorrect) in these instances when subdivisions are being done in areas where there are already subdivisions, the staff would say that it is an appropriate use and will not permanently injure the appropriate use, visual quality or marketability of nearby properties. On both sides of 126th Street there are future development projects so that is not a significant issue. Delaware Parkway and 126th Street have been designed for this traffic based on a previous traffic study. They are changing from single family to four-plexes so it will be a little bit busier but Delaware Parkway should be able to handle the traffic. Director Richardson stated it appears that variances to the zoning code are going to be required on some of the lots based on the way they are designed right now. When the preliminary plat is submitted it should be designed so those variances are not needed. Lots are not platted so they need variances; they are designed to meet the code. He further stated that recently he has had conversations with the Fire Marshall regarding some of the four-plex developments where they are having trouble providing emergency services. When the zoning code is rewritten they will change how those developments are built so emergency services are addressed. It may be that for this development "No Parking" signs will be placed on one side of the streets for public health, safety and welfare of the community so emergency access is available. This is information for the applicant to be aware of. He stated that the staff

recommends approval subject to the revised comments to Items 5 and 6 under Factors to Be Considered and the staff comments and suggestions. After a question by one of the members Director Richardson clarified that the school district should be listed as Bonner Springs.

Motion and Vote Starts: 23:50

On motion by Ms. Jones, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3133:**

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

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

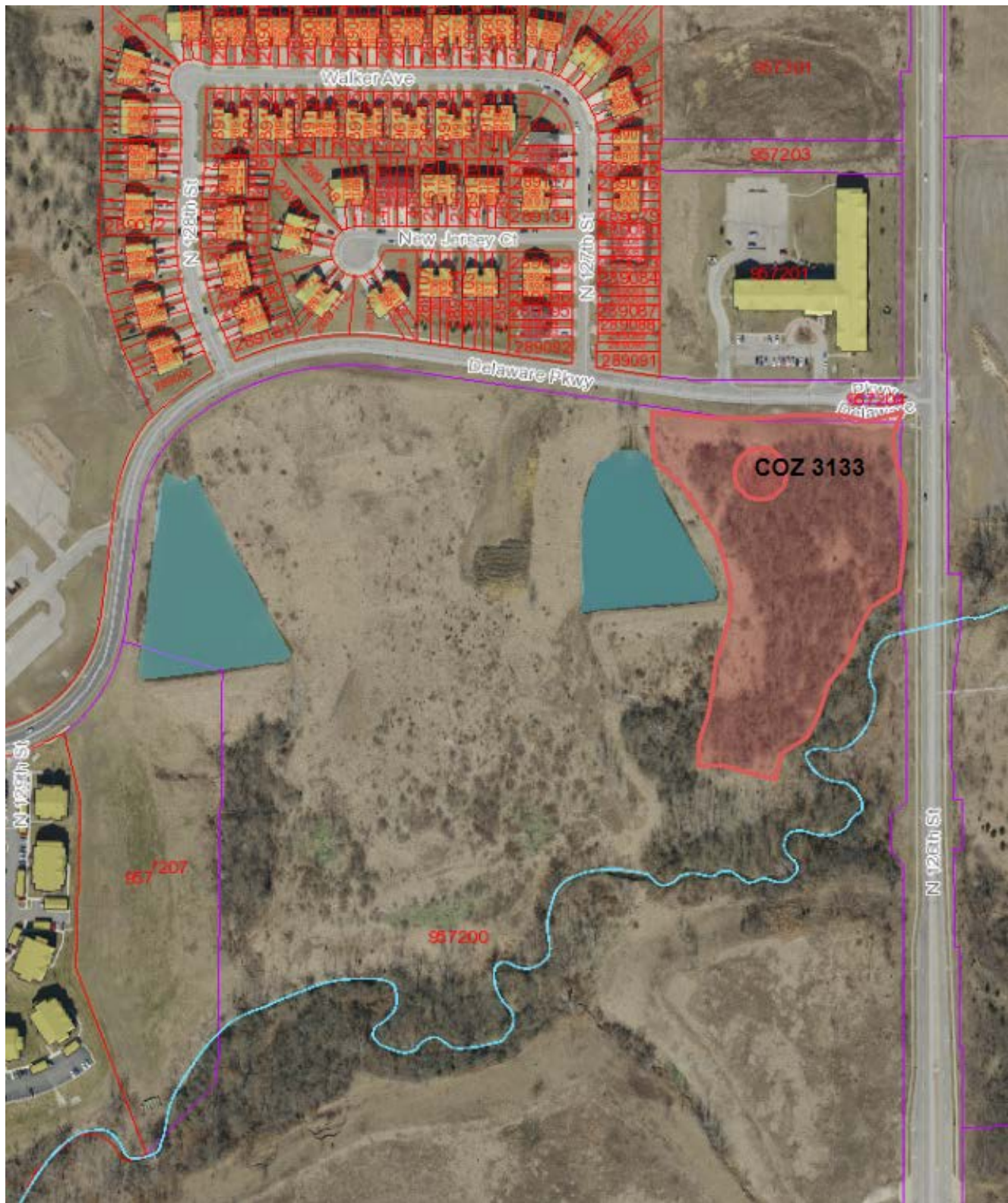
Urban Planning and Land Use Comments:

1. Final Plat and Final Plan applications will have to be filed
Acknowledged
2. Sidewalk must be provided
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3. Must comply with the City-Wide Master Plan
Acknowledged
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Submitted by applicant and included in staff report
5. There should be a landscaped island in the large street bump-out
Submitted by applicant and included in staff report
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Public Works Comments:

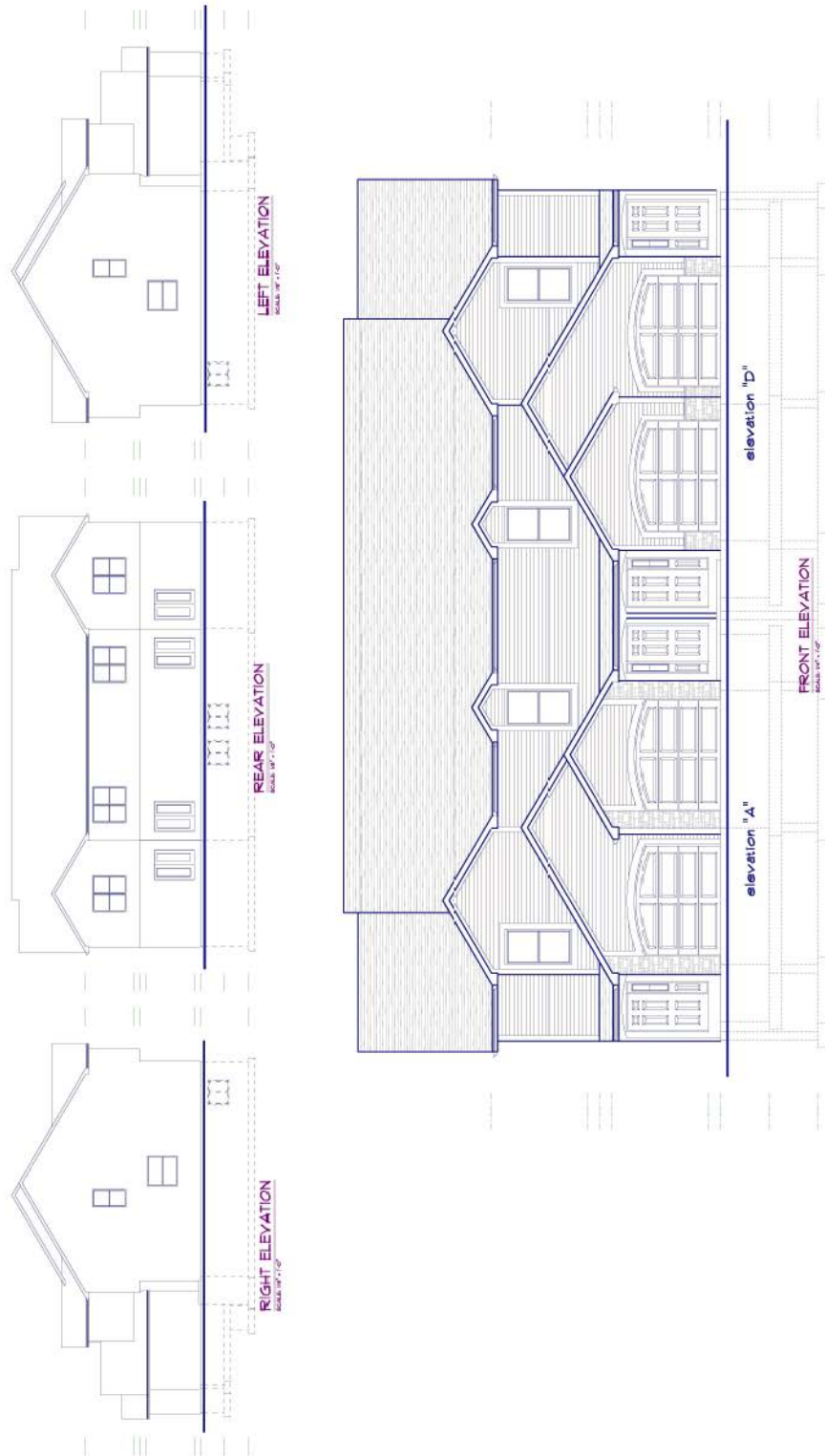
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 - 2) A preliminary (or final) plat will be required for the proposed development. The plat should be squared up with roads and property lines and should

- include room for storm water BMP's (detention and treatment). The plat shall include the creek area to the southeast and pond on the west side with applicable dedication, i.e., separate tracts. Further discussion with staff is needed prior to a resubmittal.
- 3) Will the proposed four-plex townhomes be subdivided into separate lots?
 - 4) The preliminary (or final) plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.
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 - 6) The proposed lot size and shape does not provide adequate access to the four-plex townhomes, i.e., driveways overlap. Townhomes in the cul-de-sac may need to be 3 units instead of 4 units for adequate access.
 - 7) Provide a preliminary site or utility plan that shows the existing storm sewer and sanitary sewer utilities, and provide UG node numbers for existing structures and lines. Sanitary and storm sewer maps may be obtained from the Sewer Maintenance Department at (913) 573-5535.
 - 8) Provide a PE sealed preliminary storm drainage study addressing existing and proposed drainage patterns, storm detention and whether or not stormwater quality BMP's are required, including worksheets and calculations in accordance with MARC BMP manual.
 - 9) The preliminary storm drainage study shall identify the 100-year surface elevation of the creek along the southeast area and the pond on the west side. The proposed lot lines shall not cross the 100-year water elevations, and the low water opening shall be 1.5' above the 100-year water elevation(s).
 - 10) Preliminary plans shall show location(s) of preliminary stormwater detention basin(s) and stormwater quality BMP's and types.
 - 11) Any proposed work within the creek, pond or downstream channel will require a Corps of Engineers permit.
 - 12) Provide a PE sealed preliminary sanitary sewer memorandum explaining location of existing sewer main facilities and show on preliminary plans with proposed sanitary sewer main extension and improvements, service line locations, etc.
 - 13) Provide a preliminary erosion control plan, and show the proposed erosion control BMP types and preliminary locations in accordance with UG criteria.
 - 14) Construction Plans shall be reviewed and approved prior to UG Final approval and construction permit acquisition.
- B) Items that are conditions of approval (stipulations):
- 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None



A small map showing the location of the site at the intersection of 15th Street N and State Ave. The site is marked with a black square.

Sheet	1
Job No.	13.014
Architect	Dwight E. Tuck 2015 NORTH LIBERTY, MD 21095
Client	Marble's Enterprises (2) Two-Bedroom and (2) Three-Bedroom Duplex for





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 26, 2017
Re: Change of Zone Petition #3147

GENERAL INFORMATION

Applicant:
Shirley Bayliff

Status of Applicant:
2906 South 46th Street
Kansas City, Kansas 66106

Requested Actions:
Change of Zone from
C-1 Limited Business District to R-
1(B) Single Family District

Date of Application:
August 24, 2017

Purpose:
The existing structure on this property is a single family house, and this rezoning is to allow the owner to more easily market and sell the property as a single family house.

Property Location:
4229 Swartz Road



Existing Zoning: C-1 Limited Business District

Surrounding Zoning:

North:	M-3 Heavy Industrial District
South:	C-1 Limited Business District
East:	R-1 Single Family District
West:	C-1 Limited Business District and R-1 Single Family District

Existing Uses:

North:	Undeveloped Land / Industrial Storage
South:	Commercial property
East:	Single family residence
West:	Commercial property

Total Tract Size: 0.26 acre

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

Major Street Plan: The City-Wide Master Plan designates Swartz Road as a collector street.

Advertisement: The Wyandotte Echo – September 14, 2017
Letters to Property Owners – September 14, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Ms. Shirley Bayliff, is seeking approval for a change of zone in order to sell property. This property is a single family house, and the applicant is requesting to rezone the property to the single family district in order to better market and sell the property as a single family residence. The C-1 Limited Business District allows single family dwellings as a permitted use, but the applicant has experienced complications with buyers not able to get insurance based on hesitancy to insure a single family house in what is labeled as a business district.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood is low-density residential area with a nearby industrial lots in the area and a neighborhood church.

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

This area is zoned for a combination of residential, commercial, and industrial. This proposed use, a single family house, will not create any compatibility issues.

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 property is well suited to be a residential property; it is currently a single family house. Rezoning to residential will not detrimentally affect nearby property.

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

This property is currently developed and maintained as a single family house.

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

The proposed use is a single family residence, which provides Rezoning this property to a single family residential district will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed use would not adversely affect road capacity, safety, or create parking problems; however, the applicant will need to build a cover car space because of the request to rezone to the R-1 Single Family District.

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

This change would be in conformance with the Master Plan.

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

This is not foreseen to be an issue. The structure already exists as a single family house. This is merely rezoning to match the existing use of the property.

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

a. *Water service*

Existing

b. *Sanitary sewer service*

Existing

c. *Storm water control*

Existing

d. *Police*

Police service is provided by South Patrol, District #331

e. *Fire*

Fire service is provided by District #2 Station #7

f. *Transit*

Not Available

g. *Schools*

Kansas City, Kansas USD 500

h. *Streets*

See item #6 above

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

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

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

The proposed use is expected to meet applicable ordinance requirements.

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

Denial of the rezoning would be a hardship on the landowner because it will make it more difficult to sell the property as a single family house. This rezoning would have a relatively neutral effect on the public health, safety, and welfare.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 22, 2017. A copy of the sign-in sheet, meeting minutes and neighborhood meeting affidavit are attached to this staff report.

KEY ISSUES

Parking Carport

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3147, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department in order to publish the rezoning ordinance in the Wyandotte Echo prior to the sale of this property.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3147 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Zoning Map and Survey
Pictures of the Property
Neighborhood Meeting Minutes, Sign in Sheet, and Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 9, 2017	October 26, 2017
Rezoning	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3147 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 #3147 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 24:30

CHANGE OF ZONE APPLICATION #3147 – SHIRLEY BAYLIFF – SYNOPSIS:

Change of Zone from C-1 Limited Business District to R-1(B) Single Family District in order to sell the property (residence currently located on property) at 4229 Swartz Road. **Detailed Outline of Requested Action:** The Applicant, Ms. Shirley Bayliff, is seeking approval for a change of zone in order to sell property. This property is a single family house, and the applicant is requesting to rezone the property to the single family district in order to better market and sell the property as a single family residence. The C-1 Limited Business District allows single family dwellings as a permitted use, but the applicant has experienced complications with buyers not able to get insurance based on hesitancy to insure a single family house in what is labeled as a business district.

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

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

2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017; and
7. The Notices to property owners dated September 14, 2017.

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

Present in Support:

- ❖ Ms. Shirley Bayliff, applicant, 2906 South 46th Street, Kansas City, Kansas 66106

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 27:05 Director Richardson stated that the staff recommends approval subject to a \$50.00 ordinance publication fee being submitted to the Urban Planning and Land Use Department in order to publish the rezoning ordinance in the Wyandotte Echo prior to the sale of this property. He stated that the applicant should contact Ms. Parker about payment (provided the application is approved after the Board of Commissioners' meeting.)

Motion and Vote Starts: 27:40

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3147:**

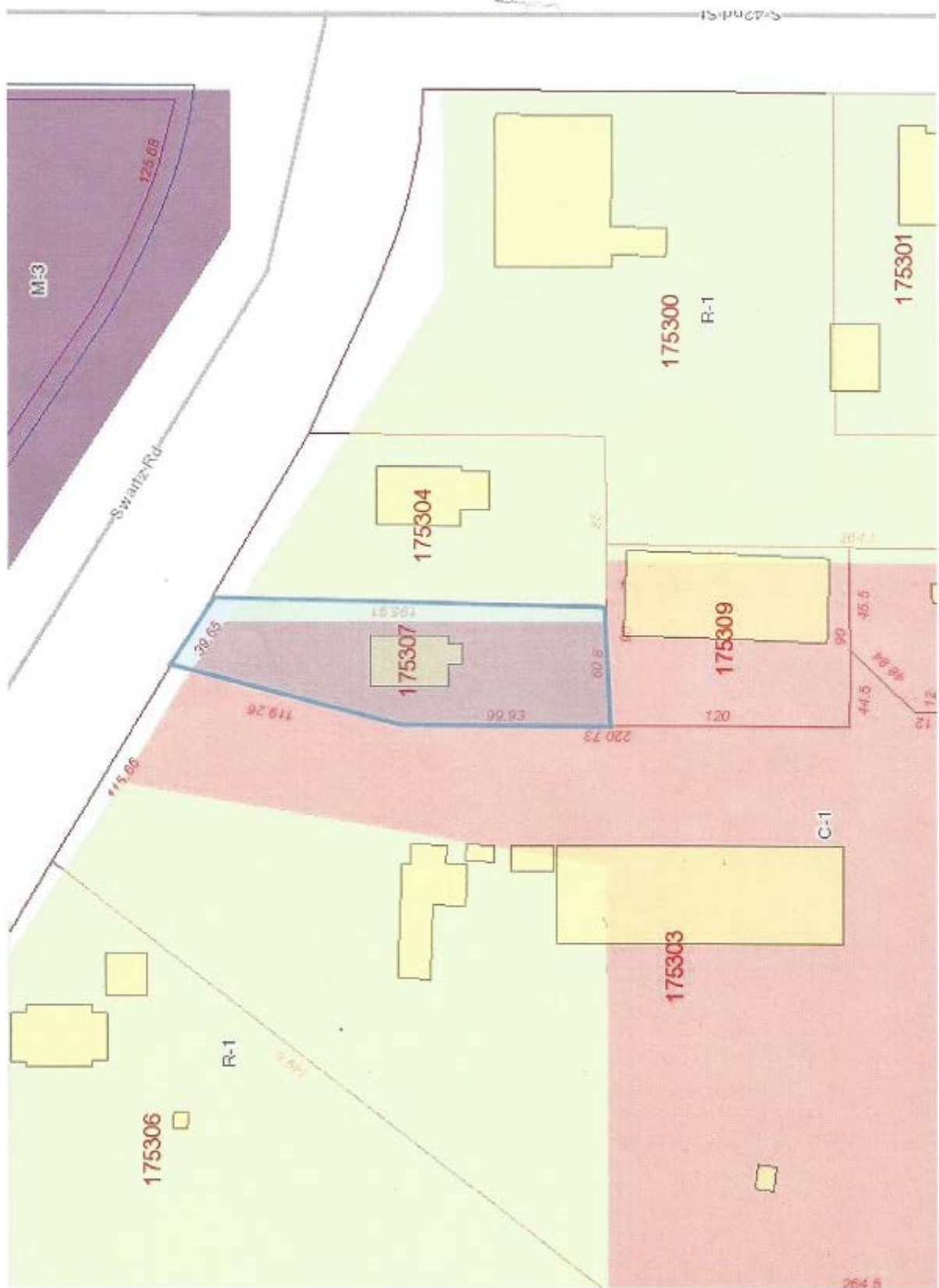
Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Not Present
Huey	Chairman
Jones	Aye
Mose	Aye
Pauley	Aye
Rank	Not Present
Serda	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department in order to publish the rezoning ordinance in the Wyandotte Echo prior to the sale of this property.







NEIGHBORHOOD MEETING MINUTES

APPLICATION NUMBER: 3147

Meeting held by: Shirley Bayliff on September 22, 2017
Meeting location: 2906 S 46th St., Kansas City, KS 66106

Meeting called to order at: 6:45 p.m.

Meeting attendance:

Kate Perkins of JKM Enterprises

Mike Perkins of JKM Enterprises

Howard McBride of Swartz Road Properties

The presentation was given by Shirley Bayliff. Shirley explained why she is applying to have the property re-zoned. The property is zoned commercial at this time and in order to sell the property which is a single family residence, it needs to be zoned as residential R1-B.

Question and Answer:

Mr. Mike Perkins asked: Will the change of zoning to your property make any zoning changes to my property?

Mrs. Shirley Bayliff reply: No, this change will only change the zoning to my property.

Mr. Howard McBride commented: Shirley, I am just here to support your decision to have the property rezoned.

Mrs. Shirley Bayliff reply: Thank you so much Howard. I appreciate your support.

Meeting adjourned at: 7:34 p.m.

Minutes taken by:


Misty Deckard

NEIGHBORHOOD MEETING

BY: Shirley Bayliff
2906 SO 46TH STREET
KANSAS CITY, KS 66106

September 22, 2017
6:30 PM

RE: # 3147 Change of zoning from C1 to R1B
4229 Swartz Road, Kansas City, KS 66106

Sign In Sheet Name, Address and Phone Number

- JKM Enterprises*
1. *Kate Perkins, 5638 Newton 913-432-1530*
 2. *Mike Perkins 5638 Newton 913-432-1530*
 3. *Howard McBride 2005 9139th St 913-710-2277*
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 11. _____

September 8, 2017

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

SUBJECT: Neighborhood Meeting

I, Shirley Bayliff have filed an application with the Department of Urban Planning and Land Use #3147. The purpose of this:

➤ Change Of Zone

Is for a Change of Zone from C-1 Limited Business District to R-1 Single Family District in order to sell the property (residence currently located on property).

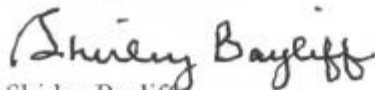
At the following address: 4229 Swartz Road, Kansas City, KS 66106

I am having a neighborhood meeting on September 22, 2017 at 6:30pm at the following address: 2906 So 46th Street, Kansas City, KS 66106.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,



Shirley Bayliff
2906 So 46th Street
Kansas City, KS 66106
913-205-7795

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # 3147.
2. That I conducted a neighborhood meeting on 9-22-17.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Shirley Bayliff
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of September, 2007 RP 2017

My commission expires 28th of March, 2021 RP



Ryan Palmer
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 26, 2017

Re: **Change of Zone Petition #3148 and
Master Plan Amendment Petition #MP-2017-8**

GENERAL INFORMATION

Applicant:
Mike O'Connell

Status of Applicant:
Representative
Holliday Properties LLC
7331 Holliday Drive
Kansas City, KS 66106

Requested Actions:
Change of Zone from R-1
Single Family District to CP-
0 Nonretail Business District
and Master Plan Map
Amendment from Low
Density Residential to
Neighborhood Commercial
in conjunction with Zoning
Variance Petition #2263

Date of Application:
August 25, 2017



Purpose: The change of zone and master plan amendment petitions have been submitted in order to convert a residential structure into an office and residential use.

Property Location: 7331 Holliday Drive

Existing Zoning: R-1 Single Family District

Surrounding Zoning:

North:	R-1 Single Family District
South:	R-1 Single Family District
East:	R-1 Single Family District
West:	CP-1 Planned Limited Business District

Existing Uses:

North:	Commercial Building and Single Family Houses
South:	Single Family Houses
East:	Vacant/Storage Shed
West:	Office

Total Tract Size: 0.42 acre

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

Major Street Plan: The City-wide Master Plan designates Holliday Drive as a Class B thoroughfare.

Advertisement: The Wyandotte Echo – September 14, 2017
Letters to Property Owners – September 14, 2017 and October 18, 2017

Public Hearings October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mike O'Connell, has submitted this petition for a Change of Zone from R-1 Single Family District to CP-0 Nonretail Business District in order to convert a residential structure at 7331 Holliday Drive into an office and residential use. The proposed use is to convert the first level of the residential structure into an office space to support Axiom office at the adjacent property (7357 Holliday Drive) and leave the second floor and garage as residential. This petition is submitted in conjunction with Zoning Variance Petition #2263.

City Ordinance Requirements:

Chapter 27 – Planning and Development
Article VI – Administration and Review Procedures
Sec. 27-211 Rezoning – Planned Districts

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is comprised of commercial businesses clustered at the corner of Holliday Drive and 74th Street. There are single family houses across from this property on Holliday Drive.

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

This is a low intensity professional office and residential use. It is not likely to create compatibility issues with the 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?*

Removal of the restrictions will not detrimentally affect nearby property. The appearance of the structure will not substantially change.

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

The property has been maintained as a single family house.

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

The proposed use is reasonably necessary to provide more office space for existing businesses in the area, and will allow an existing building to stay in the area. The proposed use will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed use would not increase the traffic or parking demand in ways that would adversely affect road capacity, safety or create parking problems. The proposed use includes new off-street parking that should alleviate any parking concerns.

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

This change of zone petition does not conform to the City-Wide Master Plan, but has been submitted with a petition to amend the Master Plan.

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

This is not an issue.

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

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

To be designed to meet City Code

d. Police

Police service is provided by Central Patrol, District #334

e. Fire

Fire service is provided by Station #16, located near 55th Street and Metropolitan Avenue

f. Transit

KCATA does not provide transit near 74th Street and Holliday Drive

g. Schools

Turner USD 202

h. Streets

See item #6 above

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

The petition will allow a business to grow in Wyandotte County and will provide space for additional office employment.

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

The proposed use is capable of meeting applicable ordinance and other requirements.

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

The proposed use will increase the general welfare by providing a positive economic impact. The proposed use will not be a hardship for the surrounding properties; however denial of the application would create a hardship for the landowner by not allowing them to use the property as office.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 19, 2017 with one neighbor in attendance. Meeting minutes, affidavit and sign in sheet are attached.

KEY ISSUES

Landscape Plan
Sidewalks
Parking and Paved Areas
Cross Access Agreement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2017-8.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3148, subject to:

Urban Planning and Land Use Comments:

1. Please provide a landscape plan that shows how the property will meet the following requirements:
 - a. All parking areas shall be screened from public roads with a continuous row of bushes not higher than 30 inches.
 - b. Street trees are required for every 30 feet of street right-of-way (5 street trees)
 - c. Provide trees at 75% greater than 1 per 7,000 square feet. (5 trees)

- d. Show how the site will be screened from the abutting property zoned or used for residential purposes.

Applicant Response:

- a. Screening was added to the development plan.
- b. Not enough room for 5 trees due to existing garage and new driveway apron to parking area.
- c. There are at least 8 trees on site that will remain after construction.
- d. The existing on-site vegetation provides screening from adjacent residential property.

Staff Response:

The revised development plan includes 2 street trees and screening adequate to meet the intent of the commercial design guidelines.

2. The City-Wide Master Plan requires that properties in the Neighborhood Commercial districts that are along a Class A or B thoroughfare provide an 8 foot sidewalk. Holliday Drive is a Class B thoroughfare. Please show a sidewalk along the length of the property.

Applicant Response: A 5' wide sidewalk has been shown on the development plan. No other sidewalks exist in the area so a 5' wide sidewalk will be adequate.

Staff Response: Staff concurs with the 5' sidewalk

3. All parking must be paved with asphalt or concrete. Please indicate the paving surface of the parking areas including the two spaces on the east side of the property.

Applicant Response: – The surfacing of the existing parking area with two spaces is asphalt.

4. A cross-access agreement with the adjacent property to the east will be required to ensure access to the two parking spaces on the east side of the property. This will need to be incorporated into the deed of the property.

Applicant Response: A cross access easement will be prepared and recorded after approval of the Change of Zone and Board of Zoning Appeals requests.

Staff Response: This will be a stipulation of approval. The change of zone ordinance will not be published until it is recorded.

5. Does the residence have a separate entrance or kitchen?

Applicant Response: The residence has an entrance from the east on the 2nd Floor and also will have a separate kitchen area.

Staff Response: Revised plans will be required prior to ordinance publication.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) A cross access easement/agreement for access to the two parking stalls on the east side of the site shall be submitted with final plans.
 - 2) The driveway approach for access to the two parking stalls on the east side of the site shall be upgraded to a concrete driveway approach, in accordance with UG standards and criteria.
 - 3) Final plans shall indicate proposed retaining wall locations with dimensions from property lines, wall height(s), beginning and end points, transitions, curves or bend points, and type of retaining wall (i.e., modular block wall with geogrid or reinforced concrete wall, etc.).
 - 4) Final development plans shall include retaining wall calculations, details, cross sections, and construction plans signed and sealed by a Professional structural engineer registered in the State of Kansas, in accordance with UG criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.
 - 5) Provide geotechnical soil borings and report regarding proposed retaining walls including global stability analysis.
 - 6) The proposed retaining walls shall be designed for all applicable types of loading, factors of safety, i.e., construction, or surcharge loading, and vehicular or pedestrian guardrail(s) or fence design (including posts and footings), allowable soil bearing pressure of 1500 pdf, connection to the existing wall and existing building, etc.
 - 7) Final development plans shall include final engineering, calculations, studies, and complete construction level drawings with construction notes and details, in accordance with UG standards and criteria and shall be reviewed and approved by UG prior to being placed on the Planning Commission agenda.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of **Change of Zone Petition #3148 and Master Plan Amendment Petition #MP-2017-8** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Preliminary Site Plan
Existing and Proposed Floor Plans
Site Photos
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 9, 2017	October 26, 2017
Rezoning	Approval	

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

MOTIONS

Master Plan Amendment Petition #MP-2017-8

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2017-8** 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 **#MP-2017-8** 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.

Change of Zone Petition #3148

I move the Unified Government Board of Commissioners **APPROVE** Petition #3148 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 #3148 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 28:35

CHANGE OF ZONE APPLICATION #3148 – MIKE O’CONNELL WITH HOLLIDAY PROPERTIES LLC – SYNOPSIS: Change of zone from R-1 Single Family District to CP-O Planned Non-Retail Business District to convert the first floor of a residential structure to office space at 7341 Holliday Drive.

MASTER PLAN AMENDMENT #MP-2017-8 – MIKE O’CONNELL WITH HOLLIDAY PROPERTIES LLC – SYNOPSIS: Master Plan Amendment from Commercial to Residential Mixed Use at 7341 Holliday Drive

Detailed Outline of Requested Action: The applicant, Mike O’Connell, has submitted this petition for a Change of Zone from R-1 Single Family District to CP-0 Nonretail Business District in order to convert a residential structure at 7331 Holliday Drive into an office and residential use. The proposed use is to convert the first level of the residential structure into an office space to support Axiom office at the adjacent property (7357 Holliday Drive) and leave the second floor and garage as residential. This petition is submitted in conjunction with Zoning Variance Petition #2263.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017; and
7. The Notices to property owners dated September 14, 2017.

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

Present in Support:

- ❖ Mr. Mike O'Connell, applicant, Holliday Properties LLC, 7331 Holliday Drive, Kansas City, Kansas 66106
- ❖ Mr. Ben Kalny, Holliday Properties LLC, 7357 Holliday Drive, Kansas City, Kansas 66106

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 31:00 Director Richardson stated that he would request that the minutes from the Board of Zoning Appeals meeting earlier this evening be included in the record of this meeting. He stated that the items in the staff report (page 7) under Public Works listed as A Level comments are actually B Level comments to be worked out at a later date. With that note the staff recommends approval of the master plan amendment and change of zone application subject to the stipulations in the staff report.

Motion and Vote Starts: 32:07

On motion by Mr. Carson, seconded by Mr. Mose, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment #MP-2017-8:**

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

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3148:**

Carson	Aye
Childress	Aye
Connelly	Not Present

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

Motion to recommend APPROVAL Passed: 6 to 0

Urban Planning and Land Use Comments:

1. Please provide a landscape plan that shows how the property will meet the following requirements:
 - a. All parking areas shall be screened from public roads with a continuous row of bushes not higher than 30 inches.
 - b. Street trees are required for every 30 feet of street right-of-way (5 street trees)
 - c. Provide trees at 75% greater than 1 per 7,000 square feet. (5 trees)
 - d. Show how the site will be screened from the abutting property zoned or used for residential purposes.

Applicant Response:

- e. Screening was added to the development plan.
- f. Not enough room for 5 trees due to existing garage and new driveway apron to parking area.
- g. There are at least 8 trees on site that will remain after construction.
- h. The existing on-site vegetation provides screening from adjacent residential property.

Staff Response:

The revised development plan includes 2 street trees and screening adequate to meet the intent of the commercial design guidelines.

2. The City-Wide Master Plan requires that properties in the Neighborhood Commercial districts that are along a Class A or B thoroughfare provide an 8 foot sidewalk. Holliday Drive is a Class B thoroughfare. Please show a sidewalk along the length of the property.

Applicant Response: A 5' wide sidewalk has been shown on the development plan. No other sidewalks exist in the area so a 5' wide sidewalk will be adequate.

Staff Response: Staff concurs with the 5' sidewalk

3. All parking must be paved with asphalt or concrete. Please indicate the paving surface of the parking areas including the two spaces on the east side of the property.

Applicant Response: – The surfacing of the existing parking area with two spaces is asphalt.

4. A cross-access agreement with the adjacent property to the east will be required to ensure access to the two parking spaces on the east side of the property. This will need to be incorporated into the deed of the property.

Applicant Response: A cross access easement will be prepared and recorded after approval of the Change of Zone and Board of Zoning Appeals requests.

Staff Response: This will be a stipulation of approval. The change of zone ordinance will not be published until it is recorded.

5. Does the residence have a separate entrance or kitchen?

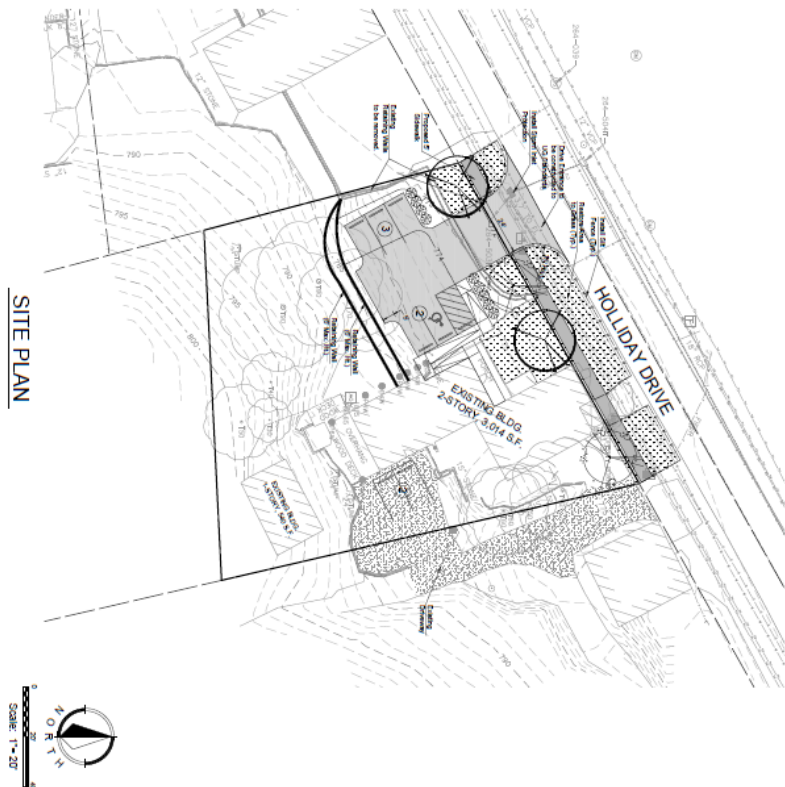
Applicant Response: The residence has an entrance from the east on the 2nd Floor and also will have a separate kitchen area.

Staff Response: Revised plans will be required prior to ordinance publication.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) A cross access easement/agreement for access to the two parking stalls on the east side of the site shall be submitted with final plans.
 - 2) The driveway approach for access to the two parking stalls on the east side of the site shall be upgraded to a concrete driveway approach, in accordance with UG standards and criteria.
 - 3) Final plans shall indicate proposed retaining wall locations with dimensions from property lines, wall height(s), beginning and end points, transitions, curves or bend points, and type of retaining wall (i.e., modular block wall with geogrid or reinforced concrete wall, etc.).
 - 4) Final development plans shall include retaining wall calculations, details, cross sections, and construction plans signed and sealed by a Professional structural engineer registered in the State of Kansas, in accordance with UG criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.
 - 5) Provide geotechnical soil borings and report regarding proposed retaining walls including global stability analysis.
 - 6) The proposed retaining walls shall be designed for all applicable types of loading, factors of safety, i.e., construction, or surcharge loading, and vehicular or pedestrian guardrail(s) or fence design (including posts and

- footings), allowable soil bearing pressure of 1500 pdf, connection to the existing wall and existing building, etc.
- 7) Final development plans shall include final engineering, calculations, studies, and complete construction level drawings with construction notes and details, in accordance with UG standards and criteria and shall be reviewed and approved by UG prior to being placed on the Planning Commission agenda.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None



SITE PLAN

LEGEND

- | | | |
|---------------------------------------|----|------------------------------------|
| EXISTING ELECTRICAL SERVICE | 1 | EXISTING TELEPHONE MAINS |
| EXISTING GAS LINE | 2 | EXISTING POWER POLE |
| EXISTING WATER LINE | 3 | EXISTING DAY ANCHOR |
| EXISTING STORM SEWER PIPE | 4 | EXISTING GAS TELEVISION / FIBER/ST |
| EXISTING SANITARY SEWER PIPE | 5 | EXISTING WATER METER |
| EXISTING TRAFFIC SIGNAL LANE | 6 | EXISTING TELEPHONE FIBER/ST |
| EXISTING TELEPHONE LANE | 6A | EXISTING LIGHT POLE |
| EXISTING DRAIN LINE | 7 | EXISTING SANITARY SEWER MANHOLE |
| EXISTING DRAIN LINE | 8 | EXISTING SANITARY SEWER CLEANOUT |
| EXISTING EDGE OF THURGER | 9 | EXISTING FIRE HYDRANT |
| EXISTING STRAIGHT OR DRAINAGE CHANNEL | 10 | EXISTING WATER VALVE |
| EXISTING FENCE | 11 | SURVEY ELEVATION MARK |
| | 12 | EXISTING WATER METER |

OWNER/APPLICANT
ADDITIONAL COMMENTS:

**7357 HOLLY DRIVE
KANSAS CITY, KS 66106**

**95 COUNTRY CLUB DRIVE
LAWRENCE, KS 66049**

LEGAL DESCRIPTION

[illegible]

FLOODPLAIN DATA

THE SOURCE PHOTO BY CLARENCE MANN, ABOVE, & MICKY OF SEVERAL THOUGHTS. RE THE FEELING, EMERGENCY MANAGE/MENT & ENJOY FEDERAL INSURANCE ADMINISTRATION. PUBLICATIONS, FLUID INSURANCE, STATE WAP, WAP NUMBERS 2020SC0149C, OTC, THE DATE 5/15/2020, 2, 2015.

UTILITY CONTACTS

BRANDON G. BEAL, 11000 S. RETAIL, 145555, ONE CENTRE

UTILITY CONTRACTS

[illegible]

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT
HAIRY WINTERBURN	INTERMEDIAL PALMBOOM		2' GALLON	8	2'
POPPLEBUSH	GLABRA SMOKEWEE		2.5" 1/2" GAL	2	40"
RED-STEMMED DOGWOOD	RED-STEMMED DOGWOOD		2.5" 1/2" GAL	2	20"

PARKING DATA

7. FLOORED STAIRS
C/MR USE
GR-01 ZONE 1 (4.5% 1000 SF FLOOR AREA)
(1,144 SF FLOOR AREA) = 5
~~8-4 CUBIT (2ND FLOOR AREA) (1/2 PR. UNIT
(1 UNIT, 2 BEHINDS) = 2~~

ZONING AND DENSITY

BUILDING INFORMATION

EXISTING BUILDING, 2-STORY, 3,0

SITE CHARACTERISTICS TABLE:

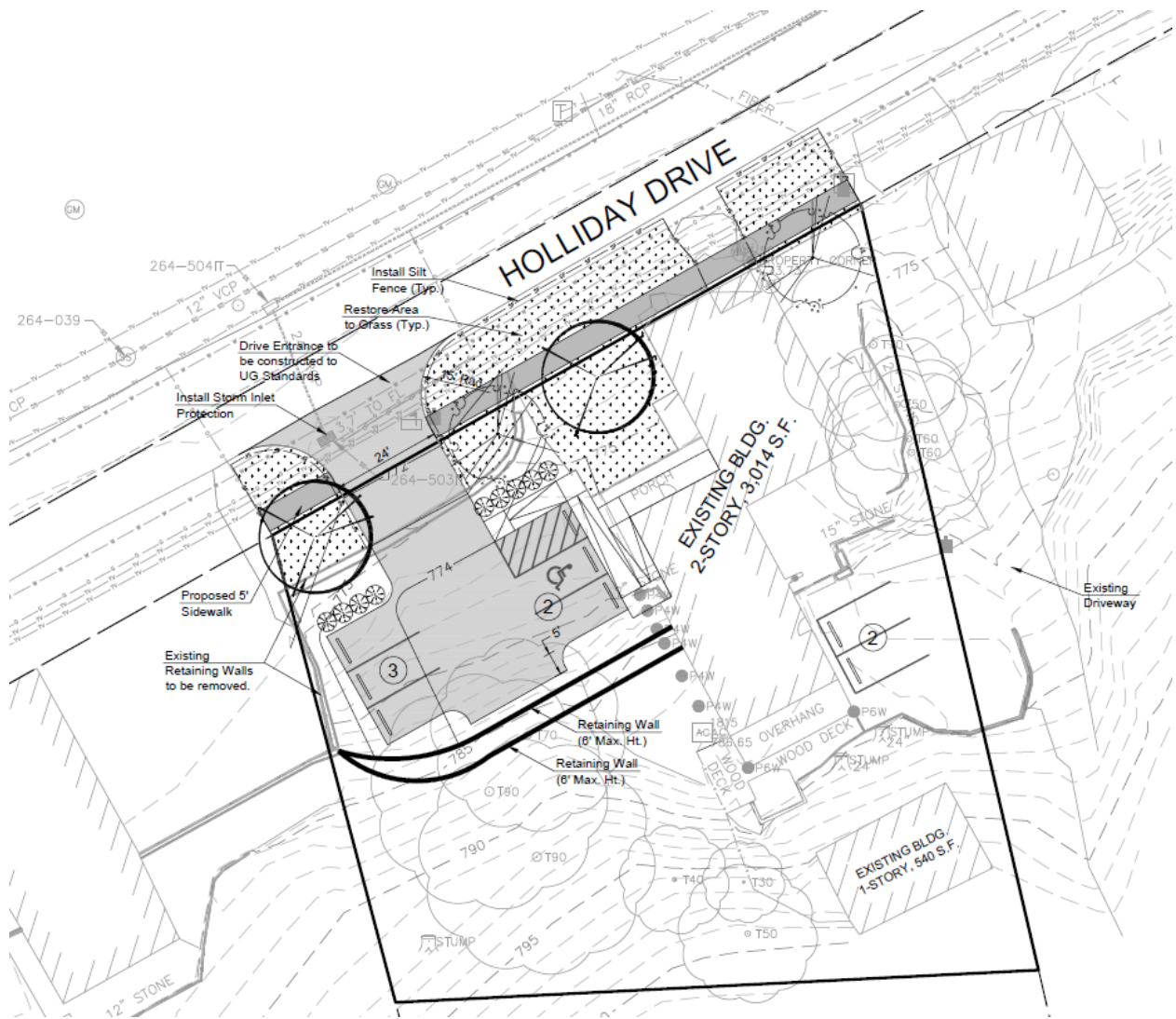
GENERAL NOTES

[illegible]**HOLLIDAY PROPERTIES LLC**

7331 & 7341 HOLLIDAY DRIVE, KANSAS CITY, KS 66106



DEVELOPMENT PLAN











MEETING MINUTES

Application Numbers: COZ 3148; BZA 2263 & MPA 2017-8

Date and Location: Tuesday, September 19th, 2017

Axiom Equities/Holliday Properties Offices
7357 Holliday Drive
Kansas City, KS 66106

Meeting called to order at: 6:00 PM CST, by Ben Kalny and 2nd by Mike O'Connell

Names of people in attendance: (See Sign in Sheet for Exact Names)

Ben Kalny - Principal, Holliday Properties

Mike O'Connell - Employee, Axiom Equities &
Holliday Properties

Tracey Bailes - Neighbor 2526 W. 73rd

Introductions: Ben Kalny

Presentation by applicant and/or team:

Mr. Kalny opened the meeting by explaining to Mrs. Bailes what our plans are with the house (7331 Holliday Dr.) and the need for our company to place 2-3 office/accounting type people there as we grow. He also explained our plans to have a rental unit (apartment) on the second floor. Ben further explained the parking lot plans. Finally, both Mr. Kalny and Mr. O'Connell answered a few questions. Mrs. Bailes indicated she was pleased with our plans and our investment into the area. She plans on attending the Planning Commission Meeting on 10/9.

Questions and answers:

- **Who asked question or gave comment**
 - *Mrs. Bailes asked a few questions: Mr. Kalny responded & Mr. O'Connell responded*
- **What was the question or comment**
 - (Q1) Are you doing anything with the vacant land toward the south property line?
 - (Q2) Who determined who was to be notified of this action
- **Who answered the question/comment**
 - Mr. Ben Kalny answered question 1; Mr. O'Connell answered question 2
- **What was the answer given**
 - (A) "No"-we have no plans to build anything at this time or make any changes to the open landscape-other than maintain it (cut the grass)
 - (A) The Unified Government tells us a who to notify of this action- they gave a list of parcel owners within a defined radius (200') and other interested parties like County Commissioners for the area.

Meeting adjourned at: 6:35 PM CST, by Ben Kalny and 2nd by Mike O'Connell

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF Wyandotte) SS:

Comes now **Ben Kalny**, Principal with Holliday Properties, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition COZ 3148, BZA 2263 & MPA 2017-8
2. That I conducted a neighborhood meeting on September 19th, 2017
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

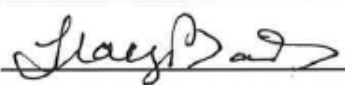
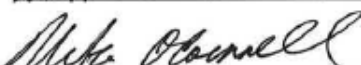
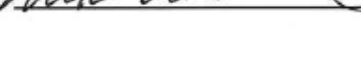
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of September 2017

My commission expires 8th of May, 2019




Notary Public

Sign-In Sheet for Neighborhood Meeting
Meeting to discuss Rezoning of 7343 Holliday Drive, KCK

GUEST	SIGNATURE	DATE
Commissioner- Angela Markley 781 North 7th Street Kansas City, KS 66101		September 19th, 2017
Commissioner - Hal Walker 781 North 7th Street Kansas City, KS 66101		September 19th, 2017
Adrian & Patricia Arnold 2338 W 73rd St Kansas City, KS 66106		September 19th, 2017
Denis D. & Tracey L. Bailes 2326 W 73rd St Kansas City, KS 66106		September 19th, 2017
Esther Clayborn 2001 S 74th Street Kansas City, KS 66106		September 19th, 2017
Jade Investments - Kristin Mance 7324 Holliday Drive Kansas City, KS 66106 (across the street SOUTHWEST from subject)		September 19th, 2017
Longevity Properties, Inc. : Rodney Lading 7401 Holliday Drive Kansas City, KS 66106 (across the street WEST from subject)		September 19th, 2017
Railroad Properties, LLC -Pat Reeves AAK Railroad Materials, INC 7410 Holliday Drive Kansas City, KS 66106 (across the street SOUTHWEST from subject)		September 19th, 2017
Donald R. & Carolyn J. Silke 2649 S 79th St Kansas City, KS 66106		September 19th, 2017
Holliday Properties - Ben Kalny or Mike O'Connell 7337 Holliday Dr Kansas City, KS 66106		September 19th, 2017
Holliday Properties - Ben Kalny or Mike O'Connell 2403 S 74th St Kansas City, KS 66106		September 19th, 2017
Holliday Properties - Ben Kalny or Mike O'Connell 2441 S 74th St Kansas City, KS 66106		September 19th, 2017



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 26, 2017
Re: Petition #SP-2017-20

GENERAL INFORMATION

Applicant:
Michael Quinn

Status of Applicant:
Owner
5421 Hazen Avenue
Kansas City, KS 66106

Requested Action:
Approval of Special Use Permit

Date of Application:
February 24, 2017

Purpose:
To operate a dirt fill site

Property Location:
4412 – 4416 Gibbs Road

Existing Zoning:
R-1 Single Family and MP-2 Planned General Industrial Districts



Existing Surrounding Zoning: **North:** M-2 General Industrial District
South: R-1 Single Family District
East: None
West: R-1 Single Family District

Existing Uses: **North:** Undeveloped industrial lot
South: A church (Faith City Christian Center) and single family homes (across Gibbs Road)
East: Interstate 635
West: Single family home

Total Tract Size: 6.5 acres

Master Plan Designation: The City-Wide Master Plan designates these properties as Low-Density Residential and Business Park.

Major Street Plan: The City-Wide Master Plan classifies Gibbs Road as a local road.

Advertisement: The Wyandotte Echo – March 16, 2017
Letters to Property Owner – March 13, 2017, April 26, 2017, June 2, 2017, June 29, 2017, August 4, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: Staff has received one phone call from a property owner along Gibbs Road and she expressed concern about the total number of dump trucks visiting the site, saying that there were more than four per day, in addition to the dirt and mud left on Gibbs Road and evening and weekend dumping on the site. The staff has received a letter in opposition (attached) and one neighbor appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Quinn wants to operate a dirt fill site in order to flatten the rear of the property, which is on 6.5 acres at 4412 – 4416 Gibbs Road. The special use permit has been filed as a result of code enforcement action.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement Action: The property has been cited multiple times in the past 8 years for code violations. They range from weeds to an accessory building posted as unfit. The citations dating back to 2014 do not appear to be the applicant, as the owner was Metropolitan Land Reclamation Site located in Geneva, Nebraska.

Currently, Code Enforcement has the applicant, Mr. Michael Quinn in court for an illegal fill site case #15395-00069. This case has been continued for arraignment to a later date, pending the outcome of this special use permit.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised single family homes to the west and a church and single family home to the south. The east boundary of the property abuts Interstate 635.

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

The zoning and uses of properties nearby are set out above. The proposed use is temporary in nature; however it is not compatible with them.

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

The removal of the restrictions could detrimentally affect nearby property, as there is an existing dirt fill site in the area, which could pose problems for adjacent land owners who live on Gibbs Road.

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

The properties have been vacant since 2008.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will result in an increase in truck traffic along Gibbs Road, but should not be to the point where it exceeds the capacity to accommodate it.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. If substantial erosion control measures are not taken during this special use permit, the proposed use will injure the visual quality or marketability of adjoining property.

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

Noise, dust and mud that are normally associated with dirt fill and site grading could pose problems for nearby property owners. Minimalizing noise, dust and mud is imperative to this operation.

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

The proper measures are not taken during the duration of the special use permit, the operation could cause air quality and dust issues for nearby property owners.

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

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

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 27, 2017. According to the applicant, those who attended the meeting were not in opposition.

KEY ISSUES

Illegal dumping
Truck Traffic
Duration of operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-20, subject to:

Urban Planning and Land Use Comments:

1. Since Code Enforcement cited this site as an illegal fill site, what type of fill has been brought onto the site? Additionally, how much fill has already been brought to the site?

Applicant Response: Since cited by the City, no new dirt has been brought in. I am not sure how much has been brought in. About 25 to 40 trucks is what I believe was brought in before I was told I needed a permit.

2. How much earthen fill will be brought onto the site to bring it to completion?

Applicant Response: I am unsure how much dirt will be needed, some need 10 to 15 feet of dirt and some areas only need 2 to 3 feet.

3. Where is the earthen fill being brought from?

Applicant Response: The dirt will be brought in from basement dig outs and sidewalks from around area jobs.

4. How long do you believe it will take to achieve the final grades necessary for future storage? Staff has concerns about this becoming a long-term filling operation.

Applicant Response: I am unsure on the timeframe due to the fact that the amount of work from the parties that are doing the digging is unknown. Once I get permission to allow the dumping I can get some firm answers.

5. How many daily truck trips are anticipated?

Applicant Response: There should be only 2 to 4 trips a day.

6. What are the proposed hours of operation? Staff's suggestion would be from 8:00 AM to 5:00 PM, Monday through Friday.

Applicant Response: Hours would be from 8:00 AM to 6:00 PM, with an occasional dump on Saturdays.

7. What measures will be taken to ensure that dust will not become a problem for nearby property owners?

Applicant Response: I have access to a water truck to control the dust if it should be a problem. The dump area is about 200 feet from the street so it should not be a problem.

8. Submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required.

Applicant Response: There should not be any problems with the other properties, there should not be dirt or washing of on or near the other properties. I will get a bond if necessary.

Staff Response: The applicant is likely liable for any damage to other properties and should take appropriate measures to protect adjacent properties and themselves.

9. Per the Business License Department:

- a. Our office found no type of business activity on record at this address. A check of Google satellite imagery for any indications of a business, found rock/concrete fill on site. If this SUP is for dirt fill only, there should be some requirement for code inspection access to confirm fill materials being dumped on site.**

Applicant Response: If needed, I will get a business license.

10. Hauling Permits are required for anyone dumping on the site.

Applicant Response: Hauling permits will be required from anyone dumping.

11. The applicant should note the plans submitted must be followed or they will be subject to future citations.

Public Works Comments:

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

- 1) None**

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

- 1) Existing and proposed fill material shall meet typical soil classifications without any rubble, deleterious material, vegetation, etc. and shall be properly compacted.**
- 2) Within 14 days after final grading has been established, topsoil shall be placed, and the area shall be seeded to establish vegetation.**

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

- 1) None**

Staff Conclusion:

The applicant's representative has resolved engineering staff's questions and comments. There is a history of code violations on this property. The issue at hand is, since 2015, the illegal dumping of earthen material with no oversight of the Unified Government to ensure proper soil compaction and the type of earthen material deposited on site.

In order to make sure that the site is properly compacted and checks can be performed, this special use permit needs to be issued to stabilize the slope in the interim and flatten the slope at final stabilization. Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for one (1) year.
- (2) A grading permit shall be issued by Building Inspection during DRC prior to earthen material being brought onto the site.
- (3) Hours of operation shall be Monday through Friday, 8:00 AM – 5:00 PM. Weekend dumping is prohibited.
- (4) Allow Public Works Department to perform checks at any time to ensure that proper compact of the soil is occurring and that erosion control measures are being strictly followed and adhered to.
- (5) Repair any damage that occurs to adjacent property owners, curbs, sidewalks and utilities.
- (6) Control dust plumes by watering the site and remove dirt and debris from the right-of-way on a daily basis.
- (7) If issues arise with adjacent property owners and are brought to staff's attention during the term, this special use permit can be submitted to the Unified Government Board of Commissioners for revocation.
- (8) Existing and proposed fill material shall meet typical soil classifications without any rubble, deleterious material, vegetation, etc. and shall be properly compacted.
- (9) Within 14 days after final grading has been established, topsoil shall be placed, and the area shall be seeded to establish vegetation.
- (10) Keeping the grass cut to the code requirements for the duration of the special use permit regardless of the deer population.
- (11) The construction entrances do not always work the way they are intended to so a bobcat with a brush sweeper should be kept on site to clean the street as necessary which is what people in the development community do when they are doing site development.
- (12) The applicant needs to provide Mr. Schoenberger a viable contact for him or his agent that would be a good conduit to addressing issues that may come up on the site.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-20 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Pre-Clearing Erosion Control Plan
Grading Plan
Final Site Stabilization Plan
Letter in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 9, 2017	October 26, 2017
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-20** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-20**, 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 33:15

SPECIAL USE PERMIT APPLICATION #SP-2017-20 – MICHAEL A. QUINN SR. – SYNOPSIS: Special Use Permit for a dirt fill at 4412 Gibbs Road. Detailed Outline of Requested Action: The applicant, Michael Quinn wants to operate a dirt fill site in order

to flatten the rear of the property, which is on 6.5 acres at 4412 – 4416 Gibbs Road. The special use permit has been filed as a result of code enforcement action.

Code Enforcement Action: The property has been cited multiple times in the past 8 years for code violations. They range from weeds to an accessory building posted as unfit. The citations dating back to 2014 do not appear to be the applicant, as the owner was Metropolitan Land Reclamation Site located in Geneva, Nebraska. Currently, Code Enforcement has the applicant, Mr. Michael Quinn in court for an illegal fill site case #15395-00069. This case has been continued for arraignment to a later date, pending the outcome of this special use permit.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 16, 2017;
7. The Notices to property owners dated March 13, April 26, June 2, June 29 and August 4, 2017; and
8. The letter in opposition distributed to the Commission tonight from Randy and Kathy Schoenberger.

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

Present in Support:

- ❖ Mr. Jeff Skidmore, Slagle and Associates, 14920 West 107th Street, Lenexa, Kansas
- ❖ Mr. Michael Quinn, applicant, 5421 Hazen Avenue, Kansas City, Kansas 66106

Present in Opposition:

- ❖ Mr. Randy Schoenberger, 4433 Gibbs Road, Kansas City, Kansas 66106

Staff Recommendation Starts: 49:52 Director Richardson stated that he would like to answer some of the questions that were in the letter from the neighbors. The staff is recommending 1 year from approval with hours from 8:00 a.m. to 5:00 p.m. (weekend dumping is prohibited.) The owner will be responsible for cleaning the street. Trucks would be allowed to come and go multiple times a day during this timeframe. The question regarding doing inspections and inquiries with the neighbors to ensure these items are being addressed, if there are complaints an inspector will be sent out. (He will give Mr. Schoenberger his business card.) This is a short-term special use permit that typically does not have an impact long-term on property values. He stated that he would like to add stipulations to the staff report:

10. Keeping the grass cut to the code requirements for the duration of the special use permit regardless of the deer population.
11. The construction entrances do not always work the way they are intended to so a bobcat with a brush sweeper should be kept on site to clean the street as necessary which is what people in the development community do when they are doing site development.
12. The applicant needs to provide Mr. Schoenberger a viable contact for him or his agent that would be a good conduit to addressing issues that may come up on the site.

He stated that if the applicant does not comply with the stipulations, he can be brought back before the Board of Commissioners to have his special use permit revoked. He further stated that given what is going on there at this time, there will need to be a special use permit at some point to finish this. There are piles of dirt out there and even if Mr. Quinn sells the property, the new owner is going to want to fill this and finish what has been started. Director Richardson stated that the applicant should get this done within a year because it is not likely to be renewed. The staff recommends approval with the additional stipulations.

Motion and Vote Starts: 54:05

On motion by Ms. Jones, seconded by Mr. Childress, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-20:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Since Code Enforcement cited this site as an illegal fill site, what type of fill has been brought onto the site? Additionally, how much fill has already been brought to the site?

Applicant Response: Since cited by the City, no new dirt has been brought in. I am not sure how much has been brought in. About 25 to 40 trucks is what I believe was brought in before I was told I needed a permit.

2. How much earthen fill will be brought onto the site to bring it to completion?

Applicant Response: I am unsure how much dirt will be needed, some need 10 to 15 feet of dirt and some areas only need 2 to 3 feet.

- 3. Where is the earthen fill being brought from?**

Applicant Response: The dirt will be brought in from basement dig outs and sidewalks from around area jobs.

- 4. How long do you believe it will take to achieve the final grades necessary for future storage? Staff has concerns about this becoming a long-term filling operation.**

Applicant Response: I am unsure on the timeframe due to the fact that the amount of work from the parties that are doing the digging is unknown. Once I get permission to allow the dumping I can get some firm answers.

- 5. How many daily truck trips are anticipated?**

Applicant Response: There should be only 2 to 4 trips a day.

- 6. What are the proposed hours of operation? Staff's suggestion would be from 8:00 AM to 5:00 PM, Monday through Friday.**

Applicant Response: Hours would be from 8:00 AM to 6:00 PM, with an occasional dump on Saturdays.

- 7. What measures will be taken to ensure that dust will not become a problem for nearby property owners?**

Applicant Response: I have access to a water truck to control the dust if it should be a problem. The dump area is about 200 feet from the street so it should not be a problem.

- 8. Submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required.**

Applicant Response: There should not be any problems with the other properties, there should not be dirt or washing of on or near the other properties. I will get a bond if necessary.

Staff Response: The applicant is likely liable for any damage to other properties and should take appropriate measures to protect adjacent properties and themselves.

- 9. Per the Business License Department:**

- a. Our office found no type of business activity on record at this address. A check of Google satellite imagery for any indications of a**

business, found rock/concrete fill on site. If this SUP is for dirt fill only, there should be some requirement for code inspection access to confirm fill materials being dumped on site.

Applicant Response: If needed, I will get a business license.

10. Hauling Permits are required for anyone dumping on the site.

Applicant Response: Hauling permits will be required from anyone dumping.

11. The applicant should note the plans submitted must be followed or they will be subject to future citations.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Existing and proposed fill material shall meet typical soil classifications without any rubble, deleterious material, vegetation, etc. and shall be properly compacted.
 - 2) Within 14 days after final grading has been established, topsoil shall be placed, and the area shall be seeded to establish vegetation.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant's representative has resolved engineering staff's questions and comments. There is a history of code violations on this property. The issue at hand is, since 2015, the illegal dumping of earthen material with no oversight of the Unified Government to ensure proper soil compaction and the type of earthen material deposited on site.

In order to make sure that the site is properly compacted and checks can be performed, this special use permit needs to be issued to stabilize the slope in the interim and flatten the slope at final stabilization. Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for one (1) year.
- (2) A grading permit shall be issued by Building Inspection during DRC prior to earthen material being brought onto the site.
- (3) Hours of operation shall be Monday through Friday, 8:00 AM – 5:00 PM. Weekend dumping is prohibited.
- (4) Allow Public Works Department to perform checks at any time to ensure that proper compact of the soil is occurring and that erosion control measures are being strictly followed and adhered to.

- (5) Repair any damage that occurs to adjacent property owners, curbs, sidewalks and utilities.**
- (6) Control dust plumes by watering the site and remove dirt and debris from the right-of-way on a daily basis.**
- (7) If issues arise with adjacent property owners and are brought to staff's attention during the term, this special use permit can be submitted to the Unified Government Board of Commissioners for revocation.**
- (8) Existing and proposed fill material shall meet typical soil classifications without any rubble, deleterious material, vegetation, etc. and shall be properly compacted.**
- (9) Within 14 days after final grading has been established, topsoil shall be placed, and the area shall be seeded to establish vegetation.**
- (10) Keeping the grass cut to the code requirements for the duration of the special use permit regardless of the deer population.**
- (11) The construction entrances do not always work the way they are intended to so a bobcat with a brush sweeper should be kept on site to clean the street as necessary which is what people in the development community do when they are doing site development.**
- (12) The applicant needs to provide Mr. Schoenberger a viable contact for him or his agent that would be a good conduit to addressing issues that may come up on the site.**

Response to staff comments and suggestions.

- 1). Since cited by the city no new dirt has been brought in.
I am not sure how much has been brought in.
About 25 to 30 trucks is what i believe was brought in before i was told i needed a permit.
- 2). I am unsure how much will be needed, some need 10 to 15 feet of dirt and some areas only need 2 to 3 feet.
- 3). The dirt will be brought in from basement dig outs and sidewalks from around the area jobs.
- 4). I am unsure on the time frame due to the fact that the amount of work from the parties that are doing the digging is unknown. Once i get permission to allow the dumping i can get some firm answers.
- 5). There should only be 2 to 4 trips a day.
- 6). Hours would be from 8am to 6pm, with an occasional dump on Satur days.
- 7). I have access to a water truck to control the dust if it should be a problem.
The dump area is about 200 feet from the street so it should not be a problem.
- 8). There should not be any problems with the other properties, there should not be dirt or washing of silt on or near the other properties. I will get a bond if necessary.
- 9). If needed i will get a business license.
- 10). Hauling permits will be required from any one dumping.

MINUTES OF MEETING

APPLICATION NUMBER: SP-2017-20

DATE & LOCATION: March 27, 2017 – 720 Osage

Re: Property located at : 4414 & 4412 Gibbs Road.

Meeting was called to order at 7:00 pm.

The following were in attendance:

Wayne Selzer, 4432 Gibbs Rd, KC KS

Michael Quinn, Applicant, 5421 Hazen, KC KS

Anthony Mots, 24 S. 74th, KC KS

Angela Black, recording secretary

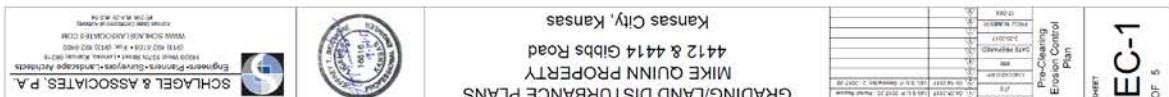
Presentation by applicant explaining that fill dirt would be brought in to fill in the land so that it could be leveled for a potential home to be built on the property.

Wayne Selzer, attendee, asked if the work to be done on the property in question would interfere with his own property. Mr. Quinn explained that the fill dirt being brought in would only affect the property in question and not any surrounding areas. Mr. Selzer was pleased with the answer and said "I'm ok with it then". Mr. Selzer left the meeting at 7:16 pm.

Meeting adjourned at: 7:30 pm

Minutes taken by: Angela Black









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March 30, 2017

Unified Government of Wyandotte County/
Kansas City, Kansas
Urban Planning and Land Use
City Planning Commission
701 N. 7th Street, Room 423
Kansas City, KS. 66101

Re: Petition #SP-2017-20

To the City Planning Commission:

We respectfully request that this email be included in the official file concerning the special permit petition filed in Case No. SP-17402-00014:

We are homeowners of and live at 4433 Gibbs Road, across the street from the site involved in the special permit petition, owned by Michael Quinn.

To be frank, we have serious reservations with the proposed dirt fill. We have witnessed several incidents on that property over the past few years that have left us with the impression that Mr. Quinn doesn't particularly care what happens there. As you know, the property is vacant; hence Mr. Quinn doesn't live there and has no active involvement in our neighborhood.

We know that Mr. Quinn is currently involved in a code enforcement case involving illegal dumping. We have personally witnessed dump trucks coming and going since Mr. Quinn purchased the property, dumping huge chunks of concrete on the site. As these trucks were coming and going, some as early as 7:00 a.m., (including weekends), they left behind dirt and rocks scattered up and down Gibbs Road, as well as dust everywhere during the dry days. When we confronted the drivers of the trucks as to who was responsible for the clean-up of Gibbs, we were told that they didn't care as Mr. Quinn was allowing the dumping to occur for a great price....

Frankly, it appears that Mr. Quinn is left with little or no choice but to fill the property as a result of his own self-inflicted wounds by allowing the illegal dumping to occur in the first place.

We knew a tenant was allowed to live at the rear of the property in a shed with a generator for power with cars stopping on Gibbs Road dropping people off and picking them up. We were told by the KCK police department that drugs were involved.

The grass is not cut on a regular basis and left to grow to a ridiculous height and by the time it is cut, ends up in huge globs on Gibbs Road.

All of this was allowed to occur by Mr. Quinn with the knowledge that it was happening, illegal or not, with no regard for any of the neighbors in our area. We attempted to speak to Mr. Quinn in a civil manner about these concerns, obviously to no avail.

Here are some of the concerns regarding the special permit petition:

- 1) How long is the permit for? We see nothing regarding any kind of time frame.
- 2) Who will be responsible for cleaning up the dirt, mud and rocks that will inevitably litter Gibbs Road? How often will that occur?
- 3) How many times per day will trucks be allowed to come and go to the property?
- 4) Will the Unified Government be conducting inspections and inquiries with neighbors to insure these items are being addressed?
- 5) How will this affect property values?

We are homeowners that have owned this property for years, live in this neighborhood, take care of our property and care what happens here. Obviously given the past events and the ill regard for the neighborhood, we have no reason to believe that Mr. Quinn has any intentions to do the same.

Randy & Kathy Schoenberger
4433 Gibbs Road
Kansas City, KS. 66106

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 26, 2017

Re: **Petition #SP-2017-32**
Petition #PR-2017-21

GENERAL INFORMATION

Applicant:
Ben Stephens

Status of Applicant:
Representative
Jay Healy with George Butler
Associates, Inc.
9801 Renner Boulevard
Lenexa, KS 66219

Requested Action:
Approve Special Use Permit and Preliminary and Final Plan Review

Date of Applications:
March 25, 2017

Purpose:
To expand parking area for Copart and
build a surface parking lot for expansion of storage area

Property Location: 6130 Kansas Avenue

Existing Zoning: M-3 Heavy Industrial District



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

Existing Uses: North: Trailer storage
South: Auto storage (Copart)
East: Mobile homes
West: Vacant commercial building

Total Tract Size: 12.04 acres

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

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

Advertisement: The Wyandotte Echo – Special Use Permit – April 13, 2017, Plan Review - None
Letters to Property Owner – April 12, 2017, April 27, 2017, June 5, 2017, June 29, 2017, August 8, 2017, August 31, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ben Stephens with Copart wants to expand their automobile storage area across the street from their principal facility at 6221 Kansas Avenue. Mr. Stephens has applied for a special use permit to expand the Copart facility, a plat to create one (1) industrial lot and a plan review for the expansion of storage area on 12.04 acres at 6130 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is largely comprised of industrial businesses and uses, bordering the parcel to the north, west and south (across Kansas

Avenue). While the zoning is M-3 Heavy Industrial District, there is a mobile home court to the east of the proposed development.

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

The zoning and uses of properties nearby are set out above. The proposed use, fenced vehicle storage lot is relatively compatible with the surrounding properties because of the low volume of traffic coming to the site.

3. *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 South Patrol, District #441

e. *Fire*

Fire service provided by Fire Station #20

f. *Transit*

Kansas City ATA does not provide transit service near this property.

g. *Schools*

Turner USD 202

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

The removal of the restrictions should not have a detrimental effect of nearby property because there is appropriate landscaping and screening and the storage of vehicles is setback from the mobile homes.

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

The property has been vacant since at least 1997.

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

Special use permits are not addressed in the Master Plan, however the proposed use conforms to the master plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

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

9. *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 will not be an issue.

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

If proper measures are taken and infrastructure is installed correctly, the proposed use should not pollute the land or water.

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

This will not be an issue.

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

The relative gain to the public health, safety, and welfare is minimal as compared to the hardship imposed on the landowners.

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

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

14. 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.

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

15. 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.

Street will be designed 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.

16. 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.

The lot is arranged as to afford adequate light, open space or air, to facilitate fire protection and to provide for long-term sustained real estate values.

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

Trees are being preserved on the site, so some vegetation is being protected.

18. 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.

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

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

20. 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 with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 19, 2017. According to the applicant no one appeared at the meeting.

KEY ISSUES

Proximity to floodplain
Layout of parking
GeoSpatial Services Comments
Public Works Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-32, subject to the stipulations below.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review #PR-2017-21, subject to the stipulations below.

Urban Planning and Land Use Comments:

1. **Per Business Licensing Department:**
 - a. **The applicant has filed and maintained annual occupation tax application since 1987 and is currently located at 6211 Kansas Avenue. However, this location is not contiguous with existing business operations of the applicant; and is actually separated by Kansas Avenue. If approved, applicant would need to file and maintain occupation tax application for this additional location.**

Applicant Response: Acknowledged.

2. **Please review and revise based on the comments issued by GeoSpatial Services located in the attachments.**

Applicant Response: Corner ties are included with this submittal.

3. **A preliminary plat was not submitted as part of this application. This parcel has not been previously platted; a preliminary plat is required. Please review Sec. 27-215 and submit the required documents for review.**

Applicant Response: It was GBA's intention for the preliminary plan to serve as the preliminary plat. A sheet has been added to the preliminary plan for clarity.

4. While the associated storage lot is within Zone X, the site elevation is below the base flood elevation of 762.0'. There is no barrier to prevent water from crossing Kansas Avenue and inundating the property. The lot should be raised 1.5' above the BFE and the engineer must state the vehicles being stored outside are not subject to flotation.

Applicant Response: GBA is currently working with staff resolve this comment.

Staff Response: Because the property is within Zone X, the applicant does not, by Code, have to raise the site elevation 1.5' above the base flood elevation of 762.0'. The southern edge, along the property line is at 763.0'.

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Applicant Response: Acknowledged.

6. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage vehicles are not permitted in this district.

Applicant Response: Acknowledged.

7. Please provide a day to day business operation for this vehicle storage area.
 - a. How many vehicles do you anticipate being brought to or removed from the site on a daily basis?

Applicant Response: This will be an overflow lot, and only be used when the south lot is full.

- b. What types of trucks will visit the site to unload or pick up vehicles?

Applicant Response: Two car haulers will be used at this time.

- c. How many truck trips do you anticipate?

Applicant Response: A maximum of 10 trips of the two car haulers are anticipated.

8. What are the proposed hours of operation?

Applicant Response: The proposed hours of operation are 7:30 AM to 6:00 PM.

9. Are video cameras going to be installed for security?

Applicant Response: Yes.

10. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf.

Applicant Response: Acknowledged.

11. All lighting installed in the parking lot shall have 90 degree cutoff fixtures.

Applicant Response: Acknowledged.

12. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted. Please specify the species by providing a list on the landscape plan.

Applicant Response: Tree caliper and plant species selection is provided on sheet L02.

13. All landscaping shall be irrigated.

Applicant Response: Acknowledged. Landscape notes updated.

14. The perimeter fence along the entire property lines shall be solid and 8' in height. The fence that faces Kansas Avenue shall have masonry columns every 32' on center. Please provide fence details as part of the plan review.

Applicant Response: Acknowledged. Fence detail provided on sheet C06.

15. Drive aisles must be paved with asphalt or concrete. Storage pads may be asphalt millings.

Applicant Response: Acknowledged. Asphalt pavement shown for parking areas.

16. All vehicles shall be parked in a legal, conforming parking stall in compliance with the parking code. Please revise the site plan to show proper striping.

Applicant Response: GBA is currently discussing parking stall requirements with city staff. This lot is a car storage lot, and not intended

for individual use. It is the owner's preference to use the same parking configuration as their existing lot to the south of Kansas Avenue.

Staff Response: Since vehicles will be brought to the site by haulers, in various states of disrepair, they will be stored in an orderly manner, not stacked on one another and entirely screened from public view.

17. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

Applicant Response: Acknowledged.

18. Will any speakers be used on the lot for communication for auctions?

Applicant Response: No speakers are planned for the site. Auctions are online.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat. Provide final plat in accordance with County Surveyor comments.
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-32 and Petition #PR-2017-21 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Final Plat
Site Plan
Grading Plan
Utility Plan
Landscape Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 9, 2017	October 26, 2017
Special Use	Approval	
P&F Plan	October 9, 2017	October 26, 2017
	Approval	

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

MOTIONS

Special Use Permit:

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-32** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-32**, 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.

Plan Review:

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2017-21** 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-2017-21** 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 55:20

SPECIAL USE PERMIT #SP-2017-32 – BEN STEPHENS WITH COPART –

SYNOPSIS: Special Use Permit for expansion of Copart parking facility at 6130 Kansas Avenue

COPART – SYNOPSIS: Final Plat for one (1) industrial lot at 6130 Kansas Avenue

PLAN REVIEW APPLICATION #PR-2017-21 – BEN STEPHENS WITH COPART –

SYNOPSIS: Preliminary and Final Plan Review for expansion of Copart's car storage facility at 6130 Kansas Avenue

Detailed Outline of Requested Action: The applicant, Ben Stephens with Copart wants to expand their automobile storage area across the street from their principal facility at 6221 Kansas Avenue. Mr. Stephens has applied for a special use permit to expand the Copart facility, a plat to create one (1) industrial lot and a plan review for the expansion of storage area on 12.04 acres at 6130 Kansas Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo dated April 13, 2017 for the special use permit; and
7. The Notices to property owners dated April 12, April 27, June 5, June 29, August 8 and August 31, 2017.

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

Present in Support:

- ❖ Ms. Anna Krstulic, general counsel for the applicant for this project, 1201 Walnut Street, Kansas City, Missouri
- ❖ Mr. Ben Stephens, Copart Property Manager
- ❖ Mr. Jay Healy, George Butler Architects/Engineers

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 1:00:07 Director Richardson stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts: 1:00:40

On motion by Ms. Jones, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-32:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. **Per Business Licensing Department:**
 - a. **The applicant has filed and maintained annual occupation tax application since 1987 and is currently located at 6211 Kansas Avenue. However, this location is not contiguous with existing business operations of the applicant; and is actually separated by Kansas Avenue. If approved, applicant would need to file and maintain occupation tax application for this additional location.**

Applicant Response: Acknowledged.

2. Please review and revise based on the comments issued by GeoSpatial Services located in the attachments.

Applicant Response: Corner ties are included with this submittal.

3. A preliminary plat was not submitted as part of this application. This parcel has not been previously platted; a preliminary plat is required. Please review Sec. 27-215 and submit the required documents for review.

Applicant Response: It was GBA's intention for the preliminary plan to serve as the preliminary plat. A sheet has been added to the preliminary plan for clarity.

4. While the associated storage lot is within Zone X, the site elevation is below the base flood elevation of 762.0'. There is no barrier to prevent water from crossing Kansas Avenue and inundating the property. The lot should be raised 1.5' above the BFE and the engineer must state the vehicles being stored outside are not subject to flotation.

Applicant Response: GBA is currently working with staff resolve this comment.

Staff Response: Because the property is within Zone X, the applicant does not, by Code, have to raise the site elevation 1.5' above the base flood elevation of 762.0'. The southern edge, along the property line is at 763.0'.

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Applicant Response: Acknowledged.

6. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage vehicles are not permitted in this district.

Applicant Response: Acknowledged.

7. Please provide a day to day business operation for this vehicle storage area.
 - a. How many vehicles do you anticipate being brought to or removed from the site on a daily basis?

Applicant Response: This will be an overflow lot, and only be used when the south lot is full.

- b. What types of trucks will visit the site to unload or pick up vehicles?**

Applicant Response: Two car haulers will be used at this time.

- c. How many truck trips do you anticipate?**

Applicant Response: A maximum of 10 trips of the two car haulers are anticipated.

- 8. What are the proposed hours of operation?**

Applicant Response: The proposed hours of operation are 7:30 AM to 6:00 PM.

- 9. Are video cameras going to be installed for security?**

Applicant Response: Yes.

- 10. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf.**

Applicant Response: Acknowledged.

- 11. All lighting installed in the parking lot shall have 90 degree cutoff fixtures.**

Applicant Response: Acknowledged.

- 12. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted. Please specify the species by providing a list on the landscape plan.**

Applicant Response: Tree caliper and plant species selection is provided on sheet L02.

- 13. All landscaping shall be irrigated.**

Applicant Response: Acknowledged. Landscape notes updated.

- 14. The perimeter fence along the entire property lines shall be solid and 8' in height. The fence that faces Kansas Avenue shall have masonry columns every 32' on center. Please provide fence details as part of the plan review.**

Applicant Response: Acknowledged. Fence detail provided on sheet C06.

15. Drive aisles must be paved with asphalt or concrete. Storage pads may be asphalt millings.

Applicant Response: Acknowledged. Asphalt pavement shown for parking areas.

16. All vehicles shall be parked in a legal, conforming parking stall in compliance with the parking code. Please revise the site plan to show proper striping.

Applicant Response: GBA is currently discussing parking stall requirements with city staff. This lot is a car storage lot, and not intended for individual use. It is the owner's preference to use the same parking configuration as their existing lot to the south of Kansas Avenue.

Staff Response: Since vehicles will be brought to the site by haulers, in various states of disrepair, they will be stored in an orderly manner, not stacked on one another and entirely screened from public view.

17. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

Applicant Response: Acknowledged.

18. Will any speakers be used on the lot for communication for auctions?

Applicant Response: No speakers are planned for the site. Auctions are online.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) The County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat. Provide final plat in accordance with County Surveyor comments.
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Staff Conclusion:

The applicant has worked with staff to resolve planning and engineering issues and comments, staff supports this petition subject to the aforementioned

stipulations.

On motion by Ms. Pauley, seconded by Mr. Mose, the Planning Commission voted as follows to **APPROVE Copart Final Plat:**

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

Motion to APPROVE Passed: 6 to 0
Subject to the above stipulations

On motion by Ms. Pauley, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review #PR-2017-21:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above stipulations



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Omaha, NE
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April 24, 2017

City Staff
701 North 7th Street Suite 423
Kansas City, Kansas 66101

RE: Petition #SP-2017-32, Copart Preliminary and Final Plat, and Petition #PR-2017-21

We have received your comments dated April 17, 2017 for the above referenced project. Our responses follow each comment.

Urban Planning and Land Use Comments:

1. Per Business Licensing Department:

a. The applicant has filed and maintained annual occupation tax application since 1987 and is currently located at 6211 Kansas Avenue. However, this location is not contiguous with existing business operations of the applicant; and is actually separated by Kansas Avenue. If approved, applicant would need to file and maintain occupation tax application for this additional location.

GBA Response: Acknowledged.

2. Please review and revise based on the comments issued by GeoSpatial Services located in the attachments.

GBA Response: Corner ties are included with this submittal.

3. A preliminary plat was not submitted as part of this application. This parcel has not been previously platted; a preliminary plat is required. Please review Sec. 27-215 and submit the required documents for review.

GBA Response: It was GBA's intention for the Preliminary Plan to serve as the Preliminary Plat. A sheet has been added to the Preliminary Plan for clarity.

4. While the associated storage lot is within Zone X, the site elevation is below the base flood elevation of 762.0'. There is no barrier to prevent water from crossing Kansas Avenue and inundating the property. The lot should be raised 1.5' above the BFE and the engineer must state the vehicles being stored outside are not subject to flotation.

GBA Response: GBA is currently working with staff resolve this comment.

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

GBA Response: Acknowledged.

6. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, non-operable vehicles, or salvage vehicles are not permitted in this district.

GBA Response: Acknowledged.

7. Please provide a day to day business operation for this vehicle storage area.

a. How many vehicles do you anticipate being brought to or removed from the site on a daily basis?

GBA Response: This will be an overflow lot, and only used when the south lot is full. When used, a maximum of 20 vehicles per day is anticipated.

b. What types of trucks will visit the site to unload or pick up vehicles?

GBA Response: Two car haulers are used at this site.

c. How many truck trips do you anticipate?

GBA Response: A maximum of 10 trips of the two car haulers are anticipated.

8. What are the proposed hours of operation?

GBA Response: 7:30 AM to 6:00 PM

9. Are video cameras going to be installed for security?

GBA Response: Yes.

10. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf.

GBA Response: Acknowledged.

11. All lighting installed in the parking lot shall have 90 degree cutoff fixtures.

GBA Response: Acknowledged.

12. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted. Please specify the species by providing a list on the landscape plan.

GBA Response: Tree caliper and plant species selection is provided on sheet L02.

13. All landscaping shall be irrigated.

GBA Response: Acknowledged. Landscape notes updated.

14. The perimeter fence along the entire property lines shall be solid and 8' in height. The fence that faces Kansas Avenue shall have masonry columns every 32' on center. Please provide fence details as part of the plan review.

GBA Response: Acknowledged. Fence Detail provided on sheet C06.

15. Drive aisles must be paved with asphalt or concrete. Storage pads may be asphalt millings.

GBA Response: Acknowledged. Asphalt pavement shown for parking area.

16. All vehicles shall be parked in a legal, conforming parking stall in compliance with the parking code. Please revise the site plan to show proper striping.

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GBA Response: GBA is currently discussing parking stall requirements with the City staff. This lot is a car storage lot, and not intended for individual use. It is the owners preference to use the same parking configuration as their existing lot to the south of Kansas ave.

17. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

GBA Response: Acknowledged.

18. Will any speakers be used on the lot for communication or auctions.

GBA Response: No speakers are planned for the site. Auctions are online.

Plat:

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

1) Please coordinate with Byron Toy, Principal Planner regarding plat process, i.e., a preliminary plat is required prior to a final plat.

GBA Response: It was GBA's intention for the Preliminary Plan to serve as the Preliminary Plat. A sheet has been added to the Preliminary Plan for clarity.

2) On the cover sheet, add a floodplain note and revise the note on the plat to include reference to the 100-year floodplain on the south side of Kansas Ave., and the base flood elevation of approx. 761.9 feet. Please review the FEMA map(s) and FIS study dated 9/2/15, and show the 100-year floodplain line on the south side of Kansas Ave on the site plan, grading plan, and plat including the BFE.

GBA Response: Note updated and added to Cover sheet and plat. Floodplain line shown on site plan, grading plan, and plat.

3) The plat shows two additional sanitary sewer easements across the property, which do not show on UG maps. Site or further verification is needed to determine if the lines are private lines, if they have been abandoned or need to be abandoned, etc. Further discussion with staff may be needed to discuss abandonment, and/or vacation of sewer easements.

GBA Response: All sewer easements on the plat are dedicated to the City. The easterly of the three sewer easements that has an existing sewer shown in it appears to be still in use. The two westerly easements, no existing sewers manholes where found in these areas.

4) The County Surveyor makes separate technical review of the plat, and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.

GBA Response: Comments were received from the county surveyor and addressed and the signed and sealed plat is included here. Copy of section corner information sent to the KSHS is attached as requested by the county surveyor.

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

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1) None

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

1) None

Plan Review:

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

1) Please provide number of vehicles and trucks entering and exiting the site. Also, will pedestrian cross Kansas Ave. from the south Copart property to the north side? Please indicate estimate number of pedestrian traffic crossing Kansas Ave.

GBA Response: No pedestrian trips are anticipated to be generated by the site.

2) Please consider relocating the driveway entrance to line-up with the driveway to the south.

GBA Response: The Driveway has been aligned to the existing entrance to the south.

3) Please note that the existing site and most of the proposed grading on the site will be lower in elevation than the 100-year base flood elevation. Please discuss with the owner regarding this situation because flood water could back-up on the property. Further discussion with staff and Rob Richardson, Floodplain Manager, may be needed in regards to floodplain, UG floodplain requirements, and potential flood water on the property.

GBA Response: GBA is currently having discussions with the City on the best course of action.

4) On the site and grading plan, show easement lines consistent with those shown on the plat.

GBA Response: Easement lines have been shown to match the plat.

5) Detention basin and side slopes of basin shall not encroach over any easement(s).

GBA Response: The basin layout has been changed to not encroach on any easements.

6) With the nearby Kansas River and potential flood water backing up through storm drainage system, the proposed extended wet detention basin doesn't appear to be the right application for proposed stormwater quality BMP. Further discussion and a meeting with staff is required prior to a resubmittal.

GBA Response: GBA is currently having discussions with the City on the best course of action.

7) Revise plans and stormwater report in accordance with engineering comments issued separately and the proposed meeting with staff.

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GBA Response: GBA will revise plans and stormwater report per comments when they are received and after meeting with city staff.

8) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

GBA Response: Acknowledged.

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

1) None

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

1) None

We believe we have addressed all comments on this project. If you have any additional questions or concerns, please feel free to contact us.

Sincerely,

GEORGE BUTLER ASSOCIATES, INC.

Clint Loumaster, P.E.

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COPART NEIGHBORHOOD MEETING MINUTES

Application Number: SP-2017-32/Copart Plat/PR-2017-21

Date and Location: April 19, 2017 at Cabela's King Salmon Meeting Room

Meeting called to order at: 4:00 PM

Attendees:

Clint Loumaster

Jay Healy

No invited parties attended.

Meeting adjourned at: 4:30 PM

Minutes taken by: Jay Healy

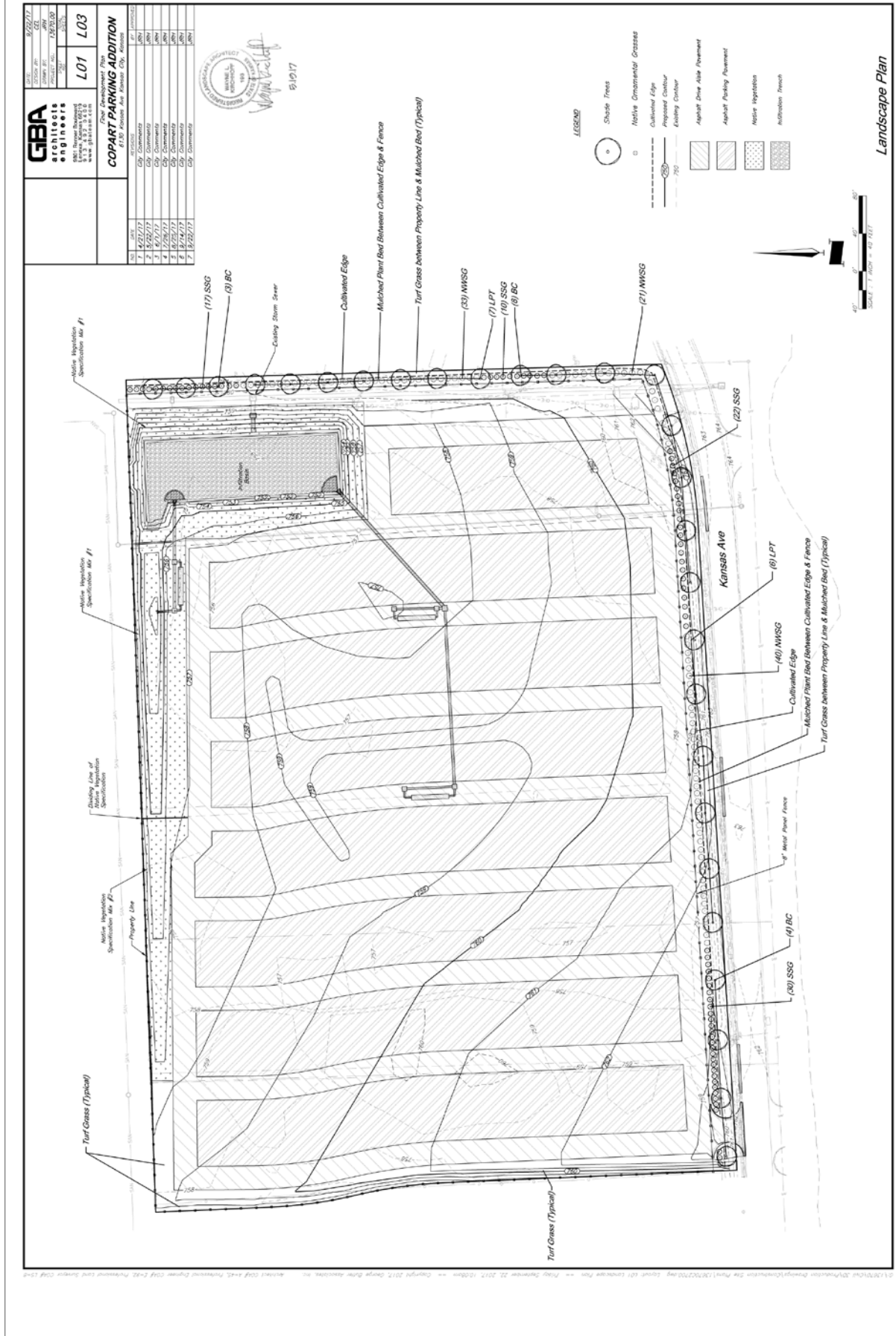
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66219-9745

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2017.4.19 Copart Meeting Minutes.docx



Landscape Notes & Details



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 26, 2017
Re: Petition #SP-2017-50

GENERAL INFORMATION

Applicant:

Julie A. Ramirez

Status of Applicant:

32 North 74th Street
Kansas City, Kansas

Requested Action:

A special use permit for a personal storage unit

Date of Application:

July 26, 2017

Purpose:

The applicant seeks a special use permit for a personal storage unit for lawn items, bikes, winter clothes, etc.

Property Location:

32 North 74th 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:** Single family residence
South: Single family residence
East: Single family residence
West: Single family residence

Total Tract Size: 0.62 acre

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

Major Street Plan: The City-Wide Master Plan designates 74th Street and Lyon Street as local streets

Advertisement: The Wyandotte Echo – August 17, 2017
Letters to Property Owner – October 3, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Julie A. Ramirez, is seeking approval for the use of a personal storage unit at 32 North 74th Street.

City Ordinance Requirements:

- Chapter 27 – Planning and Development
 - Article VI – Administration and Review Procedures
 - Sec. 27- 214 – Special Use Permit
 - Article VIII – Zoning
 - Division 4 – District Regulations
 - Sec. 27-454 – R-1 Single Family District
 - Division 6 – Special Use Permits
 - Sec. 27-592 – Sec. 27-606
 - Division 7 – Accessory Uses
 - Sec. 27-609 – districts R-1, R-1(B), R-2 R-2(B)

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is low-density residential. The surrounding neighborhoods are low-density as well.

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

The proposed use will not increase traffic and parking demands for the site.

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

The property is suitable for the proposed use and the removal of the restrictions may detrimentally affect nearby property. The accessory uses section of the code requires that accessory buildings shall be limited to customary residential finish materials. The intent of this requirement is to protect the appearance of the neighborhood and nearby property. The storage container does not meet this intent and may detrimentally affect nearby property.

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

The property is not vacant; a residential house is located on the property

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and proposed use may substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property, because the storage container does not meet the requirements of accessory uses in a residential district as discussed above.

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

The proposed use will not create noise, vibration, dust, or illumination.

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

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

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

This is not applicable.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal.

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

This is not applicable.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 22, 2017 with six persons present. A copy of the sign-in sheet, meeting minutes, and affidavit is attached.

KEY ISSUES

Storage Unit

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-50 for one (1) year.

STAFF COMMENTS AND SUGGESTIONS

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

However, staff does not believe that storage containers are an appropriate use in residential neighborhoods and would not support this container being on the site longer than one (1) year.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-50 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Site Plan
Site Photos
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 9, 2017	October 26, 2017
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2017-50 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-2017-50** 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 1:10:50

SPECIAL USE PERMIT APPLICATION #SP-2017-50 – JULIE A. RAMIREZ –

SYNOPSIS: Special Use Permit for the Temporary Use of Land to keep a storage container at 32 North 74th Street. **Detailed Outline of Requested Action:** The applicant, Julie A. Ramirez is seeking approval for the use of a personal storage unit at 32 North 74th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated August 17, 2017; and
7. The Notices to property owners dated October 3, 2017.

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

Present in Support:

- ❖ Ms. Julie Ramirez, applicant, 32 North 74th Street, Kansas City, Kansas 66111
- ❖ Mr. Juan Rangel, 32 North 74th Street, Kansas City, Kansas 66111
- ❖ Ms. Helen Hayward, 20 North 74th Street, Kansas City, Kansas 66111

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 1:17:20 Director Richardson stated that the staff recommended denial in the staff report but since he only wants it for one (1) year the staff recommends approval for one (1) year from the date of approval by the Board of Commissioners. A question arose about how he could make this structure a permanent accessory structure. Director Richardson stated that the applicant would probably need construction plans, the materials would have to match the house, it would have to be clad, it would need to be put on a permanent foundation, etc. He could use this year

to determine what to do; he could get a building permit to convert it to a regular accessory structure with plans being submitted. He stated that there could be setback issues, etc. He further stated that there are accessory rules in the code for a reason and he would not support this container being on the site longer than one (1) year.

Motion and Vote Starts: 1:20:40

On motion by Mr. Ernst, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-50 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Kamiret, Julie 32N74st KCKS66111





Janet L. Parker

SAMPLE MINUTES:

Application Number: SP-2017-50

Date and Location: Sept. 22, 2017

West Wyandotte Library - Auditorium Room

Meeting called to order at: 3:00 pm

1737 N. 82nd
St. K.C. KS
66112

Names of people in attendance:

Introductions:

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

Questions and answers (include the following):

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

Meeting adjourned at: 4:00 pm

Minutes taken by: Julie A. Ramirez

1. Helen Hayward - no problem with it remaining there.
2. Jim Berner - no problem with it being there
3. Lu Wicker - no problem with it
4. Jan L. Leary - NO PROBLEM
5. Linda Kelly - no problem
6. Luis-Angela Gutierrez 913-378-8358

Presentation was given by Julie A. Ramirez
(Julian-husband)
I let those present know that we are
trying to keep a trailer storage unit in
our back yard for permanent use.
All those in attendance had no problem with
us to keep the storage unit.
Julie A. Ramirez
9-22-17

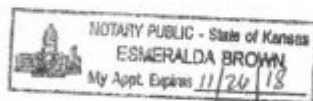
AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Julie A. Ramirez, of lawful age, sound mind and upon
his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2017-50
2. That I conducted a neighborhood meeting on Sept. 22 2017
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.



Julie A. Ramirez
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of
September, 200, 2017.

My commission expires 26th of November, 200, 2018.

Esmeralda Brown
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 26, 2017
Re: Petition #SP-2017-53

GENERAL INFORMATION

Applicant:
Scott Skala

Status of Applicant:
Owner and Representative
CZ-USA
3327 North 7th Street Trafficway
Kansas City, KS

Requested Action:
Approve Special Use Permit

Date of Application:
July 28, 2017

Purpose:
To operate a private shooting
range

Property Location:
3327 North 7th Street Trafficway

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:** Union Pacific Railway
South: Industrial development
East: Industrial development
West: Industrial development

Total Tract Size: 3.14 acres

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

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

Advertisement: The Wyandotte Echo – September 14, 2017
Letters to Property Owner - September 14, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mr. Skala, is seeking a Special Use Permit in order to operate a private firearm shooting range at 3327 North 7th Street Trafficway.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely industrial in nature.

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

The zoning and uses of properties nearby are set out above. The majority of nearby uses are industrial or manufacturing in nature, if built and secured correctly, this use is not expected to be incompatible.

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

The removal of the restrictions will not detrimentally affect nearby properties if stipulations are adhered to.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will increase traffic to the property if it is open to the public; however it is not expected to exceed the capacity of 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.***

The proposed use is not reasonably necessary for the convenience and welfare of the public. It should not have an effect on nearby properties so long as the operation is conducted in a safe, secure manner.

- 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 is expected from a firing range. Given the industrial nature of the area, this is not expected to be an issue, assuming the hours of operation are typical business hours.

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

The proposed use will not pollute the air, land or water so long as all lead casings are properly disposed of and air is properly filtered.

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

This is not applicable.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. Assuming proper security measures are in place, this operation should not cause a public safety threat.

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 22, 2017; no one attended.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-53 for two (2) years, subject to:

Urban Planning and Land Use Comments:

1. Is this range only for industrial testing use?
Yes. CZ-USA will be using it to test fire pistols for quality control purposes.
2. Will this operation be open to the public?
No. The range is not a public shooting range. It is for internal business purposes only. The facility is closed to the public and may only be accessed by individuals who have a pre-approved business purpose.
3. The site is quite large, is the shooting range to be the only use or operation on the site?
No. The remainder of the site will be used for the assembly of firearms, storage of raw materials, and quality control processes associated with producing the handguns.
4. What security measures will be in place?

All CZ-USA facilities, including the facility at 3327 N 7th St Trafficway, are locked at all times. Employee access is achieved through a secure electronic key fob system. Security cameras are positioned throughout the building, both inside and out. The building has an alarm system provided by Tyco Integrated Security. CZ-USA also maintains close communication with Kansas City, Kansas Police department.

5. The application makes mention of additional building standards for indoor shooting ranges; please elaborate on these building practices and any modifications that will be made to the facility.
Indoor shooting ranges must be constructed in such a way that they do not present a workplace hazard to employees through exposure to excessive levels of lead. This is achieved primarily by the use of powerful HVAC systems. Also, it is essential that the walls of a shooting range be constructed in such a way that projectiles fired within the range are not capable of penetrating them. This is achieved by the use of special materials such as ballistic blocks and cement.
6. What will be the hours of operation for the firing range?
While the final hours have not yet been determined, they will almost certainly fall between 7:00 am and 6:00 pm.
7. What is the disposal plan of all discarded projectiles, particularly those that may contain lead?
CZ-USA plans to contract with a company who specializes in cleaning ranges and disposing of lead waste in a safe, legal, and environmentally friendly manner.

Staff feels that the applicant and landlord are taking sufficient security and safety measures for a range that is not open to the public and is only for private, industrial use.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2017-53** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Applicant Submittal Letter
Letter of support from the landlord, NB9 Properties, LLC
Site Plan
Floor Plan
Site photographs submitted by applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 9, 2017	October 26, 2017
Special Use	Approval	

STAFF CONTACT: Jamie Hickey
jhickey@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP 2017-53** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-53** 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 1:21:35

SPECIAL USE PERMIT APPLICATION #SP-2017-53 – SCOTT SKALA WITH CZ-USA – SYNOPSIS: Special Use Permit for a shooting range at 3327 North 7th Street Trafficway. **Detailed Outline of Requested Action:** The applicant, Mr. Skala, is seeking a Special Use Permit in order to operate a private firearm shooting range at 3327 North 7th Street Trafficway.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017; and
7. The Notices to property owners dated September 14, 2017.

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

Present in Support:

- ❖ Ms. Scott Skala, applicant, CZ-USA, 3341 North 7th Street Trafficway, Kansas City, Kansas 66115
- ❖ Mr. Dan Spencer, General Counsel for CZ-USA

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 1:32:30 Director Richardson stated that CZ has been a great business in Fairfax and the staff recommends approval for two (2) years.

Motion and Vote Starts: 1:32:59

On motion by Mr. Carson, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-53 for two (2) years:**

Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Not Present
Huey	Chairman
Jones	Aye

Mose Aye
Pauley Aye
Rank Not Present
Serda Not Present
Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

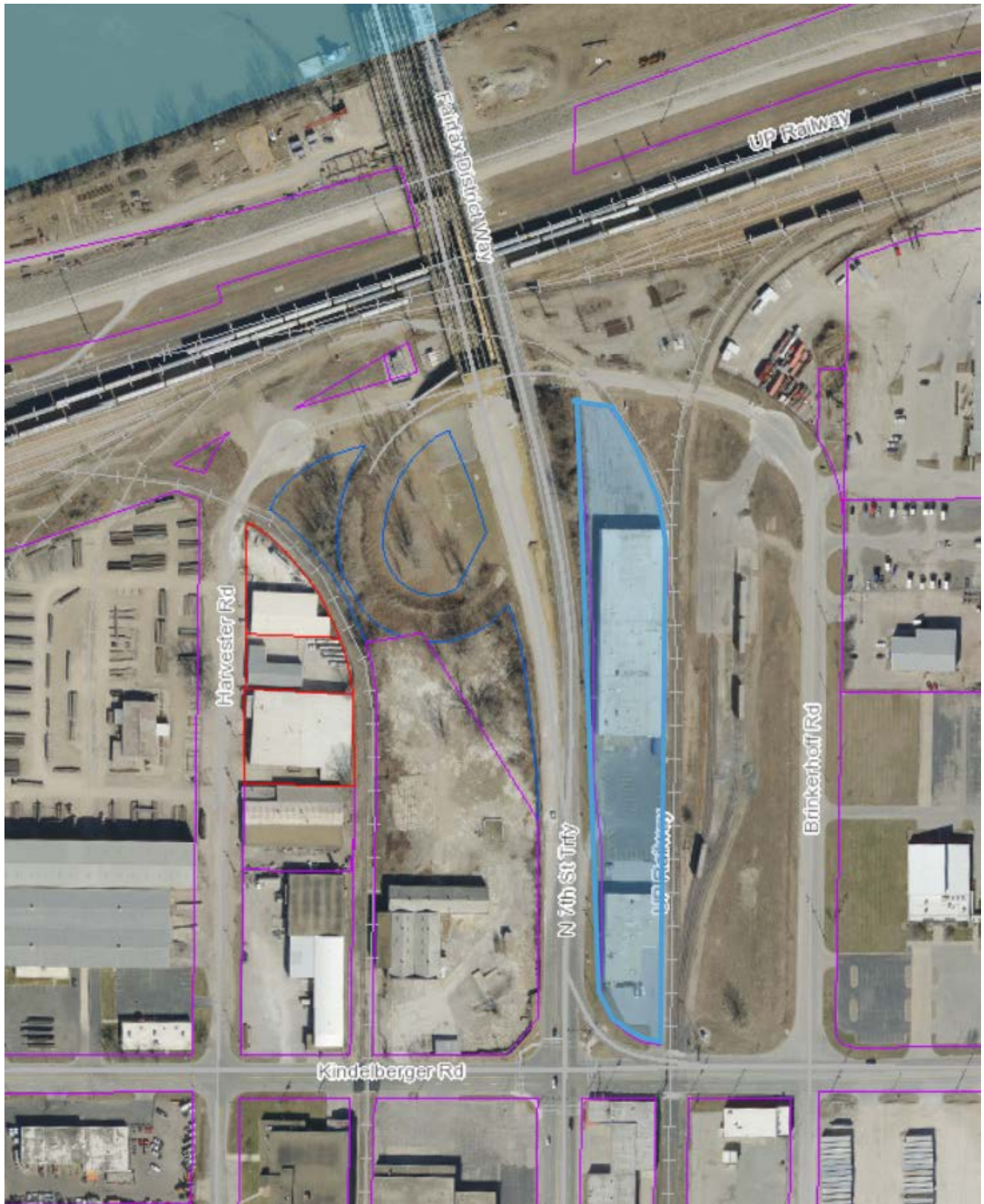
1. Is this range only for industrial testing use?
Yes. CZ-USA will be using it to test fire pistols for quality control purposes.
2. Will this operation be open to the public?
No. The range is not a public shooting range. It is for internal business purposes only. The facility is closed to the public and may only be accessed by individuals who have a pre-approved business purpose.
3. The site is quite large, is the shooting range to be the only use or operation on the site?
No. The remainder of the site will be used for the assembly of firearms, storage of raw materials, and quality control processes associated with producing the handguns.
4. What security measures will be in place?
All CZ-USA facilities, including the facility at 3327 N 7th St Trafficway, are locked at all times. Employee access is achieved through a secure electronic key fob system. Security cameras are positioned throughout the building, both inside and out. The building has an alarm system provided by Tyco Integrated Security. CZ-USA also maintains close communication with Kansas City, Kansas Police department.
5. The application makes mention of additional building standards for indoor shooting ranges; please elaborate on these building practices and any modifications that will be made to the facility.
Indoor shooting ranges must be constructed in such a way that they do not present a workplace hazard to employees through exposure to excessive levels of lead. This is achieved primarily by the use of powerful HVAC systems. Also, it is essential that the walls of a shooting range be constructed in such a way that projectiles fired within the range are not capable of penetrating them. This is achieved by the use of special materials such as ballistic blocks and cement.
6. What will be the hours of operation for the firing range?
While the final hours have not yet been determined, they will almost certainly fall between 7:00 am and 6:00 pm.
7. What is the disposal plan of all discarded projectiles, particularly those that may contain lead?

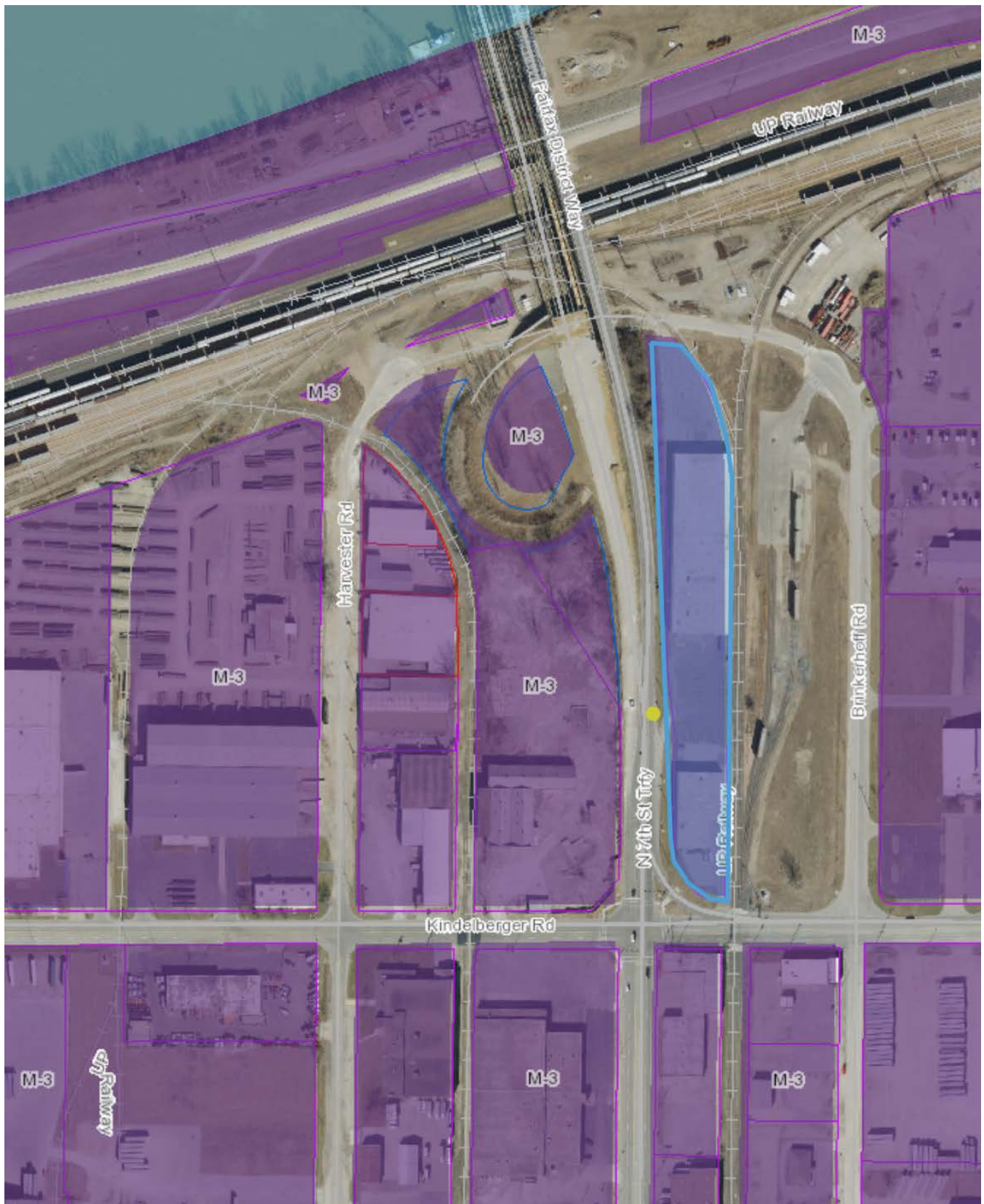
CZ-USA plans to contract with a company who specializes in cleaning ranges and disposing of lead waste in a safe, legal, and environmentally friendly manner.

Staff feels that the applicant and landlord are taking sufficient security and safety measures for a range that is not open to the public and is only for private, industrial use.

Public Works Comments:

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







August 14, 2017

Anthony Hutchingson, Chief Building Inspector
Unified Government of WYCO
Neighborhood Resource Center
4953 State Avenue
Kansas City, Kansas 66102

**RE: Application # 17300-669
CZ-USA – Interior Remodel
3327 North 7th Street Trafficway**

Dear Mr. Hutchingson,

This letter is to serve as our written acceptance of responsibility of the work completed by Copeland Development & Construction (our general contractor) as part of approved construction documents submitted by Action Pact Design Group on behalf of CZ-USA.

It is understood that Rob Richardson will allow the construction of concrete masonry unit (CMU) portion of the shooting range and concrete ceiling, doors and roof structure preparation proceed without a special use permit approval. The other working on the interior of the range and RTU units would be installed after the approval of the special use permit.

As the responsible party of CZ-USA, our company will not hold the Unified Government or Neighborhood Resource Center responsible for any unfavorable decisions, if made, by constructing the shooting range structure without the special use permit approval.

Please review this information and provide your response and/or approval of this permit at your earliest opportunity. Advise if you have any questions.

Sincerely,

Dan Spencer
General Counsel / CHRO, CZ-USA

913-321-1811 x 309
dan@cz-usa.com



P.O. Box 171073, KANSAS CITY, KS 66117-0073 T: 800-955-4486 F: 913-321-1811 F: 913-321-2251 E-MAIL: INFO@CZ-USA.COM

Via email: jhickey@wycokck.org

September 18, 2017

Ms. Jamie Hickey
Unified Government
Urban Planning & Land Use
701 North 7th Street
Room 423
Kansas City, KS 66101

Dear Ms. Hickey:

CZ-USA has filed an application for a special use permit for the installation of a shooting range in a building owned by my client at 3327 North 7th Street Trafficway, Kansas City, Kansas 66115. The landlord, NB9 Properties, LLC, supports this application for a special use permit without hesitation or reservation.

Our relationship with CZ-USA goes back to 2003 when they first started leasing from us and since then, their occupancy in our buildings has been without incident or conflict. They have fulfilled every obligation of their lease and remain one of our most important clients.

We urge the Unified Government's review of the application and hope that it is approved in an expeditious manner so that CZ-USA may continue their successful business at this location.

Very truly yours,



David J. Zimmer, SIOR, FRICS
dzimmer@ngzimmer.com
T: 816.512.1001
C: 816.223.4555

DJZ/bt

1220 Washington Street, Suite 300, Kansas City, MO 64105 T 816.474.2000 F 816.421.6666
P.O. Box 411299, Kansas City, MO 64141-1299
www.ngzimmer.com Independently owned and operated



Site Plan

No Scale

7th STREET (HWY 69)

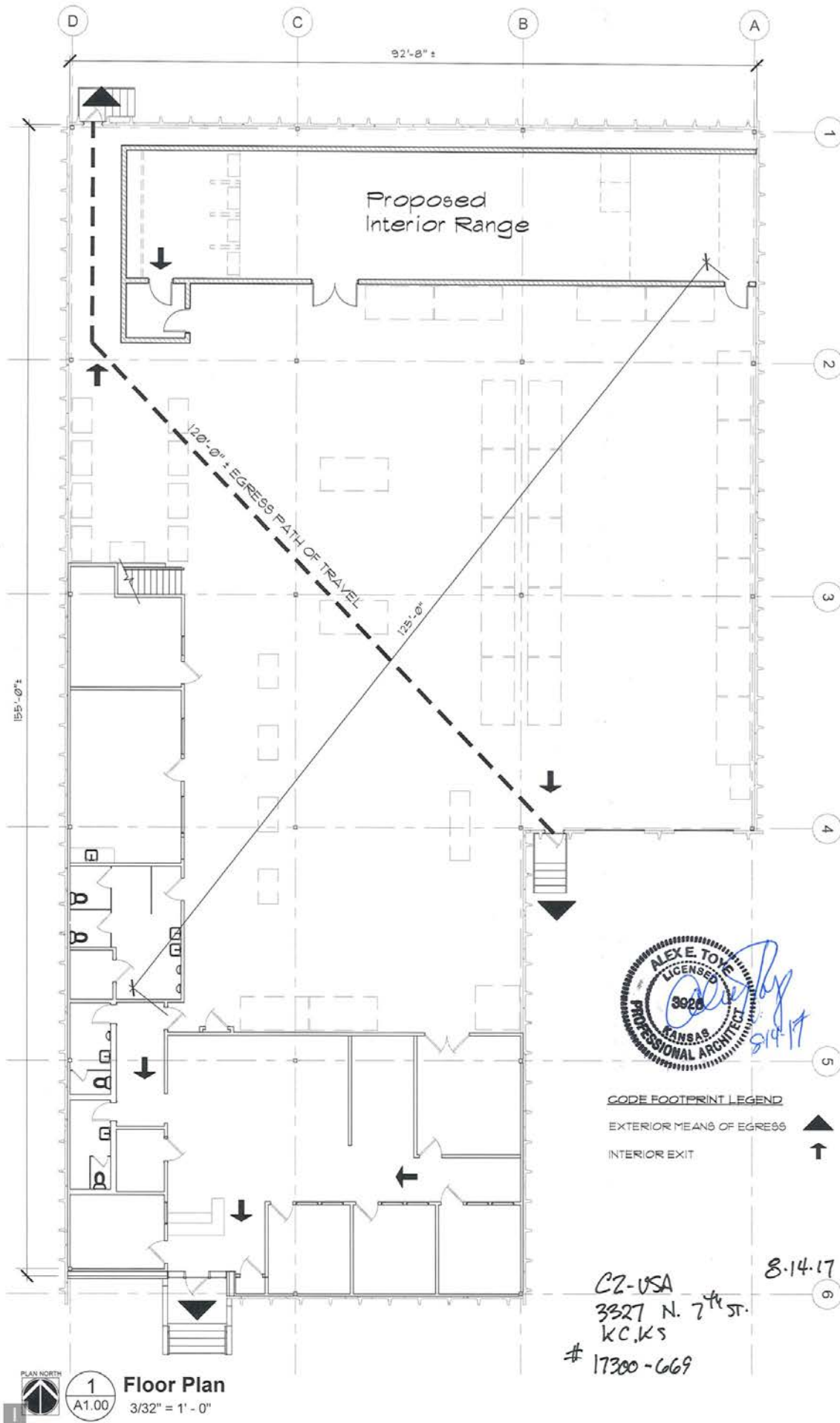
Proposed
Interior Range
location



CZ-USA
3327 N. 7th ST
KC, KS
#17300-669

8.14.17

KINDERBERGER ROAD





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 26, 2017
Re: Petition #SP-2017-54

GENERAL INFORMATION

Applicant:
William McNealey III

Status of Applicant:
Applicant and Representative
McNealey Trucking, LLC
4423 Georgia Avenue
Kansas City, Kansas 66104

Requested Action:
Approve Special Use Permit for
Temporary Use of Land

Date of Application:
August 28, 2017

Purpose:
To park a commercial truck on a
residential property

Property Location:
2938 North 34th Street

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



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

Existing Uses: **North:** Single family homes
South: Single family homes
East: Single family homes
West: Single family homes

Total Tract Size: 0.98 acre

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

Major Street Plan: The City-Wide Master Plan classifies North 34th Street as a local street.

Advertisement: The Wyandotte Echo – September 14, 2017
Letters to Property Owner - September 14, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mr. McNealey, is seeking approval of a Special Use Permit to park a commercial dump truck on a portion of his residentially zoned property at 2938 North 34th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely residential in nature. Most of the homes are on smaller, urban lots. Mr. McNealey purchased the adjacent, vacant lot, and had it combined with his original lot, creating a lot that is nearly 1 acre.

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

The zoning and uses of properties nearby are set out above. Commercial truck parking is not typically viewed as a compatible use in a residential neighborhood.

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

The removal of the restrictions may detrimentally affect nearby properties if noise, dust, and aesthetic quality become a problem.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will not greatly increase traffic to the property, however approval would allow for regular coming and going of a heavy dump truck on the street and the property. The storage of a dump truck would have some impact on vehicle circulation whenever the truck would be leaving or returning to the property. Trucks of this size have a larger turning radius and may need to make wide turns. These wide turns do take slightly longer to execute. While turning, it is a possibility that traffic could build up behind the truck. Staff has concluded that the traffic circulation is not ideal, but the vehicular traffic and the street network can accommodate trucks of this size.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, and could adversely affect the visual quality and marketability of 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 from diesel engines of this size can produce noise louder than a normal car engine. The applicant needs to inform staff of the times that the truck will be running on the site and for how long. Staff believes that the response from neighbors at the public hearing should gauge if the noise of the truck engine is an issue. Vibration and dust could be an issue since the truck is currently parked on a gravel surface.

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

The proposed use will pollute the air, land or water.

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

This is not applicable.

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

Any hardship that might result from the denial of this special use permit would be in the form of requiring the petitioner to find a commercial location for the truck and his business at what would presumably be a significantly greater expense.

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 22, 2017; no one attended.

KEY ISSUES

Frequency of truck coming and going from the property
Accessory structures with no primary structure

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-54 for one (1) year.

STAFF COMMENTS AND SUGGESTIONS

The staff **does not** concur with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. Do you reside at this location? *No, this lot is vacant.*
2. Our maps show two structures on the property, please explain their uses. *Old Empty shed/ Garage.*
3. How many commercial trucks are parked on the site? *One*
4. How long have the truck(s) been parked on this site? *Approx. 8 years*
5. How frequently will the truck(s) enter and exit the property and what are the time frames associated with this? *The truck exits approx. 7AM and enters approx. 4PM daily M-F (enters and exits 1 time daily. Trucked is parked during the winter***
6. How long are you planning to park the truck(s) at this location? *Continuous as long as it is approved.*
7. If approved, the truck(s) will have to be parked on a paved surface; gravel parking of this nature is not allowed. *The lot is paved where we park.*
8. How will the edge of the street be protected from damage by the heavy truck(s)? *Because we haul asphalt if there is any damage we will be able to monitor and repair as needed.*

*****My truck will not be on the property loaded*

*****My truck is parked on pavement on the property.*

*****Property will remain clean and free from debris (grass / paper etc....)*

Special use permits that allow commercial activity on residential property are intended for small, one-person operations such as home beauty shops or offices, or for small businesses that are just getting started. The normal pattern is that eventually the business ends after a few years, or if successful, relocates to a commercially zoned location. In this instance, the applicant does not live on the property, it is being used solely for an industrial use—the keeping of a heavy commercial truck. Because it is not the applicant's home, there is no incentive to eventually move the truck to another, more appropriate location.

Staff researched special use permits for commercial/industrial trucks parked at a residence; since January 2006, the Planning Department has reviewed eighteen (18) cases. Out of those eighteen (18) cases, seven (7) were recommended for approval and eleven (11) were recommended for denial. A brief synopsis of each case is in the following chart.

Case Number	Staff Recommendation	Board's Decision	Board Meeting Date	Case Summary
SP 2006-39	Denial	Approval	1/25/2007	To add a second detached garage & to park 2 large truck on nights & weekends
SP 2007-9	Approval	Approval	4/26/2007	Renewal to park a dump truck at home
SP 2008-1	Denial	Approval	1/31/2008	Renewal to park a large truck and a backhoe for a septic tank biz out of the home
SP 2008-18	Denial	Approval	5/1/2008	Renewal to park 5 dump trucks on residential property
SP 2008-29	Denial	Approval	6/26/2008	Temp use for a trucking business from home
SP 2008-48	Approval	Approval	10/30/2008	6 month approval to keep three dump trucks on property to allow applicant time to find commercial storage space
SP 2009-12	Approval	Approval	4/30/2009	Renewal to park two trucks at the residence. Allowed due to high level of upkeep on the property and trucks.
SP 2009-35	Denial	Approval	8/27/2009	Temporary use of property to keep 3 dump trucks
SP 2009-64	Denial	Denial	1/7/2010	To park a tow truck on the residential property
SP 2010-15	Denial	Denial	5/10/2010	To park 3 dump trucks on the residential property
SP 2010-28	Denial	Denial	8/26/2010	Renewal to keep construction equipment (a Bobcat) on a trailer & a 2 ton truck
SP 2010-43	Approval	Approval	10/28/2010	A special use permit to allow 1 backhoe, 1 trailer and 3 dump trucks on property zoned R-1(B)
SP 2011-15	Approval	Approval	6/30/2011	SUP for 1 year to park a class 3 ford e350 box truck on residentially zoned property
SP 2012-2	Denial	Approval	5/31/2012	A SUP renewal for 90 days to allow a backhoe, trailer, & 3 dump trucks on prop zoned R-1(B)

SP 2012-27	Approval	Approval	6/28/2012	SUP Renewal for 2 years for a trucking business from home
SP 2013-43	Denial	Denial	10/14/2015	SUP to park a tow truck at residence
SP 2014-18	Approval	Approved	4/14/2014	SUP to park a dump truck at residence
SP 2015-6	Denial	Approved	3/26/2015	SUP to park a tow truck at a residence

Previously approved cases often included the following stipulations:

1. No loaded truck shall be permitted on the property.
2. If approved the applicant agrees to allow Zoning or Code Enforcement officers access to property to investigate parking surfaces, accessory structures, upkeep of the property, and any neighborhood complaints.

Staff feels that due to the otherwise vacant nature of the property, the daily noise and wear on the street, the history of denials of other similar uses, as well as the continuous nature of this activity, this is not an appropriate use at this location.

Public Works Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2017-54 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Aerial Photograph
Zoning Map
Site photographs submitted by applicant
Images via Google Maps

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 9, 2017	October 26, 2017
Special Use	Approval	

STAFF CONTACT: Jamie Hickey
jhickey@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-54** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-54** 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. _____.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 1:33:40

SPECIAL USE PERMIT APPLICATION #SP-2017-54 – WILLIAM MCNEALEY III WITH MCNEALEY TRUCKING LLC - SYNOPSIS: Special Use Permit for the Temporary Use of Land to park a commercial truck on a residential property at 2938 North 34th Street. **Detailed Outline of Requested Action:** The applicant, Mr. McNealey, is seeking approval of a Special Use Permit to park a commercial dump truck on a portion of his residentially zoned property at 2938 North 34th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017; and
7. The Notices to property owners dated September 14, 2017.

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

Present in Support:

- ❖ Mr. William McNealey III, applicant, McNealey Trucking LLC, 4423 Georgia Avenue, Kansas City, Kansas 66104
- ❖ Ms. Nancy McNealey, owner of McNealey Trucking LLC, 4423 Georgia Avenue, Kansas City, Kansas 66104

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 1:41 Director Richardson stated that generally staff does not support large trucks being parked in residential areas and that is the case tonight. The staff recommended denial of this application and if the application is approved (or if it is not) they probably will have an issue with how much paving has been done in the back yard. There are regulations in the code regarding how much area can be paved in the rear yard. They will need to apply for a variance or remove some of the millings. From the aerials it appears that they have exceeded the required limit. The staff recommends denial as it is not conducive to a neighborhood to have dump trucks parked there. This has to do with the goals of the Board of Commissioners with regard to residential living and maintaining neighborhoods. The time, effort and money being spent to maintain neighborhoods are extensive; monies have been put into the SOAR initiative. Professionally, having a dump truck in a residential area is not conducive to neighborhoods.

Motion and Vote Starts: 1:49:40

On motion by Ms. Pauley, seconded by Mr. Mose, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-54 for one (1) year:**

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

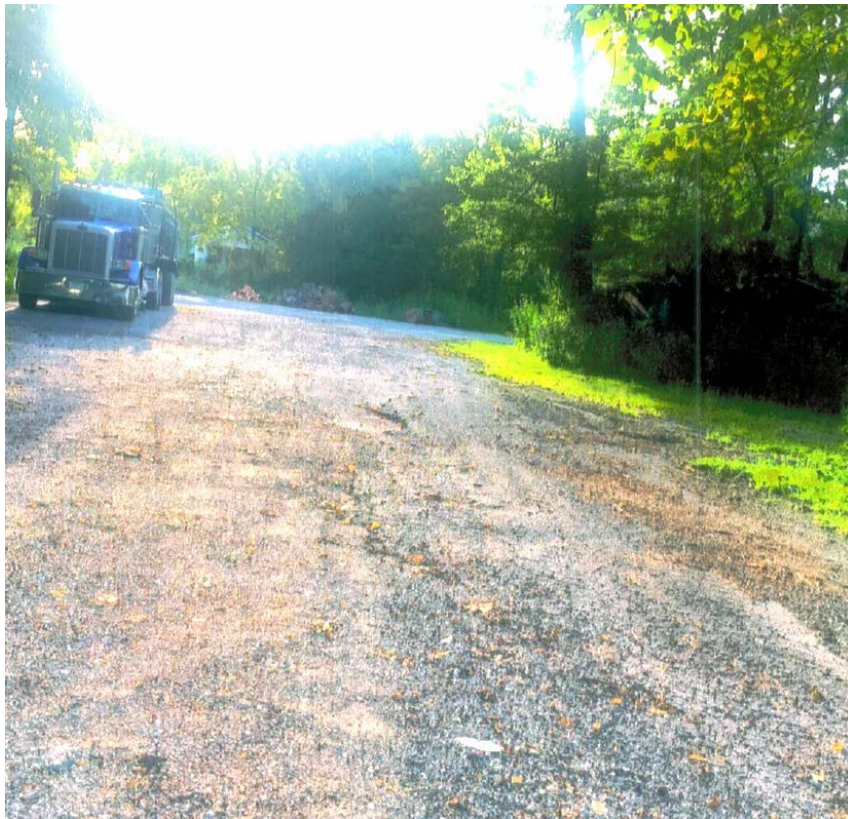
Motion to recommend APPROVAL Passed: 6 to 0





Site photos (provided by the applicant).





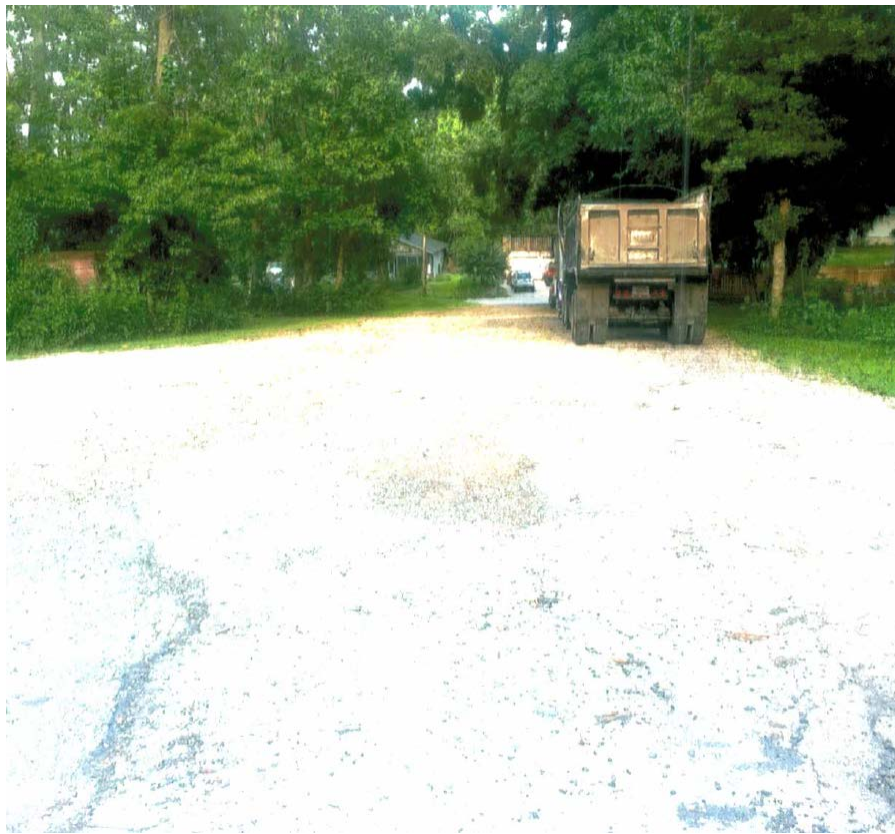


Image via Google maps (October 2016)



Image via Google Maps (July 2011)





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 26, 2017
Re: Vacation Petition #P/E-2017-10

GENERAL INFORMATION

Applicant:
Korb Maxwell

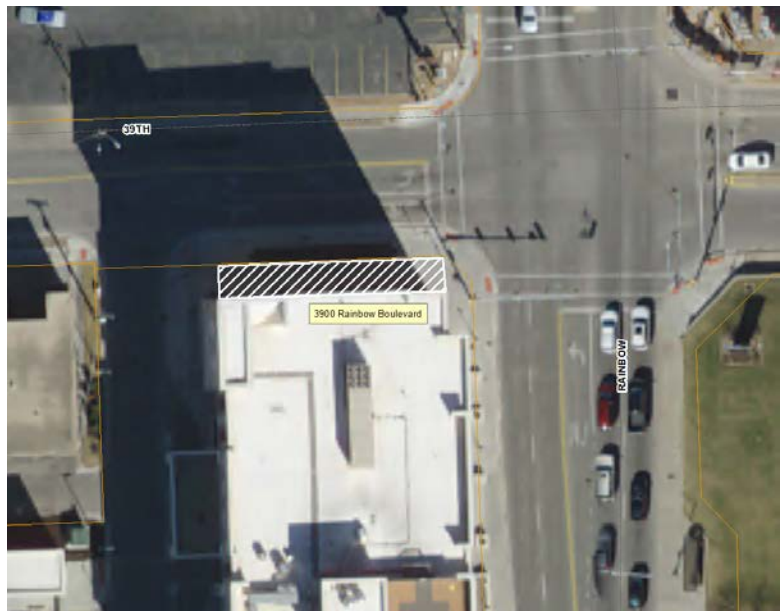
Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Vacate a pedestrian easement

Date of Application:
August 21, 2017

Purpose:
To construct an outdoor dining
patio for Tanner's Bar & Grill

Property Location:
3900 Rainbow Boulevard



Existing Zoning:
TND Traditional Neighborhood Design District

Existing Surrounding Zoning: **North:** C-1 Limited Business District
South: TND Traditional Neighborhood Design District
East: RP-5 Planned Apartment District
West: RP-5 Planned Apartment, R-1(B) Single Family and R-2(B) Two Family Districts

Existing Uses: **North:** Commercial strip center
South: Commercial storefronts and hotel
East: University of Kansas Medical Center
West: An apartment complex and single family homes

Neighborhood Characteristics: The character of the neighborhood is a mixture of commercial, office and residential. The primary use in the neighborhood is KU Medical Center. Established residential neighborhoods are east of the site and commercial retail is south along Rainbow Boulevard.

Total Tract Size: .01 acre

Master Plan Designation: The Rosedale Master Plan designates this property as Urban Core Mixed Use.

Major Street Plan: Rainbow Boulevard is classified as a Class A Thoroughfare

Advertisement: Wyandotte Echo – September 14, 2017
Letters to Property Owners – September 14, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 26, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Korb Maxwell with Polsinelli PC, on behalf of Owen Buckley and Rainbow Real Estate Partners II, LLC wants to vacate a pedestrian easement along the north side of the building (facing West 39th Avenue) in order to construct an outdoor patio for Tanner's Bar & Grill at 3900 Rainbow Boulevard.

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.*

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

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Designed to meet City Code

d. *Police*

Police service provided by the South Patrol, District #332

e. *Fire*

Fire service provided by Station #10

f. *Transit*

Kansas City ATA provides transit service along Rainbow Boulevard, Route #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.*

Streets are designed as to provide a safe, convenient and functional system for vehicular traffic and is able to accommodate prospective traffic as determined by existing and probable future land and building uses.

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.*

Building, parcel 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.

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.***

Public Works is determining if there will be conflicts with utilities as there are three manholes within the easement.

KEY ISSUES

On-site utilities
Pedestrian circulation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Pedestrian Easement Vacation Application #P/E-2017-10, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department in order to publish in the Wyandotte Echo.
2. To create a physical barrier between pedestrians and eastbound traffic on West 39th Avenue, the pedestrian lighting and landscaping must be moved north, adjacent to the curb in order to build the outdoor patio and pergola.

Applicant Response: The applicant acknowledges and agrees with this comment, and has generally depicted the proposed relocation for the lighting and landscaping on the Site Plan attached hereto as Exhibit A.

3. Staff has concerns about the sidewalk that pedestrians would be restricted to use if the secondary access was severed with the addition of the outdoor patio. The 5' pedestrian easement was platted to give pedestrians another route if the sidewalk in the right-of-way was closed.

Conversely, staff believes that the patio expansion for the proposed restaurant will accentuate the pedestrian feel and enhance the streetscape on West 39th Avenue.

Applicant Response: The applicant agrees with staff that the patio expansion for the proposed restaurant will accentuate the pedestrian feel and enhance the streetscape on West 39th Avenue.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Provide a utility easement for the public storm sewer that runs at an angle in the northeast area of the plat. Submit a separate easement exhibit for the proposed utility easement for review and approval by UG. The easement document shall be signed, executed, and recorded with the Register of Deeds and a copy provided to UG staff prior to construction permit acquisition.
 - 2) The County Surveyor makes separate technical review of the vacation and easement exhibits and will submit comments directly to the preparer of the exhibits. Provide vacation and easement exhibits in accordance with County Surveyor comments.
 - 3) The existing sidewalk is at the back of curb and shall be relocated at the right-of-way line and wall. The existing landscaping shall be relocated between the back of curb and relocated sidewalk so there is a buffer between pedestrians and vehicular traffic going eastbound on 39th Street.
 - 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant has worked with staff to shift the landscaping median and pedestrian lighting adjacent to West 39th Avenue creating a buffer for pedestrians walking on the sidewalk. As previously mentioned, this buffer will be a barrier between vehicles on the street and the patio. The Commission approved the staff to approve the changes (as they are minor) in lieu of a TND Committee being appointed from the Commission to review the changes.

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 #**P/E-2017-10** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Applicant Response Letter
Vacation Exhibit
39Rainbow II Final Plat
Site Plan
Floor Plan
Site Photograph

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 9, 2017	October 26, 2017
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**P/E-2017-10** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**P/E-2017-10** 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 1:59:15

PEDESTRIAN EASEMENT VACATION APPLICATION #PE-2017-10 – KORB MAXWELL WITH POLSINELLI PC – SYNOPSIS: Vacation of a pedestrian easement at 3928 Rainbow Boulevard. **Detailed Outline of Requested Action:** The applicant, Korb Maxwell with Polsinelli PC, on behalf of Owen Buckley and Rainbow Real Estate Partners II, LLC wants to vacate a pedestrian easement along the north side of the building (facing West 39th Avenue) in order to construct an outdoor patio for Tanner's Bar & Grill at 3900 Rainbow Boulevard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017; and
7. The Notices to property owners dated September 14, 2017.

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

Present in Support:

- ❖ Mr. Owen Buckley, President of Lane 4 Property Group, managing entity for the 39Rainbow project, representing the applicant

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 2:07:50 Director Richardson stated that the staff recommends approval. This is in a TND District and he thought that a TND committee should be set up tonight but if you look at the staff report (on page 16) the landscaping will be moved and it may not be exactly five (5) feet as they want the sidewalk to be as wide as possible. There will be street trees along the street and if the Commission is agreeable, the staff will approve this and a TND committee will not have to meet to approve this. This is a minor change and as soon as they get it done, they will be ready to start construction. A member asked how wide the sidewalk would be. Director Richardson stated 5 to 7 feet. He showed the Commission the layout of the patio and pedestrian walking area on the screen.

Motion and Vote Starts: 2:09:55

On motion by Ms. Jones, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application #PE-2017-10:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department in order to publish in the Wyandotte Echo.
2. To create a physical barrier between pedestrians and eastbound traffic on West 39th Avenue, the pedestrian lighting and landscaping must be moved north, adjacent to the curb in order to build the outdoor patio and pergola.

Applicant Response: The applicant acknowledges and agrees with this comment, and has generally depicted the proposed relocation for the lighting and landscaping on the Site Plan attached hereto as Exhibit A.

3. Staff has concerns about the sidewalk that pedestrians would be restricted to use if the secondary access was severed with the addition of the outdoor patio. The 5' pedestrian easement was platted to give pedestrians another route if the sidewalk in the right-of-way was closed.

Conversely, staff believes that the patio expansion for the proposed restaurant will accentuate the pedestrian feel and enhance the streetscape on West 39th Avenue.

Applicant Response: The applicant agrees with staff that the patio expansion for the proposed restaurant will accentuate the pedestrian feel and enhance the streetscape on West 39th Avenue.

Public Works Comments:

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

- 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Provide a utility easement for the public storm sewer that runs at an angle in the northeast area of the plat. Submit a separate easement exhibit for the proposed utility easement for review and approval by UG. The easement document shall be signed, executed, and recorded with the Register of Deeds and a copy provided to UG staff prior to construction permit acquisition.
 - 2) The County Surveyor makes separate technical review of the vacation and easement exhibits and will submit comments directly to the preparer of the exhibits. Provide vacation and easement exhibits in accordance with County Surveyor comments.
 - 3) The existing sidewalk is at the back of curb and shall be relocated at the right-of-way line and wall. The existing landscaping shall be relocated between the back of curb and relocated sidewalk so there is a buffer between pedestrians and vehicular traffic going eastbound on 39th Street.
 - 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant has worked with staff to shift the landscaping median and pedestrian lighting adjacent to West 39th Avenue creating a buffer for pedestrians walking on the sidewalk. As previously mentioned, this buffer will be a barrier between vehicles on the street and the patio. The Commission approved the staff to approve the changes (as they are minor) in lieu of a TND Committee being appointed from the Commission



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

September 21, 2017

Korb W. Maxwell
(816) 360-4327
kmaxwell@polsinelli.com

Unified Government
Attn: Byron Toy, AICP, Principal Planner
701 North 7th Street, Room 423
Kansas City, Kansas 66101
btoy@wycokck.org

**Re: Vacation Petition #P/E-2017-10: Applicant Response to Draft Staff
Report & Comments**

Dear Mr. Toy:

This letter, and specifically the portions in *blue italicized* text, along with the site plan attached hereto as *Exhibit A* (the "Site Plan"), the equipment plan attached hereto as *Exhibit B*, the patio section and elevation attached hereto as *Exhibit C*, and the colored rendering and elevation attached hereto as *Exhibit D*, shall serve as the Applicant's official response to the Draft Staff Report and Comments for the October 9, 2017 consideration by the City Planning Commission of Vacation Petition #P/E-2017-10:

Urban Planning and Land Use Comments

1. To create a physical barrier between pedestrians and eastbound traffic on West 39th Avenue, the pedestrian lighting and landscaping must be moved north, adjacent to the curb in order to build the outdoor patio and pergola. *The Applicant acknowledges and agrees with this comment, and has generally depicted the proposed relocation for the lighting and landscaping on the Site Plan attached hereto as Exhibit A.*
2. Staff has concerns about the sidewalk that pedestrians would be restricted to use if the secondary access was severed with the addition of the outdoor patio. The 5' pedestrian easement was platted to give pedestrians another route if the sidewalk in the right-of-way was closed. Conversely, staff believes that the patio expansion for the proposed restaurant will accentuate the pedestrian feel and enhance the streetscape on West 39th Avenue. *The Applicant agrees with staff that the patio expansion for the proposed restaurant will accentuate the pedestrian feel and enhance the streetscape on West 39th Avenue.*

60473523.1

Public Works Comments

A) Items that require plan revision or additional documentation before engineering can recommend approval [include the following]:

- 1) Please verify/confirm that there are no existing utilities within the pedestrian easement. From a google aerial view, it appears there are a few manholes located within the located within the existing walkway/pedestrian easement. Please identify existing utilities and show manholes on a site plan. *The utilities located within the pedestrian easement are private utilities. All of the public mains and utilities (including the fire hydrant) are located within the right-of-way. The Applicant is agreeable to relocating the fire hydrant, however, and has generally depicted the proposed relocation, and also identified the existing utilities and manholes, on the Site Plan attached hereto as Exhibit A.*
- 2) If there are any utilities, the pedestrian easement may need to remain as a utility easement. Further discussion with staff may be needed. *As mentioned above, the utilities located within the pedestrian easement are private utilities. All of the public mains and utilities are located within the right-of-way.*
- 3) Provide a site plan showing existing retaining wall, steps, property line/right-of-way line, utilities, traffic signal poles, lighting, and proposed improvements/changes. *Please refer to the Site Plan attached hereto as Exhibit A, the equipment plan attached hereto as Exhibit B, the patio section and elevation attached hereto as Exhibit C, and the colored rendering and elevation attached hereto as Exhibit D.*
- 4) The existing sidewalk is at the back of curb and shall be relocated at the right-of-way line and wall. The existing landscaping shall be relocated between the back of curb and relocated sidewalk so there is a buffer between pedestrians and vehicular traffic going eastbound on 39th Street. *The Applicant acknowledges and agrees with this comment, and has generally depicted the proposed relocation for the existing sidewalk the Site Plan attached hereto as Exhibit A.*
- 5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. *The Applicant acknowledges and agrees with this comment.*

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

60473523.1



September 21, 2017
Page 3

1) None

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

1) None

Sincerely,

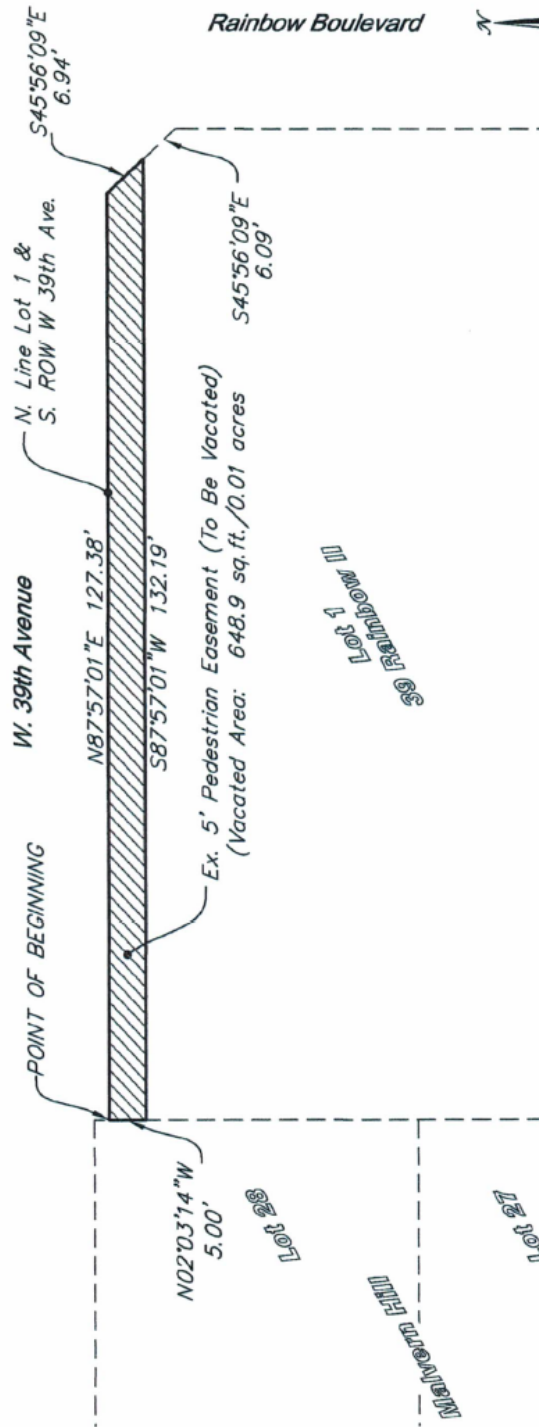
A handwritten signature in blue ink, appearing to read "Korb W. Maxwell", written in a cursive style.

Korb W. Maxwell

KWM:mkl

60473523.1

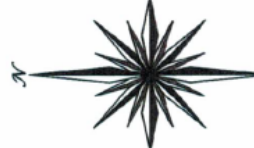
Attachment A Easement Vacation Exhibit



Easement Vacation Description:

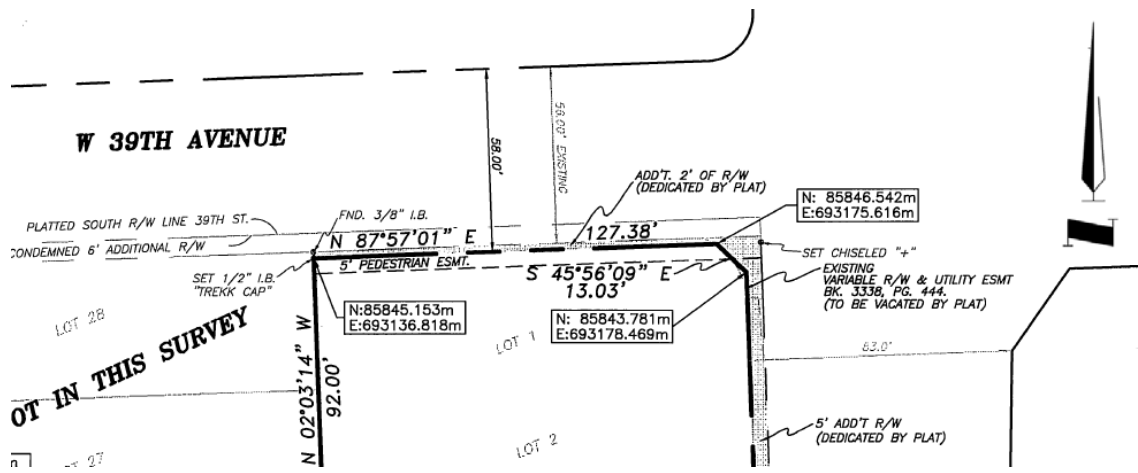
All of the Pedestrian Easement lying South of and adjacent to the Southerly right of Way of West 39th Avenue, lying entirely within Lot 1 of the Final Plat of 39Rainbow II, said plat being a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, said vacation being more particularly described as follows:

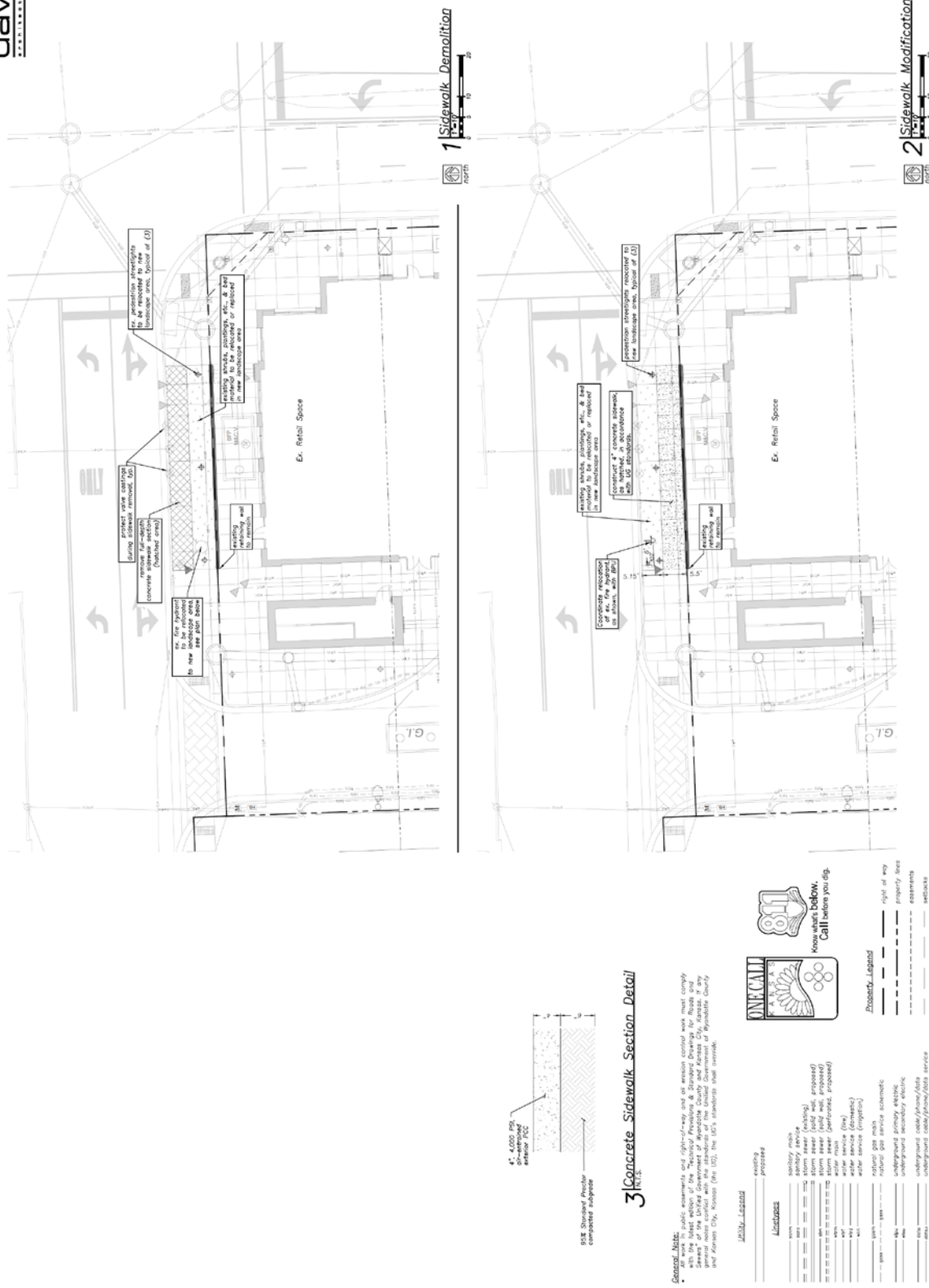
BEGINNING at the Northernmost Northwest corner of said Lot 1, 39Rainbow II, thence North 87°57'01" East, along the North line of said Lot 1 and Southerly right of way of West 39th Avenue, as now exists, a distance of 127.38 feet; thence South 45°56'09" East, continuing along said Right of Way, a distance of 6.94 feet; thence South 87°57'01" West, departing said Southerly Right of Way, a distance of 132.18 feet to a point on the Northernmost Westerly line of said Lot 1; thence North 02°03'14" West, along said Westerly line, a distance of 5.00 feet to the POINT OF BEGINNING and containing 648.9 square feet or 0.01 acres, more or less.

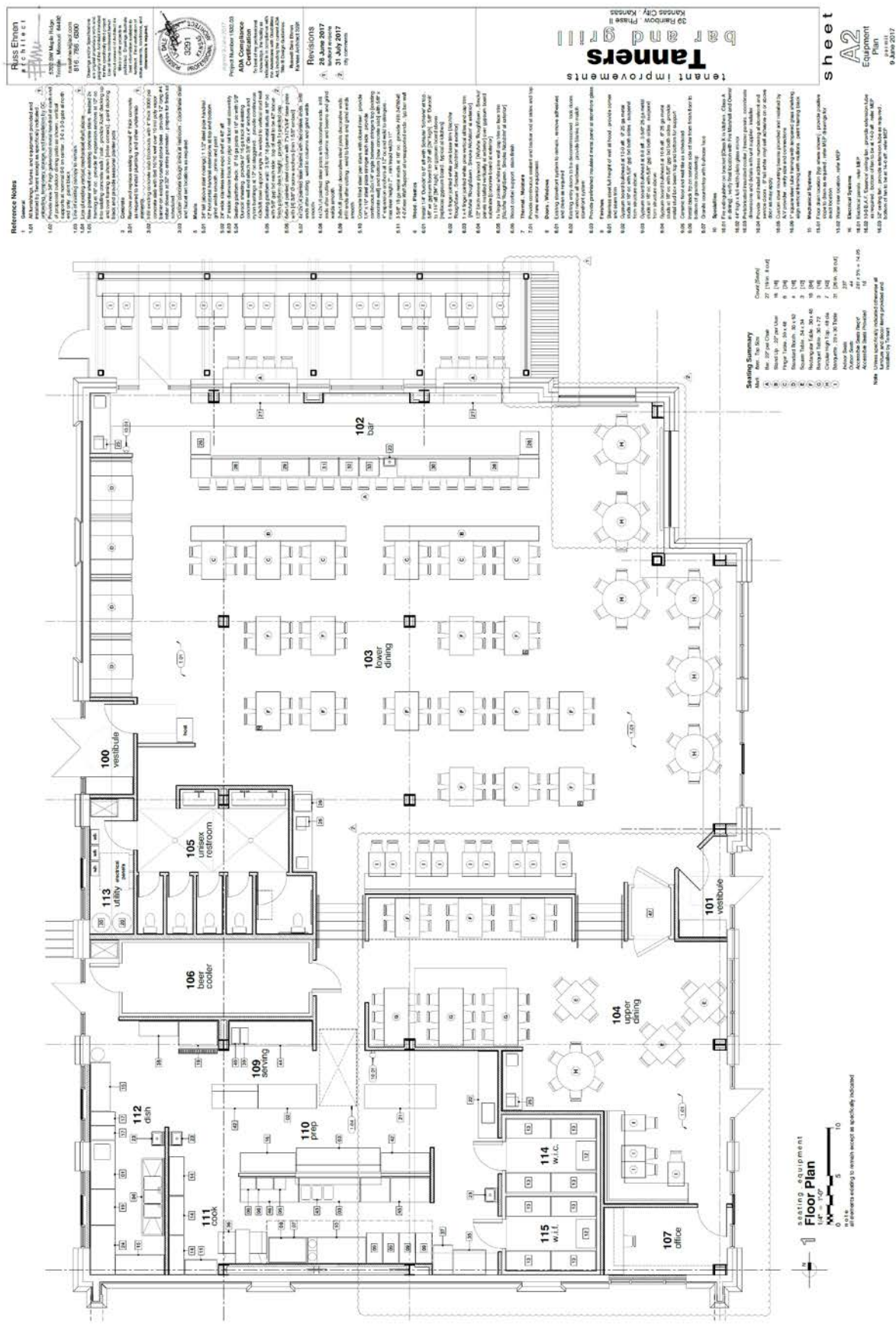


STRICK
& COMPANY, INC.

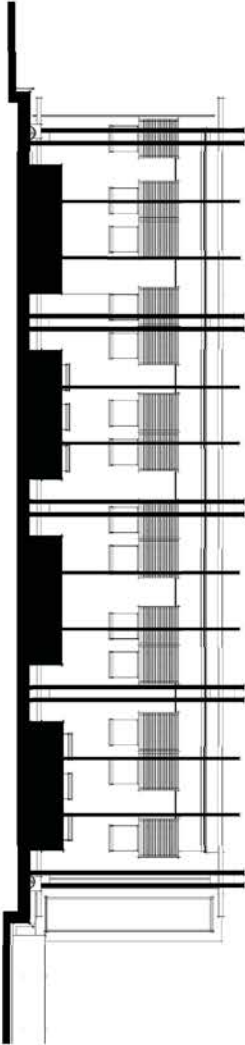
PROFESSIONAL LAND SURVEYORS
806 S. Creekside Drive, Gardner KS 66030 • 913.856.0164 • fax 913.856.0165
Project No: 17090_Ped Easmt Vac











Looking East along W 39th Ave



Looking West along W 39th Ave



Looking South along W 39th Ave

Tanners Bar & Grill
39 Rainbow . Kansas City . Kansas



JOE STEWART
ARCHITECT

LANE 4
PROPERTY GROUP



Figure 1. Site photograph of 3900 Rainbow Boulevard (provided by Google Street View).



Figure 2. Site photograph of 3900 Rainbow Boulevard (provided by Google Street View).

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 26, 2017

Re: **Petition #SP-2017-32**
Petition #PR-2017-21

GENERAL INFORMATION

Applicant:
Ben Stephens

Status of Applicant:
Representative
Jay Healy with George Butler
Associates, Inc.
9801 Renner Boulevard
Lenexa, KS 66219

Requested Action:
Approve Special Use Permit and Preliminary and Final Plan Review

Date of Applications:
March 25, 2017

Purpose:
To expand parking area for Copart and
build a surface parking lot for expansion of storage area

Property Location: 6130 Kansas Avenue

Existing Zoning: M-3 Heavy Industrial District



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

Existing Uses: North: Trailer storage
South: Auto storage (Copart)
East: Mobile homes
West: Vacant commercial building

Total Tract Size: 12.04 acres

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

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

Advertisement: The Wyandotte Echo – Special Use Permit – April 13, 2017, Plan Review - None
Letters to Property Owner – April 12, 2017, April 27, 2017, June 5, 2017, June 29, 2017, August 8, 2017, August 31, 2017 and October 18, 2017

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ben Stephens with Copart wants to expand their automobile storage area across the street from their principal facility at 6221 Kansas Avenue. Mr. Stephens has applied for a special use permit to expand the Copart facility, a plat to create one (1) industrial lot and a plan review for the expansion of storage area on 12.04 acres at 6130 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is largely comprised of industrial businesses and uses, bordering the parcel to the north, west and south (across Kansas

Avenue). While the zoning is M-3 Heavy Industrial District, there is a mobile home court to the east of the proposed development.

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

The zoning and uses of properties nearby are set out above. The proposed use, fenced vehicle storage lot is relatively compatible with the surrounding properties because of the low volume of traffic coming to the site.

3. *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 South Patrol, District #441

e. *Fire*

Fire service provided by Fire Station #20

f. *Transit*

Kansas City ATA does not provide transit service near this property.

g. *Schools*

Turner USD 202

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

The removal of the restrictions should not have a detrimental effect of nearby property because there is appropriate landscaping and screening and the storage of vehicles is setback from the mobile homes.

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

The property has been vacant since at least 1997.

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

Special use permits are not addressed in the Master Plan, however the proposed use conforms to the master plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

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

9. *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 will not be an issue.

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

If proper measures are taken and infrastructure is installed correctly, the proposed use should not pollute the land or water.

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

This will not be an issue.

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

The relative gain to the public health, safety, and welfare is minimal as compared to the hardship imposed on the landowners.

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

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

14. 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.

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

15. 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.

Street will be designed 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.

16. 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.

The lot is arranged as to afford adequate light, open space or air, to facilitate fire protection and to provide for long-term sustained real estate values.

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

Trees are being preserved on the site, so some vegetation is being protected.

18. 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.

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

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

20. 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 with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 19, 2017. According to the applicant no one appeared at the meeting.

KEY ISSUES

Proximity to floodplain
Layout of parking
GeoSpatial Services Comments
Public Works Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-32, subject to the stipulations below.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review #PR-2017-21, subject to the stipulations below.

Urban Planning and Land Use Comments:

1. **Per Business Licensing Department:**
 - a. **The applicant has filed and maintained annual occupation tax application since 1987 and is currently located at 6211 Kansas Avenue. However, this location is not contiguous with existing business operations of the applicant; and is actually separated by Kansas Avenue. If approved, applicant would need to file and maintain occupation tax application for this additional location.**

Applicant Response: Acknowledged.

2. **Please review and revise based on the comments issued by GeoSpatial Services located in the attachments.**

Applicant Response: Corner ties are included with this submittal.

3. **A preliminary plat was not submitted as part of this application. This parcel has not been previously platted; a preliminary plat is required. Please review Sec. 27-215 and submit the required documents for review.**

Applicant Response: It was GBA's intention for the preliminary plan to serve as the preliminary plat. A sheet has been added to the preliminary plan for clarity.

4. While the associated storage lot is within Zone X, the site elevation is below the base flood elevation of 762.0'. There is no barrier to prevent water from crossing Kansas Avenue and inundating the property. The lot should be raised 1.5' above the BFE and the engineer must state the vehicles being stored outside are not subject to flotation.

Applicant Response: GBA is currently working with staff resolve this comment.

Staff Response: Because the property is within Zone X, the applicant does not, by Code, have to raise the site elevation 1.5' above the base flood elevation of 762.0'. The southern edge, along the property line is at 763.0'.

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Applicant Response: Acknowledged.

6. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage vehicles are not permitted in this district.

Applicant Response: Acknowledged.

7. Please provide a day to day business operation for this vehicle storage area.
 - a. How many vehicles do you anticipate being brought to or removed from the site on a daily basis?

Applicant Response: This will be an overflow lot, and only be used when the south lot is full.

- b. What types of trucks will visit the site to unload or pick up vehicles?

Applicant Response: Two car haulers will be used at this time.

- c. How many truck trips do you anticipate?

Applicant Response: A maximum of 10 trips of the two car haulers are anticipated.

8. What are the proposed hours of operation?

Applicant Response: The proposed hours of operation are 7:30 AM to 6:00 PM.

9. Are video cameras going to be installed for security?

Applicant Response: Yes.

10. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf.

Applicant Response: Acknowledged.

11. All lighting installed in the parking lot shall have 90 degree cutoff fixtures.

Applicant Response: Acknowledged.

12. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted. Please specify the species by providing a list on the landscape plan.

Applicant Response: Tree caliper and plant species selection is provided on sheet L02.

13. All landscaping shall be irrigated.

Applicant Response: Acknowledged. Landscape notes updated.

14. The perimeter fence along the entire property lines shall be solid and 8' in height. The fence that faces Kansas Avenue shall have masonry columns every 32' on center. Please provide fence details as part of the plan review.

Applicant Response: Acknowledged. Fence detail provided on sheet C06.

15. Drive aisles must be paved with asphalt or concrete. Storage pads may be asphalt millings.

Applicant Response: Acknowledged. Asphalt pavement shown for parking areas.

16. All vehicles shall be parked in a legal, conforming parking stall in compliance with the parking code. Please revise the site plan to show proper striping.

Applicant Response: GBA is currently discussing parking stall requirements with city staff. This lot is a car storage lot, and not intended

for individual use. It is the owner's preference to use the same parking configuration as their existing lot to the south of Kansas Avenue.

Staff Response: Since vehicles will be brought to the site by haulers, in various states of disrepair, they will be stored in an orderly manner, not stacked on one another and entirely screened from public view.

17. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

***Applicant Response:** Acknowledged.*

18. Will any speakers be used on the lot for communication for auctions?

***Applicant Response:** No speakers are planned for the site. Auctions are online.*

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat. Provide final plat in accordance with County Surveyor comments.
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-32 and Petition #PR-2017-21 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Final Plat
Site Plan
Grading Plan
Utility Plan
Landscape Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 9, 2017	October 26, 2017
Special Use	Approval	
P&F Plan	October 9, 2017	October 26, 2017
	Approval	

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

MOTIONS

Special Use Permit:

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-32** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-32**, 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.

Plan Review:

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2017-21** 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-2017-21** 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 55:20

SPECIAL USE PERMIT #SP-2017-32 – BEN STEPHENS WITH COPART –

SYNOPSIS: Special Use Permit for expansion of Copart parking facility at 6130 Kansas Avenue

COPART – SYNOPSIS: Final Plat for one (1) industrial lot at 6130 Kansas Avenue

PLAN REVIEW APPLICATION #PR-2017-21 – BEN STEPHENS WITH COPART –

SYNOPSIS: Preliminary and Final Plan Review for expansion of Copart's car storage facility at 6130 Kansas Avenue

Detailed Outline of Requested Action: The applicant, Ben Stephens with Copart wants to expand their automobile storage area across the street from their principal facility at 6221 Kansas Avenue. Mr. Stephens has applied for a special use permit to expand the Copart facility, a plat to create one (1) industrial lot and a plan review for the expansion of storage area on 12.04 acres at 6130 Kansas Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo dated April 13, 2017 for the special use permit; and
7. The Notices to property owners dated April 12, April 27, June 5, June 29, August 8 and August 31, 2017.

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

Present in Support:

- ❖ Ms. Anna Krstulic, general counsel for the applicant for this project, 1201 Walnut Street, Kansas City, Missouri
- ❖ Mr. Ben Stephens, Copart Property Manager
- ❖ Mr. Jay Healy, George Butler Architects/Engineers

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 1:00:07 Director Richardson stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts: 1:00:40

On motion by Ms. Jones, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-32:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. **Per Business Licensing Department:**
 - a. **The applicant has filed and maintained annual occupation tax application since 1987 and is currently located at 6211 Kansas Avenue. However, this location is not contiguous with existing business operations of the applicant; and is actually separated by Kansas Avenue. If approved, applicant would need to file and maintain occupation tax application for this additional location.**

Applicant Response: Acknowledged.

2. Please review and revise based on the comments issued by GeoSpatial Services located in the attachments.

Applicant Response: Corner ties are included with this submittal.

3. A preliminary plat was not submitted as part of this application. This parcel has not been previously platted; a preliminary plat is required. Please review Sec. 27-215 and submit the required documents for review.

Applicant Response: It was GBA's intention for the preliminary plan to serve as the preliminary plat. A sheet has been added to the preliminary plan for clarity.

4. While the associated storage lot is within Zone X, the site elevation is below the base flood elevation of 762.0'. There is no barrier to prevent water from crossing Kansas Avenue and inundating the property. The lot should be raised 1.5' above the BFE and the engineer must state the vehicles being stored outside are not subject to flotation.

Applicant Response: GBA is currently working with staff resolve this comment.

Staff Response: Because the property is within Zone X, the applicant does not, by Code, have to raise the site elevation 1.5' above the base flood elevation of 762.0'. The southern edge, along the property line is at 763.0'.

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Applicant Response: Acknowledged.

6. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage vehicles are not permitted in this district.

Applicant Response: Acknowledged.

7. Please provide a day to day business operation for this vehicle storage area.
 - a. How many vehicles do you anticipate being brought to or removed from the site on a daily basis?

Applicant Response: This will be an overflow lot, and only be used when the south lot is full.

- b. What types of trucks will visit the site to unload or pick up vehicles?**

Applicant Response: Two car haulers will be used at this time.

- c. How many truck trips do you anticipate?**

Applicant Response: A maximum of 10 trips of the two car haulers are anticipated.

- 8. What are the proposed hours of operation?**

Applicant Response: The proposed hours of operation are 7:30 AM to 6:00 PM.

- 9. Are video cameras going to be installed for security?**

Applicant Response: Yes.

- 10. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf.**

Applicant Response: Acknowledged.

- 11. All lighting installed in the parking lot shall have 90 degree cutoff fixtures.**

Applicant Response: Acknowledged.

- 12. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted. Please specify the species by providing a list on the landscape plan.**

Applicant Response: Tree caliper and plant species selection is provided on sheet L02.

- 13. All landscaping shall be irrigated.**

Applicant Response: Acknowledged. Landscape notes updated.

- 14. The perimeter fence along the entire property lines shall be solid and 8' in height. The fence that faces Kansas Avenue shall have masonry columns every 32' on center. Please provide fence details as part of the plan review.**

Applicant Response: Acknowledged. Fence detail provided on sheet C06.

15. Drive aisles must be paved with asphalt or concrete. Storage pads may be asphalt millings.

Applicant Response: Acknowledged. Asphalt pavement shown for parking areas.

16. All vehicles shall be parked in a legal, conforming parking stall in compliance with the parking code. Please revise the site plan to show proper striping.

Applicant Response: GBA is currently discussing parking stall requirements with city staff. This lot is a car storage lot, and not intended for individual use. It is the owner's preference to use the same parking configuration as their existing lot to the south of Kansas Avenue.

Staff Response: Since vehicles will be brought to the site by haulers, in various states of disrepair, they will be stored in an orderly manner, not stacked on one another and entirely screened from public view.

17. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

Applicant Response: Acknowledged.

18. Will any speakers be used on the lot for communication for auctions?

Applicant Response: No speakers are planned for the site. Auctions are online.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat. Provide final plat in accordance with County Surveyor comments.
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant has worked with staff to resolve planning and engineering issues and comments, staff supports this petition subject to the aforementioned

stipulations.

On motion by Ms. Pauley, seconded by Mr. Mose, the Planning Commission voted as follows to **APPROVE Copart Final Plat:**

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

Motion to APPROVE Passed: 6 to 0
Subject to the above stipulations

On motion by Ms. Pauley, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review #PR-2017-21:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above stipulations



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for a higher quality of life

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Lenexa, Kansas
66219-9745

913.492.0400
913.577.8200 fax

GBA Companies
Lenexa, KS
Kansas City, MO
O'Fallon, MO
Omaha, NE
Rock Island, IL
Broomfield, CO

www.gbateam.com

April 24, 2017

City Staff
701 North 7th Street Suite 423
Kansas City, Kansas 66101

RE: Petition #SP-2017-32, Copart Preliminary and Final Plat, and Petition #PR-2017-21

We have received your comments dated April 17, 2017 for the above referenced project. Our responses follow each comment.

Urban Planning and Land Use Comments:

1. Per Business Licensing Department:

a. The applicant has filed and maintained annual occupation tax application since 1987 and is currently located at 6211 Kansas Avenue. However, this location is not contiguous with existing business operations of the applicant; and is actually separated by Kansas Avenue. If approved, applicant would need to file and maintain occupation tax application for this additional location.

GBA Response: Acknowledged.

2. Please review and revise based on the comments issued by GeoSpatial Services located in the attachments.

GBA Response: Corner ties are included with this submittal.

3. A preliminary plat was not submitted as part of this application. This parcel has not been previously platted; a preliminary plat is required. Please review Sec. 27-215 and submit the required documents for review.

GBA Response: It was GBA's intention for the Preliminary Plan to serve as the Preliminary Plat. A sheet has been added to the Preliminary Plan for clarity.

4. While the associated storage lot is within Zone X, the site elevation is below the base flood elevation of 762.0'. There is no barrier to prevent water from crossing Kansas Avenue and inundating the property. The lot should be raised 1.5' above the BFE and the engineer must state the vehicles being stored outside are not subject to flotation.

GBA Response: GBA is currently working with staff resolve this comment.

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

GBA Response: Acknowledged.

6. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, non-operable vehicles, or salvage vehicles are not permitted in this district.

GBA Response: Acknowledged.

7. Please provide a day to day business operation for this vehicle storage area.

a. How many vehicles do you anticipate being brought to or removed from the site on a daily basis?

GBA Response: This will be an overflow lot, and only used when the south lot is full. When used, a maximum of 20 vehicles per day is anticipated.

b. What types of trucks will visit the site to unload or pick up vehicles?

GBA Response: Two car haulers are used at this site.

c. How many truck trips do you anticipate?

GBA Response: A maximum of 10 trips of the two car haulers are anticipated.

8. What are the proposed hours of operation?

GBA Response: 7:30 AM to 6:00 PM

9. Are video cameras going to be installed for security?

GBA Response: Yes.

10. Signage is not approved during the plan review process. After the applicant has obtained a building permit, a licensed and bonded sign company can apply for a sign permit on the applicant's behalf.

GBA Response: Acknowledged.

11. All lighting installed in the parking lot shall have 90 degree cutoff fixtures.

GBA Response: Acknowledged.

12. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted. Please specify the species by providing a list on the landscape plan.

GBA Response: Tree caliper and plant species selection is provided on sheet L02.

13. All landscaping shall be irrigated.

GBA Response: Acknowledged. Landscape notes updated.

14. The perimeter fence along the entire property lines shall be solid and 8' in height. The fence that faces Kansas Avenue shall have masonry columns every 32' on center. Please provide fence details as part of the plan review.

GBA Response: Acknowledged. Fence Detail provided on sheet C06.

15. Drive aisles must be paved with asphalt or concrete. Storage pads may be asphalt millings.

GBA Response: Acknowledged. Asphalt pavement shown for parking area.

16. All vehicles shall be parked in a legal, conforming parking stall in compliance with the parking code. Please revise the site plan to show proper striping.

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GBA Response: GBA is currently discussing parking stall requirements with the City staff. This lot is a car storage lot, and not intended for individual use. It is the owners preference to use the same parking configuration as their existing lot to the south of Kansas ave.

17. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

GBA Response: Acknowledged.

18. Will any speakers be used on the lot for communication or auctions.

GBA Response: No speakers are planned for the site. Auctions are online.

Plat:

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

1) Please coordinate with Byron Toy, Principal Planner regarding plat process, i.e., a preliminary plat is required prior to a final plat.

GBA Response: It was GBA's intention for the Preliminary Plan to serve as the Preliminary Plat. A sheet has been added to the Preliminary Plan for clarity.

2) On the cover sheet, add a floodplain note and revise the note on the plat to include reference to the 100-year floodplain on the south side of Kansas Ave., and the base flood elevation of approx. 761.9 feet. Please review the FEMA map(s) and FIS study dated 9/2/15, and show the 100-year floodplain line on the south side of Kansas Ave on the site plan, grading plan, and plat including the BFE.

GBA Response: Note updated and added to Cover sheet and plat. Floodplain line shown on site plan, grading plan, and plat.

3) The plat shows two additional sanitary sewer easements across the property, which do not show on UG maps. Site or further verification is needed to determine if the lines are private lines, if they have been abandoned or need to be abandoned, etc. Further discussion with staff may be needed to discuss abandonment, and/or vacation of sewer easements.

GBA Response: All sewer easements on the plat are dedicated to the City. The easterly of the three sewer easements that has an existing sewer shown in it appears to be still in use. The two westerly easements, no existing sewers manholes where found in these areas.

4) The County Surveyor makes separate technical review of the plat, and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.

GBA Response: Comments were received from the county surveyor and addressed and the signed and sealed plat is included here. Copy of section corner information sent to the KSHS is attached as requested by the county surveyor.

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

G:\13670\Admin\Correspondence\Letters\4-24-17 City Comments Response.docx

1) None

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

1) None

Plan Review:

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

1) Please provide number of vehicles and trucks entering and exiting the site. Also, will pedestrian cross Kansas Ave. from the south Copart property to the north side? Please indicate estimate number of pedestrian traffic crossing Kansas Ave.

GBA Response: No pedestrian trips are anticipated to be generated by the site.

2) Please consider relocating the driveway entrance to line-up with the driveway to the south.

GBA Response: The Driveway has been aligned to the existing entrance to the south.

3) Please note that the existing site and most of the proposed grading on the site will be lower in elevation than the 100-year base flood elevation. Please discuss with the owner regarding this situation because flood water could back-up on the property. Further discussion with staff and Rob Richardson, Floodplain Manager, may be needed in regards to floodplain, UG floodplain requirements, and potential flood water on the property.

GBA Response: GBA is currently having discussions with the City on the best course of action.

4) On the site and grading plan, show easement lines consistent with those shown on the plat.

GBA Response: Easement lines have been shown to match the plat.

5) Detention basin and side slopes of basin shall not encroach over any easement(s).

GBA Response: The basin layout has been changed to not encroach on any easements.

6) With the nearby Kansas River and potential flood water backing up through storm drainage system, the proposed extended wet detention basin doesn't appear to be the right application for proposed stormwater quality BMP. Further discussion and a meeting with staff is required prior to a resubmittal.

GBA Response: GBA is currently having discussions with the City on the best course of action.

7) Revise plans and stormwater report in accordance with engineering comments issued separately and the proposed meeting with staff.

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GBA Response: GBA will revise plans and stormwater report per comments when they are received and after meeting with city staff.

8) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

GBA Response: Acknowledged.

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

1) None

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

1) None

We believe we have addressed all comments on this project. If you have any additional questions or concerns, please feel free to contact us.

Sincerely,

GEORGE BUTLER ASSOCIATES, INC.

Clint Loumaster, P.E.

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for a higher quality of life

COPART NEIGHBORHOOD MEETING MINUTES

Application Number: SP-2017-32/Copart Plat/PR-2017-21

Date and Location: April 19, 2017 at Cabela's King Salmon Meeting Room

Meeting called to order at: 4:00 PM

Attendees:

Clint Loumaster

Jay Healy

No invited parties attended.

Meeting adjourned at: 4:30 PM

Minutes taken by: Jay Healy

9801 Renner Boulevard
Lenexa, Kansas
66219-9745

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913.577.8264 fax

Office Locations
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Kansas City, MO
O'Fallon, MO
Chesterfield, MO
Omaha, NE
Rock Island, IL
Broomfield, CO

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2017.4.19 Copart Meeting Minutes.docx

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Landscape Notes & Details



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 26, 2017
Re: Petition #PR-2017-38

GENERAL INFORMATION

Applicant:
Chris Herre

Status of Applicant:
Applicant
Rose Design Build, Inc.
15331 W. 109th Street
Lenexa, KS 66219

Requested Action:
Preliminary and Final Plan
review for new office and shop
facility for A-1 Sewer and Septic

Date of Application:
August 25, 2017

Purpose:
Preliminary and Final Plan
Review for new 10,512 square
foot office and shop facility

Property Location:
1901 Merriam Lane



Existing Zoning: MP-1 Planned Light Industrial District

Surrounding Zoning:	North:	MP-1 Planned Light Industrial District and R-1 Single Family District
	South:	MP-1 Planned Light Industrial District and Industrial Park District and MP-2 Planned General Industrial District
	East:	MP-2 Planned General Industrial District
	West:	R-1(B) Single Family District

Existing Uses:	North:	Industrial and Single Family homes
	South:	Industrial
	East:	Industrial
	West:	Single Family homes

Total Tract Size: 3.08 acres

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

Major Street Plan: Merriam Lane is designated as a class C thoroughfare.

Advertisement: Property Owner Letters – September 14, 2017 and October 18, 2017
Wyandotte Echo – None Required

Public Hearings: October 9, 2017 and October 26, 2017

Public Opposition: One person appeared at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Mr. Herre is seeking approval for a new 10,512 square foot office and shop facility for A-1 Sewer and Septic on Merriam Lane.

City Ordinance Requirements: Article XXII Sections 27-1001 – 27-1419

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of neighborhood is both industrial and residential with both uses adjacent to this parcel.

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 proposal would increase traffic to this site as it is currently vacant.

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

This proposed use would conform 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*

To be built to City standards

b. *Sanitary sewer service*

To be built to City standards

c. *Storm water control*

To be built to City standards

d. *Police*

Police service is provided by the District #331

e. *Fire*

Fire service is provided by District #2

f. *Transit*

The nearest KCATA stop is approximately 1.5 miles from this location.

g. *Schools*

Kansas City, Kansas USD 500

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

This plan could meet the ordinance requirements.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 25, 2017. Attached are the minutes, sign-in sheet and affidavit.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2017-38, subject to:

Urban Planning and Land Use Comments:

Building Architecture:

1. Please provide color updated elevations
Attachments in staff report
2. Provide more architectural detailing and accent work, particularly along the north and east elevations that are visible from the street or internally on the site. This may include additional masonry components or other variations carried along the facades.
We have added accent bands in the masonry wall on all building elevations. This accent band provides a color contrast and ties with the metal entry tower element so not to bring in a whole new color that would be by its own. Attachments in staff report.
3. If approved, all signage must meet sign code requirements and applicant must obtain proper sign permits

Site, Landscaping and Screening:

1. All landscaping shall be irrigated.
Attachments in staff report.
2. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.
Attached is the cut sheet for the decorative wall mounted building lights, it is the Eaton Lumark XTOR8B full cutoff light fixture. Attachments in staff report.

Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed. All lighting on the property, both on the building and in the parking lot shall have 90 degree cutoff fixtures.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
- 1) In the civil plan set, include a cover sheet with vicinity map, sheet index, floodplain note, list of utilities and contacts with Kansas One Call information, project contacts (owner, developer, A/E firms, etc.), benchmarks, site information, quantities for net increase in impervious area, land disturbance area, UG standards note, etc.**
 - 2) Reference the applicable UG standard detail for the proposed concrete driveway approach.**
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 - 4) Indicate location of proposed trash enclosure and provide a truck and trash truck turning template for routing within the site.**
 - 5) The storm drainage study shall be PE sealed and dated. Please provide MARC BMP manual worksheets for redevelopment regarding stormwater quality and indicating reduction in impervious area and respective information.**
 - 6) Storm drainage infrastructure shall meet UG standards and criteria, i.e., nyoplast basin shall be a grated area inlet, minimum pipe size is 15", and outlet shall be to a stream or engineered channel.**
 - 7) Provide a PACP certified video for the Deputy County Engineer's review and assessment of the existing sanitary sewer main. Based on previous pre-DRC discussions about several service lines along the main, UG may require lining of the main with CIPP. Further discussion with staff may be needed.**
 - 8) The existing two upstream service lines that connect at the existing manhole shall be abandoned in accordance with UG standards and criteria, i.e., placing flowable fill in the service lines and plugging the line at the manhole.**
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 - 11) On the erosion control plan, provide a note that the contractor shall have a copy of the storm water pollution prevention plan (SWPPP) on site at all times, and indicate that inspection logs and any changes to erosion control measures shall be added to the SWPPP. Also, add notes that the Contractor shall obtain a KDHE and UG-PW land disturbance permits.**

- 12) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval (stipulations):
- 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #PR-2017-38 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Zoning map
Aerial image
Site plan
Elevations
Lighting information
Conservation District comments
Neighborhood meeting information

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 9, 2017	October 26, 2017
P&F Plan	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #PR-2017-38 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2017-38** 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 2:10:40

PLAN REVIEW APPLICATION #PR-2017-38 – CHRIS HERRE WITH ROSE DESIGN BUILD INC. – SYNOPSIS: Preliminary and Final Plan Review for a new office and shop facility for A-1 Sewer and Septic Service at 1901 Merriam Lane.
Detailed Outline of Requested Action: Mr. Herre is seeking approval for a new 10,512 square foot office and shop facility for A-1 Sewer and Septic on Merriam Lane.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners dated September 14, 2017.

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

Present in Support:

- ❖ Mr. Chris Herre, Rose Design Build, Inc., 15331 West 109th Street, Lenexa, KS 66219
- ❖ Mr. Roger Cassity, Renaissance Infrastructure Consultants
- ❖ Mr. Ron Miner, Service Manager, A-1 Septic and Sewer
- ❖ Brett and Danielle McNeace, Owners, A-1 Septic and Sewer

Present in Opposition:

- ❖ Mr. Emanuel Greenberg, owner of 3015 and 3019 South 21st Street Court, Kansas City, Kansas 66106

Staff Recommendation Starts: 2:20:35 Planning Director Richardson stated that he would like to recap the questions. The height of the building on the east at the front is 26'; on the west side it is at 20' (will not be blue) and then it drops down to 16' (showed on the screen.) The lighting fixtures are 90 degree cut-offs which means the light is projected straight down. There is also a 6' privacy fence and landscaping. On the front of the building there will be a wrought-iron fence and on the west, east and rear sides it will be a 6' wooden privacy fence plus landscaping on the west side (on the neighbor's side of the street.) He further stated that he does not know the placement of the trees but they could make sure a couple of trees are planted there to make sure it is screened. It is a metal and masonry building and the air-conditioning units will be screened on the roof. He further stated that last month there was testimony about how things are not good on Merriam Lane; this is one of the developments that he was referring to when he said that people are investing and doing good things on Merriam Lane and building high-quality buildings. The staff recommends approval.

Motion and Vote Starts: 2:23

On motion by Ms. Jones, seconded by Mr. Carson, the Planning Commission voted as follows to recommend **APPROVAL of Preliminary and Final Plan Review**

Application #PR-2017-38:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

Building Architecture:

1. Please provide color updated elevations
Attachments in staff report
2. Provide more architectural detailing and accent work, particularly along the north and east elevations that are visible from the street or internally on the site. This may include additional masonry components or other variations carried along the facades.

We have added accent bands in the masonry wall on all building elevations. This accent band provides a color contrast and ties with the metal entry tower element so not to bring in a whole new color that would be by its own. Attachments in staff report.

3. If approved, all signage must meet sign code requirements and applicant must obtain proper sign permits

Site, Landscaping and Screening:

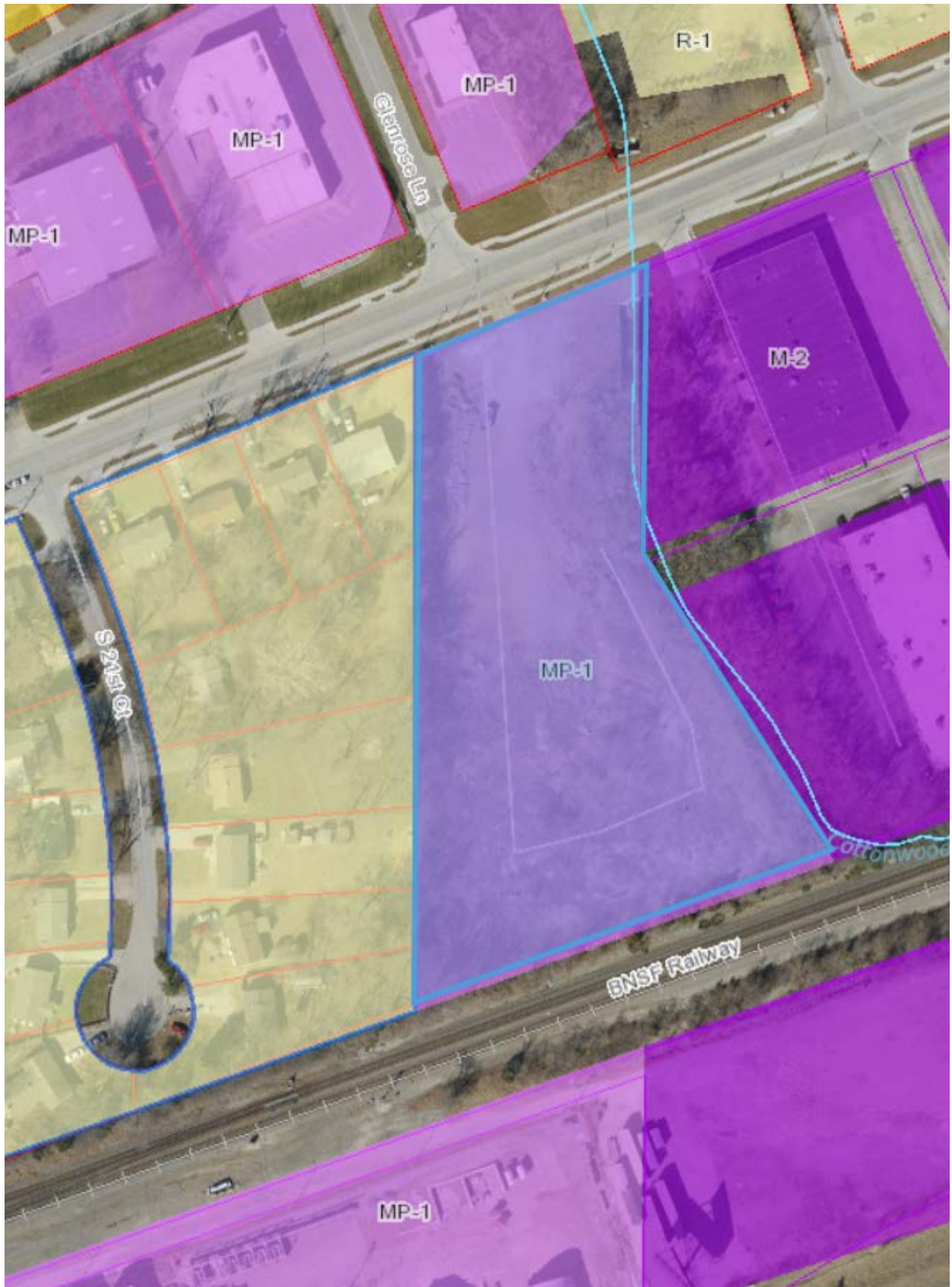
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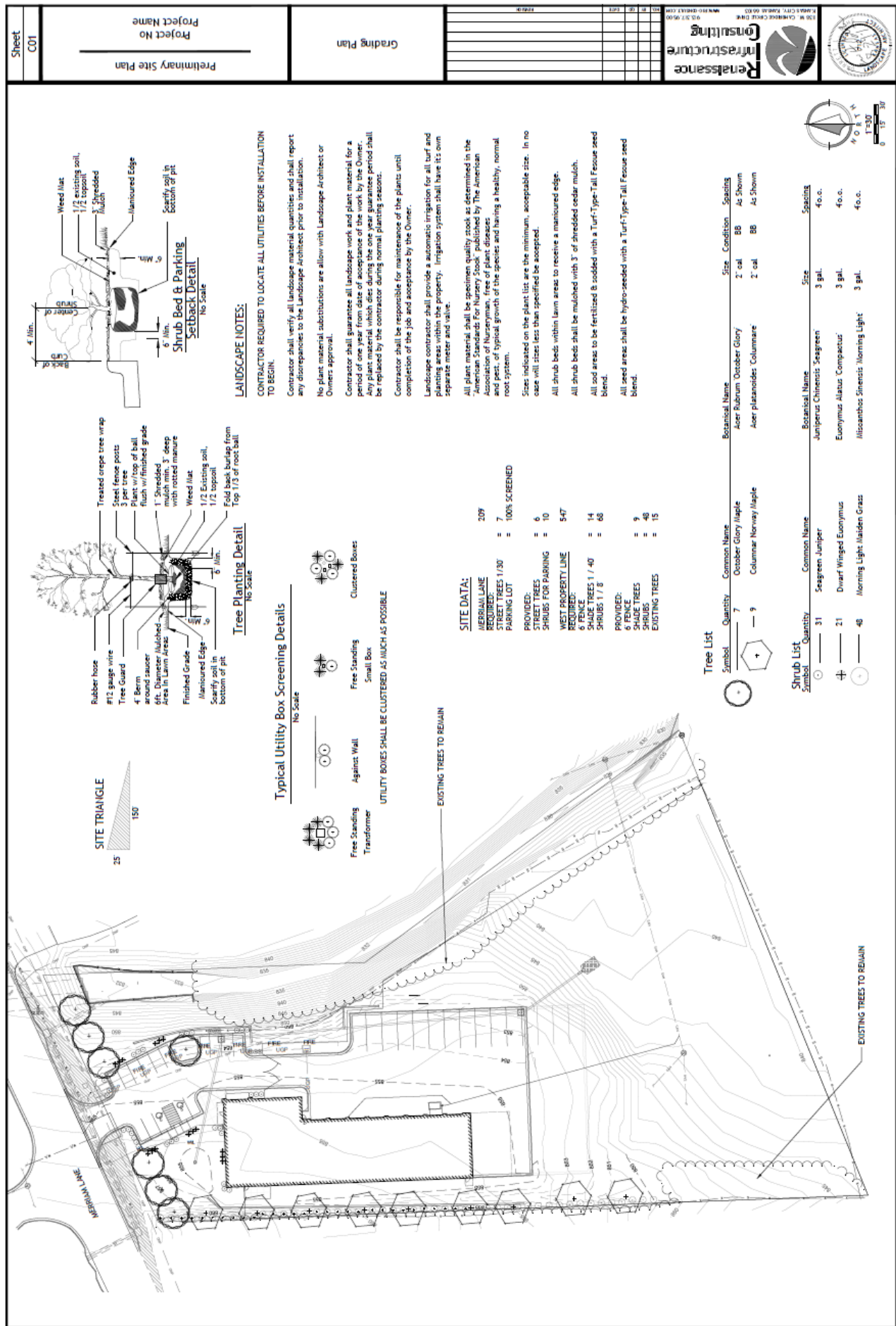
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- 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None







PLAN NOTES

ROSE DESIGN GROUP
ARCHITECTS • PLANNERS
A Division of Rose Design Group
P.O. BOX 100
CLAYTON, MS 38624
P: 662.752.0777
F: 662.752.0999
WWW.ROSEDESIGNGROUP.COM

A-1 SEWER & SEPTIC SERVICE INC.
1891 MERIAM DRIVE
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

PROPOSED BUILDING FOR:
A1 SEWER & SEPTIC SERVICE

PROJECT NUMBER
17034

DATE ISSUED
08/25/17

SHEET NUMBER
A3

BUILDING ELEVATIONS

1. ALL ELEVATIONS TO BE "FILL" UNLESS NOTED OTHERWISE.
2. DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
3. MATERIALS AND FINISHES TO BE DETERMINED BY THE ARCHITECT.
4. ALL MATERIALS AND FINISHES SHALL BE APPROVED BY THE ARCHITECT.
5. ALL MATERIALS AND FINISHES SHALL BE APPROVED BY THE ARCHITECT.

ENLARGED EAST BUILDING ELEVATION 4
Scale: 1/8" = 1'-0"

NORTH BUILDING ELEVATION 3
Scale: 1/8" = 1'-0"

WEST BUILDING ELEVATION 2
Scale: 1/8" = 1'-0"

EAST BUILDING ELEVATION 1
Scale: 1/8" = 1'-0"

SOUTH BUILDING ELEVATION 5
Scale: 1/8" = 1'-0"

NORTH BUILDING ELEVATION 6
Scale: 1/8" = 1'-0"

PLAN NOTES

REVISIONS

DESCRIPTION

The patented Lumark Crosstour™ MAXX LED wall pack series of luminaires provides low-profile architectural style with super bright, energy-efficient LEDs. The rugged die-cast aluminum construction, back box with secure lock hinges, stainless steel hardware along with a sealed and gasketed optical compartment make Crosstour impervious to contaminants. The Crosstour MAXX wall luminaire is ideal for wall/ surface, inverted mount for facade/canopy illumination, perimeter and site lighting. Typical applications include pedestrian walkways, building entrances, multi-use facilities, industrial facilities, perimeter parking areas, storage facilities, institutions, schools and loading docks.

SPECIFICATION FEATURES

Construction

Low-profile LED design with rugged one-piece, die-cast aluminum back box and hinged removable door. Matching housing styles incorporate both a full cutoff and refractive lens design. Full cutoff and refractive lens models are available in 58W, 81W and 102W. Patent pending secure lock hinge feature allows for safe and easy tool-less electrical connections with the supplied push-in connectors. Back box includes four 1/2" NPT threaded conduit entry points. The back box is secured by four lag bolts (supplied by others). External fin design extracts heat from the fixture surface. One-piece silicone gasket seals door and back box. Not recommended for car wash applications.

Optical

Silicone sealed optical LED chamber incorporates a custom engineered reflector providing high-efficiency illumination. Full cutoff models integrate an impact-resistant molded refractive prism optical lens assembly meeting requirements for Dark Sky compliance. Refractive lens models incorporate a molded lens

assembly designed for maximum forward throw. Solid state LED Crosstour MAXX luminaires are thermally optimized with eight lumen packages in cool 5000K, neutral 4000K, or warm 3000K LED color temperature (CCT).

Electrical

LED driver is mounted to the die-cast aluminum housing for optimal heat sinking. LED thermal management system incorporates both conduction and natural convection to transfer heat rapidly away from the LED source. 58W, 81W and 102W models operate in -40°C to 40°C (-40°F to 104°F). High ambient 50°C (122°F) models available in 58W and 81W models only. Crosstour MAXX luminaires maintain greater than 89% of initial light output after 72,000 hours of operation. Four half-inch NPT threaded conduit entry points allow for thru-branch wiring. Back box is an authorized electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz, 480V 60Hz, or 347V 60Hz electrical operation. 480V is compatible for use with 480V Wye systems only.

Emergency Egress

Optional integral cold weather battery emergency egress includes emergency operation test switch (available in 58W and 81W models only), an AC-ON indicator light and a premium extended rated sealed maintenance-free nickel-metal hydride battery pack. The separate emergency lighting LEDs are wired to provide redundant emergency lighting. Listed to UL Standard 924, Emergency Lighting.

Area and Site Pole Mounting

Optional extruded aluminum 6-1/2" arm features internal bolt guides for supplied twin support rods, allowing for easy positioning of the fixture during installation to pole. Supplied with round plate adapter plate. Optional tenon adapter fits 2-3/8" or 3-1/2" O.D. Tenon.

Finish

Crosstour MAXX is protected with a super TGIC carbon bronze or summit white polyester powder coat paint. Super TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

Warranty

Five-year warranty.

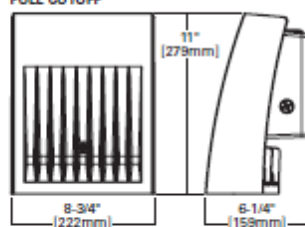


XTOR CROSSTOUR MAXX LED

APPLICATIONS:
WALL / SURFACE
INVERTED
SITE LIGHTING

DIMENSIONS

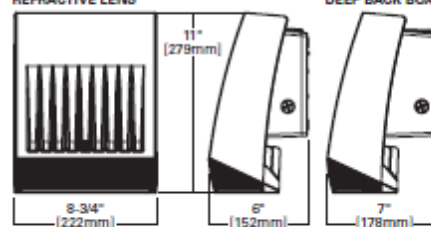
FULL CUTOFF



DEEP BACK BOX



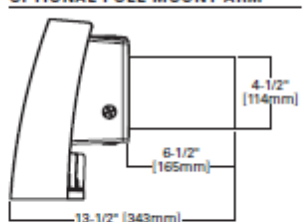
REFRACTIVE LENS



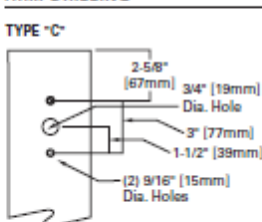
DEEP BACK BOX



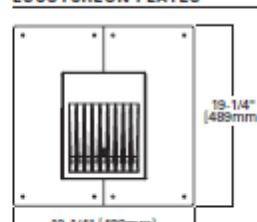
OPTIONAL POLE MOUNT ARM



ARM DRILLING



ESCUTCHEON PLATES



*www.designlights.org



CERTIFICATION DATA

ULcUL Wet Location Listed
LM79 / LM80 Compliant
ROHS Compliant
NOM Compliant Models
3G Vibration Tested
UL924 Listed (CBP Models)
IP66 Rated
DesignLights Consortium® Qualified*

TECHNICAL DATA

40°C Ambient Temperature
External Supply Wiring 90°C Minimum

EPA

Effective Projected Area (Sq. Ft.):
XTOR6B, XTOR8B, XTOR12B-0.54
With Pole Mount Arm-0.98

SHIPPING DATA:

Approximate Net Weight:
12-15 lbs. [5.4-6.8 kgs.]

TD514005EN
2017-06-05 13:46:15

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

- There are three major soil types that were identified: Kennebec silt loam, occasionally flooded, Reading silt loam, rarely flooded, and Ladoga silt loam, 8 to 15 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
 - The silt fence on the south side of the area needs to be installed on the contour. As it is shown on the plan it will concentrate the water and over top the silt fence at the low spot. The water needs to be spread out along the whole distance to allow time for water to move through the silt fence without over topping.
 - As soon as the grading is complete the topsoil needs to be spread on the areas to be seeded or sodded. Seeding and mulching needs to be done within one week of completion of grading. The area can be sodded for quicker control.
 - The storm sewers will need inlet protection until the area is controlled.
-
- Below the storm sewer outlet, would be an ideal location for a rain garden. It would reduce the chances of gullies being developed in the area.
 - All erosion control practices need to be check weekly and after each rain event. Any damages needs to be corrected immediately.
 - The Best Management Practices in this report can help solve any problems in the area.
 - Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National



ROSE DESIGN GROUP, INC.
ROSE CONSTRUCTION CO., INC.

September 26, 2017

Ms. Janet L. Parker, CSC/APC
Department of Urban Planning & Land Use
701 North 7th St. Suite 423
Kansas City, Kansas 66101

Neighborhood Meeting, A-1 Sewer and Septic,
Rosedale Development Association
1403 Southwest Blvd.
Kansas City, Kansas 66103

Rose Design Build, Inc. held a neighborhood meeting on September 25th from 6PM to 7PM, for those interested in finding out about the development of a commercial project for A-1 Sewer and Septic Service, Inc. The meeting was held at the Rosedale Development Association's event space located at 1403 Southwest Blvd., Kansas City, Kansas.

Those in attendance from A-1 Sewer were Brett and Danielle McNeace, owners and Ron Miner, service manager. There were also ten neighbors or business owners in attendance.

The meeting was opened by Christopher Herre, A.I.A., Principal, Rose Design Build, Inc. who presented the project and the design concepts. Brett McNeace then gave information concerning his business operation and his intended use of the property. Ron Miner presented the use of the service areas of the building. It was then opened up for discussion.

Questions were asked about the fence that is proposed along the west property line and the intent for screening from the residential properties. It was explained that the fence will be solid in nature with decorative masonry columns every 30' more or less. Tim Carey representing his father whose residential property abuts this development asked about the existing trees along the property line and what will happen to them. It was explained that they will remain as a permanent buffer and that additional landscaping will be installed along this property line. Majid Zari a business owner to the east was excited about the property being developed as he believes it will help prevent crime. Several parties asked about the building materials and what the new facility will look like. We presented color elevation renderings of the facility and everyone was in favor of the look and feel of the new building.

BuildWithRose.com | 913.782.0777 | P.O. BOX 100 OLATHE, KS 66051
BUILDING ON A FOUNDATION OF TRUST SINCE 1924

Everyone in attendance was supportive of the project and are happy to see development that will clean up an eyesore and this blight in their area.

The meeting was adjourned at 7PM.

Respectfully Submitted,



Christopher L. Herre, A.I.A.

Principal

Rose Design Build, Inc.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Brett E. McNeace, of lawful age, sound mind and upon his/her oath states as follows:

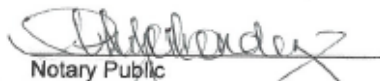
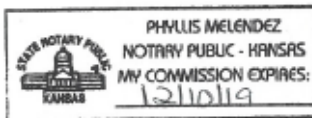
1. That I am the petitioner for Petition # _____
2. That I conducted a neighborhood meeting on Sept. 25th, 2017.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of Sept. 2017.

My commission expires 10th of Dec. 2019.


Notary Public

September 25, 2017

20



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

To: Unified Government Board of Commissioners

From: City Staff

Date: October 26, 2017

Re: **Change of Zone Petition #3148 and
Master Plan Amendment Petition #MP-2017-8**

GENERAL INFORMATION

1

Purpose: The change of zone and master plan amendment petitions have been submitted in order to convert a residential structure into an office and residential use.

Property Location: 7331 Holliday Drive

Existing Zoning: R-1 Single Family District

Surrounding Zoning:

North:	R-1 Single Family District
South:	R-1 Single Family District
East:	R-1 Single Family District
West:	CP-1 Planned Limited Business District

Existing Uses:

North:	Commercial Building and Single Family Houses
South:	Single Family Houses
East:	Vacant/Storage Shed
West:	Office

Total Tract Size: 0.42 acre

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

Major Street Plan: The City-wide Master Plan designates Holliday Drive as a Class B thoroughfare.

Advertisement: The Wyandotte Echo – September 14, 2017
Letters to Property Owners – September 14, 2017 and October 18, 2017

Public Hearings October 9, 2017 and October 26, 2017

Public Opposition: No one appeared in opposition at the October 9, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mike O'Connell, has submitted this petition for a Change of Zone from R-1 Single Family District to CP-0 Nonretail Business District in order to convert a residential structure at 7331 Holliday Drive into an office and residential use. The proposed use is to convert the first level of the residential structure into an office space to support Axiom office at the adjacent property (7357 Holliday Drive) and leave the second floor and garage as residential. This petition is submitted in conjunction with Zoning Variance Petition #2263.

City Ordinance Requirements:

Chapter 27 – Planning and Development
Article VI – Administration and Review Procedures
Sec. 27-211 Rezoning – Planned Districts

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is comprised of commercial businesses clustered at the corner of Holliday Drive and 74th Street. There are single family houses across from this property on Holliday Drive.

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

This is a low intensity professional office and residential use. It is not likely to create compatibility issues with the 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?*

Removal of the restrictions will not detrimentally affect nearby property. The appearance of the structure will not substantially change.

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

The property has been maintained as a single family house.

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

The proposed use is reasonably necessary to provide more office space for existing businesses in the area, and will allow an existing building to stay in the area. The proposed use will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed use would not increase the traffic or parking demand in ways that would adversely affect road capacity, safety or create parking problems. The proposed use includes new off-street parking that should alleviate any parking concerns.

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

This change of zone petition does not conform to the City-Wide Master Plan, but has been submitted with a petition to amend the Master Plan.

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

This is not an issue.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by Central Patrol, District #334

e. *Fire*

Fire service is provided by Station #16, located near 55th Street and Metropolitan Avenue

f. *Transit*

KCATA does not provide transit near 74th Street and Holliday Drive

g. *Schools*

Turner USD 202

h. *Streets*

See item #6 above

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

The petition will allow a business to grow in Wyandotte County and will provide space for additional office employment.

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

The proposed use is capable of meeting applicable ordinance and other requirements.

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

The proposed use will increase the general welfare by providing a positive economic impact. The proposed use will not be a hardship for the surrounding properties; however denial of the application would create a hardship for the landowner by not allowing them to use the property as office.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 19, 2017 with one neighbor in attendance. Meeting minutes, affidavit and sign in sheet are attached.

KEY ISSUES

Landscape Plan
Sidewalks
Parking and Paved Areas
Cross Access Agreement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2017-8.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3148, subject to:

Urban Planning and Land Use Comments:

1. Please provide a landscape plan that shows how the property will meet the following requirements:
 - a. All parking areas shall be screened from public roads with a continuous row of bushes not higher than 30 inches.
 - b. Street trees are required for every 30 feet of street right-of-way (5 street trees)
 - c. Provide trees at 75% greater than 1 per 7,000 square feet. (5 trees)

- d. Show how the site will be screened from the abutting property zoned or used for residential purposes.

Applicant Response:

- a. Screening was added to the development plan.
- b. Not enough room for 5 trees due to existing garage and new driveway apron to parking area.
- c. There are at least 8 trees on site that will remain after construction.
- d. The existing on-site vegetation provides screening from adjacent residential property.

Staff Response:

The revised development plan includes 2 street trees and screening adequate to meet the intent of the commercial design guidelines.

2. The City-Wide Master Plan requires that properties in the Neighborhood Commercial districts that are along a Class A or B thoroughfare provide an 8 foot sidewalk. Holliday Drive is a Class B thoroughfare. Please show a sidewalk along the length of the property.

Applicant Response: A 5' wide sidewalk has been shown on the development plan. No other sidewalks exist in the area so a 5' wide sidewalk will be adequate.

Staff Response: Staff concurs with the 5' sidewalk

3. All parking must be paved with asphalt or concrete. Please indicate the paving surface of the parking areas including the two spaces on the east side of the property.

Applicant Response: – The surfacing of the existing parking area with two spaces is asphalt.

4. A cross-access agreement with the adjacent property to the east will be required to ensure access to the two parking spaces on the east side of the property. This will need to be incorporated into the deed of the property.

Applicant Response: A cross access easement will be prepared and recorded after approval of the Change of Zone and Board of Zoning Appeals requests.

Staff Response: This will be a stipulation of approval. The change of zone ordinance will not be published until it is recorded.

5. Does the residence have a separate entrance or kitchen?

Applicant Response: The residence has an entrance from the east on the 2nd Floor and also will have a separate kitchen area.

Staff Response: Revised plans will be required prior to ordinance publication.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) A cross access easement/agreement for access to the two parking stalls on the east side of the site shall be submitted with final plans.
 - 2) The driveway approach for access to the two parking stalls on the east side of the site shall be upgraded to a concrete driveway approach, in accordance with UG standards and criteria.
 - 3) Final plans shall indicate proposed retaining wall locations with dimensions from property lines, wall height(s), beginning and end points, transitions, curves or bend points, and type of retaining wall (i.e., modular block wall with geogrid or reinforced concrete wall, etc.).
 - 4) Final development plans shall include retaining wall calculations, details, cross sections, and construction plans signed and sealed by a Professional structural engineer registered in the State of Kansas, in accordance with UG criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.
 - 5) Provide geotechnical soil borings and report regarding proposed retaining walls including global stability analysis.
 - 6) The proposed retaining walls shall be designed for all applicable types of loading, factors of safety, i.e., construction, or surcharge loading, and vehicular or pedestrian guardrail(s) or fence design (including posts and footings), allowable soil bearing pressure of 1500 pdf, connection to the existing wall and existing building, etc.
 - 7) Final development plans shall include final engineering, calculations, studies, and complete construction level drawings with construction notes and details, in accordance with UG standards and criteria and shall be reviewed and approved by UG prior to being placed on the Planning Commission agenda.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of **Change of Zone Petition #3148 and Master Plan Amendment Petition #MP-2017-8** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
Preliminary Site Plan
Existing and Proposed Floor Plans
Site Photos
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 9, 2017	October 26, 2017
Rezoning	Approval	

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

MOTIONS

Master Plan Amendment Petition #MP-2017-8

I move the Unified Government Board of Commissioners **APPROVE** Petition #MP-2017-8 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 #MP-2017-8 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.

Change of Zone Petition #3148

I move the Unified Government Board of Commissioners **APPROVE** Petition #3148 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 #3148 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.

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 28:35

CHANGE OF ZONE APPLICATION #3148 – MIKE O’CONNELL WITH HOLLIDAY PROPERTIES LLC – SYNOPSIS: Change of zone from R-1 Single Family District to CP-O Planned Non-Retail Business District to convert the first floor of a residential structure to office space at 7341 Holliday Drive.

MASTER PLAN AMENDMENT #MP-2017-8 – MIKE O’CONNELL WITH HOLLIDAY PROPERTIES LLC – SYNOPSIS: Master Plan Amendment from Commercial to Residential Mixed Use at 7341 Holliday Drive

Detailed Outline of Requested Action: The applicant, Mike O’Connell, has submitted this petition for a Change of Zone from R-1 Single Family District to CP-0 Nonretail Business District in order to convert a residential structure at 7331 Holliday Drive into an office and residential use. The proposed use is to convert the first level of the residential structure into an office space to support Axiom office at the adjacent property (7357 Holliday Drive) and leave the second floor and garage as residential. This petition is submitted in conjunction with Zoning Variance Petition #2263.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2017;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017; and
7. The Notices to property owners dated September 14, 2017.

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

Present in Support:

- ❖ Mr. Mike O'Connell, applicant, Holliday Properties LLC, 7331 Holliday Drive, Kansas City, Kansas 66106
- ❖ Mr. Ben Kalny, Holliday Properties LLC, 7357 Holliday Drive, Kansas City, Kansas 66106

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 31:00 Director Richardson stated that he would request that the minutes from the Board of Zoning Appeals meeting earlier this evening be included in the record of this meeting. He stated that the items in the staff report (page 7) under Public Works listed as A Level comments are actually B Level comments to be worked out at a later date. With that note the staff recommends approval of the master plan amendment and change of zone application subject to the stipulations in the staff report.

Motion and Vote Starts: 32:07

On motion by Mr. Carson, seconded by Mr. Mose, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment #MP-2017-8:**

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

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3148:**

Carson	Aye
Childress	Aye
Connelly	Not Present

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

Motion to recommend APPROVAL Passed: 6 to 0

Urban Planning and Land Use Comments:

1. Please provide a landscape plan that shows how the property will meet the following requirements:
 - a. All parking areas shall be screened from public roads with a continuous row of bushes not higher than 30 inches.
 - b. Street trees are required for every 30 feet of street right-of-way (5 street trees)
 - c. Provide trees at 75% greater than 1 per 7,000 square feet. (5 trees)
 - d. Show how the site will be screened from the abutting property zoned or used for residential purposes.

Applicant Response:

- e. Screening was added to the development plan.
- f. Not enough room for 5 trees due to existing garage and new driveway apron to parking area.
- g. There are at least 8 trees on site that will remain after construction.
- h. The existing on-site vegetation provides screening from adjacent residential property.

Staff Response:

The revised development plan includes 2 street trees and screening adequate to meet the intent of the commercial design guidelines.

2. The City-Wide Master Plan requires that properties in the Neighborhood Commercial districts that are along a Class A or B thoroughfare provide an 8 foot sidewalk. Holliday Drive is a Class B thoroughfare. Please show a sidewalk along the length of the property.

Applicant Response: A 5' wide sidewalk has been shown on the development plan. No other sidewalks exist in the area so a 5' wide sidewalk will be adequate.

Staff Response: Staff concurs with the 5' sidewalk

3. All parking must be paved with asphalt or concrete. Please indicate the paving surface of the parking areas including the two spaces on the east side of the property.

Applicant Response: – The surfacing of the existing parking area with two spaces is asphalt.

4. A cross-access agreement with the adjacent property to the east will be required to ensure access to the two parking spaces on the east side of the property. This will need to be incorporated into the deed of the property.

Applicant Response: A cross access easement will be prepared and recorded after approval of the Change of Zone and Board of Zoning Appeals requests.

Staff Response: This will be a stipulation of approval. The change of zone ordinance will not be published until it is recorded.

5. Does the residence have a separate entrance or kitchen?

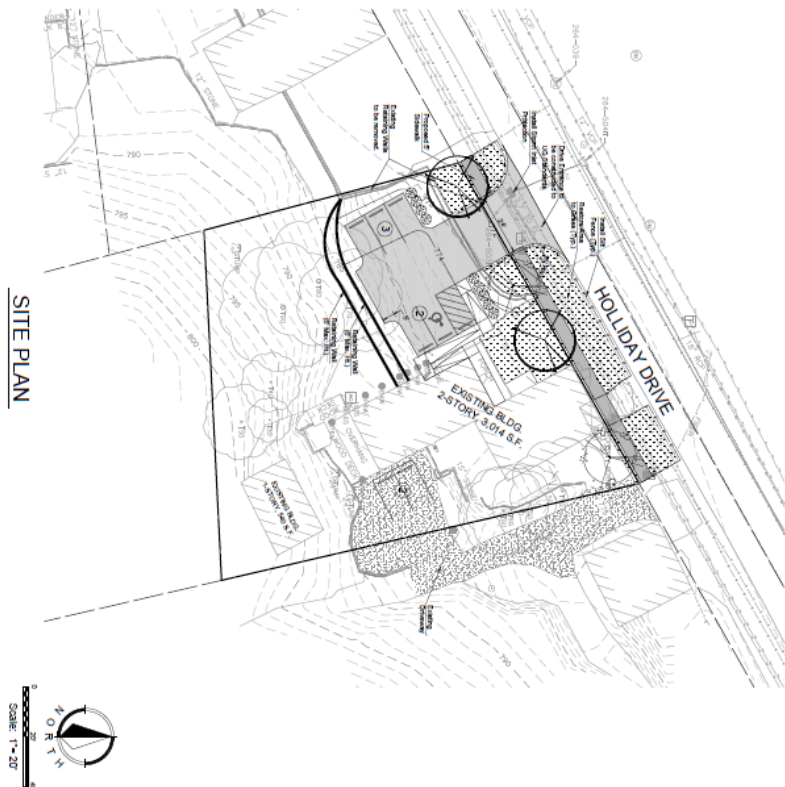
Applicant Response: The residence has an entrance from the east on the 2nd Floor and also will have a separate kitchen area.

Staff Response: Revised plans will be required prior to ordinance publication.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) A cross access easement/agreement for access to the two parking stalls on the east side of the site shall be submitted with final plans.
 - 2) The driveway approach for access to the two parking stalls on the east side of the site shall be upgraded to a concrete driveway approach, in accordance with UG standards and criteria.
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 - 4) Final development plans shall include retaining wall calculations, details, cross sections, and construction plans signed and sealed by a Professional structural engineer registered in the State of Kansas, in accordance with UG criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.
 - 5) Provide geotechnical soil borings and report regarding proposed retaining walls including global stability analysis.
 - 6) The proposed retaining walls shall be designed for all applicable types of loading, factors of safety, i.e., construction, or surcharge loading, and vehicular or pedestrian guardrail(s) or fence design (including posts and

- footings), allowable soil bearing pressure of 1500 pdf, connection to the existing wall and existing building, etc.
- 7) Final development plans shall include final engineering, calculations, studies, and complete construction level drawings with construction notes and details, in accordance with UG standards and criteria and shall be reviewed and approved by UG prior to being placed on the Planning Commission agenda.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None



SITE PLAN

LEGEND

- | | | |
|-------------------------------------|----|------------------------------------|
| EXISTING ELECTRICAL SERVICE | 1 | EXISTING TELEPHONE MAINLINE |
| EXISTING GAS LINE | 2 | EXISTING POWER POLE |
| EXISTING WATER LINE | 3 | EXISTING DAY ANCHOR |
| EXISTING STORM SEWER PIPE | 4 | EXISTING GAS TELEVISION / FIBER/ST |
| EXISTING SANITARY SEWER PIPE | 5 | EXISTING WATER METER |
| EXISTING TRAFFIC SIGNAL LANE | 6 | EXISTING TELEPHONE FIBER/ST |
| EXISTING TELEPHONE LANE | 6A | EXISTING LIGHT POLE |
| EXISTING DRAIN LINE | 7 | EXISTING SANITARY SEWER MANHOLE |
| EXISTING DRAIN | 8 | EXISTING SANITARY SEWER CLEANOUT |
| EXISTING EDGE OF THURGER | 9 | EXISTING FIRE HYDRANT |
| EXISTING STREAM OR DRAINAGE CHANNEL | 10 | EXISTING WATER VALVE |
| EXISTING FENCE | 11 | SURVEY ELEVATION MARK |
| | 12 | EXISTING WATER METER |

OWNER/APPLICANT
ADDITIONAL COMMENTS:

**7357 HOLLY DRIVE
KANSAS CITY, KS 66106**

**95 COUNTRY CLUB DRIVE
LAWRENCE, KS 66049**

LEGAL DESCRIPTION

[illegible]

FLOODPLAIN DATA

THE SOURCE PHOTO BY CLARENCE MANN, ABOVE, & MICKY OF SEVERAL THOUGHTS. RE THE FEELING, EMERGENCY MANAGE/MENT & ENJOY FEDERAL INSURANCE ADMINISTRATION. PUBLICATIONS, FLOOD INSURANCE, STATE WAP, MAP NUMBERS 2020SC0149C, OFFICIAL DATE 5/15/2020, 2, 2015.

UTILITY CONTACTS

BRANDON G. BEAL, 11000 S. RETAIL, 148545, DAVE GRIFFIN

UTILITY CONTRACTS

[illegible]

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT
HAIRY WINTERBURN	INTERMEDIAL PALMBOOM		2' GALLON	8	2'
POPPLEBUSH	GLABRA SMOKEWORT		2.5" 1/2" GAL	2	40"
RED-STEMMED DOGWOOD	RED-STEMMED DOGWOOD		2.5" 1/2" GAL	2	20"

PARKING DATA

7. FLOORED STAIRS
C/MR USE
GR-01 ZONE 1 (4.5% 1000 SF FLOOR AREA)
(1,144 SF FLOOR AREA) = 5
~~8-4 CUBIT (2ND FLOOR AREA) (1/2 PR. UNIT
(1 UNIT, 2 BEHINDS) = 2~~

ZONING AND DENSITY

BUILDING INFORMATION

EXISTING BUILDING, 2-STORY, 3,0

SITE CHARACTERISTICS TABLE:

GENERAL NOTES

[illegible]**HOLLIDAY PROPERTIES LLC**

7331 & 7341 HOLLIDAY DRIVE, KANSAS CITY, KS 66106



DEVELOPMENT PLAN









MEETING MINUTES

Application Numbers: COZ 3148; BZA 2263 & MPA 2017-8

Date and Location: Tuesday, September 19th, 2017

Axiom Equities/Holliday Properties Offices
7357 Holliday Drive
Kansas City, KS 66106

Meeting called to order at: 6:00 PM CST, by Ben Kalny and 2nd by Mike O'Connell

Names of people in attendance: (See Sign in Sheet for Exact Names)

Ben Kalny - Principal, Holliday Properties

Mike O'Connell - Employee, Axiom Equities &
Holliday Properties

Tracey Bailes - Neighbor 2526 W. 73rd

Introductions: Ben Kalny

Presentation by applicant and/or team:

Mr. Kalny opened the meeting by explaining to Mrs. Bailes what our plans are with the house (7331 Holliday Dr.) and the need for our company to place 2-3 office/accounting type people there as we grow. He also explained our plans to have a rental unit (apartment) on the second floor. Ben further explained the parking lot plans. Finally, both Mr. Kalny and Mr. O'Connell answered a few questions. Mrs. Bailes indicated she was pleased with our plans and our investment into the area. She plans on attending the Planning Commission Meeting on 10/9.

Questions and answers:

- **Who asked question or gave comment**
 - *Mrs. Bailes asked a few questions: Mr. Kalny responded & Mr. O'Connell responded*
- **What was the question or comment**
 - (Q1) Are you doing anything with the vacant land toward the south property line?
 - (Q2) Who determined who was to be notified of this action
- **Who answered the question/comment**
 - Mr. Ben Kalny answered question 1; Mr. O'Connell answered question 2
- **What was the answer given**
 - (A) "No"-we have no plans to build anything at this time or make any changes to the open landscape-other than maintain it (cut the grass)
 - (A) The Unified Government tells us a who to notify of this action- they gave a list of parcel owners within a defined radius (200') and other interested parties like County Commissioners for the area.

Meeting adjourned at: 6:35 PM CST, by Ben Kalny and 2nd by Mike O'Connell

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF Wyandotte) SS:

Comes now **Ben Kalny**, Principal with Holliday Properties, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition COZ 3148, BZA 2263 & MPA 2017-8
2. That I conducted a neighborhood meeting on September 19th, 2017
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 20th day of September 2017

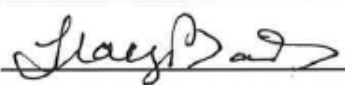
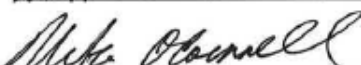
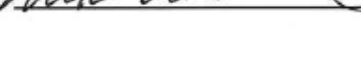
My commission expires 8th of May, 2019





Notary Public

Sign-In Sheet for Neighborhood Meeting
Meeting to discuss Rezoning of 7343 Holliday Drive, KCK

GUEST	SIGNATURE	DATE
Commissioner- Angela Markley 781 North 7th Street Kansas City, KS 66101		September 19th, 2017
Commissioner - Hal Walker 781 North 7th Street Kansas City, KS 66101		September 19th, 2017
Adrian & Patricia Arnold 2338 W 73rd St Kansas City, KS 66106		September 19th, 2017
Denis D. & Tracey L. Bailes 2326 W 73rd St Kansas City, KS 66106		September 19th, 2017
Esther Clayborn 2001 S 74th Street Kansas City, KS 66106		September 19th, 2017
Jade Investments -Kristin Mance 7324 Holliday Drive Kansas City, KS 66106 (across the street SOUTHWEST from subject)		September 19th, 2017
Longevity Properties, Inc. : Rodney Lading 7401 Holliday Drive Kansas City, KS 66106 (across the street WEST from subject)		September 19th, 2017
Railroad Properties, LLC -Pat Reeves AAK Railroad Materials, INC 7410 Holliday Drive Kansas City, KS 66106 (across the street SOUTHWEST from subject)		September 19th, 2017
Donald R. & Carolyn J. Silke 2649 S 79th St Kansas City, KS 66106		September 19th, 2017
Holliday Properties - Ben Kalny or Mike O'Connell 7337 Holliday Dr Kansas City, KS 66106		September 19th, 2017
Holliday Properties - Ben Kalny or Mike O'Connell 2403 S 74th St Kansas City, KS 66106		September 19th, 2017
Holliday Properties - Ben Kalny or Mike O'Connell 2441 S 74th St Kansas City, KS 66106		September 19th, 2017

(First published _____)

#3091

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 616 North 9th Street in Kansas City, Kansas, by changing the same from its present zoning of C-O Nonretail Business District to R-1(B) Single Family District.

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

Section 1. It is hereby found and determined that a petition was filed on Nat 28, 2015, by the owners of property to have the zoning of said property changed from its present zoning of CP-O Planned Nonretail Business District to R-1(B) Single Family District.

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

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

Block 161, the North 70 feet of Lots 1 to 5, and 5 feet vacated street adjacent on the North, Northrups Addition, an addition of land in Kansas City, Wyandotte County, Kansas, located at approximately 616 North 9th Street, Kansas City, Kansas,

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

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1(B) Single Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3098

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 736 Shawnee Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-2(B) Two Family District to CP-1 Planned Limited Business District.

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

Section 1. It is hereby found and determined that a petition was filed on September 25, 2015, by the owners of property to have the zoning of said property changed from its present zoning of R-2(B) Two Family District to CP-1 Planned Limited Business District.

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

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

ARMOURDALE LOTS 16 THROUGH 31

A tract of land being Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, Block 33, ARMOURDALE, a subdivision in Kansas City, Wyandotte County, Kansas, and that part of the vacated alley adjacent to and abutting Lots 10 through 31, Block 33. All tracts being in the in Northwest Quarter of Section 22, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas and identified by the Unified Government of Wyandotte County and Kansas City, Kansas, as parcels 073584, 073714, 073715, and 073869, being more particularly described as follows:

NOTE: Basis of bearing is assumed North 90° 00' 00" West on the North Right-of-Way line of Shawnee Avenue.

Beginning at the Southeast corner of said Lot 16, Block 33, ARMOURDALE;

Thence North 90° 00' 00" West, on the South line of said Lots, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, Block 33, ARMOURDALE, being the North Right-way-Line of Shawnee Avenue, 273.80 feet to the Southwest corner of said Lot 26, Block 33, ARMOURDALE, being the intersection of the North Right-way-Line of Shawnee Avenue and the East Right-of-Way line of Coy Street;

Thence North 00° 00' 00" East on the West Line of said Lots 26, 27, 28, 29, 29, 30, and 31, Block 33, ARMOURDALE, being the East Right-of-Way line of Coy Street, 255.00 feet to the Northwest corner of said Lot 31, Block 33, ARMOURDALE;

Thence North 90° 00' 00" East, on the North line and the Easterly extension of said Lot 31, Block 33, ARMOURDALE, 144.40 feet to the Southwest Corner of said Lot 10, Block 33, ARMOURDALE;

Thence North 00° 00' 00" East, on the West line said Lot 10, Block 33, ARMOURDALE, 25.00 feet to the Northwest Corner of said Lot 10, Block 33, ARMOURDALE;

Thence North 90° 00' 00" East, on the North line of said Lot 10, Block 33, ARMOURDALE, 129.40 feet to the Northeast Corner of said Lot 10, Block 33, ARMOURDALE;

Thence South 00° 00' 00" East on the East Line of said Lots 10, 11, 12, 13, 14, 15, and 16, Block 33, ARMOURDALE, being the West Right-of-Way line of Pyle Street, 280.00 feet to the Southeast corner of said Lot 16, Block 33, ARMOURDALE and the Point of Beginning.

Said tract of land contains 73,054 square feet or 1.677 acres more or less, and is subject to all easements, covenants, conditions, and restrictions of current record, located at approximately 736 Shawnee Avenue, Kansas City, Kansas,

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

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

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3119

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 10000 Lafayette Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial District.

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

Section 1. It is hereby found and determined that a petition was filed on June 24, 2016, by the owners of property to have the zoning of said property changed from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial District.

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

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

Legends Auto Mall 2nd Plat, Lot 3A, located at approximately 10000 Lafayette Avenue, Kansas City, Kansas,

be changed from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3105

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1215 Southwest Boulevard in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to C-3 Commercial District.

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

Section 1. It is hereby found and determined that a petition was filed on January 29, 2016, by the owners of property to have the zoning of said property changed from its present zoning of M-2 General Industrial District to C-3 Commercial District.

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

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

B3 E1/2 L8 & PT L7: BEG NW COR; E 101FT ALG N LN, S 106.09FT, S47W-85.72FT, S76W-40FT TO SW COR, N TO POB, located at approximately 1215 Southwest Boulevard, Kansas City, Kansas,

be changed from its present zoning of M-2 General Industrial District to C-3 Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3095

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 11011 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.

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

Section 1. It is hereby found and determined that a petition was filed on August 28, 2015, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to R-1 Single Family District.

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

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

McKenzie Acres No. 4, Lot 2, located at approximately 11011
Leavenworth Road, Kansas City, Kansas,

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

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3110

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2500 West 43rd Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to CP-1 Planned Limited Business District.

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

Section 1. It is hereby found and determined that a petition was filed on January 29, 2016, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to CP-1 Planned Limited Business District.

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

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

ORCHARD GROVE, a subdivision of land in Kansas City, Wyandotte County, Kansas, Section 34, Township 11, Range 25, ACRES 0.090000, Block 1, Lot 1, located at approximately 2500 West 43rd Avenue, Kansas City, Kansas,

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

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

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published _____)

#U/E & R/W-2015-6

ORDINANCE NO. _____

AN ORDINANCE vacating the utility easement and right-of-way for Lot 103A:
All of Lot 103 and a portion of Lot 104 “Swanson’s Farm 1st – Replat”, a subdivision in Kansas City, Wyandotte County, Kansas described as follows: Beginning at the Northwest corner of Lot 103 of “Swanson’s Farm 1st – Replat”, a subdivision in Kansas City, Wyandotte County, Kansas; thence North 63 degrees 42 minutes 40 seconds East a distance of 130.90 feet; thence South 26 degrees 17 minutes 20 seconds East a distance of 77.50 feet; thence South 63 degrees 42 minutes 40 seconds West a distance of 132.04 feet; thence North 25 degrees 30 minutes 11 seconds West a distance of 77.51 feet to the Point of Beginning. Containing 10192 square feet.

Lot 104A:

All of Lot 104 of “Swanson’s Farm 1st – Replat”, a subdivision in Kansas City, Wyandotte County, Kansas described as follows: Beginning at the Southeast corner of Lot 104 of “Swanson’s Farm 1st – Replat”, a subdivision in Kansas City, Wyandotte County, Kansas; thence South 69 degrees 18 minutes 12 seconds West a distance of 151.60 feet; thence North 1 degrees 48 minutes 02 seconds West a distance of 51.41 feet; thence North 25 degrees 03 minutes 44 seconds West a distance of 12.21 feet; thence North 63 degrees 42 minutes 40 seconds East a distance of 132.04 feet; thence South 26 degrees 17 minutes 20 seconds East a distance of 17.74 feet; thence along a tangential curve to the right, having a radius of 575.00 feet, and a length of 56.12 feet to the Point of Beginning. Containing 9405 square feet.

Located at approximately 3414 North 109th Terrace, Kansas City, Kansas.

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

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

Lot 103A:

All of Lot 103 and a portion of Lot 104 "Swanson's Farm 1st – Replat", a subdivision in Kansas City, Wyandotte County, Kansas described as follows: Beginning at the Northwest corner of Lot 103 of "Swanson's Farm 1st – Replat", a subdivision in Kansas City, Wyandotte County, Kansas; thence North 63 degrees 42 minutes 40 seconds East a distance of 130.90 feet; thence South 26 degrees 17 minutes 20 seconds East a distance of 77.50 feet; thence South 63 degrees 42 minutes 40 seconds West a distance of 132.04 feet; thence North 25 degrees 30 minutes 11 seconds West a distance of 77.51 feet to the Point of Beginning. Containing 10192 square feet.

Lot 104A:

All of Lot 104 of "Swanson's Farm 1st – Replat", a subdivision in Kansas City, Wyandotte County, Kansas described as follows: Beginning at the Southeast corner of Lot 104 of "Swanson's Farm 1st – Replat", a subdivision in Kansas City, Wyandotte County, Kansas; thence South 69 degrees 18 minutes 12 seconds West a distance of 151.60 feet; thence North 1 degrees 48 minutes 02 seconds West a distance of 51.41 feet; thence North 25 degrees 03 minutes 44 seconds West a distance of 12.21 feet; thence North 63 degrees 42 minutes 40 seconds East a distance of 132.04 feet; thence South 26 degrees 17 minutes 20 seconds East a distance of 17.74 feet; thence along a tangential curve to the right, having a radius of 575.00 feet, and a length of 56.12 feet to the Point of Beginning. Containing 9405 square feet.

Located at approximately 3414 North 109th Terrace, Kansas City, Kansas.

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

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

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

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published_____)

#A-2015-12

ORDINANCE NO._____

AN ORDINANCE vacating a platted public alleyway between Lots 21 to 26, and Lot 27, also 15' to the West line of Lot 15, and Lot 33, Block 33, Armourdale 2nd, a plat of land in the Northwest Quarter of Section 22, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, and more particularly described as follows: Beginning at the Northwest corner of Lot 26, Block 33, Armourdale 2nd, a plat recorded in Book 3567, Page 269, Register of Deeds office, Wyandotte County, Kansas being more particularly described as follows: Thence North 00° 00' 00" East, 15.00feet; Thence North 90° 00' 00" East, 144.40 feet; Thence South 00° 00' 00" East, 15.00 feet; Thence North 90° 00' 00" West, 144.40 feet, to the Point of Beginning, said Tract containing 2,166 square feet or 0.050 acres, located at approximately 736 Shawnee, 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 alley in Kansas City, Kansas be and the same is hereby vacated:

Vacation of a platted public alleyway between Lots 21 to 26, and Lot 27, also 15' to the West line of Lot 15, and Lot 33, Block 33, Armourdale 2nd, a plat of land in the Northwest Quarter of Section 22, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, and more particularly described as follows: Beginning at the Northwest corner of Lot 26, Block 33, Armourdale 2nd, a plat recorded in Book 3567, Page 269, Register of Deeds office, Wyandotte County, Kansas being more particularly described as follows: Thence North 00° 00' 00" East, 15.00feet; Thence North 90° 00' 00" East, 144.40 feet; Thence South 00° 00' 00" East, 15.00 feet; Thence North 90° 00' 00" West, 144.40 feet, to the Point of Beginning, said Tract containing 2,166 square feet or 0.050 acres, located at approximately 736 Shawnee, Kansas City, Kansas.

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

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

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

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



Staff Request for Commission Action

Tracking No. 171292

Full Commission Meeting Date: 10/26/17

Committee: Administration & Human Services

Date of Standing Committee Action: 9/25/17

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/02/2017	Wilba Miller	x5112	wmiller@wycokck.org	Community Development

Item Description:

The Community Development Department requested and received approval from the Administration and Human Services Standing Committee to develop a Neighborhood Revitalization and Strategy Area (NRSA) plan for Census Tract 422 and buffer area of a few blocks surrounding the tract on April 24, 2017. The area, currently being referred to as the Park Drive Neighborhood is bounded by 16th Street on the East, City Park/32nd Street on the West, Central Avenue/Orville Avenue on the North, and I-70 on the South. The plan must contain the following criteria: boundaries, demographic criteria, consultation with stakeholders, an assessment of housing market and economic conditions of the area, examination of the opportunities for housing and economic improvements, and problems likely to be encountered, housing and economic opportunities to promote the area, performance measurements, and leverage of resources.

Since that time, UG staff has held 3 meetings with stakeholders, and 5 meetings with area residents, in addition to several meetings with other public/private partners. Using the feedback from these consultations, staff has developed a NRSA Strategy Plan. HUD requires that citizens be given 30 days to review and comment on the NRSA Plan. The comment period will begin on September 21, 2017 and end on October 23. Upon review of comments, the Plan will be forward to the UG Commission on October 26 for approval for submission to HUD.

Action Requested:

10/26/17.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2017 NRSA Submission Draft



Unified Government of Wyandotte County and Kansas City, KS

FY 2017

**Neighborhood Revitalization Strategy Area (NRSA) Plan for the Park Drive
Neighborhood**

October 26, 2017

Melissa Sieben, Assistant County Administrator
Wilba Miller, Community Development Director
Logan Masenthin, Management Intern
Stephanie Moore, Program Supervisor

Community Development Department
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th St, 8th Floor
Kansas City, KS 66101

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EXECUTIVE SUMMARY

The Unified Government's 2017-2021 Consolidated Plan for use of federal housing funds includes strategies to create a Neighborhood Revitalization Strategy Area (NRSA). The proposed NRSA is an area expanded from Census Tract 422, north of Interstate 70 between downtown and Interstate 635. It contains Prescott Plaza, Central Avenue, Mission Adelante, Alcott Arts Center, City Park, Clifton Park, and more. The reason the Unified Government (U.G.) selected the NRSA approach is for its "aggregation of housing units" incentive. The U.G. will utilize this incentive by leveraging LISC funds, predevelopment funds, low-income housing tax credits, new market tax credits, CDBG funds, and CDBG Section 108 funds to develop mixed-income multifamily housing in the area. In addition, the Unified Government values public input and wishes to use strategies similar to the NRSA approach for other projects in the future. On October 26, 2017, the U.G.'s Board of Commissioners approve the Park Drive Neighborhood Plan for submission to HUD.

Maps of the area covered and details of the proposed NRSA program and NRSA demographics are contained in the Plan that follows. Over the five year period of the strategy, the U.G. will work to accomplish, at a minimum, the following benchmarks:

Goal 1: Infrastructure Improvements

Benchmarks:

- 1.1 Improve streets, curbs and sidewalks, including ADA if required. The following streets have been identified as areas of need and the U.G. plans to address them as funding and utility coordination becomes available in the next five years – Ridge from 18th to 26th, Homer Ave. South off of Pacific, Ohio from 32nd to 30th, Ford from 32nd to 30th, 31st from Ohio to Ford, and 30th from Ohio to Ford.
 - Year 1 – \$381,066 of CDBG dollars
- 1.2 Improve stormwater management in Park Drive by developing at least two of the green infrastructure projects described in *Appendix B* on page ____.
- 1.3 Improve parks
 - Replace City Park small shelter by December 31, 2018.
 - o Year 1 - \$25,000 of U.G. funding
 - Rehabilitate large shelter
 - o U.G. funding
- 1.4 Replace or install 35 damaged or missing street signs.
 - Year 1

Goal 2: Residential Development

Benchmarks:

- 2.1 Decrease vacant properties, with or without a structure, in the Park Drive Neighborhood by 75%. This would take vacant properties from 14.4% to 3.6% and will be done through tax sales and land aggregation for resale.
- 2.2 Decrease property maintenance code violations in Census Tract 422 by 25%. This will take violations from 150 (in 2016) to 112.5, which is near the lowest number (110 in 2013) that this area has seen in over 20 years. This will be done through education on property maintenance responsibilities.
- 2.3 Decrease the delinquent tax revenue rate from 11.4% to 5% - the amount proposed for Wyandotte County in the 2018 budget. This will be done through tax sales and early reminders in year one of failure to pay in both English and Spanish.
- 2.4 Increase the frequency of mowing UG-owned property from what could take as long as eight weeks to at least every 16 days.

Goal 3: Economic and Human Capital Development

Benchmarks:

- 3.1 Develop an area plan for the 18th Street corridor by the end of 2019.
- 3.2 Publicize and utilize Money Smart KC by handing out their information during at least two Central Avenue Betterment Association (CABA) events a year. (Please refer to *Appendix B* on page ___ for flier.)
- 3.3 Continue the approval process of the proposed 18th Street bus route by utilizing federal transit dollars allocated to the community to start this service.
- 3.4 Create a resource with a listing of all programs available through the UG and outside organizations by July 2018.

I. INTRODUCTION

The Unified Government (U.G.) of Wyandotte County and Kansas City, Kansas was created in 1997 when voters unanimously chose to consolidate the two jurisdictions. Today, the U.G. houses a population of about 160,000, making it the fourth largest county in Kansas. Wyandotte County prides itself on its diverse population of people from many cultures. It is governed by a Mayor, ten Commissioners, County Administrator, and various other elected officials.

The proposed NRSA is one small piece of Wyandotte County that encompasses the entire Census Tract 422 and includes a buffer area of a few blocks surrounding the tract. While there is an active neighborhood watch group that includes the area, there is not a formalized neighborhood group that is registered with the city. For the purposes of this submission, the NRSA team refers to this area as the **Park Drive Neighborhood**.

Park Drive was developed largely as a low to moderate income residential neighborhood for the working class and has consistently maintained the same standing throughout its history. The area's population remained majority white for many years after the Wyandotte tribe began selling parcels of land to settlers. Since then, it has changed dramatically. The white population began moving out of the area between the 1950's and 70's and has been continuing to decline since. The area is now majority Hispanic and can be described as a largely immigrant community.

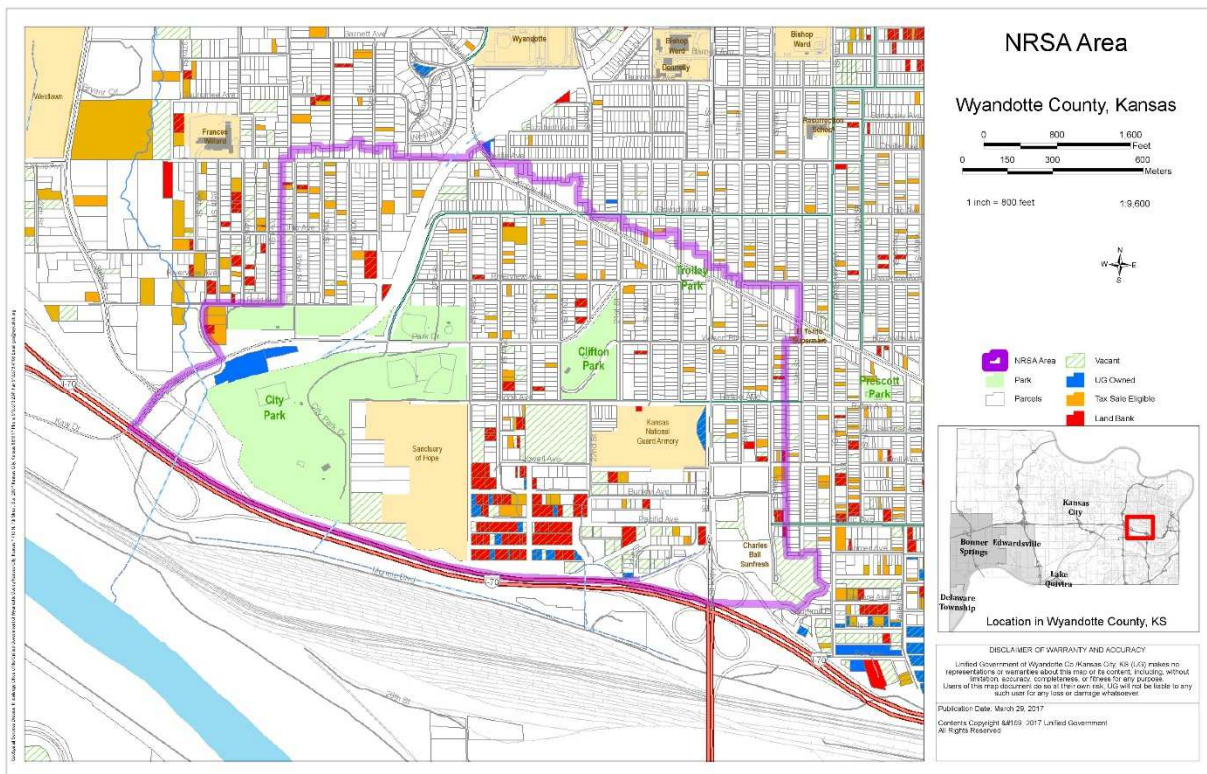
The following describes the NRSA boundaries, demographic criteria, the community consultation process, the housing and economic features of the neighborhoods, the economic empowerment strategy to be pursued in the area, and performance measurement benchmarks for evaluating the success of implemented programs.

II. NEIGHBORHOOD REVITALIZATION STRATEGY

A. Boundaries

The proposed NRSA encompasses the entire Census Tract 422 and includes a buffer area of a few blocks surrounding the tract. While there is an active neighborhood watch group that includes the area, there is not a formalized neighborhood group that is registered with the city. The neighborhood consists of primarily single-family detached houses. For the purposes of this submission, the NRSA team refers to this area as the Park Drive Neighborhood.

The Park Drive Neighborhood is bound on the south by Interstate 70 and the midblock of 16th-15th Street on the east. The northern boundary is generally Central Avenue and part of Orville Avenue on the western portion. The western edge is 32nd street in the northern half and Park Drive curving around City Park in the southern half. The buffer area radiates a few blocks around the Park Drive Neighborhood. The neighborhood includes two major city parks: Clifton and City Park and includes a National Guard Armory. While the neighborhood is considered urban, there is significant amounts of green space and heavily wooded areas, not including the park spaces. The topography of the area is hilly and many of the homes have terraced front yards. City Park and Clifton Park also have sunken areas and the terrain is uneven.



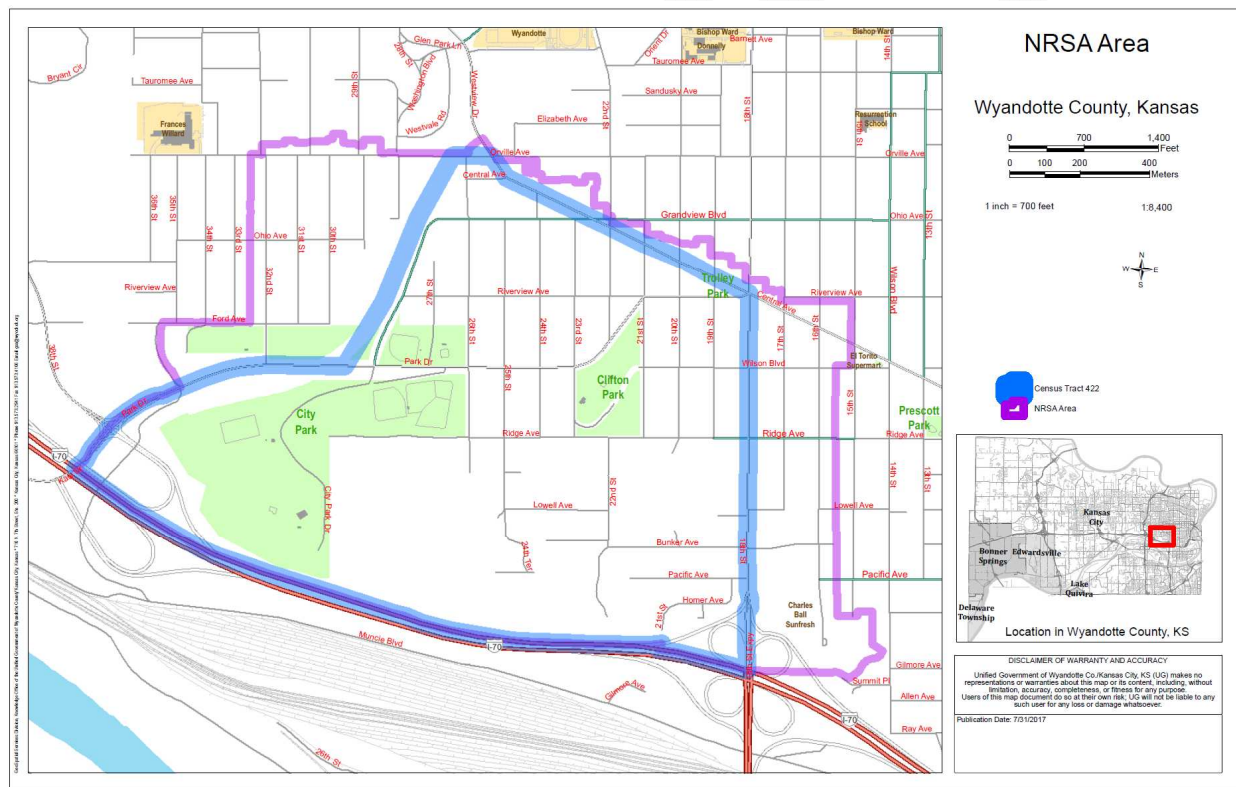
(Please refer to *Appendix A* on page __ for larger map.)

The Park Drive Neighborhood as outlined in the NRSA is determined by several factors. As noted, it is all of Census Tract 422, which has been determined to be a tipping point¹ neighborhood in Wyandotte County. In looking at this Census Tract, it was determined to be the most vulnerable of the five tipping point neighborhoods identified within the county. (Please refer to *Appendix B* on page __ for more information.) Through analysis of the neighborhood, it was determined that it was best to extend the boundaries to the east of the tract at 18th Street and east along Central Avenue to midblock of 16th-15th Street. 18th Street is an aerial roadway through the community that was once U.S. Route 69, prior to the construction of Interstate 635 to

¹ A neighborhood where if invested upon by outside forces can be reenergized and stop increased vacancy as well as declining property values.

the west. Central Avenue used to function as a major commercial corridor where it connected into 18th Street.

There has been a decline in the commercial corridor until recently when new immigrants moved into the area and started to establish businesses. However, due to the nature of these businesses, there has been limited façade investments and vacancy remains an issue. This area appears to have strength to be worked with and therefore was critical to include in the NRSA area. Additionally, in 2007, the U.G. implemented a TIF district where 18th Street meets Interstate 70. This district has not been fully developed, though it has made great strides with a new grocery store, restaurants and small retail stores. It still has significant land available for development east of 18th Street. These two nodes were included and expand the foot print of the NRSA outside of Census Tract 422 to allow for work on job creation and other related economic development opportunities. It should be noted that most of the demographic data provided in this submission refers to Census Tract 422 because that is the most accurate data available for the area. Any information pulled specifically from the NRSA area is labeled as Park Drive Neighborhood.



(Please refer to Appendix A on page __ for larger map.)

B. Demographic Criteria

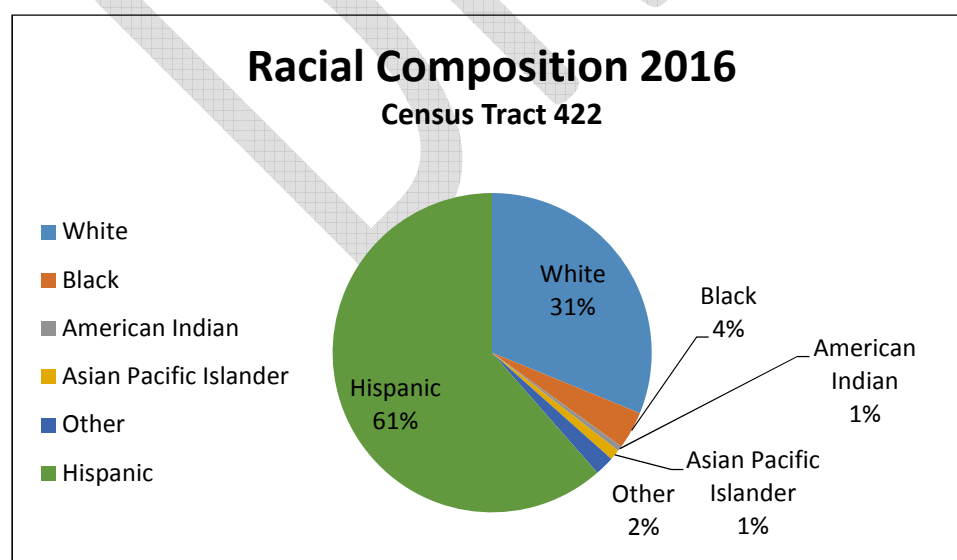
Census Tract 422 is a majority low- and moderate-income residents (61.6%). Wyandotte County has slightly fewer low/mod residents at 59.8%. The 2015 estimated median income for households is \$40,113 in Wyandotte County and \$36,554 for Tract 422, both more than \$10,000 lower than the national median of \$53,889. In Census Tract 422, 25.6% of households earn less than \$24,999 a year. Wyandotte County households earn 31.1%.

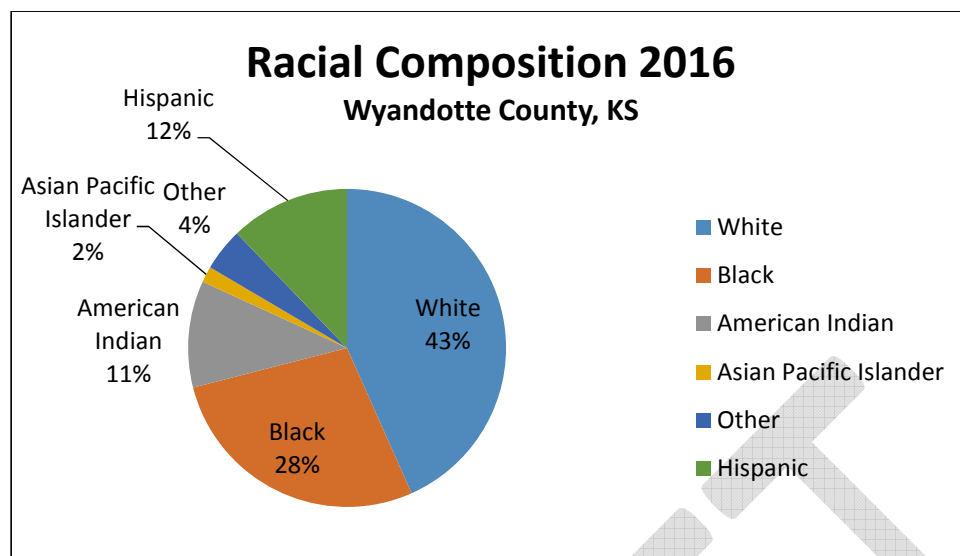
Annual Household Income in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Total households computed	536	100.0%	58,870	100.0%
< \$24,999	137	25.6%	18,329	31.1%
\$25,000 -- \$49,999	198	36.9%	17,375	29.5%
\$50,000 -- \$74,999	105	19.6%	10,992	18.7%
\$75,000 -- \$99,999	55	10.3%	6,021	10.2%
\$100,000 -- \$124,999	13	2.4%	3,343	5.7%
\$125,000 -- \$149,999	28	5.2%	1,369	2.3%
\$150,000 or more	0	0.0%	1,441	2.4%
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

Census Tract 422 houses a majority of Hispanic or Latino residents at 72.8%. Ironically, this is the same percentage of people who identify as non-Hispanic or Latino in the County as a whole.

Race/Ethnicity in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Total Population	1,921	100.0%	160,806	100.0%
Not Hispanic or Latino:	522	27.2%	117,138	72.8%
White alone	325	16.9%	68,467	42.6%
Black or African American alone	74	3.9%	38,408	23.9%
American Indian and Alaska Native alone	12	0.6%	771	0.5%
Asian alone	61	3.2%	5,512	3.4%
Native Hawaiian and Other Pacific Islander alone	0	0.0%	224	0.1%
Some other race alone	0	0.0%	70	0.0%
Two or more races	50	2.6%	3,686	2.3%
Hispanic or Latino:	1,399	72.8%	43,668	27.2%
White alone	1,241	64.6%	30,768	19.1%
Black or African American alone	0	0.0%	636	0.4%
American Indian and Alaska Native alone	54	2.8%	322	0.2%
Asian alone	0	0.0%	41	0.0%
Native Hawaiian and Other Pacific Islander alone	0	0.0%	0	0.0%
Some other race alone	104	5.4%	10,307	6.4%
Two or more races	0	0.0%	1,594	1.0%
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

Another rendering of the data, with slightly different numbers from the 2016 FFIEC Census Reports, is below:





Unfortunately, 27.8% of residents 25 years or older in Tract 422 received less than a 9th grade education. Only 4.5% have a Bachelor's degree. On the other hand, Wyandotte County residents in total have 9.8% with less than a 9th grade education and 10.7% have a Bachelor's degree. These numbers signify a definite gap in education in 422, especially in relation to the County as a whole.

Educational Attainment in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Population 25 years and over	1,109	100.0%	100,606	100.0%
Less than 9th grade	308	27.8%	9,819	9.8%
9th to 12th grade, no diploma	173	15.6%	11,673	11.6%
High school graduate (includes equivalency)	403	36.3%	33,125	32.9%
Some college, no degree	89	8.0%	22,690	22.6%
Associate's degree	79	7.1%	7,263	7.2%
Bachelor's degree	50	4.5%	10,807	10.7%
Graduate or professional degree	7	0.6%	5,229	5.2%
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

The median age is 28.8 in Census Tract 422 and 33.3 in Wyandotte County. The biggest age group in both areas is that of 35 to 64- making up 34.5% of residents living in Tract 422 and 36.3% of the Wyandotte County population. This is good for employment, as 35 to 64 are prime working years. Additionally, Tract 422 has a very small group of people age 65 or over- only 2.3% compared to Wyandotte County's 11.1%. This is also a potential highlight for the area, as its residents do not have to spend as many resources caring for people who no longer work.

Age in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Total Population	1,921	99.9%	160,806	99.9%
Under 18 years	596	31.0%	45,347	28.2%
18 to 34 years	617	32.1%	39,076	24.3%
35 to 64 years	663	34.5%	58,373	36.3%
65 and over	44	2.3%	17,849	11.1%
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

C. Consultation

Community participation is a critical component of the NRSA development process. The NRSA team held multiple meetings to gather input from residents and businesses as well as separate meetings for additional stakeholders. The resident and business meetings focused on gathering opinions on the area's strengths, weaknesses, opportunities for improvement, and barriers. The stakeholder meetings focused on ways in which each stakeholder could assist in improving different areas, such as transit and housing. Follow-up meetings were held with various stakeholders in order to discuss more detail on how they could help. More details on large meetings are included in Appendix B.

Meetings were conducted according to the following schedule:

Consultation for NRSA Public and Stakeholder Input 2017			
<i>Meeting Date/Time</i>	<i>Groups Involved</i>	<i>Meeting Location</i>	<i># Attending (other than NRSA team)</i>
6/14/17 10:00am	Stakeholders	City Hall	35
6/14/17 2:30pm	Residents/Businesses	Mission Adelante	13
6/14/17 6:00pm	Residents/Businesses	Mission Adelante	16
6/19/17 12 noon	Girl Scouts	City Hall	2
6/21/17 1:30 pm	FDIC	City Hall	1
6/22/17 1:00 pm	Mission Adelante and El Centro	City Hall	2
6/26/17 1:00pm	Habitat for Humanity and CHWC	City Hall	2
6/28/17 1:30pm	Econ. Development & County Admin.	City Hall	2
7/12/17 10:00am	Stakeholders	City Hall	28
7/12/17 2:30pm	Residents/Businesses	Mission Adelante	6
7/12/17 6:00pm	Residents/Businesses	Mission Adelante	12
7/25/17 10:00am	Eco. Development & County Admin.	City Hall	2
8/3/17 9:00am	UMB Bank	Scooter's Coffee House	1
9/13/17 10:00am	Stakeholders	City Hall	
9/13/17 6:00pm	Residents/Businesses	Mission Adelante	

D. Assessment

1. Park Drive Neighborhood Description

History

The land in the proposed NRSA was originally purchased by the Wyandotte tribe in 1843 from the Delaware tribe. The land was officially platted in 1855 after the 1855 treaty that legally allowed the Wyandotte to own and title land if buyers were deemed competent. For the most part the land quickly sold to white settlers and developers who began to cultivate the area that was once referred to as West Riverview or Grandview.

The area was developed largely as a low to moderate income residential neighborhood for the working class and has consistently maintained the same standing throughout its history. It provided mostly wood constructed homes for laborers who worked for the railroad, packing companies, and some small business owners who owned shops on Central Avenue, the business corridor. There were small homebased businesses as well, but largely individuals left the neighborhood for work. This was an industrial community. It was not a community of professionals, although Central Avenue did have some professional people residing along the corridor and this is where the more affluent population lived.

Central Avenue east of 18th Street was a not as much of a business district as it was to the west. The core of the Central business district was from 5th to 18th. 18th and Central was a transit hub. It was said if you could get to 18th street you could get to anywhere in the City. There was an elementary school, Park School, at 24th and Grandview from 1908 to 1972. It has since been torn down. In addition, the neighborhood was historically white, but has attracted a more diverse population in the last 50 years. (Please refer to “Ethnic and Racial Changes” on page __ for more information.) The area also contains City Park, which was the first park in Kansas City, Kansas, and Clifton Park, which housed the first municipal pool in the city.

The population in Park Drive declined after 1970, but began to trend upward in 2000.

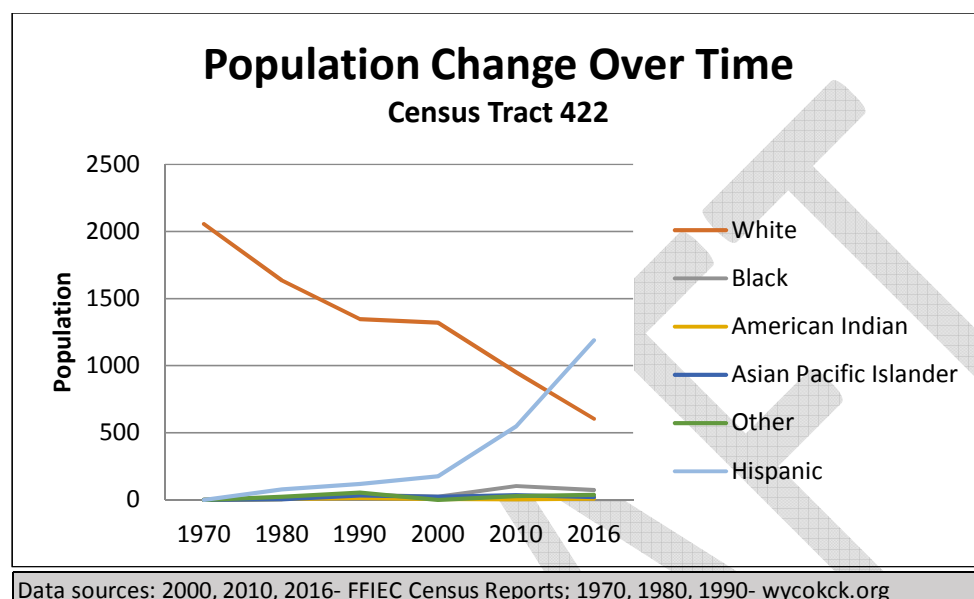
Population Growth: Tract 422						
	1970	1980	1990	2000	2010	2016
Total Population	2,067	1,676	1,547	1,552	1,670	1,937
Percent Change	-	-18.9%	-7.7%	0.3%	7.6%	16.0%
Data sources: 2000, 2010, 2016- FFIEC Census Reports; 1970, 1980, 1990- wycokck.org						

Location

The proposed NRSA is near the center of the Eastern half of Wyandotte County. It is an area expanded from Census Tract 422, north of Interstate 70 between downtown Kansas City, Kansas and Interstate 635. (Please refer to *Boundaries* on page __ for more information.)

Ethnic and Racial Changes

The population in Census Tract 422 has been majority white since the Wyandotte tribe began selling parcels of land in 1855. Since then, it has changed dramatically. The white population began moving out of the area between the 1950's and 70's and has been continuing to decline since. The area is now majority Hispanic. (Please refer to *Demographic Criteria* on page [1](#) for more information.)



Economics

The majority of Census Tract 422 contains low- and moderate-income residents at 61.6%. This is understandable as 39.8% of residents in the area live below 125% of the poverty level. About 9% less, or 30.9%, live below this level in Wyandotte County as a whole.

Individuals with Income Below Select Poverty Levels in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Population for whom poverty status is determined	1,921	-	159,088	-
50% of poverty level	288	15.0%	17,797	11.2%
125% of poverty level	765	39.8%	49,091	30.9%
150% of poverty level	857	44.6%	58,778	36.9%
185% of poverty level	1,032	53.7%	73,521	46.2%
200% of poverty level	1,099	57.2%	79,080	49.7%
300% of poverty level	1,513	78.8%	107,335	67.5%
400% of poverty level	1,687	87.8%	127,344	80.0%
500% of poverty level	1,752	91.2%	140,816	88.5%
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

Fewer households in Census Tract 422 use public assistance or food stamps/SNAP, 15.5%, and supplemental security income, 3.4%, than in Wyandotte County, which has 18.6% and 6.9% respectively. The U.S. national average for public assistance or food stamps/SNAP is 14%. The difference between the proposed NRSA and the County is likely due to the high percentage of new immigrant families in Census Tract 422.

Households with Public Assistance or Food Stamps/SNAP and Households with Supplemental Security Income (SSI) in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Households	536	100.0%	58,870	100.0%
With cash public assistance or Food Stamps/SNAP	83	15.5%	10,956	18.6%
No cash public assistance or Food Stamps/SNAP	453	84.5%	47,914	81.4%
Households	536	100.0%	58,870	100.0%
With Supplemental Security Income (SSI)	18	3.4%	4,053	6.9%
No Supplemental Security Income (SSI)	518	96.6%	54,817	93.1%
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

Community Assets

The Park Drive Neighborhood has a multitude of community assets. It contains two parks - City Park and Clifton Park. City Park is one of the biggest parks in Wyandotte County, and houses a large community shelter and five ball fields. Unfortunately, City Park has not seen significant reinvestment in decades and has recently lost a shelter due to disrepair. Clifton Park is smaller than City Park but still provides a nice recreational space for residents. Clifton Park also has significant disinvestment that includes the original Park Headquarters Building – a historic structure in the middle of the park that desperately needs rehabilitation.

In addition to parks, the proposed NRSA contains the Sanctuary of Hope Prayer & Retreat Center. Sanctuary of Hope provides a beautiful interfaith retreat center in the urban core of Kansas City, Kansas. It contains 33 acres of natural wildlife, foliage, flowers, and several shrines that serve as a peaceful place for residents to reflect close to home. Sanctuary of Hope also provides community members with ongoing spiritual direction, counseling, a prayer group, volunteer opportunities, and a place for community groups to gather and collaborate.

Other community assets in Park Drive are the various organizations housed there – including Prescott Plaza. Prescott Plaza is a shopping center containing a grocery store, seven restaurants, a bank, salon, T-Mobile, H&R Block, boot store, and gas station. (Please refer to *Recent Revitalization and Investment* on page 15 for more information.) Other neighborhood businesses include Family Dollar, Metro PCS, AutoZone, a florist, another bank, a staffing agency, two salons, various auto-related stores, and more restaurants. Nonprofits in Park Drive include Grandview Baptist Church, Catholic Charities, Dynamic Life Baptist Ministry, Alcott Arts Center, Habitat for Humanity of Kansas City, Sanctuary of Hope, Central Avenue Betterment Association (CABA), Wyandotte Countians Against Crime (WCAC), and Mission Adelante.

Some of these will be discussed further under “Educational Opportunities” and “Organizations.” These assets provide the area with goods and services, jobs, and tourism. These factors then lead to increased property values.

Transit

There are 12 fixed route bus stops located in the Park Drive Neighborhood. All of these stops are served by the 102 Central Avenue bus route. The 102 is the only fixed route that serves the area. It provides access to most major businesses, but only visits each stop once an hour. Qualified Park Drive Neighborhood residents are also able to access paratransit. It is a demand response service which provides origin to destination transportation to qualifying persons within Wyandotte County whom are mostly seniors and people with disabilities. Additionally, this transit does not connect north or south along 18th street, which is a linkage from Donnelly College to the City of Roeland Park with many other commercial destinations. The U.G. is planning to construct a bus route along 18th Street in order to create the connection and plans to use federal transit dollars during the NRSA period to start up this route.

Educational Opportunities

While the Park Drive Neighborhood has a variety of educational opportunities, it does not actually contain any schools. The majority of public school children in the area attend Frances Willard Elementary School, Argentine Middle School, and J.C. Harmon High School. Three small areas east of 18th street are within the boundaries of Whittier, M.E. Pearson, and McKinley elementary schools. Another small piece of the neighborhood, north of Orville Avenue, is within the Mark Twain Elementary School boundary. Public school children in these four outlying areas attend Central Middle School and Wyandotte High School. Frances Willard, Mark Twain, McKinley and M.E. Pearson elementary schools are within relative walking distance for Park Drive residents living along the neighborhood boundaries. Wyandotte High School is also within relative walking distance for residents on the northern side of the neighborhood. However, the majority of residents would not be able to easily walk to Central Middle School or J.C. Harmon High School, where most of them attend, as it is connected only by an elevated U.S. Highway 69.

Another educational opportunity in the area is Donnelly College. Donnelly College is a private higher education institution just three blocks north of Park Drive Neighborhood, within walking distance for many residents in the proposed NRSA. Donnelly’s complete enrollment for the academic year of 2015-2016 was 481 students. They also served almost 600 high school students through College Credit Now courses during the year. The average annual household income per student at Donnelly is \$27,000 and 57% of students have household incomes below \$30,000 a year. Donnelly College also offers GED courses to residents.

The educational opportunities that lie within the boundaries of the proposed NRSA come in the form of nonprofits and faith-based organizations. Mission Adelante serves the immigrant and refugee population in the area. They provide classes on leadership, navigating the U.S. healthcare system, business coaching, English, cooking, and more. Catholic Charities offers

courses on financial literacy, pregnancy, citizenship, employment, English, and more. The Alcott Arts Center holds art and theatre classes. Additional nonprofits just outside of the community provide education as well, such as El Centro and their homeownership classes. These organizations are a great asset to the community and provide educational opportunities to its residents.

Employment Centers

There are two main centers of employment in the Park Drive Neighborhood – Prescott Plaza and the Central Avenue corridor. Prescott Plaza is a shopping center with a grocery store, gas station, and various restaurants and retail outlets. (Please refer to *Recent Revitalization and Investment* on page ___ and “Community Assets” on page ___ for more information.) The Central Avenue corridor is a major street lined with businesses. It includes restaurants, salons, a bank, a staffing agency, a contractor’s office, four auto-related shops, a gas station, and five miscellaneous retail stores. These two areas, Prescott Plaza and Central Avenue, are the most concentrated places of employment in the Park Drive Neighborhood. In addition, Workforce Partnership is an eight minute drive from the eastern part of Park Drive. Workforce Partnership of Johnson, Leavenworth, and Wyandotte is a regional workforce development program managed through the state. The organization connects employers with qualified job candidates and provides resources for both parties in order to strengthen the local workforce.

Organizations

In addition to all of the organizations listed in “Community Assets,” “Educational Opportunities,” and “Employment Centers,” the Park Drive Neighborhood is connected to two neighborhood organizations – CABA and WCAC. These organizations are not official neighborhood groups for Park Drive, but incorporate the area and provide services to the residents who live there.

The Central Avenue Betterment Association, or CABA, is a nonprofit and Neighborhood Business Revitalization Group (NBR). The organization works to improve the quality of life and economic development of Central Avenue and the area surrounding it. CABA hosts a bi-monthly market to encourage local business as well as community connection. They also put on summer programs for high school students, bicycle safety, riding, and repair programs for children, a home repair coalition, and business education courses. Their vision is to promote youth education, family stability and structure, neighborhood enhancement and maintenance, and economic development. They do so by promoting culture, facilitating entrepreneurship, and increasing business growth through their various initiatives. They also put on events such as parades for the community.

Wyandotte Countians Against Crime, or WCAC, is a nonprofit working in the area from 10th to 18th streets, between Minnesota Avenue and Interstate 70. Their area is larger than Park Drive, but does include it. The organization aims to prevent crime and blight, while also increasing quality of life, by engaging with the police department, Livable Neighborhoods, and the community. They host monthly meetings at Dynamic Life Baptist Ministries, averaging about 50

people a meeting, to discuss current events in the community and hear from local leaders. One of WCAC's big projects was to purchase a small "pocket" park from the Unified Government and fix it up, hoping to make it a destination. The park is on the northern border of Park Drive, at 22nd and Central Avenue. WCAC also runs a civilian road patrol. They partner with the Neighborhood Crime Prevention Patrol (NCP) to receive training. Interested members then patrol the area when they are free and report any suspicious activity to the police. CABA and WCAC are the closest thing Park Drive has to a formal neighborhood group. Neither focus fully on Park Drive, which is why the U.G. would like to establish a more formal group if community leaders wish to do so.

2. Park Drive Neighborhood Compared to Wyandotte County

Patterns of Disinvestment

The Park Drive Neighborhood has traditionally been a lower middle class neighborhood adjacent to more affluent neighborhoods prior to the massive shift in demographics in the 1950-1970s in Kansas City, KS. Mass disinvestment occurred across the eastern portions of Kansas City, KS, like in so many other communities in the United States, during that time period due to economic conditions and the civil rights movement. The suburbanization of America was underway and Kansas City, KS is, and was, an urban city. The population that was predominately white moved in droves to the suburbs in neighboring Johnson County, KS. For Kansas City, KS, the change was not only to more African American residents, but also new immigrants from countries around the globe and especially from Latin America. During the period of "white flight" many homes were abandoned in the neighborhoods around Park Drive. Families simply could not sell the properties and it was easier to just walk away to the suburbs where the schools and parks were new and infrastructure was modern. Those left behind were extremely poor and not able to secure a note to purchase a home. Redlining made it more difficult in many of Kansas City, KS neighborhoods.

Fast forward to the 1990s and Kansas City, KS housing stock east of I-635 declined and was, in so many cases, only fit for demolition. In fact, only a few neighborhoods east of I-635 in Kansas City, KS did not suffer a majority decline. Park Drive did suffer, but its housing stock did not see the significant abandonment that neighborhoods east of 15th Street did in Kansas City, KS. At the same time, the income levels and ability to afford improvements in the Park Drive Neighborhood did not increase and to make matters worse the values of the homes were in decline due to the adjacent neighborhoods being vacated. With the declining population and abandonment of housing came the loss of services in the neighborhood. This was followed by lack of the ability of the local government to invest in infrastructure from roads to parks. The Park Drive Neighborhood of today, with a few exceptions, such as Prescott Plaza, is very much a window into the past from housing to infrastructure. The housing stock is majority intact, but in need of major investments. It has great recreational amenities that need updated and has an amazing opportunity to be a resurgent neighborhood as it has remained most intact from a population density perspective. However, it needs help as the issues in the surrounding neighborhoods have not gone away and need Park Drive Neighborhood to become much more

resilient to provide the opportunity to revitalize adjacent neighborhoods. This is a node of strength that must be built upon to allow further work to in Kansas City, KS to be successful.

Existing Neighborhood Assets

Please refer to “Community Assets,” “Transit,” “Educational Opportunities,” “Employment Centers,” and “Organizations” under *Park Drive Neighborhood Description* on page ____.

Patterns of Racial and Ethnic Concentration

Just outside of the proposed NRSA, east of 18th street, Census Tract 423 is a racially/ethnically-concentrated area of poverty (R/ECAP).

Please refer to the “Race/Ethnicity” table under *Demographic Criteria* on page ____ for more information.

Patterns of Poverty Concentration

Please refer to “Economics” under *Park Drive Neighborhood Description* on page ____.

3. Recent Revitalization and Investment

The largest and most visible area of recent investment in the Park Drive Neighborhood is Prescott Plaza off 18th Street and Interstate 70. The Unified Government incentivized the creation of the shopping center by buying out the previous tenants with TIF (tax increment financing). Prescott Plaza first opened in 2008, with Ball’s Sun Fresh grocery store and a variety of restaurants and retail outlets. Jack in the Box was added in 2010, followed by Speedy’s Convenience Store and Subway in 2012. Another investment in Park Drive is the AutoZone on 18th Street and Central Avenue, which opened in 2014. These businesses provide services and jobs, as well as attract people from outside the community, and open up opportunities for future development in the area.

Further revitalization and investment activity has taken place in Park Drive through infrastructure improvements. Central Avenue was resurfaced in 2016 with new curb, gutter, and sidewalks, as well as ADA enhancements. The intersection of 18th Street and Central Avenue is being redone in 2017. These are significant projects and will help improve the appearance, safety, and traffic flow in the area. In 2014, the infields at City Park were leveled out and improved to better absorb water. In 2017, Public Works will remove the old water tower behind the National Guard Armory and replace it with a new cell tower. In addition to infrastructure improvements and economic development incentives, the Unified Government is also revitalizing the neighborhood by starting a community betterment initiative. This initiative is county-wide and provides property owners with information on common code violations and how to avoid them. The first letter outlining these violations went out in August 2017. (Please refer to *Appendix B* on page ____ for the letter.)

Another investment activity is occurring just north of the Park Drive Neighborhood. Donnelly College recently began expanding and renovating their campus. (Please refer to “Educational Opportunities” under *Park Drive Neighborhood Description* on page ___ for more information on Donnelly College.) Donnelly expects to finish renovating Marian Hall by December 2017 and the third of four renovation phases by August 2019. The renovations will double the capacity of the college and give it a more traditional campus feel, with open green space and multiple buildings. Additionally, Donnelly’s next step is to provide campus housing that would enhance the dynamic of the neighborhood. This renovation project should increase the value of the area, as well as bring people and economic activity to the neighborhood.

4. Employment Challenges

Residents of Park Drive Neighborhood face certain challenges in accessing job opportunities. One of these challenges, for certain residents, is a lack of reading and writing skills. This is connected to the poor rates of education in the area, including the fact that 27.8% of residents 25 years or older received less than a 9th grade education (Please refer to the “Educational Attainment” table under *Demographic Criteria* on page ___). Many jobs require these literacy skills, making it difficult for residents to qualify for them. In addition, many residents in this area do not speak English as their first language. The language barrier compounds the literacy challenge, as well as adding a new one. Verbal communication skills are just as important, if not more so, than literacy skills in the job market. A lack of basic English skills can make it very difficult for residents to access jobs. More information about employment in the Park Drive Neighborhood is described below:

The 2015 national unemployment rate is 6.3%. Wyandotte County’s rate is quite a bit higher at 11.2%, but Census Tract 422 is aligned almost perfectly at 6.2%. In addition, the demographic breakdown of the unemployment rate is quite interesting. The Black or African American, American Indian and Alaska Native, and Asian populations in the labor force have a much higher rate of unemployment than the White population in Wyandotte County. However, these populations have 0% unemployment in Census Tract 422 (albeit the Census Tract does not have an Asian population). Similarly, the population in the labor force that identifies as Hispanic or Latino has a lower unemployment rate, 3.5%, than those who do not identify as Hispanic or Latino, 11.7%, in Census Tract 422. These two groups have a similar unemployment rate in Wyandotte County, at 10.0% and 9.5% respectively.

Employment for Population in Labor Force in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Population in labor force 16 years and over	1,063	100.0%	79,550	100.0%
Employed	997	93.8%	70,640	88.8%
Unemployed	66	6.2%	8,910	11.2%
White Population in labor force 16 years and over	892	100.0%	50,362	100.0%
Employed	843	94.5%	46,031	91.4%
Unemployed	49	5.5%	4,331	8.6%
Black or African American Population in labor force 16 years and over	38	100.0%	18,511	100.0%
Employed	38	100.0%	15,253	82.4%
Unemployed	0	0.0%	3,258	17.6%
American Indian and Alaska Native Population in labor force 16 years and over	9	100.0%	600	100.0%
Employed	9	100.0%	389	64.8%
Unemployed	0	0.0%	211	35.2%
Asian Population in labor force 16 years and over	0	-	2,403	100.0%
Employed	-	-	2,035	84.7%
Unemployed	-	-	368	15.3%
"Other" Race Population in labor force 16 years and over	63	100.0%	5,872	100.0%
Employed	63	100.0%	5,308	90.4%
Unemployed	0	0.0%	564	9.6%
Two or More Race Population in labor force 16 years and over	17	100.0%	1,688	100.0%
Employed	17	100.0%	1,545	91.5%
Unemployed	0	0.0%	143	8.5%
Hispanic or Latino Origin (of any race) Population in labor force 16 years and over	801	100.0%	20,576	100.0%
Employed	773	96.5%	18,518	90.0%
Unemployed	28	3.5%	2,058	10.0%
White (Not Hispanic or Latino) Population in labor force 16 years and over	180	100.0%	36,460	100.0%
Employed	159	88.3%	32,996	90.5%
Unemployed	21	11.7%	3,464	9.5%
Male Population in labor force 20 to 64 years	613	100.0%	38,565	100.00%
Employed	590	96.2%	34,708	90.0%
Unemployed	23	3.8%	3,857	10.0%
Female Population in labor force 20 to 64 years	377	100.0%	33,898	100.0%
Employed	347	92.0%	30,678	90.5%
Unemployed	30	8.0%	3,220	9.5%
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

Note that the population in the labor force does not include the entire population. It includes those employed and unemployed. The Census Bureau classifies people as unemployed if they are without a job, but actively looking for work within the four weeks before they were surveyed, and available to start a job. This includes those waiting to be called back to a job from which they had been laid off and those available to work except for a temporary illness. It does not include those who are without a job but not seeking employment or those who are unavailable to work, meaning that those people are not included in the population in the labor force.

The employment in Census Tract 422 has grown much more between 2010 and 2015 than in Wyandotte County, 40% to 3.9% respectively. Employment in construction, wholesale trade, and education services, health care, and social assistance have grown significantly in Tract 422. They grew in Wyandotte County as well but not nearly as much. Information was the biggest industry decrease for both areas- a 19.1% decrease in Wyandotte County and 100% decrease in Tract 422.

Industry by Occupation for Employed Population 16 Years and Over - Wyandotte County				
	2010	2015	Change 2010-2015	
	#	#	#	%
Total employed civilian population 16 years and over	67,852	70,518	2,666	3.9%
Agriculture, forestry, fishing and hunting, and mining	461	555	94	20.4%
Construction	6,584	6,850	266	4.0%
Manufacturing	8,622	8,487	-135	-1.6%
Wholesale trade	1,859	2,651	792	42.6%
Retail trade	7,353	7,540	187	2.5%
Transportation and warehousing, and utilities	5,147	4,868	-279	-5.4%
Information	1,286	1,040	-246	-19.1%
Finance and insurance, and real estate and rental and leasing	3,880	3,776	-104	-2.7%
Professional, scientific, and management, and administrative and waste management services	6,766	7,704	938	13.9%
Educational services, and health care and social assistance	12,827	13,613	786	6.1%
Arts, entertainment, and recreation, and accommodation and food services	6,389	6,675	286	4.5%
Other services, except public administration	3,251	3,363	112	3.4%
Public administration	3,427	3,396	-31	-0.9%
Data source: U.S. Census Bureau, 2006-2010 and 2011-2015 ACS 5-Year Estimates				

Industry by Occupation for Employed Population 16 Years and Over - Census Tract 422				
	2010	2015	Change 2010-2015	
	#	#	#	%
Total employed civilian population 16 years and over	712	997	285	40.0%
Agriculture, forestry, fishing and hunting, and mining	10	3	-7	-70.0%
Construction	26	324	298	1146.2%
Manufacturing	94	88	-6	-6.4%
Wholesale trade	7	36	29	414.3%
Retail trade	34	56	22	64.7%
Transportation and warehousing, and utilities	58	7	-51	-87.9%
Information	30	0	-30	-100.0%
Finance and insurance, and real estate and rental and leasing	45	14	-31	-68.9%
Professional, scientific, and management, and administrative and waste management services	116	197	81	69.8%
Educational services, and health care and social assistance	37	108	71	191.9%
Arts, entertainment, and recreation, and accommodation and food services	165	114	-51	-30.9%
Other services, except public administration	59	35	-24	-40.7%
Public administration	31	15	-16	-51.6%
Data source: U.S. Census Bureau, 2006-2010 and 2011-2015 ACS 5-Year Estimates				

5. *Housing Challenges*

The Park Drive Neighborhood faces a variety of housing challenges. The housing stock is first challenged by its age as it predates the 1950s. Therefore many homes are needing structural work in addition to regular maintenance. This drives up the cost of home ownership in an area that has low home values. Additionally, the low housing values make it complicated to get a traditional note or lending opportunity to spread the costs of home maintenance. This is a major area of concern for the Park Drive Neighborhood from the Stakeholder perspective. Furthermore, new immigrants do not always have knowledge of lending options and appraisal gap issues that they might encounter when working on older homes.

In addition to low home values, appraisal issues, and lack of lending options, there are also issues with the number of building permits being sought for these repairs. Stakeholders are concerned that this keeps the values depressed in the area, where there are obvious signs of investment by property owners or tenants. There is also a concern that new immigrants are not aware of the requirements for permits that help ensure that their home or property is safe. Stakeholders want to work with this neighborhood to raise awareness of these requirements and the benefits to the residents for pulling permits.

The proposed NRSA is also struggling with payment of property taxes. This is one of the most concerning numbers related to housing, as the cost of housing is incredibly low and yet the taxes are not getting paid. It is also an indicator of how the neighborhood feels about the value of the city services they are receiving. This creates another possible area of opportunity for educating new immigrants about the responsibilities of homeownership.

73% of parcels in the Park Drive Neighborhood are assessed as residential. The majority of housing, 83.3%, consists of single units. This is similar to Wyandotte County, which contains 88.7% of single unit housing. Another similarity between the select area and Wyandotte County as a whole is that 61.8% of housing in Park Drive is owner-occupied, compared to 58.7% in the County. However, these numbers are probably too high, as residents complain that some properties being rented are not registered as rentals. In addition, many rental properties are owned by absentee landlords. This can lead to code violations and blight in the neighborhood, decreasing property values.

Living Units in Structure in 2017				
	Park Drive Neighborhood		County of Wyandotte	
	#	%	#	%
Total Living Units	1063	100.0%	53204	100.0%
1 unit	886	83.3%	47207	88.7%
2 units	122	11.5%	4046	7.6%
3 units	27	2.5%	396	0.7%
4 or more units	28	2.6%	1555	2.9%
Data source: Unified Government Real Estate Tax Records as of July 2017				

100% of owner-occupied housing in Census Tract 422 is valued at less than \$150,000, compared to 80.1% in Wyandotte County as a whole. Additionally, the average year buildings were built in the select area is 1929, compared to 1952 in the County as a whole. The last new construction in Park Drive occurred in 2010. There is also a fair amount of vacant parcels in Wyandotte County- 19.6%. Park Drive is slightly better off with 14.4% of parcels vacant.

Housing Value for All Owner-Occupied Housing Units in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Owner-occupied housing units	331	100.0%	34559	100.0%
Less than \$50,000	111	33.5%	6668	19.3%
\$50,000 to \$99,999	202	61.0%	13203	38.2%
\$100,000 to \$149,999	18	5.4%	7797	22.6%
\$150,000 to \$199,999	0	0.0%	3688	10.7%
\$200,000 to \$299,999	0	0.0%	2291	6.6%
\$300,000 to \$499,999	0	0.0%	730	2.1%
\$500,000 to \$999,999	0	0.0%	109	0.3%
\$1,000,000 or more	0	0.0%	73	0.2%
Median (dollars)	\$ 58,000		\$ 89,200	
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

The federal Department of Housing and Urban Development (HUD) considers homeowners and renters to be cost burdened when housing costs exceed 30 percent of household income. For homeowners, housing costs include mortgage, insurance, and taxes; for renters, it includes rent and utilities. Both Tract 422 and Wyandotte County have room for improvement in this area. 41.5% of renters and 27.5% of homeowners in 422 are considered cost burdened. The situation is slightly worse for Wyandotte County, with 48% of renters and 27.7% of homeowners considered cost burdened.

Housing Costs as % of Household Income in 2015				
	Census Tract 422		County of Wyandotte	
	#	%	#	%
Renter-Occupied Housing Units	205	100.0%	24311	99.9%
< 20% of household income	75	36.6%	5251	21.6%
20-29% of household income	37	18.0%	5203	21.4%
30% or more of household income	85	41.5%	11669	48.0%
Zero or negative income	0	0.0%	802	3.3%
No cash rent	8	3.9%	1361	5.6%
Owner-Occupied Housing Units	331	100.0%	34559	99.9%
Less than 20 percent	159	48.0%	16174	46.8%
20 to 29 percent	73	22.1%	8363	24.2%
30 percent or more	91	27.5%	9573	27.7%
Zero or negative income	8	2.4%	415	1.2%
No cash rent	(X)	(X)	(X)	(X)
Data source: U.S. Census Bureau, 2011-2015 ACS 5-Year Estimates				

III. HOUSING OPPORTUNITIES

The following goals are opportunities for the Unified Government and its partners to improve housing in the proposed NRSA through aspects such as increased property values, a sense of community, enhanced safety, and better communication. Throughout the next five years, the Unified Government, in coordination with its various partners, will work to:

- Utilize the “aggregation of housing units” incentive available through the NRSA by leveraging LISC funds, predevelopment funds, low-income housing tax credits, new market tax credits, CDBG funds, and CDBG Section 108 funds to develop mixed-income multifamily housing in the area.
- Assess the 51 tax sale eligible properties within the NRSA that have structures on them, to determine whether or not they are eligible for the U.G.’s rehabilitation program.
- Increase property maintenance index rankings in areas that are considered at risk or poorly maintained and promote continued efforts in areas that are considered to be well maintained.
 - Develop a recognition program for individual property owners that improve the appearance of their property in a significant way.
 - Reduce property maintenance code violations through education and enforcement.
- Reduce lead-based paint in homes by providing education on the HUD Hazard Control Grant and utilizing the grant to its full potential.
- Decrease vacant properties by actively engaging stakeholders in construction, rehabilitation, and occupation.
- Increase the number of building permits issued by providing education on the process and the importance of permits.
- Increase owner-occupied properties.
 - Provide residents with homeownership education.
 - Create neighborhood market studies and provide down payment assistance for potential homeowners.
- Reduce delinquent tax rate by enforcing tax sales and providing education on the necessity of paying property tax.
- Improve infrastructure.
 - Increase the percentage of complete sidewalks in the area and complete all ADA curb and ramp work.
 - Improve street pavement index rankings across the community.
 - Improve stormwater management and sewer operations. (Please refer to *Appendix B on page __* for more information.)
 - Repair, replace, and expand street light network by encouraging residents to report street lighting issues to 311.
 - Improve parks, starting by improving their shelters.
 - Install more traffic control and traffic calming measures where appropriate.

- Install more street signage. (All dead-end and one-way streets should have proper signage.)
- Improve animal control.
 - Purchase more animal traps to enhance ability to capture loose animals.
 - Partner with KCK Pet Coalition, Spay/Neuter KC, and the Humane Society to provide education on pet ownership, loose animals, and offer low-cost or free spay and neuter services.
 - Provide direct information to residents via U.S. mail on responsible pet ownership.
 - Adjust policy to incentivize pet owners to keep their animals leashed or fenced, and to pick their animals up from Animal Services when they are found loose.
- Seek multi-family residential development partners.
- Develop a housing subcommittee with stakeholders to tackle housing challenges.
- Improve U.G.-owned property maintenance and mowing frequency.

IV. ECONOMIC OPPORTUNITIES

The following goals are opportunities for the Unified Government and its partners to improve economics in the proposed NRSA by providing and connecting residents to resources such as education, financial assistance, and transit. Throughout the next five years, the Unified Government, in coordination with its various partners, will work to:

- Seek ways to utilize the Aggregate Public Benefit Standard Exemption.
- Increase engagement in the community by establishing partnerships with area stakeholders.
- Promote/provide small business training.
- Increase diversity of business types to provide a wide array of services to the area.
- Engage the Wyandotte Economic Development Council (WYEDC) to further job opportunities in the area.
- Publicize and utilize Money Smart KC (Please refer to *Appendix B* on page ___ for flier).
- Develop/engage subcommittees with stakeholders to address challenges in the areas of:
 - Finance -Financial literacy and Tax education
 - Employment -Business coaching, English, Reading and writing skills
 - Education
 - Social services
- Create a resource with a combined listing of all U.G. programs and resources available to residents, possibly incorporated with the 311 mobile app.
- Fund small business loans to improve storefronts and signage through a CID or SMMID.
- Continue the approval process of the 18th Street bus route in order to provide residents with more access to businesses, jobs, and educational facilities in the area.
- Develop a corridor plan for the 18th Street corridor from Interstate 70 to Minnesota Avenue, including a node plan.

V. EDUCATION AND PUBLIC SERVICE OPPORTUNITIES

- Establish a neighborhood association and watch group.
 - Work with the Neighborhood Crime Prevention Patrol (NCP) to provide training and assistance for community leaders interested in establishing watch groups.
 - Work with Livable Neighborhoods, the online resident portal Next Door, and community leaders to establish a formal neighborhood association.
 - Engage the community for input on a name for this area. The name “Park Drive Neighborhood” was chosen by the NRSA team for the purpose of this submission, but an official name has never been chosen. The naming process might help engage residents and give them a sense of ownership in the community.
- Improve communication with residents.
 - Develop bi-lingual communications for residents – building permits, property violation notices, Citizens Newsletter, etc.
 - Prioritize Spanish and then expand to other languages spoken in the community.
 - Create a resource with a combined listing of all U.G. programs and resources available to residents.
 - Provide renters’ rights training and/or publications.
- Organize and/or assist in putting on community events, such as neighborhood cleanup days.
- Promote existing ESL classes in the area.
- Improve education.
 - Work with Donnelly College and Kansas City Kansas Community College to attract NRSA residents to the GED programs offered there.
 - Work with USD 500 to increase the graduation rate and decrease the dropout and truancy rates at J.C. Harmon High School, where the majority of public school students in Park Drive attend.
- Enhance the attractiveness of the area by beautifying the community with art.
 - Research the idea of requiring art as part of new development.
 - Engage the community through nonprofit and children’s groups, like Girl Scouts, to decorate certain parts of the neighborhood. For example, utility boxes.

VI. PERFORMANCE MEASUREMENTS

This section establishes benchmarks for the activities presented in this plan. In accordance with the Department of Housing and Urban Development (HUD) regulations, the Unified Government (U.G.) will report its accomplishments against its benchmarks in the Integrated Disbursement and Information System (IDIS). The U.G. will also identify in its Annual Action Plan the benchmarks it expects to achieve for that program year. Additionally, the U.G. will report its progress at the end of each program year in its Consolidated Annual Performance and Evaluation Report (CAPER). Over the five year period of the strategy, the U.G. will work to accomplish, at a minimum, the following benchmarks:

Goal 1: Infrastructure Improvements

1.1 Improve streets, curbs and sidewalks, including ADA if required. The following streets have been identified as areas of need and the U.G. plans to address them as funding and utility coordination becomes available in the next five years – Ridge from 18th to 26th, Homer Ave. South off of Pacific, Ohio from 32nd to 30th, Ford from 32nd to 30th, 31st from Ohio to Ford, and 30th from Ohio to Ford.

- Year 1 – \$381,066 of CDBG dollars

1.2 Improve stormwater management in Park Drive by developing at least two of the green infrastructure projects described in *Appendix B* on page ____.

1.3 Improve parks

- Replace City Park small shelter by December 31, 2018.
 - o Year 1 - \$25,000 of U.G. funding
- Rehabilitate large shelter
 - o U.G. funding

1.4 Replace or install 35 damaged or missing street signs.

- Year 1 – U.G. funding

Goal 2: Residential Development

2.1 Decrease vacant properties, with or without a structure, in the Park Drive Neighborhood by 75%. This would take vacant properties from 14.4% to 3.6% and will be done through tax sales and land aggregation for resale.

2.2 Decrease property maintenance code violations in Census Tract 422 by 25%. This will take violations from 150 (in 2016) to 112.5, which is near the lowest number (110 in 2013) that this area has seen in over 20 years. This will be done through education on property maintenance responsibilities.

- 2.3 Decrease the delinquent tax revenue rate from 11.4% to 5% - the amount proposed for Wyandotte County in the 2018 budget. This will be done through tax sales and early reminders in year one of failure to pay in both English and Spanish.
- 2.4 Increase the frequency of mowing UG-owned property from what could take as long as eight weeks to at least every 16 days.

Goal 3: Economic Development

- 3.1 Develop an area plan for the 18th Street corridor by the end of 2019.
- 3.2 Publicize and utilize Money Smart KC by handing out their information during at least two Central Avenue Betterment Association (CABA) events a year. (Please refer to *Appendix B* on page ___ for flier.)
- 3.3 Continue the approval process of the proposed 18th Street bus route by utilizing federal transit dollars allocated to the community to start this service.
- 3.4 Create a resource with a listing of all programs available through the UG and outside organizations by July 2018.

Goal 4: Education and Public Service

- 4.1 Work with Livable Neighborhoods, the online resident portal Next Door, and community leaders to establish a formal neighborhood association.
- Year 1 – no funding needed
- 4.2 Create a resource with a combined listing of all U.G. programs and resources available to residents.
- Year 1 – Livable Neighborhoods and 311

VII. LEVERAGE

Local Government Leverage – Unified Government

- Public Works – improve infrastructure, including street preservation and repairs, sidewalks, sewer maintenance and repairs, and ADA ramps (dollar value of projects is to be determined)
- Parks and Recreation – \$25,000 to rebuild the small shelter at City Park in year one, additional funding in future years
- Community Development – utilize the “aggregation of housing units” incentive available through the NRSA by leveraging LISC funds, predevelopment funds, low-income housing tax credits, new market tax credits, CDBG funds, and CDBG Section 108 funds to develop mixed-income multifamily housing in the area

- Livable Neighborhoods – work with neighborhood to develop neighborhood watch program, offer training to create a neighborhood group, and leadership training for residents interested in doing community engagement and or improvements, provides administrative assistance to neighborhood groups

DRAFT

Metro Non-profit Leverages

- Community Housing of Wyandotte County (CHWC) – financial literacy, down payment assistant, neighborhood market studies, rehabilitation housing units and new infill construction of housing units
- Habitat for Humanity of KC – financial literacy, neighborhood events- including clean ups, minor home repair, neighborhood market studies and rehabilitation of housing units
- Girl Scouts of NE Kansas, NW Missouri – development of girls in the areas of STEM and civic leadership, including community cleanup days and builds
- The Human Society of Greater Kansas City – assist with animal services pertaining to proper care and handling of pets in Kansas City, KS, and helping with feral animal concerns
- LISC – predevelopment fund to assist with creating jobs for businesses in the area
- Mission Adelante – provide community meeting space, as well as classes on leadership, navigating the U.S. healthcare system, business coaching, English, cooking, and more
- El Centro – assist the Latino community with after school and summer programs for children, financial literacy and homeownership education, tax assistance, healthcare navigation, and more

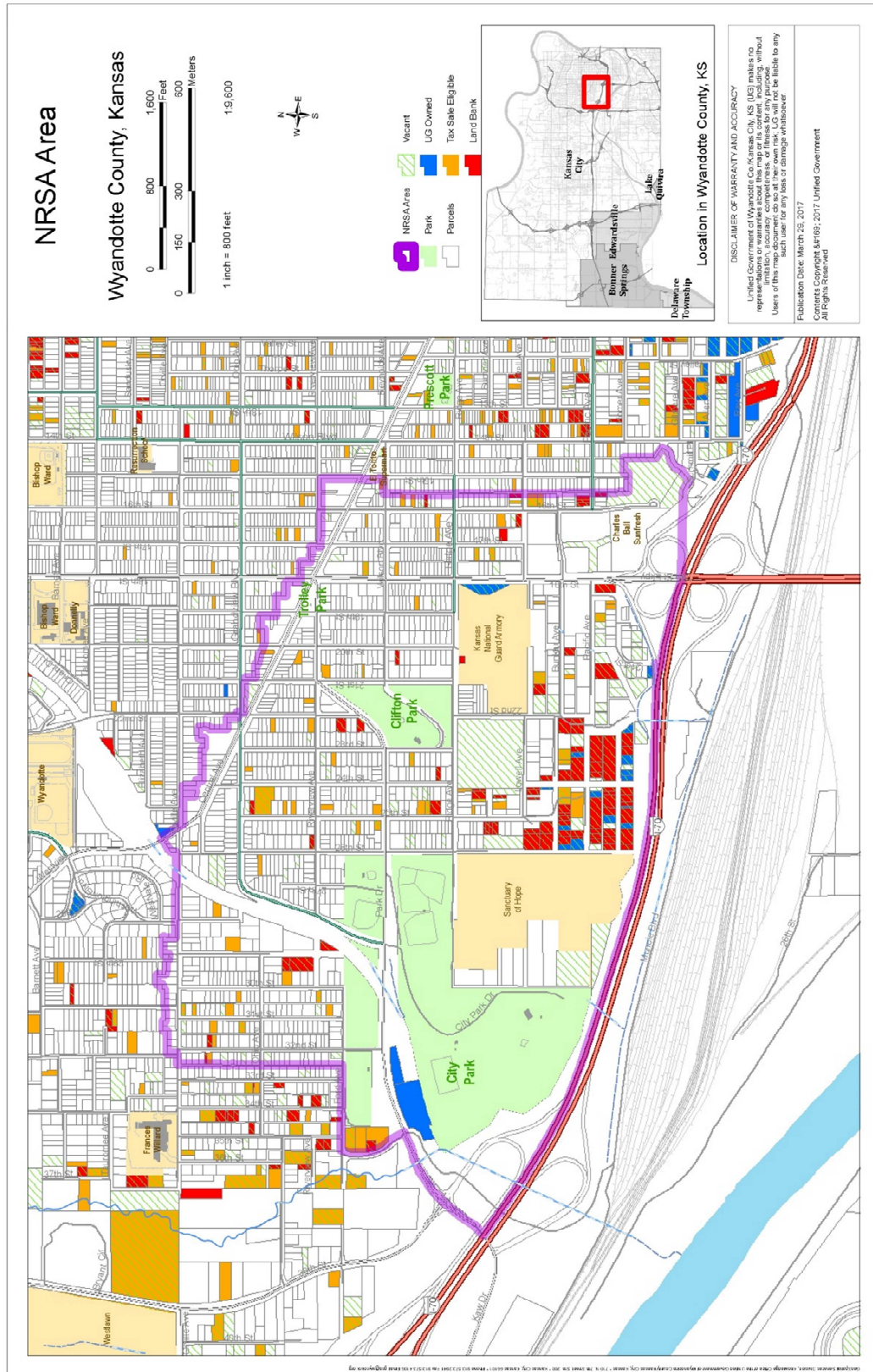
Local Business Organizations

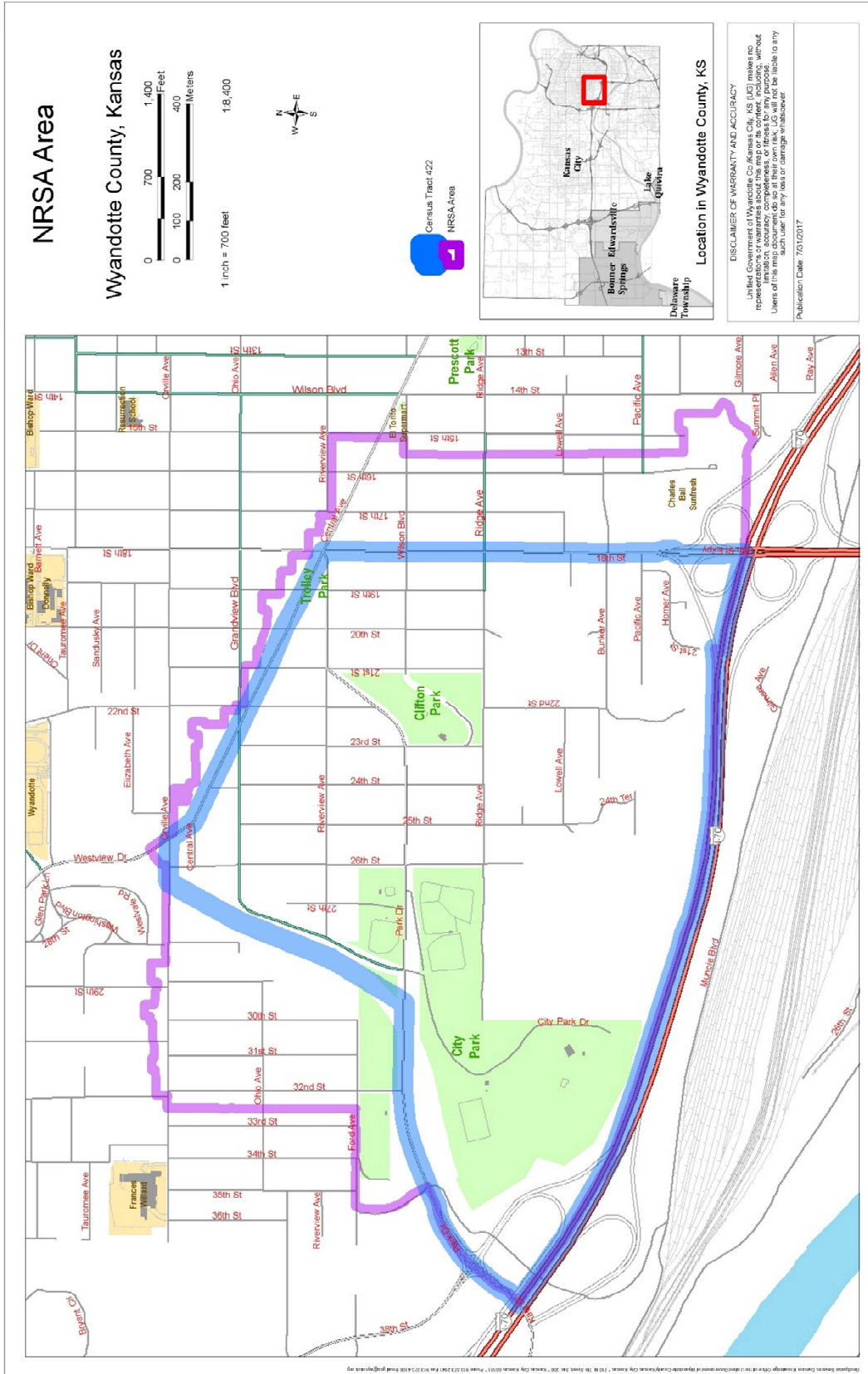
- Hispanic Chamber of Commerce of Greater Kansas City – provide education to job seekers, offer the Business in a Day program to teach entrepreneurs how to start a business
- Central Avenue Betterment Association (CABA) – promote culture, facilitate entrepreneurship, and increase business growth in the area through various initiatives and educational programs
- Herron Consulting – assist contractors and subcontractors with the bidding process in order to rehabilitate structures in the community, encourage people wishing to become contractors to connect with the Builder's Association

Federal Programs

- HUD Lead Hazard Control Grant – outreach and assist those that qualify with high lead levels by remediating hazards in homes.
- Money Smart KC and FDIC – provide comprehensive list of free financial services for all age groups
- Waste Management – provide dumpsters for cleanup and seek grant funding from them to do work in City Park and or Clifton Park

APPENDIX A: MAPS





Location in Wyandotte County, KS

DISCLAIMER OF WARRANTY AND ACCURACY

United Government of Wyandotte Co., Kansas City, KS (UG) makes no representations or warranties about the map or its content, including, without limitation, the accuracy, completeness, or timeliness of the data. Users of this map document do so at their own risk. UG will not be liable to any such user for any loss or damage whatsoever.

Publication Date: 7/31/2017

APPENDIX B: ADDITIONAL DOCUMENTS

Below are the conclusion and recommendations from the analysis completed by University of Kansas Master of Urban Planning students on which Census Tracts in Wyandotte County would be good candidates for a Neighborhood Revitalization Strategy Area.

Kansas City, Kansas: Analysis of Tracts for NRSA

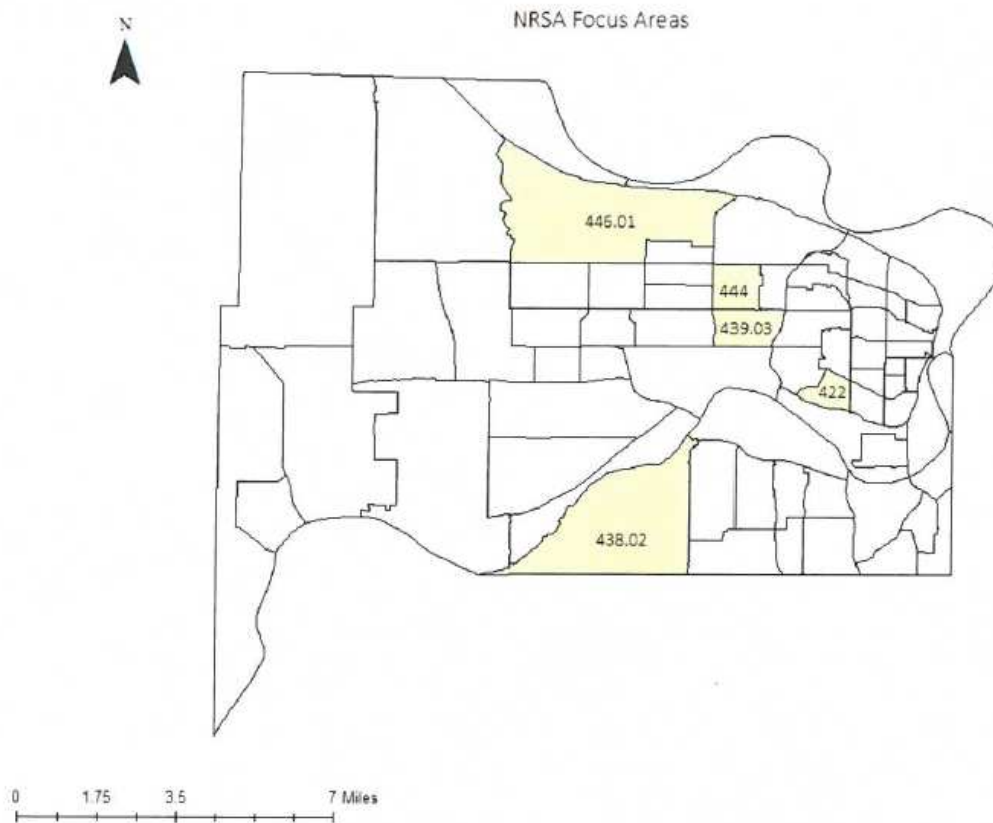
Conclusion and Recommendations

From the findings it can be determined that there are five key areas that the NRSA should focus on to infuse CDBG Dollars in to the neighborhood. Through our analysis of the 21 variables and two resulting thresholds, we were able to determine five census tracts that would be most positively receptive to increased funding through the Neighborhood Revitalization Strategy Area grant funding. These five census tracts are 422, 438.02, 439.03, 444, and 446.01. All five of these tracts scored high in both thresholds. The table below shows the variable data for each of the census tracts and the map shows their location within the city. This can be used for further analysis in Wyandotte County's NRSA grant application.

Variables used in Threshold 1 followed by remaining in Threshold 2	Selected Census Tracts				
	422	438.02	439.03	444	446.01
Building Permit Valuation per \$100,000 to Aggregate Value	\$59.75	\$100,546.88	\$18,441.82	\$4,530.89	\$14,112.78
Crime	62.2	45.8	65.6	56.1	52.4
Other Vacancy Rate	4.6%	11.4%	1.8%	4.3%	8.4%
Land Bank Parcels Area per 1,000 Households	28.9	0	26.2	2.7	4.3
Percent Change of Assessed Land Value (All)	0.01	-0.03	-0.04	-0.05	-0.02
Poverty	26.7%	16.1%	23.3%	22.2%	11.0%
Population by Race: Black Non-Hispanic	3.9%	0%	22.9%	38.7%	14.8%
Population by Ethnicity: Hispanic	64.6%	9.5%	21.8%	11.7%	6.5%
Percentage of College Graduates	12.3%	26.4%	16.7%	21.3%	29.2%
Percentage of High school Dropouts	43.4%	12.3%	22.5%	25.5%	13.1%
Change in Percent Rental Tenure	7%	5%	5%	14%	4%
Percent Female-Headed Households	8.0%	6.4%	23.9%	23.9%	15.8%
Building Permits per Tract	19	42	45	41	41
Building Permits per 100 Households	3.5	7.9	4.4	3.8	4.2
Ratio of Loan Amounts for Owner Occupied Home Purchases to the Aggregate Value of Homes	0.1	12.5	35.7	139.0	240.3
Ratio of Loan Amounts for Owner Occupied Home Renovations to the Aggregate Value of Homes	0.0	0.2	0.5	0.5	11.0
Renter Vacancy Rate	2.2%	0%	0%	9.6%	4.0%
Owner-Occupied Vacancy Rate	0%	0%	0%	1.4%	5.3%
Percentage of Low Wage Jobs	27.7%	17.9%	37.7%	50.0%	28.4%
Percentage of Low Skilled Jobs	14.5%	18.1%	19.4%	16.7%	14.36%
Unemployment Rate	6.2%	10.5%	10.4%	17.2%	7.7%

Below is a map of the five tracts identified as good candidates for a Neighborhood Revitalization Strategy Area by the University of Kansas Master of Urban Planning students.

Kansas City, Kansas: Analysis of Tracts for NRSA



This flier outlines the work of Money Smart KC. It is also available in Spanish.



MONEY SMART KC
Easy access to everything financial at moneysmartkc.org

				
Budgeting/Smart Spending	College / Career Prep	College Funding	Credit	Disability
				
Economic Mobility	Emergency Services	Employment	Entrepreneurship/Small Business	Financial Coaching
				
Financial Education Consumers	Financial Education Educators	Financial Protection	Financial Services	Government Assistance/Benefits
				
Healthcare	Housing	Immigrant Services	Insurance	Internet Get Connected
				
Investing	Legal Services	Library Services	Loans	Mentoring Programs
				
Online/Mobile Finances	Parenting/Childcare	Reentry	Retirement/Estate Planning	Saving
				
Senior Finances	Tax Preparation	Transportation	Veterans/Military Services	Young Adult/Teen/Youth

 /moneysmartkc
 www.moneysmartkc.org
 @moneysmartkc

This information was put together by Brenda Macke from Burns & McDonnell, the engineering firm working with the U.G. to implement green infrastructure into Wyandotte County:

Summary of Stormwater/Green Infrastructure Analysis

The sewer systems within census tract 422 include both combined and separate, with approximately 40 acres of the census tract draining to an existing separate storm system on Park Drive. The traditional curb, inlet, and pipe system was designed around controlling the quantity of rainfall runoff in the roadway section. The topography of the tract is highest in elevation in the northeast portion. From a stormwater infrastructure perspective, capturing rainfall runoff at its source provides the most cost-effective means of managing both the quantity and quality of the stormwater. The highest impervious areas within the tract are the streets themselves. There are opportunities to expand on the existing storm system on Park Drive, a neighborhood connection between Central Ave and I-70, to provide multi-benefits to the surrounding neighborhood, including:

- Defined connection between Clifton Park and City Park
- Enhanced pedestrian crossing safety at street intersections on Park Drive using bump-outs for multi-benefit, including traffic-calming measures
- Designated parking areas within the road cross section
- Promoted capture and infiltration of the most frequent rainfall events from the highest impervious areas in the tract: the streets.

This expansion could take on the form of constructed curb extensions, or 'bump-outs', within the existing Park Drive cross section at each cross road intersection where stormwater is already collected: 21st St, 22nd St, 23rd St, 24th St, 25th St, and 26th St, Grandview Blvd, and midblock. The curb extensions would capture the rain before it enters the inlet - this rainwater carries with it pollutants that typically make their way downstream to the Kansas River. The extensions provide a stormwater quality benefit to the community by infiltrating this rainwater instead of conveying it to the Kansas River. They provide a traffic calming effect within the road cross section as a driver sees a narrowing of the road width and will slow down. With the extension into the existing road section, they also provide less exposure of pedestrians to vehicles by reducing the pedestrian crossing distance across Park Drive. Figure 1 shows between 30 and 35 curb extension opportunities on Park Drive from 19th St to Grandview Road. These curb extensions could look similar to the examples shown in Figure 2. To compliment these extensions, a bioswale and/or bioretention facility could complement the existing entrance and parking at City Park along Park Ave. Figure 3 shows an example of a bioswale facility at a park.

The existing cross section of Park Drive includes sidewalks on both sides of the road, on-street parallel parking between 19th Street and 26th Street, and two-way traffic with a dedicated turn lane. The sidewalk currently extends from Clifton Park to City Park and Reagan Park, providing an opportunity to expand on the 'mapped' connection of these parks with a very specific pedestrian connection. Curb extensions can complement and enhance this pedestrian connection by increasing green space within the road corridor. Extensions can be planted with low grasses, and depending on the location, with trees to enhance the tree canopy. For this corridor, we envision low maintenance vegetation decided on by the neighborhood.

This vegetation could be extended into the existing parks on both the east and west ends of Park Drive, providing a cohesive appearance. City Park and Reagan Park currently have very defined uses, including baseball and soccer fields. Clifton Park provides an opportunity to explore a new purpose within the neighborhood, which may include bike trails, urban agriculture, or defined play spaces. Clifton Park does experience a dramatic topographic change between Riverview Ave and Ridge Drive. There are opportunities to promote stormwater infiltration within the park itself; however, a significant portion of drainage is bypassing the Park, being conveyed within the street section of Park Drive to the west toward City Park. An option in lieu of curb extensions for the portion of Park Drive between 19th and 23rd St is to convey stormwater south through Clifton Park. The existing storm system at Park Drive and 23rd St could be rerouted south into a new dry creek bed feature through the Park, similar to Figure 4. The dry creek bed could lead to a more substantial infiltration feature, such as the bioretention facility shown in Figure 5. A new playground could be integrated with both the dry creek bed and the bioretention facility, similar to the example shown in Figure 6. The surrounding neighborhoods will be instrumental in redefining Clifton Park's purpose.

UG dollars spent within the Park Drive cross section and within each Park would re-establish the community's connection with the Park system, benefit pedestrians and adjoining residents, define specific uses within the existing street cross section, and enhance the aesthetics of the street corridor while promoting both pedestrian and vehicular safety. Similar applications of curb extensions are being constructed in Philadelphia, PA, Columbus, OH, and Kansas City, MO for multi-purposes and benefits.

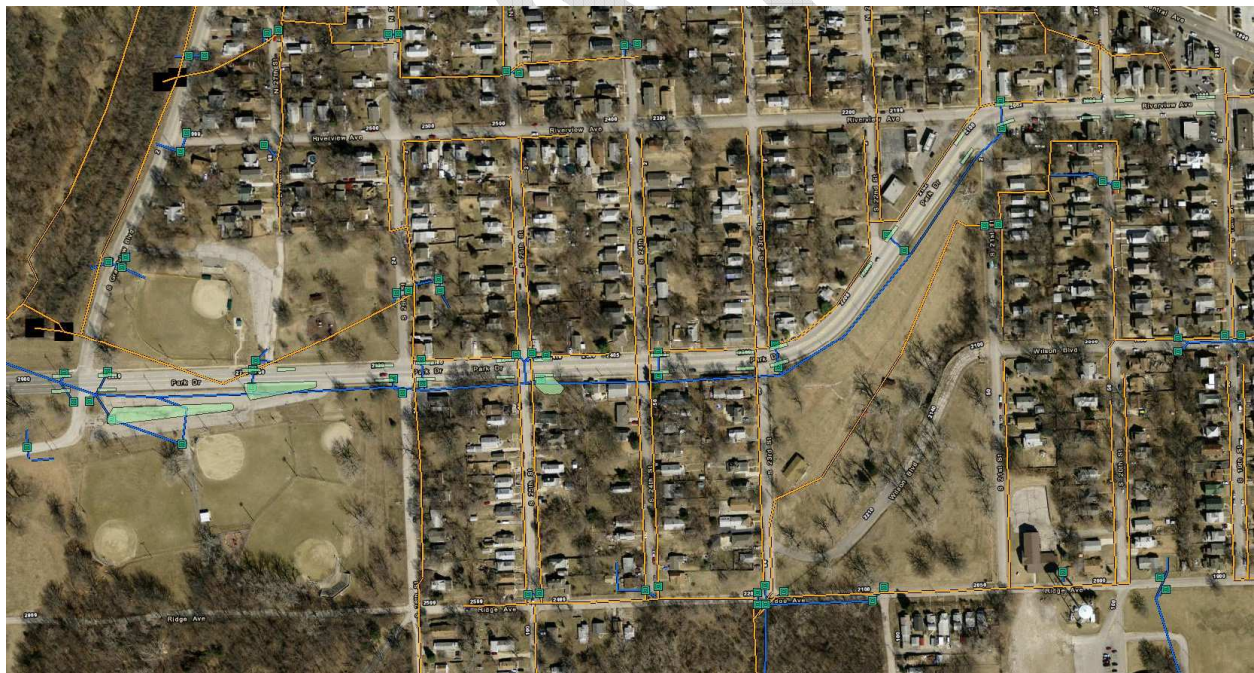


Figure 1 Green Infrastructure Opportunities on Park Drive: Curb Extensions and Bioswale



Figure 2 Examples of Curb Extensions in Kansas City, MO (Google Earth Image), Street View and Aerial View



Figure 3 Example of Bioswale Facilities Integrated into a Playground in Lee's Summit (Google Earth) at a Park



Figure 4 Example of Dry Creek Bed for Stormwater Conveyance on Steep Slopes (Arleta Park, Kansas City, MO)



Figure 5 Example of a Bioretention Facility Integrated into a Low Area of a Park (Arleta Park, Kansas City, MO)



Figure 6 Example of Dry Creek Bed and Bioretention Adjoining a Playground (Arleta Park, Kansas City, MO)

APPENDIX C: PUBLIC ENGAGEMENT PROCESS

6/14/17 Resident and Business Community Meetings

Summary of 6/14/17 Unified Government of Wyandotte County and Kansas City, Kansas Resident and Business Community Meetings at Mission Adelante on NRSA and Selected Area 422.

People in attendance (afternoon session): 13

People in attendance (evening session): 16

**This number does not include the NRSA team or translators*

During the Unified Government's civic engagement process, residents and area business owners were invited to give input and learn about the efforts to improve their community- Selected Area 422. Two sessions were held, one in the afternoon and one in the evening. In both sessions, participants were given maps of the area, a brief background on the project and NRSA, SWOT-analysis style surveys to fill out, and then participated in small group, facilitated discussions about their ideas. Once ideas were recorded in a small group setting, each participant had the chance to vote on the ideas they valued most for each area of the SWOT analysis. The participant's most valued ideas (with three or more votes) are detailed below, organized by each question they were asked on the survey and in small group discussion.

What do you like about your neighborhood?

- Sense of community
- Neighbors/People
- Diversity
- Schools and parks nearby
- Stability and convenience

What don't you like about your neighborhood?

- Feeling unsafe
- Appearance- code violations, trash, infrequent mowing, graffiti
- Traffic violations- speeding, not stopping at stop signs, driving the wrong direction on one-way streets
- Lack of curbs and sidewalks
- Poor street lighting
- Vacant homes
- Loose animals (some have owners and some do not)
- Multiple similar businesses near one another
- Lack of street signage (dead end and one-way streets with no signs)

What things can be improved in your neighborhood, and how?

- Safety/Security/Patrol
- Street lighting

- Curbs and sidewalks
- Walkability/Convenience of stores and shops
- Code enforcement
- Marketing toward young people in urban areas
- Recreational programming and communication of programs
- Rental licensing- there needs to be more control over landlords
- Graffiti on playgrounds
- Traffic control- speedbumps
- Programs to improve homes and streets

What are the barriers to making those improvements?

- Money
- Language barriers
- Bad branding of the area
- City Hall not responsive
- Difficult process of obtaining permits
- Lack of investment from renters
- Absentee homeowners and landlords
- State laws
- Lack of participation from the community

Other things you would like to share:

- People need to know what resources are available (a website could help).
- We want to see people be good neighbors, participate, help, and care about this area.
- We need walking trails and continuous sidewalks.
- City Park needs improvements.
- We like the DDACT police initiative.

What challenges do you have in accessing job opportunities?

- Lack of information
- Language barrier
- Public transit has limited routes and schedules

What critical housing challenges face your neighborhood?

- Lack of code compliance

It is also worthwhile to note that, because Selected Area 422 is a largely Spanish-speaking community, real-time Spanish translation was provided via headsets for participants that needed the service. All of the surveys, sign-in sheets, and the initial mailing that invited community members to participate, were written in both English and Spanish.

6/14/17 Stakeholder Meeting

*Summary of 6/14/17 Unified Government of Wyandotte County and Kansas City, Kansas
Stakeholder Meeting on NRSA and Selected Area 422*

People in attendance: 35

**This number does not include the NRSA team*

Stakeholder Departments and Organizations (one or more person from each) in Attendance:**Unified Government Departments**

Animal Services
Appraiser
Budget
Commissioner
Community Development
County Administrator
Technical Services / GIS
Fire
General Services
Land Bank
Legal
Neighborhood Resources
Parks
Police
Public Works
Health

Outside Organizations

Alcott Arts Center
Dynamic Life Ministries, Inc.
FDIC
Habitat for Humanity of Kansas City
Livable Neighborhoods
Mission Adelante
Sanctuary of Hope
Wyandotte Countians Against Crime (WCAC)

In order to gain input from relevant stakeholders in the Unified Government's NRSA proposal, the project team invited people from various government departments, non-profit agencies, and private organizations in the area to convene and discuss ideas. The group was given a presentation on NRSA, how and why Selected Area 422 was chosen as the project location, maps of the area, and surveys to fill out. The surveys asked the stakeholders if their organization or department could assist, think of challenges, or invest in each of the following categories- transit, housing, education, infrastructure, social services, public facilities, economic opportunities, neighborhood organizations, and other. Once the surveys were complete, the group discussed ideas out loud. The ideas collected from stakeholders are organized by category below.

Transit

Assist:

- The transit department can help provide access to jobs for residents within the area.
- KCATA connections and exclusive routes.
- Work with transit to evaluate needs.
- Build budget / coordinate budget

Challenges:

- Lack of transit in the area.
- No sidewalks or bus station in the area.
- Funding

Invest:

- Create routes that provide job access and connection to regional transit services.
- Add bus station to Workforce Housing.

Housing

Assist:

- Work with citizens to improve property conditions.
- Provide affordable housing materials through ReStore.
- Construct, rehabilitate, preserve, and weatherize homes.
- Build budget / coordinate budget

Challenges:

- Funds for individuals to make repairs
- Vacant or empty structures
- Rental licensing/smoke alarms or lack thereof
- Minor home repair, code violations
- Keeping crime away from properties
- Substandard housing (high rent), lack of affordable housing
- Property values dropping
- Delinquent tax enforcement
- Funding
- Financing for single family residential/don't see as a secure investment

Invest:

- Use demo funds to remove the worst properties not economically feasible to repair.
- Use funds to stabilize/secure abandoned properties (boarding/tarpping)
- Funding, housing assistance
- Rehab program through the Land Bank

Education

Assist:

- Provide education of NRC/UG departments and codes and ordinances.
- Provide basic fire/life safety education
- Help spread word about NRSA to watch groups.
- Home ownership education program, financial literacy
- Include education in workforce housing
- Host informative meetings
- Animal safety and care at schools
- Education on pet assistance/resources available

- ESL classes, business coaching
- Build budget / coordinate budget

Challenges:

- Lack of trust
- Truancy
- Language barriers / cultural differences
- Communication of options- GED, etc
- Teaching all PD about NRSA
- People not aware
- Funding

Invest:

- KCKFD strives to accommodate requests
- Offer more educational assistance in relation to English learning.
- Offer business development classes.

Employment

Assist:

- KCKPD Career Fair
- Hire area workers for infrastructure
- Jobs/employment may be a top issue for our current CHA/CHIP process. Could integrate this focus in action planning, possibly.
- Assist with new businesses.
- Target Central Ave. businesses along central corridor and offer incentives

Challenges:

- Lack of qualified applicants
- Few new jobs
- No resources on practical business coaching.
- Lack of large employers

Invest:

- Develop a clear understanding of employers' needs
- KCKPD officers have a local sign up day
- Small business development education/business coaching

Infrastructure

Assist:

- Storm, sanitary, streets, sidewalks, and signs
- Utility upgrades
- DDACTS zone, observation memos
- Provide a great pool of volunteers to help with maintenance of the buildings
- Evaluate, plan, program and construct improvements
- Already working on streets, sidewalks, etc.
- Build budget / coordinate budget

Challenges:

- Coordination with BPU and other utilities
- Investment level
- Lack of sidewalks to bus stops for youth
- Jobs/employment may be a top issue for our current CHA/CHIP process. □ Safe for safe and affordable housing. The HD would not take over planning/convening efforts already happening, but would lend support as appropriate.
- Large investments, coordination
- Funding
- South central portion where Land Bank area is heavy – need better infrastructure on Bunker or Pacific- may need 2 lanes

Invest:

- Integrate needs into 5 year CIP and annual Operations budget as much as possible
- Portion Unified Government Public Works dollars and budget

Social Services

Assist:

- Coordinate repairs through Home Repair Coalition
- Expand CIT program (Crisis Intervention Team)
- Community gardens, senior facility
- Police Patrol / community engagement
- Help refugees and immigrants to better integrate into society

Challenges:

- Resources
- Homeless
- Public provided resources and assistance are not used to potential
- Identify social problems in the area

Invest:

- Have some minimum home repair funds
- Provide premises for the public community activities

Public Facilities

Assist:

- Public Works will evaluate public facilities similarly to infrastructure.
- Monitor properties involved.
- Community enhancement projects (pavilions, park buildings, benches, etc.)
- Meeting place
- Building assessments

Challenges:

- National Guard properties
- Buildings not code compliant for specific occupancy types

- Aging/Assistance facilities that require special work
- Crime

Invest:

- Develop management plan for facility upgrading

Economic Opportunities

Assist:

- Small business opportunities
- Hire local workers.
- Rehab program with Land Bank
- Opened a thrift store that employs people from the community
- Public awareness

Challenges:

- No awareness

Invest:

- Education on programs and assistance

Neighborhood Organizations

Assist:

- Provide basic fire/life safety education
- Watch group meetings
- Dynamic Life will be housing the Bethel Neighborhood group, Senior Group, and food pantry while they remodel.
- Provide a key point of contact
- Livable Neighborhoods
- Neighborhood Associations training
- Gather community together
- Stray animal prevention, feral cats education
- Use Sanctuary of Hope for meeting place, perhaps get involved in neighborhood
- Existing partnerships with other nonprofit/business entities
- Our office could assist in speaking with neighborhood organizations about values and appeals process, as well as programs the UG offers

Challenges:

- “Don’t ask, don’t tell” mentality
- Lack of community participation in watch groups.
- Involvement
- Lack of communication
- Some run down properties need improvement

Invest:

- WCAC bought park from UG and planted fruit tree orchard for neighborhood.
- Make new groups, assist existing groups with getting bigger

Other

Assist:

- Youth Works is housing teen mission groups over the summer as they come to KC to work in the community.
- Dynamic Life houses a Nepali, Karen, and Hispanic church (Nepali church is preparing to offer a citizenship class for Nepali in area.)
- KCKPD blight and crime crack down
- Community Policing works hand in hand with Codes Department
- Money Smart KC
- We want to create a mixed use area.
- Other potential CHA/CHIP issues areas: Access to healthy foods, access to medical care, childhood trauma/ACES
- Maps and apps- targeted focused maps and web applications to support messaging, activities, and analysis. Data gathering.
- Build budget / coordinate budget / track budget
- Can provide data overtime to assist with measurement of progress

Challenges:

- Short staffed/overtime issues to provide public education
- Language barrier
- Delinquent Tax
- Involvement from PD
- Limited access to central security office
- Crime reduction/shots fired calls
- Vandalism on property
- People using our grounds for other purposes than we intend it to be used for
- Finding funds

7/12/17 Resident and Business Community Meetings

Summary of 7/12/17 Unified Government of Wyandotte County and Kansas City, Kansas Resident and Business Community Meetings at Mission Adelante on NRSA and Selected Area 422.

People in attendance (afternoon session): 6

People in attendance (evening session): 12

**This number does not include the NRSA team or translators*

For this set of community engagement meetings, the NRSA team presented participants with more of a solutions-based approach. First residents were given handouts, in both Spanish and English, that summarized the input received from the meetings a month earlier. They were then presented with some of the “easy wins” that stakeholders came up with in the stakeholder meeting earlier that day. After a brief discussion about the input already collected, participants were invited to propose possible solutions in three aspects of their neighborhood- housing,

economic opportunities (including transit, education, and employment), and public infrastructure and facilities. The solutions mentioned are detailed below.

Housing

- Utilize Facebook- WyCo Lost/Found for lost or loose animals
- Possible Adopt-a-Lot program
- As residents, call in problems to the city, mow property, and encourage/help neighbors with proper home ownership.
- Provide education on how to be a good neighbor.
- Assemble a team of volunteers to mow grass for neighbors who don't.
- Communicate how to properly maintain a home and go after landlords too.
- Be proactive with code enforcement.

Economic Opportunities (Including Transit, Education, and Employment)

- Transit
 - Provide education on the public transit system.
 - Create more direct routes.
 - Create more flexible schedules.
 - Work with KC Bike Project to encourage and simplify bike riding.
- Educate youth on the importance of staying in school.

Public Infrastructure & Facilities

- Implement more traffic calming measures.
- Repair curbs.
- Connect and repair sidewalks.
- Create more volunteering opportunities- there are many skilled laborers in the community.
- Service from offenders
 - Utilize juvenile probation hours to clean up, etc.
 - Partner with Parks
- Install better street signage/ make sure street signs are visible.
- Fix or install street lighting.
- Create events at City Park to make people aware of their park and help them connect/build up the community.
- Create neighborhood garden plots.
- Maintain/improve crosswalks.
- Work with Safe Routes to School to create a safe space for kids to wait for the bus.

7/12/17 Stakeholder Meeting

Summary of 7/12/17 Unified Government of Wyandotte County and Kansas City, Kansas Stakeholder Meeting on NRSA and Selected Area 422.

People in attendance: 28

**This number does not include the NRSA team*

Stakeholder Departments and Organizations (one or more person from each) in Attendance:**Unified Government Departments**

Appraiser
Commissioner
Legal
Transit
Budget
Healthy Communities
Community Development
Parks
Land Bank
Animal Services
Neighborhood Resources (Codes)
Police
Livable Neighborhoods
Treasurer

Outside Organizations

USD 500
Wyandotte Countians Against Crime (WCAC)
Mission Adelante
CABA
Alcott Arts Center
Habitat for Humanity of KC
FDIC
Girl Scouts
LISC
KC Hispanic Economic Development

For the second stakeholder meeting, the NRSA team asked participants to provide input on solutions in three areas- housing, economic opportunities (including transit, education, and employment), and public infrastructure and facilities. The team then asked the stakeholders to identify “easy wins” from these ideas. The solutions mentioned are detailed below. The ideas considered “easy wins” are marked with an asterisk.

Housing

- Provide education on:
 - Neighborhood Revitalization Act (NRA)*
 - Code enforcement*
 - What resources/programs are available*
 - Create a list
 - Responsible property ownership in KCK*
 - Rental property rights and expectations of landlords*
- Identify vacant properties and create a registry.*
- Map- layer/visualize where the different types of homes are/hot spots*
 - Could focus on small area
- Subcommittee of issues and barriers – home improvement and ownership, and other issues or underwriting, education, CRA*

- Encourage buyers, not renters*
- Improve animal services, education, and promote programs available*
- Service project that is visible*
 - Christmas in October
- Look at neighborhood associations and see what is not there. Help set up a group and do training*
 - Establish a neighborhood network
- Enforcement of problem properties*
- Offer a deal through the Land Bank- purchase multiple houses to get a financial deal
- Require rehabbers who purchase Land Bank property to donate services to the community.
- Investment fund – LISC to make investment and resources to meet housing challenges
- Historic rehabs by Habitat, can take on vacant lots
- Define the distinction between minor home repair and home repair.
- Provide financing/credit access for home repair with equity
- Create a code violation resolution program for low-income homeowners.
- Paint homes.
- Address social issues
 - Problems with home ownership can be better addressed once other social issues are addressed.
- Utilize Girl Scouts to educate families and complete service projects.
- Educate on safety indirectly instead of enforcement.

Economic Opportunities (Including Transit, Education, and Employment)

- Bus pass (student ID as free bus pass- KCKCC recently approved, Donnelly College is considering)*
- Future major developments should include community benefits component
 - Trickle down economic impact, need reciprocal services
 - Business In A Day- template they use to walk people through process*
- Future development agreements should have appropriate language from legal staff to have developers contribute to the community*
- Local business directory*
 - Program for skilled workers to get the necessary licenses, etc to work for themselves
- ID barriers for business owners to hire community members*
- Inventory of agencies that provide the resources*
- Youth development program for kids to work on some of the identified issues in area- we could pay them to hit some of these issues
- Program with agency for licensing- Assist individuals wanting to start a new business with bonding*
- Web presence to connect community*
 - Next Door

- Utilize small business liaison.
 - Look at incentive package for small businesses or microloans.
 - Partner with Mission Adelante
- Provide skills training.
- Provide education on the permitting process and provide social support for prospective business owners.
- National Guard Armory- could find a way to take possession or get into Land Bank, could help the whole area
- Create more businesses near I-70 with buffers for residential
- Help refugees and immigrants acclimate to society
- Create computer literacy programming
- Create a Community Improvement District around 18th St.
- Educate employees through HEDC

Public Infrastructure & Facilities

- Improve street signage*
- Improve street lights*
 - Identify where they need repairs/replacements/expansions
- Create a Neighborhood Clean Up Day*
- Improve arks shelters*
- Sidewalk gap completion- connectors*
- Decrease speeding.
- Look into creating a dog park.
- Utilize technology to receive and handle complaints.
- Invest in a signature park.
 - Collaborate with community groups to improve parks



Staff Request for Commission Action

Tracking No. 16817

Full Commission Meeting Date: 10/26/17

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: Yes 11/02/2017

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/11/2017	Jon Stephens	x5749	jstephens@wycokck.org	Economic Development

Item Description:

On 12/5/13, the Board of Commissioners approved a master Resolution of Intent for \$219M in IRBs and a 75% tax abatement for PQ Corporation's multi-phase expansion of the facility at 1700 Kanas Ave. Subsequently, in 2013 the FC passed two Ordinances approving the issuance of \$101,170,000 in IRBs; in 2014 passed two Ordinances approving the issuance of \$56,206,509 in IRBs; in 2015 passed two Ordinances approving the issuance of \$27.5M in IRBs; and in 2016 passed two Ordinances approving the issuance of \$25M in IRBs. As the latest phases of the project have completed construction, PQ is requesting the issuance of additional IRBs, under the authority of the original Maser Resolution of Intent, to keep moving the project towards completion.

PQ Corporation is a manufacturer of silicate and zeolite technology, and employs 95 people at the plant; the series of expansions are expected to add 51 new jobs. The project qualifies for a 10 year, 75% tax abatement for the expansions, with the abatement structured as follows: standard 45%, level of capital investment 15%, target area location 10%, and L/M/W participation 5%.

Action Requested:

Adopt Ordinance to issue \$7.5M in IRBs Series 2017A.

Adopt Ordinance to issue \$2.5M in IRBs Series 2017B.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2017A Ordinance, 2017B Ordinance

ORDINANCE NO. O-____-17

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PQ CORPORATION PROJECT) SERIES 2017A, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Unified Government has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Unified Government and the State of Kansas that the Unified Government issue its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2017A in a principal amount not to exceed \$7,500,000, for the purpose of acquiring, constructing, improving, installing and equipping an industrial facility located at 1700 Kansas Avenue and adjacent properties (the “Project”), and that the Unified Government lease the Project to PQ Corporation, a Pennsylvania corporation (the “Sublessee”); and

WHEREAS, the governing body of the Unified Government further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Unified Government enter into certain agreements, and that the Unified Government take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Improvement, Installation and Equipping of the Project. The Unified Government is hereby authorized to provide for the acquisition, purchase, construction, improvement, installation and equipping of the Project, all in the manner and as more particularly described in the Indenture, the Base Lease and the Sublease, all hereinafter defined and authorized.

Section 2. Authorization of and Security for the Bonds. The Unified Government is hereby authorized to issue and sell its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2017A, in a principal amount not to exceed \$7,500,000 (the “Bonds”), for the purpose of providing funds to pay the cost

of acquiring, purchasing, constructing, improving, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Unified Government from the Project, and the Project and the net earnings derived by the Unified Government from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Unified Government is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Unified Government (copies of which documents, upon execution thereof, shall be filed in the office of the Unified Government Clerk), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Fourth Supplemental Trust Indenture (the "Fourth Supplemental Indenture"), which supplements and amends the Trust Indenture, the First Supplemental Trust Indenture, the Second Supplemental Trust Indenture and the Third Supplemental Trust Indenture (collectively, with the First Supplemental Trust Indenture, the Second Supplemental Trust Indenture, the Third Supplemental Trust Indenture and the Fourth Supplemental Indenture, the "Indenture"), each between the Unified Government and Security Bank of Kansas City (the "Trustee");
- (b) Fourth Amendment of Base Lease Agreement (the "Fourth Amendment of Base Lease") which supplements and amends the Base Lease Agreement, the First Amendment of Base Lease Agreement, the Second Amendment of Base Lease Agreement and the Third Amendment of Base Lease Agreement (collectively, with the First Amendment of Base Lease Agreement, the Second Amendment of Base Lease Agreement, the Third Amendment of Base Lease Agreement and the Fourth Amendment of Base Lease, the "Base Lease"), each between the Sublessee, as lessor, and the Unified Government, as lessee;
- (c) Fourth Supplemental Sublease Agreement (the "Fourth Supplemental Sublease") which supplements and amends the Sublease Agreement, the First Supplemental Sublease Agreement, the Second Supplemental Sublease Agreement and the Third Supplemental Sublease Agreement (collectively, with the First Supplemental Sublease Agreement, the Second Supplemental Sublease Agreement, the Third Supplemental Sublease Agreement and the Fourth Supplemental Sublease, the "Sublease"), between the Unified Government, as sublessor and the Sublessee, as sublessee;
- (d) a Bond Purchase Agreement (the "Bond Purchase Agreement") with respect to the Bonds, among the Unified Government, the Sublessee and Zeolyst International, as purchaser (the "Purchaser"); and
- (e) Performance Agreement (the "Performance Agreement"), between the Unified Government and the Sublessee.

Section 4. Execution of Bond and Documents. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Unified Government in the manner provided in the Indenture. The Mayor/Chief Executive of the Unified Government is hereby authorized and

directed to execute the Fourth Supplemental Indenture, the Fourth Amendment of Base Lease, the Fourth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Unified Government. The Clerk of the Unified Government is hereby authorized and directed to attest to and affix the seal of the Unified Government to the Bonds, the Fourth Supplemental Indenture, the Fourth Amendment of Base Lease, the Fourth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary.

Section 5. Ad Valorem Tax Abatement. In consideration of the Sublessee's decision to acquire, purchase, construct, improve, install and equip the Project, 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.

The Project financed with the proceeds of the Bonds shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued by the Unified Government. The percentage of abatement is anticipated to be 75% subject to adjustment in accordance with the Performance Agreement.

The Sublessee agrees to submit, or cause the Project's operator or manager to submit, to the Unified Government by March 1st of each year of tax abatement, an annual certification of the Sublessee or such operator or manager of the percentage of its employees employed at the Project on the previous December 31st that are residents of Wyandotte County as shown on the records of the Company.

Section 6. Further Authority. The Unified Government shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Unified Government with respect to the Bonds, the Fourth Supplemental Indenture, the Fourth Amendment of Base Lease, the Fourth Supplemental Sublease, the Bond Purchase Agreement and the Performance Agreement.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official Unified Government newspaper.

PASSED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this 26th day of October, 2017.

Mayor/CEO

[SEAL]

ATTEST:

Unified Government Clerk

[Published in *The Wyandotte Echo* on November 1, 2017]

ORDINANCE NO. O-__-17

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PQ CORPORATION PROJECT) SERIES 2017B, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, (the “Unified Government”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Unified Government has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Unified Government and the State of Kansas that the Unified Government issue its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2017B in a principal amount not to exceed \$2,500,000 for the purpose of acquiring, constructing, improving, installing and equipping an industrial facility located at 1700 Kansas Avenue and adjacent properties (the “Project”), and that the Unified Government lease the Project to PQ Corporation, a Pennsylvania corporation (the “Sublessee”); and

WHEREAS, the governing body of the Unified Government further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Unified Government enter into certain agreements, and that the Unified Government take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Improvement, Installation and Equipping of the Project. The Unified Government is hereby authorized to provide for the acquisition, purchase, construction, improvement, installation and equipping of the Project, all in the manner and as more particularly described in the Indenture, the Base Lease and the Sublease, all hereinafter defined and authorized.

Section 2. Authorization of and Security for the Bonds. The Unified Government is hereby authorized to issue and sell its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2017B, in

a principal amount not to exceed \$2,500,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, improving, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Unified Government from the Project, and the Project and the net earnings derived by the Unified Government from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Unified Government is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Unified Government (copies of which documents, upon execution thereof, shall be filed in the office of the Unified Government Clerk), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Fourth Supplemental Trust Indenture (the “Fourth Supplemental Indenture”), which supplements and amends the Trust Indenture, the First Supplemental Trust Indenture, the Second Supplemental Trust Indenture and the Third Supplemental Trust Indenture (collectively, with the First Supplemental Trust Indenture, the Second Supplemental Trust Indenture, the Third Supplemental Trust Indenture and the Fourth Supplemental Indenture, the “Indenture”), each between the Unified Government and Security Bank of Kansas City (the “Trustee”);
- (b) Fourth Amendment of Base Lease Agreement (the “Fourth Amendment of Base Lease”) which supplements and amends the Base Lease Agreement, the First Amendment of Base Lease Agreement, the Second Amendment of Base Lease Agreement and the Third Amendment of Base Lease Agreement (collectively, with the First Amendment of Base Lease Agreement, the Second Amendment of Base Lease Agreement, the Third Amendment of Base Lease Agreement and the Fourth Amendment of Base Lease, the “Base Lease”), each between the Sublessee, as lessor, and the Unified Government, as lessee;
- (c) Fourth Supplemental Sublease Agreement (the “Fourth Supplemental Sublease”) which supplements and amends the Sublease Agreement, the First Supplemental Sublease Agreement, the Second Supplemental Sublease Agreement and the Third Supplemental Sublease Agreement (collectively, with the First Supplemental Sublease Agreement, the Second Supplemental Sublease Agreement, the Third Supplemental Sublease Agreement and the Fourth Supplemental Sublease, the “Sublease”), between the Unified Government, as sublessor and the Sublessee, as sublessee;
- (d) a Bond Purchase Agreement (the “Bond Purchase Agreement”) with respect to the Bonds, among the Unified Government, the Sublessee and the Sublessee, as purchaser (the “Purchaser”); and
- (e) Performance Agreement (the “Performance Agreement”), between the Unified Government and the Sublessee.

Section 4. Execution of Bond and Documents. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Unified Government in the manner

provided in the Indenture. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Fourth Supplemental Indenture, the Fourth Amendment of Base Lease, the Fourth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Unified Government. The Clerk of the Unified Government is hereby authorized and directed to attest to and affix the seal of the Unified Government to the Bonds, the Fourth Supplemental Indenture, the Fourth Amendment of Base Lease, the Fourth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary.

Section 5. Ad Valorem Tax Abatement. In consideration of the Sublessee's decision to acquire, purchase, construct, improve, install and equip the Project, 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.

The Project financed with the proceeds of the Bonds shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued by the Unified Government. The percentage of abatement is anticipated to be 75% subject to adjustment in accordance with the Performance Agreement.

The Sublessee agrees to submit, or cause the Project's operator or manager to submit, to the Unified Government by March 1st of each year of tax abatement, an annual certification of the Sublessee or such operator or manager of the percentage of its employees employed at the Project on the previous December 31st that are residents of Wyandotte County as shown on the records of the Company.

Section 6. Further Authority. The Unified Government shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Unified Government with respect to the Bonds, the Fourth Supplemental Indenture, the Fourth Amendment of Base Lease, the Fourth Supplemental Sublease, the Bond Purchase Agreement and the Performance Agreement.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official Unified Government newspaper.

PASSED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this 26th day of October, 2017.

Mayor/CEO

[SEAL]

ATTEST:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 171346

Full Commission Meeting Date: 10/26/17

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: Yes 11/02/2017

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/16/2017	Ryan Haga	x5075	rhaga@wycokck.org	Legal

Item Description:

Project Name: Board of Public Utility's Water Operations Center for its Muncie site

As part of the Board of Public Utility's Water Operations Center for its Muncie site, the Commission adopted Resolution No. R-36-17, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.

Action Requested:

To approve the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ord.BPU Water/Muncie Site

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE condemning land for the expansion of the Board of Public Utility's Water Operations Center for its Muncie site, and for the location, construction, operation, repair and maintenance of various improvements, facilities and equipment ancillary to the operation of such Water Operations Center, all in Kansas City, Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

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

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the expansion of the Board of Public Utility's Water Operations Center for its Muncie site, and for the location, construction, operation, repair and maintenance of various improvements, facilities and equipment ancillary to the operation of such Water Operations Center, all in Kansas City, Wyandotte County, Kansas, to-wit:

Tract 1:

Fee Simple Owner: Adan Hermenegildo Lemus and Berta Marilu Lemus, a/k/a Berta Marilu Espinosa
Mailing Address: 351 S. Bethany Street
Kansas City, Kansas 66102

Real Property Interests to be Acquired: Subject to existing easements of record, the Fee Simple Interest, including all improvements thereon, if any, in:

The north 36 feet of Lot 24, Block 6, Armourdale Heights, a subdivision of land located in Wyandotte County, Kansas, having a common address of 351 S. Bethany Street, Kansas City, Kansas 66102. (Assessor's Parcel ID No. 071102).

Tract 2:

Fee Simple Owner: Vendee Mortgage Trust 1992-A.
Mailing Address: c/o Deutsche Bank National Trust Company, f/k/a Bankers Trust Company of California, N.A., Trustee
2000 Avenue of the Stars, 9th Floor, North Tower
Los Angeles, CA 90067-4712

Real Property Interests to be Acquired: Subject to existing easements of record, the Fee Simple Interest, including all improvements thereon, if any, in:

Lot 23, except the south 32 feet thereof, and Lot 24, except the north 36 feet thereon, of Block 6, Armourdale Heights, a subdivision of land located in Wyandotte County, Kansas, having a common address of 353 S. Bethany Street, Kansas City, Kansas 66102. (Assessor's Parcel ID No. 071101).

Tract 3:

Fee Simple Owner: Fernando Sepulveda
Mailing Address: 355 S. Bethany Street
Kansas City, Kansas 66102

Real Property Interests to be Acquired: Subject to existing easements of record, the Fee Simple Interest, including all improvements thereon, if any, in:

The North 10 feet of Lot 22, and the South 23 feet of Lot 23, Block 6, Armourdale Heights, a subdivision of land located in Wyandotte County, Kansas, having a common address of 355 S. Bethany Street, Kansas City, Kansas 66102. (Assessor's Parcel ID No. 071100).

- Section 2. It is hereby found that the costs of this project will be paid from Kansas City Board of Public Utilities.
- Section 3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
- Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo.

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

Mayor/CEO Mark Holland

Unified Government Clerk

Approved as to form:
Ryan Haga
Assistant Counsel



Staff Request for Commission Action

Tracking No. 171335

Full Commission Meeting Date: 10/26/17

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/10/2017	Emerick Cross	x6784	ecross@wycokck.org	Commission Liaison

Item Description:

Nominations for Boards & Commissions:

Jody Boeding, Library Board, 10/26/17 to 3/31/20, submitted by Commissioner McKiernan

Timothy Howe, Area Wide Advisory Council on Aging, 10/26/17 to 3/31/20, submitted by Commissioner McKiernan

Charles Van Middlesworth, Landmarks Commission, 10/26/17 to 3/31/20, submitted by Commissioner McKiernan

Janice Santiago, Advisory Commission on Human Relations & Disability Issues, 10/26/17 to 3/31/18, submitted by Commissioner Walters

Action Requested:

10/26/17

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

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

PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, SEPTEMBER 28, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 28, 2017, with nine members present: Bynum, Commissioner At-Large First District and Mayor Pro Tem; Townsend, Commissioner First District (via telephone); Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding (arrived at 7:12 p.m.) Walker, Commissioner At-Large Second District; and McKiernan, Commissioner Second District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Ryan Haga, Attorney; Lindsay Behgam, Executive Coordinator to the Mayor; Emerick Cross, Commission Liaison; Janet Parker and Byron Toy, Planning; Rob Richardson, Director of Planning; Chris Slaughter, Land Bank Manager; and Captain Rodney Smith, Sergeant-at-Arms.

Mayor Pro Tem Bynum called the meeting to order.

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

INVOCATION was given by Reverend Commissioner Harold Johnson.

Mayor Pro Tem Bynum said I'd like to let you know that Mayor Holland is enroute and the first thing I will do is ask the Clerk if there are any revisions to tonight's agenda.

Carol Godsil, Deputy Unified Government Clerk, said yes, we do have a revision. There is an Item No. 4 that has been added under the Non-Planning Consent Agenda. It's an ordinance authorizing the Chief Counsel to commence legal proceedings to acquire property for the UG

Juvenile Center Complex, Memorial Hall and attendant parking area project. The Commission did approve this ordinance back on August 31 and a clerical error was later discovered. Therefore, the ordinance must be corrected and readopted.

Mayor Pro Tem Bynum said I am going to recess us as the Board of Commissioners and I am going to move the order of the agenda. The Land Bank portion of our agenda, which is the very last portion of our agenda, so that is going to allow Chris Slaughter to come forward.

Action: **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to move the order of the agenda.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

Mayor Pro Tem Bynum adjourned the Commission as the Unified Government Board of commissioners and reconvened as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 171286...COMMUNICATION: LAND BANK BUSINESS

Synopsis: Request approval of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager.

Applications for yard extension

619 Silver Hill Dr. - Jermaine McGee

1402 New Jersey Ave. - Monica Zamora

1715 S. 12th St. - Jerald Apperson

(The Land Bank Advisory Board recommends forwarding the applications for 1402 New Jersey Ave. and 1715 S. 12th St. for final approval to the Land Bank Board of Trustees. They also deferred to the City of Bonner Springs for 619 Silver Hill Dr. Coincidentally, the City of Bonner Springs supports the application for 619 Silver Hill Dr.)

Transfer to Land Bank

2628 N. 21st St. from Habitat for Humanity of Kansas City

(This property has been determined not suitable for new construction by Habitat.)

Donations to Land Bank

209 Waverly Ave. - Loretta Davis

217 Waverly Ave. - Loretta Davis

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

Mayor Pro Tem Bynum said I will now call us back into session as the Board of Commissioners.

PLANNING AND ZONING CONSENT AGENDA

Mayor Pro Tem Bynum said tonight we do have two distinct parts to our meeting. The planning and zoning part of the meeting is handled first and then that will be followed by our regular commission meeting. I’m going ask the Clerk to read the statement followed by the items on the Planning and Zoning Consent Agenda.

Carol Godsil, Deputy UG Clerk, read the statement.

Ms. Godsil asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda? **Mayor Holland** said let the record show no one is coming forward with any disclosures.

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

Mayor Holland asked if any commissioner, staff member, or person in attendance tonight would like to remove any item from the Consent Agenda. Any item not so removed will be voted on by a single vote. There were no set-asides.

Action: Commissioner Johnson made a motion, seconded by Commissioner Philbrook to approve. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171301...SPECIAL USE PERMIT APPLICATION #SP-2017- 48 – SCOTT GOBLE

Synopsis: Special Use Permit for a telecommunications tower at 11501 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The applicant is seeking approval of a special use permit to build a 150 foot tall self-support stealth monopole wireless tower for T-Mobile and related ground equipment enclosed within a wood board fence compound. This site is the future home of the American Royal facility. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2017-48, subject to:

Urban Planning and Land Use Comments

1. The owner shall agree to relocate pole if it interferes with future development on this site.
2. All landscaping and screening requirements must be met prior to building permit approval.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. The proposed 24” CMP culvert under the driveway entrance shall be RCP in accordance with UG standards and criteria.
 - b. The plans shall show the existing Water One waterline that parallels with N. 118th Street, going north-south where the proposed driveway, excavation, and underground electric line cross.
 - c. The proposed 5’ to 10’ excavation for the driveway culvert crossing may conflict or reduce the cover of the existing Water One waterline. Please coordinate with

Water One and obtain a release letter from Water One regarding the proposed excavation and improvements.

- d. Any redesign shall be coordinated and approved by UG staff prior to construction permit acquisition.
 - e. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit #SP-2017-48 subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 2 – 171302...SPECIAL USE PERMIT #SP-2017-51 – LESTER YOUNG

SYNOPSIS: Home Occupation Special Use Permit for a barber shop at 3401 North 30th Street, submitted by Robin Richardson, Director of Planning. The applicant is seeking a home occupation special use permit to operate an in-home barbershop. The applicant states that part of the house is used as a residence and the other side attached to the home will be the barbershop. The proposed business will have one employee in addition to Mr. Young. The business hours will not exceed 7:00 a.m. – 6:00 p.m. The barbershop will not serve more than two clients at any one time and will not include any signs advertising the business. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2017-51, subject to:

Urban Planning and Land Use Comments:

- 1. Approval of the special use permit shall be for two years
- 2. Hours of operation shall not exceed the hours of 7:00 a.m. – 6:00 p.m.
- 3. The business shall not exceed one employee in addition to the members of the immediate family residing on the premises.
- 4. The business shall not serve more than two clients at any one time.

5. The business shall not display any signs advertising the business on the property.

Public Works Comments: None.

Action: Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit #SP-2017-51 for two years and subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 3 – 171303... SPECIAL USE PERMIT #SP-2017-52 – MARCIE HUCKABY

Synopsis: Renewal of a Special Use Permit (#SP-2016-38) for live entertainment in conjunction with an existing restaurant and drinking establishment at 8121, 8123 and 8125 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The applicant, Marcie Huckaby with MME LLC wants to continue to have live entertainment in conjunction with a restaurant/drinking establishment d/b/a The Dotte Spot Bar & Grill at 8123 Parallel Parkway. The Planning Commission voted 9 to 0 to recommend approval of special use permit #SP -2017-52 subject to:

Urban Planning and Land Use Comments:

1. Please indicate any instances where KCK Police have been called to the establishment and any instances of complaints of noise or other concerns from nearby tenants or property owners since July 2015.
Applicant Response: None to applicant’s knowledge
Staff Response: KCK Police Department reports only one call for service and that was on March 18, 2017 for a “hold up alarm hit” during a disturbance going on; there were no arrests made.
2. Have hours or days of live entertainment changed since initially approved in 2015?
Applicant Response: Yes, live entertainment is the same hours, but only every other Saturday.
3. Approval would be for five years.
4. If approved, all previous stipulations apply.

Public Works Comments: None.

Action: Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit #SP-2017-52 for five years and subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 171304...PLAN REVIEW APPLICATION #PR-2017-29 – DENTON STEIN

Synopsis: Preliminary and Final Plan Review for installation of a purified ice and water kiosk at 6000 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant has submitted a preliminary and final plan review application in order to install a purified ice and water kiosk in the parking lot of the Sunset Plaza shopping center at 6000 Leavenworth Road. The proposed kiosk will measure 13 feet by 8 feet and 1 inch and will feature water and ice vending capabilities on the outside façade of the structure (customers will not enter the structure). The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2017-29, subject to:

Urban Planning and Land Use Comments:

The following are stipulations of approval:

Parking and Circulation

The ice vending structure and bollards shall not encroach on any drive aisles.

Parking Lot Condition

The parking lot pavement for at least 24 feet in all directions surrounding the proposed structure shall be resurfaced and maintained in good condition.

Commercial Development Overlay Zone:

The ice vending machine shall comply with the commercial development overlay zone including the following requirements:

Façade Materials and Color

The building façade must be 50% masonry. The remaining materials must be a durable, economically maintained material that will retain its appearance over time such as stone, brick, stucco, or cementitious siding. Intense, bright, black, or fluorescent colors shall be used sparingly

and only as accents. The ice vendor shall use the exterior materials in the attachments section of this staff report.

Landscaping and Screening of Parking

Please provide a continuous row of shrubs screening the parking lot from adjacent public streets. Shrubs must not exceed a maximum of 30 inches at maturity.

Street Trees

Provide one street tree for every 30 feet of street frontage between the parking lot entrances.

Screening of Mechanical Equipment

All mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view.

Condition of Structure

The structure, pavement area, bollards, awnings, landscaping, and all other aspects of the ice vending structure shall be maintained in excellent condition at all times.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. Any improvements including landscaping and sanitary sewer connection within the right-of-way shall be coordinated with Public Works and the Leavenworth Road Project.
 - b. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

ACTION: Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve Plan Review Petition #PR-2017-29 subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

MISCELLANEOUS – ORDINANCES

ITEM NO. 1 – 090298...REZONING ORDINANCE #2984

Synopsis: An ordinance rezoning property at 1111 and 1115 North 17th Street and 1619 Nebraska Avenue from R-2 Two Family District to MP-2 Planned General Industrial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-39-17**, “An ordinance rezoning property hereinafter described located at approximately 1111 and 1115 North 17th Street and 1619 Nebraska Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-2 Two Family District to MP-2 Planned General Industrial District.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 2 – 130175... REZONING ORDINANCE #3051

Synopsis: An ordinance rezoning property at 9001 State Avenue from CP-1 Planned Limited Business District to CP-2 Planned General Business District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-40-17**, “An ordinance rezoning property hereinafter described located at approximately 9001 State Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 3 – 140273... REZONING ORDINANCE #3075

Synopsis: An ordinance rezoning property at 2915 Brown Avenue from C-1 Limited Business District to CP-3 Planned Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-41-17**, “An ordinance rezoning property hereinafter described located at approximately 2915 Brown Avenue in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial District.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 4 – 16755... REZONING ORDINANCE #3117

Synopsis: An ordinance rezoning property at 1800 Steele Road from C-1 Limited Business District to CP-2 Planned General Business District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-42-17**, “An ordinance rezoning property hereinafter described located at approximately 1800 Steele Road in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 5 – 171181... REZONING ORDINANCE #3131

Synopsis: An ordinance rezoning property at 10128 Nelson Lane from R-1 Single Family District to A-G Agriculture District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-43-17**, “An ordinance rezoning property hereinafter described located at approximately 10128 Nelson Lane in Kansas City, Kansas,

by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 6 – 171254... REZONING ORDINANCE #3145

Synopsis: An ordinance rezoning property at 8932 State Avenue from R-1 Single Family District to CP-1 Planned Limited Business District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-44-17**, “An ordinance rezoning property hereinafter described located at approximately 8932 State Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-1 Planned Limited Business District.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 7 – 130356... VACATING ORDINANCE #U-2013-14

Synopsis: An ordinance vacating a drainage easement at 8440 Gibbs Road, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-45-17**, “An ordinance vacating a tract of line in the southwest ¼ of Section 29, Township 11, Range 24 East in the City of Kansas City, Wyandotte County, Kansas; Beginning at the northwest corner of Gibbs Road Plat, a subdivision in the City of Kansas City, Wyandotte County, Kansas located at approximately 8440 Gibbs Rd.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 8 – 171071... REZONING ORDINANCE #A-2017-1

Synopsis: An ordinance vacating an alley at 14 South 7th Street Trafficway, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-46-17**, “An ordinance vacating property located at approximately 14 South 7th Street Trafficway, Kansas City, Kansas.”
Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

PLANNING AND ZONING NON- CONSENT AGENDA**SPECIAL USE PERMIT APPLICATIONS****ITEM NO. 1 – 171300...SPECIAL USE PERMIT APPLICATION #SP-2017-28 – ABDUL MAZID**

Synopsis: Special Use Permit for a used car dealership at 1010 Merriam Lane, submitted by Robin Richardson, Director of Planning. The applicant has applied for a special use permit to operate a used car dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time it has been operated as a variety of businesses including an automobile repair business from 2004-2005 and a retail market (Kimo’s Market) from 2005-2008. In 2016, the property was issued a court summons for being a residential rental property without a rental permit. This case was dismissed. The property has received numerous code citations for graffiti, trash, and abandoned vehicles in the past prior to Mr. Mazid’s ownership. The Planning Commission voted 7 to 2 to recommend approval of Special Use Permit Application #SP-2017-28 for two years, subject to reviewing the sidewalk placement within two years, brick restoration compliance at the end of year one (as per the proposal of the applicant) and the condition of the landscaping plan within two years and subject to the applicant going before the Board of Zoning Appeals for the parking.

Urban Planning and Land Use Comments:

1. Restoration of brick and repair of façade including windows and doors required. Restore the brick building façade including windows and doors.

Applicant Response: The property owner has already made many improvements/repairs to the building. We will be prepared to show before and after photos and present our case at the public hearings.

2. Parking Lot Upgrades Required - Upgrade the parking lot including striping and resurfacing of lots.

Applicant Response: We agree to this condition. The property owner has already made parking lot surface improvements and will add new striping after a plan is approved.

3. Number of Parking Spaces Required

Based on a building floor area of 4,532 sq. ft., 19 parking spaces are required under the district regulations of four spaces per 1,000 square feet of floor area. Under the nonconformities subdivision of the administration and enforcement division of the zoning code, the arrangement of number of parking may be afforded legal nonconforming status. However, the site plan designates six spaces for storage and display of vehicles for sale, leaving only three spaces plus one ADA space for customers. This may be an inadequate number of parking spaces for this use.

Applicant Response: We would like to request a waiver/deviation to the code requirement. We believe that the number of proposed parking is adequate for this use on this particular site.

Staff Response: This request will require a variance from the Board of Zoning Appeals.

4. Sidewalks Required

The applicant is required to install a sidewalk along the length of the property adjacent to Dodson Street. Sec. 27-593(19)(f) states, "Install/repair sidewalks per Code." The City-Wide Master Plan designated Dodson as a local street which is required to have a sidewalk on at least one side of the street.

Applicant Response: We would like to request a waiver/deviation to the code which requires this sidewalk to be constructed. There are some factors that we believe make this a very challenging street to add a sidewalk to. The existing steep slope along the south side of Dodson as well as the lack of curb and separation between the street and

anticipated proposed sidewalk location are two of the main concerns. We will be prepared to discuss our concerns in greater detail at the public hearings.

Staff Response: Constructing infill sidewalks is often challenging, but it is necessary to improve the walkability of the community. This case would extend the new sidewalks on Merriam Lane into the Rosedale neighborhood. The special use permit requirements for used car dealerships specifically require the installation of sidewalks; a variance would be required from the Board of Zoning Appeals.

5. Screening of Trash Receptacles Required - All trash receptacles shall be enclosed with a screening wall of fence constructed of the same materials as the primary structure. The screen must be a minimum height of six feet on all sides and designed with the gate facing away from streets or adjacent land uses.

Applicant Response: There will be no dumpster. They are having it removed.

Staff Response: How will trash be disposed?

6. Screen Parking from Public Right-Of-Way - Parking is required to be screened from public right-of-way through use of landscaping.

Applicant Response: We will add two street trees along Merriam Lane. In lieu of low growing shrubs along Merriam Lane, we are proposing a 3' tall black aluminum fence with gates at the driveways.

Staff Response: Fence is not screening.

7. Quantity and Placement of Trees - With a site area of 7,407 square feet, 1.85 trees are required. With a street frontage of 280.47 feet, 9.35 trees are required. In total, 12 trees are required. Please increase the number of trees to meet this requirement. The Commercial design guidelines require street trees every 55 feet. Please place street trees in the landscape zone along Merriam Lane.

Applicant Response: We have added three more trees and seven more shrubs to the area in the back. We will also add two street trees along Merriam Lane.

Staff Response: The special use permit requirements for used car lots were put in place in 2015 to ensure all new businesses of this type meet the highest standards in order to improve the appearance and livability of the community. This site is not capable of meeting the requirements and is, therefore, not a suitable location for this type of business.

8. Widen ADA Space to 9 Feet - The ADA space must be at least 9 feet wide.
 Applicant Response: We agree to this condition.
 Staff Response: The revised site plan adequately addresses this issue.
9. Remove Sign Post in Public Right of Way - Please remove the steel sign post in the right of way.
 Applicant Response: We agree to this condition.
 Staff Response: The sign post is still shown in the revised site plan. Sign post shall be removed as a stipulation of approval.
10. No Inoperable Vehicles Allowed on Site - Automobiles must not be inoperable, ruined, dismantled or wrecked.
 Applicant Response: We agree to this condition.
11. Final Plan Approval required:
 If the special use permit is approved, the applicant must submit for a final plan review after approval of the preliminary plan by the Unified Government Board of Commissioners. The City Planning Commission must approve the final plan prior to the special use permit going into effect or building permits being issued.
 Applicant Response: We agree to this condition.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Bryant Parker, Attorney for the applicant Abdul Mazid, 5147 Wyandotte St., KCMO, said this evening I've been engaged by Mr. Mazid to represent him in his application for a special use permit at 1010 Merriam Lane, a 24-month long special use permit to allow this property to be used as a used car lot with six exterior car stalls. Without further ado, I want to get right into the

presentation because I want it to be as short as possible. I am a former city attorney and so I very much respect your time.

Application Overview

Applicant, Abdul Mazid, is requesting a special use permit be issued to allow approval of a used car dealership at 1010 Merriam Lane

Proposed facility will have 6 exterior parking spaces, with an additional 4 spaces for use as customer parking.

Here's a brief overview. As I said, we are requesting a special use permit with six exterior parking spaces and an additional four spaces for use as customer parking.

Application Overview

Staff has recommended denial of this application, based in large part on community's vision for future of this area

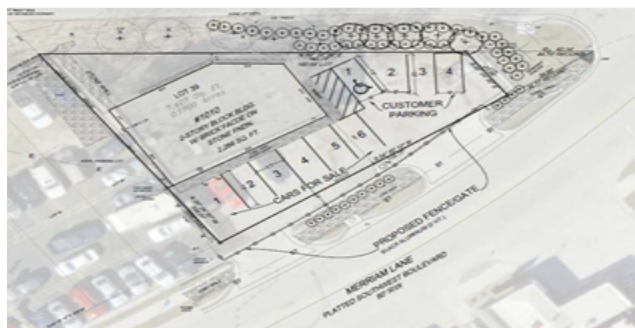
Planning Commission recommended approval (7-2 vote) subject to the following conditions:

- Sidewalk requirement deferred unless/until SUP is renewed in 2 years
- Brick restoration to be completed at the end of Year 1
- Applicant to appear before Board of Zoning Appeals for parking

We request approval of the two-year special use permit subject to Planning Commission's recommended conditions

Staff has recommended denial of this application based in large part on the community's vision for the future for this area. However, the Planning Commission recommended approval by 7 to 2

vote, subject to the following conditions. That the sidewalk requirement be deferred unless it until the special use permit is renewed in two years. The brick restoration requirement be completed at the end of the first year and that the applicant appear before the Board of Zoning Appeals regarding parking. We wholeheartedly agree with all of these conditions as they modify staffs conditions and with that we request approval of the two-year special use permit subject to Planning Commission's recommended conditions.



This is an overview. This is a site plan of the property at 1010 Merriam Lane. What you'll see here is these are the six slots that would be painted for a car sales. This is our customer parking. Very large ADA accessible spot followed by three other non-ADA accessible spots. Staff would have the option, if none of these are occupied of parking here, but more likely they would park inside because there is some storage available inside of the building that may also be used for a handful of cars but it's not that large.

Cost of Denial v. Benefit to City

Main Benefit of Denial is Sending Consistent Message that Used Car Dealerships are not Wanted In Rosedale Area
Denial Has Many Costs And Is Not Supported by Factors to be Considered under Kansas Law and the U.G. Zoning Regulations

I first want to talk about the cost of denial versus the benefit to the city. The main benefit of denial is sending a consistent message that used car dealerships are not wanted in the Rosedale area. Denial has many costs and is not supported by factors to be considered under Kansas law and the Unified Government zoning regulations and I want to get into that very briefly.

ULTIMATE IMPACT OF DENIAL

If SUP is denied, property will revert to prior ownership and be plagued by same problems (vacancy, vandalism, dilapidation, illegal dumping, nuisance violations, etc.)

At this time, we are not aware of any possibility of selling property for different use

- Comment From One Investor Interested In Property In Corridor:
"We are not interested in 1010 Merriam Lane. Any offer made would be a fire sale price. Lacks parking, highway access and has a 2nd story."

Denial actually hampers the redevelopment of the Southwest Blvd./Merriam Lane Corridor

- Businesses do not feel safe investing in areas that are not kept up
- Vandalism and lack of property maintenance encourages crime

The ultimate impact of denial on my client and the community as a whole, if this permit is denied, my client purchased this property by an owner carrying mortgage. For those of you who are not familiar, that basically means that the property owner prior to him is the one that's

financing the note. If my client defaults and unable to make payments, it will revert to that property owner. When it was in the hands of that property owner for whatever reason, I don't say bad things about anyone, but it was subject to vacancy, vandalism, dilapidation and a lot of illegal dumping. You'll see photos before and after in just a moment. Nuisance violations and unlawful occupancy: so there's no reason to believe that if my client who has invested well over \$20K, he may be closer to \$30K at this point, of his own funds to clean up this property in the hopes that it could be used for a couple of years as a used car permit, a used car dealership. There's no reason to believe that it wouldn't go back to its former condition.

At this time we are not aware of any possibility of selling the property for a different use. I was fortunate to meet with Ms. Stryka who I very much respect of the Rosedale Development Association. She was kind enough to provide me with the names of two separate investors in the area that are looking at purchasing property actively along this corridor. I was able to reach one of them and I left a message for the other. The comment from the one investor that I was able to reach that was interested in property in the corridor, he said, "We are not interested in 1010 Merriam Lane. Any offer made would be a fire sale price, lacks parking, highway access and has a second story."

As I've said, denial actually hampers the redevelopment of the Southwest Boulevard Merriam Lane Corridor. Businesses do not feel safe in investing in areas that are not kept up. A lack of vandalism and a lack of property maintenance have been shown to encourage crime.

Denial Is Not Supported by Criteria

Factor 1: The Character of the Neighborhood.
& Factor 2: The Zoning and Uses of Properties Nearby and the Proposed Use's Expected Compatibility With Them

- Following Businesses are located on Merriam Lane Near Property:
 - 1022 Merriam Lane (Next Door to Property on South Side): Used Car Dealership, Chilitos Auto Sales
 - 1007 Merriam Lane: Gun Store, Quick's Guns and Transfers
 - 1017 Merriam Lane: Auto Repair Shop and U-Haul Rental Store, Anders Automotive
 - 1115 Merriam Lane: RV & Mobile Home Parts & Service, KC Home Trailer

Furthermore, denial is not supported by the criteria that this board is required to consider under Kansas Law and under its code. I want to preface this by saying these criteria are looked at in the present tense. Now you consider your long-term plans, but that's just one consideration that the board brings in when they are looking at this type of use.

The applicants attorney, myself, I'm the first to admit that long-term this may not be the most desirable use for this area, no question about it. I've already advised my client that should this board approve this special use permit he needs to understand it is a temporary approval for two years. There's little to no chance that he should expect it to be renewed unless he has done his utmost to sell this property and recoup his investment and he literally has not been able to do so. I've told him this is not a long-term location for him. Literally he should just be focused on recouping his investment and moving on.

That being said, my job is to take you through the factors and I wanted to highlight a few of them. The character of the neighborhood and the zoning and uses of property nearby and the proposed uses expected compatibility with them. The following businesses are located on Merriam Lane near the property, most of them—they're all within one block. You'll notice a theme, they're all automobile oriented. There's a used car dealership, Chilitos Auto Sales, forgive me if I mispronounce that, it's directly nextdoor. Across the street is a gun store, Quicks Guns and Transfers. Cattycorner across the street at 1017 Merriam Lane is an auto repair shop and U-Haul rental store and there's automotive. On down about a block is an RV and mobile home parts and service store, KC Home Trailer.

Denial is Not Supported by Criteria

Factor 3: The Suitability of the Property for the Uses to Which it has Been Restricted. Will Removal of the Restrictions Detrimentally Affect Nearby Property.

& Factor 4: The Length of Time the Property Has Remained Vacant as Zoned.

- Property has been vacant or unlawfully occupied for at least the last 8 years
- Long term prior use of the property as an antique car sales business from 1987 to 2001 compared with much shorter existence of other uses (auto repair for 1 year (2004-2005) and a retail market from 2005-2008) shows that property is more suited to be a used car business.

Factor 3: The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect the nearby property and then the length the time of property has remained vacant as zoned. Currently the property has been vacant or unlawfully occupied for at least the last eight years. However, there was a long-term prior use of the property as an antique car sales business from 1987 to 2001. That's compared with much shorter stents of other uses such as an auto repair store for one year and a retail market from 2005 to 2008. It shows that currently in this market condition the property is more suited to be used a used car business. We are not talking about the future.

Denial is Not Supported by Criteria

Factor 5: The Degree of Conformance of the Proposed Use to the Master Plan.

- P. 3 of the Staff Report, "The City-Wide Master Plan designates this property as the Business Park district. This district allows light industrial uses and business/research parks as well as office, **retail, restaurants and other commercial** and service uses. The Business Park district does not address used car dealerships."
- A car dealership is a retail or other commercial use. Therefore, it is allowed under the Master Plan.

Factor 5: The degree of conformance of the proposed use to the master plan, per page three of the staff reports the City-Wide Master Plan designates this property as the business park district. This district allows light industrial uses and business/research parks as well as office, retail, restaurants and other commercial and service uses. The business park district does not address used car dealerships. A car dealership is a retail or rather commercial use, therefore, it's allowed under the master plan.

Denial is Not Supported by Criteria

Factor 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.

& Factor 11: The Relative Gain to the Public Health, Safety and Welfare as Compared to the Hardship Imposed on the Individual Landowner or Landowners

- If SUP is not approved, property will revert to prior owner. Under prior owner, several code citations for graffiti, trash and abandoned vehicles were issued, and the property was issued a court summons in 2016 for being a residential rental property without a rental permit.
- Before and after pictures show work done by Mazid that contributed to visual quality and welfare of area, and approving SUP will help ensure that work continues.

Factor 7 and 11: 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. The relative gain to the public health safety and welfare as compared of denial as compared to the hardship imposed on the individual landowner or landowners. This goes back to the direct cost to my client; again, we're talking well in excess of twenty—he's probably a total, if you look at the overall project, well in excess of \$30,000 in investment for something that if this is denied he won't recoup any of that cost.

I have no expectation that he'll be able to continue to make payments on this debt. It will most likely revert to its former owner which was unable to sell it for several years. He will be subject to the code citations for graffiti, traffic, and abandoned vehicles.

I want to show you before and after pictures of the work done by my client that contributes to the visual quality and the welfare of the area.



This is as it was when it was purchased.



Another picture as it was when it was purchased.

September 28, 2017



Another picture.



There it sits today. All that's been removed. Again, we're going to continue to do improvements to restore this to the original brick face that it appeared at before it was painted.

September 28, 2017



Notice the substantial investment in resurfacing the parking area to make it attractive and usable long-term.



The picture, I apologize for the crookedness, that's the photographer's fault.

September 28, 2017

Approval – A **Temporary** Solution to create Stability & Encourage Investment

Only Asking for 2 Year SUP

- As conditions change and renovation or redevelopment of this property for a different use becomes feasible, renewal of special use permit need not be granted.

Strict Enforcement of SUP Conditions Ensures Goals of Approval (Elimination of Vandalism & Illegal Dumping, Property Upkeep) Are Served

- Must impose realistic conditions for this to work

Again, I want to emphasize that we're only asking for a two-year special use permit. As conditions change and renovation or redevelopment of this property for a different use becomes feasible, the renewal of the specialty use permit need not be granted.

I would argue that's exactly why this governing body and I think it was over a year ago, passed the two year special use permit requirement for used car dealerships. It's understanding that they are temporary and in many cases inner and land use until something that's more desirable can come along. At the same time it's important for properties to be occupied so that they're not only economically productive, but that they're not a train on the neighborhood.

Requested Changes to Allow Mazid To Comply With Conditions

Applicant Has Limited Financial Resources at Start of Business, So Additional Time Is Needed to Make Improvements

- Requirement that **brick should be restored to natural finish** should be imposed **at end of first year** of CUP – Provides Mr. Mazid time to make a profit before substantial additional expense.
- Requirement for **sidewalk installation should be postponed to be imposed if the special use permit is renewed** or at time of redevelopment of property
 - Substantial cash has already been invested in cleanup and pavement improvements, depleting cash reserves. Mazid needs time to save up for expenditure and invest only if property has not become marketable for a different use at the end of 2 years.

I've already talked about his limited financial resources. Those were taken into account by the Planning Commission and that is why they postponed the brick restoration until the end of the first year. There was another condition that staff recommended for sidewalk installation and they said we will defer that for—we recommend deferral of that for two years to see if this even has to be renewed. Hopefully, the property will be sold.



This is a photograph of where the sidewalk will be installed. It would go right up here. One of the reasons why this is not an inexpensive sidewalk to install, our engineers said it would probably be at least \$20,000 to have the installation done because of the grave that's right here, if you can see my cursor. So, because we are talking about that level of expense for two years special use permit especially given the current finances of this project we can't do it. It's not in the budget. We don't have ability to do it.



This is where the sidewalk would end. This is a photograph of it. It's a sidewalk to nowhere. I'm not opposed to sidewalks whatsoever. I understand their need. At the same time I don't know that there's a soon prospect of this sidewalk being continued in front of these residences. I could be wrong on that, but I need to show that to the Commission.

Screening

Applicant has submitted revised site plan showing enhanced screening using shrubs in compliance with Unified Government Zoning Code. In accordance with U.G. Zoning Code § 27-699(a)(3), shrubs planted in right-of-way shall not exceed 24 inches in height.

I also wanted to show the efforts that we made after the Planning Commission to just try to document our plans to comply with the screening requirements that staffs recommended. I did not get this to staff until yesterday, this updated site plan. The only difference is we're showing some shrubs that are going to be planted in the public right-of-way, but they won't be anymore than 24 inches tall per city code. Then we have additional shrub work up here to screen the parking.

Parking

Staff has determined a variance is required under the U.G. Zoning Code concerning parking.

If Special Use Permit is granted, applicant will apply for variance concerning parking as well as appeal decision that variance is required

Building has existing nonconforming parking situation – According to the Staff Report, application of current U.G. Zoning Code parking regulations would require 19 stalls – only 10 parking stalls available on-site

I wanted to talk very briefly about parking and then leave it to staff and I'm sure Ms. Stryka will have some comments. Staff has determined that a variance is required under the zoning code concerning parking. If the permit is granted, we'll apply for that variance and we'll also appeal with the utmost respect for staff's determination, but still appeal that that variance is even required. Currently under the UG zoning code staff's interpreted that the parking regulations would require 19 stalls. There's no way to achieve 19 stalls on this site short of destroying the entire building. That's why there are non-conformities in the code.

Parking (con't)

Nonconforming Parking Is Allowed to Remain Under U.G. Code
Section 27-389:

- "Certain **lawfully nonconforming conditions** or characteristics of use are related both to the uses of the property and the size, configuration and existing development. These **include number and arrangement of parking spaces** and loading areas as well as performance standards, which require distances or spacing. **These conditions or characteristics of use are afforded legal nonconforming status** where the size or layout of the site prevents compliance.
- "However, **no change of use** or change in a building or structure shall be permitted **which creates a deficit or significantly increases an existing deficit in off-street parking spaces**, loading areas, or performance standards. **A deficit exists when the proposed use of the property requires more parking** or loading area as set out for the particular use in the zoning district than can be provided."

It's a discretionary interpretation whether non-conforming parking exists on this specific use. The relevant code section is Section 27-389. Certain lawfully nonconforming conditions including parking are our for the legal nonconforming status. However, no change of use which creates a deficit or significantly increases an existing deficit and off street parking spaces will be allowed to be created. A deficit exists when the proposed use requires more parking than can be provided.

Parking (con't)

Application is only for a car dealership with 6 external stalls and the ability to store a few vehicles inside.

Other Jurisdiction's Parking Requirements:

- Kansas City, Missouri: 1 per 1,000 square feet of office space and covered display area – Would require approx. 4.5 parking spaces and this requirement anticipates many additional stalls for vehicles for sale.

I would argue that a six space car sales dealership with maybe a few cars inside does not require more than three normal parking spaces and one ADA accessible parking space. For that, we will submit additional information in front of the Planning Commission if this board is inclined to approve this application.

Kansas City, MO, is an example of other jurisdictions that take a more specific approach to parking requirements. They only require one space per 1,000 square feet of office space and covered display area. Using the current calculation, I don't have an exact square footage for this building, but assuming that it had 4,600 square feet, which I don't believe all of that would qualify as covered display area and office space because much of it is not being used, but even taking that calculation that would only be 4.5 parking spaces under Kansas City, MO, code that would be required for this. For a 4,000 square foot sales area you would anticipate hundreds or at least around a hundred car sales slots in front. There's just no justification for requiring 19, more than 4 parking spaces based off of use. I would be happy to provide more information on that.

SUMMARY

Approval of this application furthers the ultimate goals of the Rosedale Master Plan and Traffic Study to encourage the redevelopment of the Merriam Lane/Southwest Blvd. corridor

- This SUP is only a transitional use that will
 - Ensure the property is improved and maintained to avoid problems that pull the entire neighborhood down
 - Vandalism
 - Crime
 - Vacancy
 - Illegal Dumping

The Board of Commissioners should follow the recommendation of the Planning Commission and approve this SUP subject to all of the conditions recommended by the Planning Commission.

In summary, approval of this application furthers the ultimate goals of the Rosedale Master Plan and Traffic Study to encourage the redevelopment of the Merriam Lane corridor because it's a transitional use. This is not intended to be long-term use of this property, it's very temporary. If this application is failed to be approved it will encourage vandalism, crime, vacancy and illegal dumping which were the conditions that were present. We are asking the Board of Commissioners to follow the recommendation of the Planning Commission and approve the special use permit subject to all the conditions recommended by the Commission. I stand for questions if there are any.

Mayor Holland said before we get to questions what I'm going to do is I'm going to open up the public hearing and ask for people who would like to speak in favor or speak against. Following that public hearing if there are comments made, you would have an opportunity to make summative comments in response to anything that you hear. After the public hearing we'll ask our staff to weigh in and then we'll open it up to the Commission. I'll open up the public hearing at this time. If there is anyone who would like to speak in favor of this request, please come forward at this time. Let the record show no one coming forward. Is there anyone who would like to speak in opposition to this request, please come forward at this time?

Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, said RDA is opposing the special use permit because we believe that a used car lot is not appropriate for this community corridor or for the site. The Unified Government has invested over \$7M in

improving this corridor since 2013. With greatly improved storm water control, sidewalks, curbs, curb boldouts for easier walking and bike lanes. This was done in a great effort to change and improve the character of this corridor and to attract high quality development that serves the needs of the surrounding community.

The Southwest Boulevard Merriam Lane Master Plan lays out neighborhood priorities for this corridor. One of those is developing a healthy mix of office, light industrial, retail and residential uses in the corridor. Other priorities include a visually appealing streetscape and connected and walkable neighborhoods. RDA has opposed new car lots or automotive uses on this corridor because they do not fit with those priorities. As the corridor has improved we've seen a lot of increased interest from businesses looking to locate on this corridor. RDA receives a couple of these calls every month and I sent the two that I got that month to the applicant and as you heard that didn't work out, but we receive those calls continuously. However, right now the concentration of automotive businesses on the corridor acts as a deterrent to new businesses coming in, other types of businesses coming in.

In order to continue the work that the Unified Government has begun with all their investment in this corridor we need to say no to additional used car lots. Used car lots even when well maintained don't contribute to the visual appeal of the corridor or to the green unwalkable streets.

I do agree that Mr. Mazid has done a great job improving the building and we really appreciate that. I also really appreciate his and his attorney's willingness to be in conversation with me about it. He's done a great job. I do want to say to the concerns about the property deteriorating if the special use permit isn't granted. We have a really great codes officer in this area that has ramped up enforcement quite a bit in the last couple of years. I trust that will continue to be the case and that's not a concern for the neighborhood.

Finally, as to the issue of the sidewalk being built onto Dodson, I certainly recognize the sidewalk would be tricky from an engineering perspective and expensive. Given that the city has invested this amount of resources in this area I do think that it's reasonable to hold businesses to the same standard. Whether that's now if you grant this permit or at renewal if you grant this permit.

Mayor Holland asked if anyone else would like to speak in opposition. Let the record show that no one else is coming to the microphone and we will now close the public hearing. I'll give the applicant an opportunity to make a summative comment if you would like. Would you like to respond at all to her comments?

Mr. Parker said only to say that my client, again, very much respects the Rosedale Development Association. Again, we appreciate that their position looks long-term for this area but denial of this permit will be devastating for my client. That is one of the concerns that is to be considered under the factors. I will say this as well, my client proceeded, English is his second language and it is important—I wish he would have come and called me before he purchased this building and sought my advice but sometimes we don't always do that in life.

So, he invested substantial amounts of money believing that if he did certain things that were identified as conditions that needed to be present on this property for this permit to even be considered, that he would be approved. I am not saying that anyone on staff intentionally mislead my client, I would never say that. I'm a former member of city staff and all my interactions have always been positive with the staff of the Unified Government. At the same time I would be remiss and wouldn't do my job if I failed to explain that my client proceeded in good faith believing that if he did certain things this application would be approved. I'm quite sure he understands now that that was not a guarantee.

Mayor Holland, said I will now close the public hearing and turn it over to our staff. Mr. Richardson, do you have anything?

Robin Richardson, Director of Planning, said let me address the misunderstanding first. We do a lot of pre-application meetings and there is never a case where we would tell anyone they had to do something before they applied. That's just not part of our code, it's not part of what we do and we know how much is at risk for that. That was a very unfortunate misunderstanding, but I don't think that you can buy a property and invest in it and then use that as your reason of why you should get approved. The investment there is great for the community but I would assume that if he was willing to pay a market rate for it, he's done improvements to it that there

might be someone else from out of the area like he was that would also want to invest in the area in possibly a different way.

As far as the factors to be considered, related to factors No. 1 and No. 2, the applicant's attorney completely ignores the fact that there are residences in the area and we're trying to improve the area, not just the commercial corridor but the corridor for the residences and the used car lots are typically not uses that inspire better residential living. The future does matter and the future uses of the corridor and the plans and the plans that this city has had and the investment that we've made does matter. We are looking at it in the present tense because we have other people asking to invest in the corridor in more substantial ways and businesses that match the plans for the area.

When he discusses the plan and says that retail uses are allowed within the plan, within a business park, the business park does allow certain uses within a specifically designed framework of design guidelines and criteria that help to make that a higher quality place. This is not in any way shape or form part of the business park. I don't think that analogy of saying used car lots will be allowed within the business park is correct in this format because if you were to do a business park, this would never be the format in which you would do a used car lot.

Related to Item Factor No. 7, this use is not reasonably necessary for the public convenience. As the applicant's attorney noted there are other used car lots in the area and they've shown no need for additional used car lots to serve the public need. There really is no relative gain to the public, in fact possibly a detriment to the public here if this is approved. As you heard testimony from Rosedale Development Association, the used car lots are not the desired use of the community and they don't feel like they fit the character of the community. When you build things that don't fit the character of the community you inherently reduce the public gain from the proposed development here.

With that I would note the staff recommends denial and disagrees with the recommendation of the Planning Commission.

Mayor Holland said so we have the item before us. We've heard the application and we have it before us. Does any commissioner have a recommendation or a comment?

Commissioner Bynum said I have questions and comments and concerns and some of this I think I'm going to need help from maybe Mr. Bach and some help from Mr. Richardson. Long before I ever was elected to be a commissioner and several times since we've had situations come in front of us where we're asking for a change of zone or a special use permit and someone has made a substantial investment into a piece of property or a building without knowing that they can use that building for the purposes for which they bought it. I don't know how to solve that problem but we seem to see it regularly. There may be communication issues or otherwise that could help alleviate some of that in the future, it won't solve this problem. We've heard that pretty loudly here with this particular application. Again, we've heard it before. This is not the first time that we have watched someone make an investment with the hope that they can have a zoning change or a special use permit for something that they want to do. Maybe that's on us and as a government and a community we need to do a better job of helping people understand. Thinking about doing business here, let's try to walk through it together, I don't know. I don't know if that needs a response right now. It's more of just an observation. If it does need a response, I'm happy to hear that.

I'm unaware that that plight is one of the factors to be considered in a Planning and Zoning application. I've never had that come forward as an allowable factor to be considered in a Planning and Zoning application. The factor that I was kind of focusing on was No. 7, whether the proposed use is reasonably necessary for the convenience and welfare of the public. I don't know that it is. I kind of land right there.

The other piece that concerns me is the staff's comments in this application that landscaping is a code requirement and for our Board of Planning it looks to me like what they did was sidestep that and vote to allow a special use permit that's outside of their purview. I'm not speaking to that correctly either, but what I'm seeing is that there are codes requirements here that our applicant is asking to not comply with.

Mr. Richardson said I can address the landscape issue. In the discussion when they were doing that and discussing that part of it, I don't believe they understood that that was the code and it would have required a variance. Sometimes under the overlay zone there's enhanced commercials and screening requirement that they can provide some relief to, to the point of the actual ordinance and then that requires a variance. I think there is a little bit of confusion there. I don't think they did that intentionally. Quite frankly, we had to go calculate that a little bit to

make sure that that was the case after the fact. I don't think that that was a rogue's statement on the part of the Planning Commission. I think it was an honest mistake.

Mayor Holland said can you pull the page up on the screen, the first page of the packet. Go back up to the first page, the picture. I'm looking at that picture in my book and I counted—that's a car dealership next to them. **Mr. Richardson** said yes, I believe so. **Mayor Holland** said I counted in just my little picture and of course I'm with my glasses, I counted 39 cars in the car dealership nextdoor and they want to put six cars on this lot. Do I understand that the maximum number of cars they would have for sale out front would be six? **Mr. Parker** said that's correct. **Mayor Holland** asked is that a stipulation that's in the—**Mr. Richardson** said yes it is. **Mayor Holland** said it's already in there. They are going to put six cars in front and I'm not a fan of car dealerships, used car dealerships, I'll just go on record that I was pleased when we decided to use special use permits to regulate them. I just look at the—it is a two-year special use permit. Has the other dealership applied for a special use permit or are they grandfathered without that. **Mr. Richardson** said they're previously existing that don't have to comply with the special use permit regulations. **Mayor Holland** said so they can be open as long as they're open. **Mr. Richardson** said correct.

Mayor Holland said I would say the character of this neighborhood isn't going to change. The character of this block isn't going to change until that other car dealership goes out of business or decides it doesn't want to be in business or does something different. We're legally bound to that 39 car lot nextdoor, indefinitely? **Mr. Richardson** said yes. **Mayor Holland** said I'm thinking if we're bound to the 39 car lot nextdoor, I don't know that six more cars hurt anything. Without that piece of property; anyone that wants to redevelop this site, they're going to have to get the big lot to the left because the little lot this is sitting on is going to be hard to develop with a giant car dealership next to it.

I agree with the staff that the highest and best use, and I agree with RDA, the highest and best use of Merriam Lane is not used car dealerships. I also think until a purchase is made and if a purchase is made on that larger car dealership then there would be a time when we may not want to renew this special use permit for this little car dealership because there would be an opportunity for a higher and better use in this corridor. I think as long as they have 39 cars nextdoor, I don't know what harm it does to sell 6 more right nextdoor to them. That's my

inclination, I think until something happens to the other car dealership and because if that other car dealership had a special use permit and was getting ready to expire and then we could really look at a redevelopment for this and really move it and work it, that would be fantastic. Until and unless that other car dealership goes away I don't know why we wouldn't let six more be sold right nextdoor. That's just my inclination with the caveat that I'm not excited about it, but I just think that it probably wouldn't hurt anything. That's my two cents.

Commissioner Bynum said I understand your point. Just one more comment on this particular application. The applicant is asking for approval for two years. Basically, also being allowed to be given two years to comply with the rest of the things that Planning had asked to be completed for this parcel such as the sidewalk and the brick restoration on the building as well as the landscaping plan. The counsel for the applicant stated that it was strictly a transitional use. To me those statements are at odds because we are saying in our report that we want to allow a special use permit and give them two years to comply with the stipulations we asked for. On the applicants side we're hearing, well really if you give us two years we will find somebody to buy it and this will be a purely transitional situation in the first place. That just make me think, so we won't have to put in the sidewalk and we won't have to brick restoration and the other beautification that we've asked for and I don't know why we're allowing those stipulations to be put in place.

Mayor Holland said if I understood this correctly, Commissioner, and, Mr. Richardson, correct me if I'm wrong; he would have to complete the brick restoration by the end of next year, within the next one year. **Mr. Richardson** said correct. **Mayor Holland** asked then he would have to do the shrubbery now. **Mr. Richardson** said correct. **Mayor Holland** said so we'd get the shrubs and we'd get the brick restoration. The other sidewalk on the north, what side is that is that the east side, it's all wonky in this direction here. **Mr. Richardson** said the north. **Mayor Holland** asked he wouldn't have to do that sidewalk, he wouldn't have to that unless in the next two years. **Mr. Richardson** said unless it got renewed. **Mayor Holland** said then if he got renewed for two more years then he'd have to do that sidewalk, is that correct? **Mr. Richardson** said correct.

Mayor Holland said does anyone else have any comments? We have a recommendation just to review with our attorney. We have a recommendation from the committee. It would take six votes to approve. It would take six votes to send back. It would take eight votes to deny. Is that right? **Mr. Richardson** said correct.

Mayor Holland said I'll ask if there's a motion.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Walters, to approve Special Use Permit #SP-2017-28 for two years as recommended by the Planning Commission.** Roll call was taken and there were six "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend; and two "Nos," Murguia, Johnson.

Mayor Holland said that ends the Planning and Zoning portion of our meeting and brings us to a regular session. Mr. Richardson, before you leave, if you would like to introduce your intern as you're done cleaning up. **Mr. Richardson** said I'd like to introduce Josh Robinson. He's a student in the Public Administration Graduate School at the University of Kansas. He is our intern this semester. Welcome Josh and he was able to come to the meeting with us tonight to see how the Commission meetings go. **Mayor Holland** said welcome.

NON-PLANNING CONSENT AGENDA

Commissioner Murguia said I just wanted to make a quick announcement before we adjourn the meeting to the commissioner. Is that okay? Is it the right time right now? **Mayor Holland** said we have one more item. **Commissioner Murguia** asked do you want to do that and then I will.

Mayor Holland said the Commission could break it into three items if they choose, but they don't have too. We have our Non-Planning Consent Agenda. Would any commissioner or person in attendance tonight like to remove an item? Any item not removed will be voted on by a single vote. Let the record show that there is no one moving to remove an item.

Action: Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 1 – 171297...NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Golf Advisory Board, Roger Miller, 10/1/17 to 3/31/18, submitted by Commissioner Walters
Landmarks Commission, James Schrader, 10/1/17 to 3/31/18, submitted by Commissioner Walters

Action: Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 2 – MINUTES

Synopsis: Minutes from regular sessions of August 31 and September 14, 2017; and special session of August 31, 2017.

Action: Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 14 and 21, 2017.

Action: Commissioner Markley made a motion, seconded by Commissioner Johnson, to receive and file. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

ITEM NO. 4 –171320... ORDINANCE: UG JUVENILE CENTER COMPLEX AND

ATTENDANT PARKING AREA

Synopsis: An ordinance authorizing the Chief Counsel to commence legal proceedings to acquire property for the UG Juvenile Center Complex/Memorial Hall and attendant parking area project, CMIP #8690, submitted by Ryan Haga, Assistant Counsel.

Action: **ORDINANCE NO. O-47-17**, “An ordinance condemning land for the construction, maintenance, operation, use and repair of Unified Government Juvenile Center Complex and attendant parking area, CMIP 8690, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.” **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, Murguia, Johnson.

PUBLIC ANNOUNCEMENTS

Commissioner Murguia said I just wanted to share with the commission I had some exciting news. I think most of you know that I am also a member of the Kansas Board of Regents. At our last meeting I’m excited to tell all of you that the Board of Regents approved the architectural plans and construction drawings for a new dental school at the University of Kansas on the KUMC campus site which is located in Rosedale, as we all know, right here in beautiful Wyandotte County.

We have two more steps to go through in addition to the \$2.5M approved for the architectural plans to renovate the old Dyke Library on campus; to turn into a dental school. We have to go through the process of encouraging our legislature to contribute \$6.9M annually to fund the dental school. There will be \$40M capital campaign to build the dental school. I am very excited we made it over the first hurdle and I’d just appreciate this Commission and our staff being supportive of that development. There was a lengthy study done a few years ago about the best location for the school and it was clear that that was in Wyandotte County in Rosedale. So it’s kind of exciting news.

Mayor Holland said that is great news and I appreciate your work on the Board of Regents. We certainly want to be supportive of the growth at KU and providing great health to world class health care right here.

MAYOR HOLLAND
ADJOURNED THE MEETING AT 7:55 P.M.
September 28, 2017

Carol Godsil
Deputy Unified Government Clerk

mbb

September 28, 2017



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 12, 2017

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

Weekly Business Material for October 12, 2017

1. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Ave., held a public auto auction on October 3, 2017 at 10:00 a.m.

Action: Received and filed.

2. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
803123	11/23/2016	\$148.79	790	Stale Dated	Macias	10/13/2017
		\$33.33	160			
813659	5/5/2017	\$5.61	790	Stale Dated	Garcia	10/13/2017
		\$5.00	160			
820052	8/11/2017	\$17.70	160	Stale Dated	Todd	10/13/2017
821690	9/1/2017	\$336.91	750	Garnish Cancel	Collins	10/13/2017
822383	9/15/2017	\$336.91	750	Garnish Cancel	Collins	10/13/2017

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 10, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Bonnie D Mejia	Comm Corr/Juv	10/19/17	ISO
Amanda Recinos	Health	10/19/17	Admin Supt Asst
Reginald C Shields	Sheriff/Juv	10/19/17	Juv Care Worker I
Danielle S Weakly	Municipal	10/19/17	Court Clerk I

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Carolyn J Beaton	DA's Office	10/17/17	Admin Supt Specialist
Jeffrey J Drinkert	PW/Fleet	10/2/17	Fleet Service Worker
Dottie S Rogers	Treasury	10/4/17	Fiscal Supt Assistant
Devonta M Thomas	Police	9/25/17	Patrolman III

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Omar Quintero	311 Operations	9/23/17	Office Assistant III
Angella D Stewart	311 Operations	9/23/17	Program Tech I

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	PW/Street	10/3/17	Concrete Specialist	Operations Supervisor

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Amber Adams	Health Dept	ACD code change effective 10/1/17
Bruce Anderson	Health Dept	ACD code change effective 10/1/17
Rick Behrens	Health Dept	ACD code change effective 10/1/17
Telesha Bennett	Health Dept	ACD code change effective 10/1/17
Katrina Brennan	Health Dept	ACD code change effective 10/1/17
Christina Casper	Health Dept	ACD code change effective 10/1/17
Alejandra Corona	Health Dept	ACD code change effective 10/1/17
Brenda Fee	Health Dept	ACD code change effective 10/1/17
Justin Folsom	Health Dept	ACD code change effective 10/1/17
Janelle Friesen	Health Dept	ACD code change effective 10/1/17
Gloria Harrell	Health Dept	ACD code change effective 10/1/17
Khou Herr	Health Dept	ACD code change effective 10/1/17
Ernestina Holmes	Health Dept	ACD code change effective 10/1/17
Jennifer Jamison	Health Dept	ACD code change effective 10/1/17
Donald P Jones	Health Dept	ACD code change effective 10/1/17
Ashley Lause	Health Dept	ACD code change effective 10/1/17
Anthony Lee	Health Dept	ACD code change effective 10/1/17
Dominique McKinney	Health Dept	ACD code change effective 10/1/17
Maria Mota-Martinez	Health Dept	ACD code change effective 10/1/17
Monica Palomeque	Health Dept	ACD code change effective 10/1/17
Luke Rodriguez	Health Dept	ACD code change effective 10/1/17
Rollin Sachs	Health Dept	ACD code change effective 10/1/17
Nancy Sanchez	Health Dept	ACD code change effective 10/1/17
Angelina Sanchez-Vinson	Health Dept	ACD code change effective 10/1/17
Alison Schutz	Health Dept	ACD code change effective 10/1/17
Lanie Smith	Health Dept	ACD code change effective 10/1/17
Edith Valenzuela	Health Dept	ACD code change effective 10/1/17
Christina VanCleave	Health Dept	ACD code change effective 10/1/17
Mark Weckwerth	Health Dept	ACD code change effective 10/1/17
Willie Williams	Health Dept	ACD code change effective 10/1/17
Eric Wolf	Health Dept	ACD code change effective 10/1/17

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 12, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Lawrence J Barnett	Parking Control	10/19/17	School Crossing Guard
Alexis M Miller	Sheriff/Juv	10/19/17	Program Specialist
Sherri A Reed	Appraiser	10/19/17	Admin Support Asst
Larry W Whittle	Parking Control	10/19/17	School Crossing Guard

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
John N Baska	PW/Street	10/5/17	Equipment Operator I	Equipment Operator II
Kristofer S Finger	PW/WPC	10/5/17	Project Engineer	Project Engineer
Jennifer L Stewart	Police/Anim Serv	10/5/17	Admin Coordinator	Manager

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Bruce B Brooks Jr	Comm Corr/Juv	10/6/17	Program Aide

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Ljubica Maracic	PW/B&L	10/14/17	Caretaker

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Irene L Mansfield	DOTS	Dept/Division change only from County Admin to DOTS effective 10/19/17

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Connie Hinote, 3500 Dover St., alleging property damage caused by no ditches to handle rain water.

Fred and Genola Mason, 5416 County Line Rd., alleging personal and property damage due to flooding on August 22, 2017.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

William Barajas and Cameron Morgan, Police/Chief's Office/Academy, travel to Derby, KS, October 9 – 12, 2017, to attend the Police Recruiter Boot Camp, Employee Training & Travel.

Terri Broadus, Jeffrey Fewell and Linda Hendrix, Sheriff's/Juvenile/Administration, travel to Orlando, FL, January 5 – 10, 2018 to attend the 2018 ACA Winter Conference, JDC Training.

Andres Fonseca, James W. Laird Jr., Troy L. Vogel and L. Chris Werner, Fire Department, travel to Pueblo, CO, October 17 – 21, 2017, to attend the HAZMAT Refresher.

Lauren Hopper and Carlos Navarro, Police/Operations/Narcotics, travel to Junction City, KS, October 16 – 19, 2017, to attend Criminal Introduction Workshop, Employee Training & Travel.

Luke Rodriguez, Health/Air Quality, travel to Lincoln, NE, October 23 – 25, 2017, to attend the PSD/NSR Workshop, Federal Air Pollution Program, no cost to city.

Jeremy Rogers, Parks & Recreation, travel to Wichita, KS, September 7, 2017, to attend the KRPA Leadership.

James Zeeb, Fire/Training/Fire Training, travel to Lincoln, NE, October 9 – 11, 2017, to attend Assessment Center, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

Asplundh Tree Expert Co.
Daniel Adcox
Defender Services, Inc.
Jennings Tree & Lawn Care, LLC
KCPI Security, Inc.
Clarence M. Kelley & Associates of Kansas City, Inc.
TAPS of KC, Inc.

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bonds
James Brunner DBA Brunner Electric, Inc.
C.D.L. Electric Company, Inc.
Deane Electric, LLC
Harrisonville Electric, LLC
Mindy Williams DBA Metro KC Electric
Midwest Custom Electric, LLC
Parkers Electric, Inc.

Mechanical Contractor's Bonds
AFC Heating and Cooling
AV Heating & Cooling, LLC
CMS Mechanical Services, LLC

Mechanical/HVAC Contractor's Bonds

Adam P. Lecuyer DBA AJM A/C & Home Repair
APHCE, Inc. DBA A-1 Plumbing, Heating, Cooling & Electrical
Abraham Mechanical, LLC
Alexander Mechanical Contractors, Inc.
Associated Mechanical, Inc.
Barnes & Dodge, Inc.
Central Plumbing, Heating & Air Conditioning, Inc.
Deem, LLC
JC Penney Services, LLC

Plumber's Bonds

Alexander Mechanical Contractors, Inc.
Around Your House, LLC
Beemer Plumbing, LLC
BOSS Mechanical Contractors, Inc.
Central Plumbing, Heating & Air Conditioning, Inc.
Kevin Ginnings Plumbing Service, Inc.
Inception Plumbing, LLC
JC Penney Services, LLC
Eric Tyler Johnson
Kinney's Plumbing Company
Polestar Plumbing, Inc.
Underground Plumbing Pros, LLC

Second Hand & Junk Dealer's Bond

Jeff Pearson DBA Pearson Restorations

Sign Hanger's Bonds

C.D.L. Electric Company, Inc.
Tri-City Sign Company

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds

Action Electric Corporation
Amf Electrical Contractors, Inc.
Apple Electric, Inc.
Baldridge Electric
Convera, Inc.
Duckworth Electric, LLC
MVP Electric, LLC
McGuire Electric
William Powell, III

Mechanical Contractor's Bond

B & C Mechanical Services, LLC

Miscellaneous Bonds:

Al's Electrical Maintenance
Carrier Corporation
Corrosion Monitoring Services, Inc.
Brad Darnell of DEEM, LLC
Joseph E. Smith, Sr. & Christina M. Smith DBA JGS Auto Wrecking
The State Group Industrial (USA) Limited

Plumber's Bond

Bill's Plumbing Services, LLC

Second Hand & Junk Dealer's Bond

Alandon Rebuilders & Equipment, Inc.

Scrap Metal Dealer's Bond

JGS Auto Wrecking

Septic Pumping Contractor's Bond

K-Mel Industries, Inc.

Action: Referred to License.

10. REINSTATEMENT NOTICES:

Bowers Electric, LLC
Safehouse Electric, LLC

Action: Referred to License.

11. ENDORSEMENT:

Change from Eric Tyler Johnson to Eric Tyler Johnson, LLC

Action: Referred to License.

12. APPLICATION FOR TEMPORARY CMB LICENSE:

Jeanette Issa, St. Basil Orthodox Church, 9302 Riverview Ave., October 7, 2017, from 11:00 a.m. to 8:00 p.m.

Action: Referred to License.

13. APPLICATIONS FOR TEMPORARY LIQUOR LICENSE:

Melissa Clark, Fairfax Industrial Association – Kaw Point Park, 1401 Fairfax Trafficway, October 12, 2017, from 3:30 p.m. to 6:30 p.m.

Tina Medina, Armourdale Renewal Association, 713 Osage, October 7, 2017, from 6:00 p.m. to 11:30 p.m.

Barbara Lehman, St. Martin Lutheran Church – WYCO Fairgrounds, 13700 Polfer Rd., October 7, 2017, from 4 p.m. to 9 p.m.

Action: Referred to License.



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 19, 2017

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

Weekly Business Material for October 19, 2017

1. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, listing vehicles sold at a public auto auction on October 12, 2017.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 17, 2017:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Dennis L Dotson	PW/Parking Control	10/9/17	School Crossing Guard
Russell L Love	Parks and Rec	10/18/17	Recreation Specialist
Austin R Phillips	Fire	10/9/17	Firefighter V
Alyssa M Sediqzad	Legal	10/18/17	Attorney

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Daniel R Everhart	Sheriff/Detention	11/3/17	12/2/17	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Shardale L Brown	Sheriff/Admin	11/9/17	Sergeant
Jonathan J Cortes	Sheriff/Detention	11/21/17	Deputy
Amy M Erwin	Sheriff/Detention	11/21/17	Deputy
Jess M Ford	Sheriff/Detention	11/21/17	Deputy
Brendan L French	Sheriff/Detention	11/11/17	Deputy
David Kempker	Sheriff/Detention	11/21/17	Deputy
Todd M Kleinschmidt	Sheriff/Detention	11/21/17	Deputy
Jared S McGrew	Sheriff/Detention	11/21/17	Deputy
Abraham A Mesler	Sheriff/Detention	11/21/17	Deputy
Thomas M Moore	Sheriff/Detention	11/21/17	Deputy
Michael L Morse Jr	Sheriff/Detention	11/11/17	Deputy
Andrew C O'Neal	Sheriff/Detention	11/20/17	Deputy
Christopher W Parrish	Sheriff/Detention	11/21/17	Deputy
Kimberly M Reid	Sheriff/Detention	11/11/17	Deputy
Tyler D Ricke	Sheriff/Detention	11/21/17	Deputy
Katherine M Taylor	Sheriff/Detention	11/11/17	Deputy
Joshua D Thomas	Sheriff/Detention	11/21/17	Deputy

Brian J Warczakoski	Sheriff/Detention	11/21/17	Deputy
James C Wing	Fire	7/25/17	Fire EMS Transport

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	Finance/Budget	10/09/17	Management Analyst	Assist Budget Manager

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Dottie S. Rogers	Finance/ Treasury	Amend PAC 10/10/17 to reflect change effective 10/4/17
Alexis M Miller	Sheriff/Juv	Amend PAC 10/12/17 to reflect change effective 10/19/17
Brian Johnson	Police	ACD code change effective 10/26/17
Vacant	Health	ACD code change effective 10/10/17
Vacant	Comm Corr/Adult	ACD code change effective 6/29/17
Vacant	Comm Corr/Adult	ACD code change effective 6/29/17
Vacant	Comm Corr/Adult	ACD code change effective 6/29/17
Vacant	Comm Corr/Adult	ACD code change effective 6/29/17
Vacant	Comm Corr/Adult	ACD code change effective 6/29/17
Vacant	Comm Corr/Juv	ACD code change effective 6/29/17
Vacant	Comm Corr/Juv	ACD code change effective 6/29/17
Vacant	Comm Corr/Juv	ACD code change effective 6/29/17

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 19, 2017:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Dennis W Brough	PW/Street	10/19/17	Dispatcher I

Section II - Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Maritza Fernandez	Hum Serv/WCDDO	10/19/17	Admin Support Spec	Program Coordinator

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Donald P Jones Jr	Build & Logistics	09/21/17	Director

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

David G. Walter, 14001 Newton Street #1403, Overland Park, KS, alleging damages to vehicle from a tree limb falling on the car while driving.

Rona Baker, 1125 N. 32nd St. Apt. #1, alleging bodily injuries from a sudden stop made by the Unified Government Transit Mini-Bus.

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

Chris Blake, KCKPD/Operations/Special Operations, travel to Ashburn, VA, February 13- 17, 2017, to attend the Heckler & Kock-MPS Training.

Joe Connor, County Administrator's Office, travel to Sandusky, OH, October 26 – 28, 2017, to attend a tour and meeting with Sports Force Parks.

Vincent William Kingston, Internal Affairs-Kansas City Kansas Police Department, travel to Buffalo Grove, IL, October 24 – 27, 2017, to attend the Investigating Officer Involved Shootings Training, Travel & Training.

Shane Turner, KCKPD/Operations, travel to Boston, MA, June 9 – 29, 2018, to attend the Senior Management Institute for Police, Travel & Training.

Rance Quinn, KCKPD/Services, travel to Boston, MA, June 2 – 22, 2018, to attend the Senior Management Institute for Police, Travel & Training.

Michael York, KCKPD/Operations, travel to Boston, MA, July 14 – August 3, 2018, to attend the Senior Management Institute for Police, Travel & Training.

Action: Approved by County Administrator's Office and received and filed.



Staff Request for Commission Action

Tracking No. 171377

Full Commission Meeting Date: 10/20/17

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: Yes 11/02/2017

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/20/2017	Ryan Haga	x5075	rhaga@wycokck.org	Legal

Item Description:

Project Name: Leavenworth Road 38th St to 63rd St Ordinance #2-BPU - CMIP 1224

As part of the **Leavenworth Road 38th St to 63rd St Ordinance #2-BPU - CMIP - 1224**, the Commission adopted Resolution No. R-21-17, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.

On May 11, 2017, the Commission voted 8-1 to adopt Resolution No. R-21-17, declaring the project to be a necessary valid public improvement, authorizing a survey of land to be acquired for said project, and directing the Chief Counsel to initiate eminent domain proceedings if necessary to acquire said land. On October 12, 2017 the Commission passed Ordinance No. O-48-17 authorizing the Chief Counsel to commence legal proceedings to acquire a portion of the property necessary for the project. This ordinance is supplemental and authorizes the Chief Counsel to commence legal proceedings to acquire the remainder of the property necessary for the project.

Action Requested:

10/26/17

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ord. Leavenworth Rd.BPU

First Published: _____

ORDINANCE NO. _____

AN ORDINANCE condemning land for the construction, maintenance, operation, use and repair of **electrical distribution and transmission lines both above and below ground along Leavenworth Road from 38th Street to 63rd Street**, and acquiring easements for such purposes, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

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

Tract 60 - Fee Simple Owner:

Diana R. Antonopoulos

Mailing Address:

5700 Leavenworth Road, Kansas City, KS 66104

Property Address:

5700 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in Lot 14, U.S. BRENNER'S SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas described as follows:

The South 25.00 feet of the East 10.00 feet of said Lot 14, containing 250 square feet or 0.006 acres, more or less.

AND

Tract 67 - Fee Simple Owner:

Gano E. Watson and Gladys I. Watson, husband and wife

Mailing Address:

8201 Garfield Avenue, Kansas City, KS 66112

Property Address:

5577 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in Lot G, MENSER ESTATE, a subdivision of land in Kansas City, Wyandotte County, Kansas described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83/97.)

Commencing at the Northwest corner of said Lot G; Thence S01°26'53"E, along the West line of Lot G, being the East right-of-way line of North 56th Street as now established, a distance of 9.76 feet to the Point of Beginning; Thence N43°34'57"E, a distance of 7.07 feet; Thence S01°26'53"E, a distance of 120.24 feet; Thence S88°34'53"W, a distance of 5.00 feet to the West line of said Lot G, being said East right-of-way line of North 56th Street; Thence N01°26'53"W, along said West line of Lot G, being said East right-of-way line of North 56th Street, a distance of 115.24 feet to the Point of Beginning, containing 589 square feet or 0.01 acres, more or less.

AND

Tract 150 - Fee Simple Owner:

Bret J. Charboneau

Mailing Address:

717 S. 53rd Street, Kansas City, KS 66106

Property Address:

4736 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in Lot 10, GRAY'S ADDITION, a subdivision of land in the Southwest Quarter of Section 25, Township 10 South, Range 24 East, in Kansas City, Wyandotte County, Kansas described as follows:

The South 5.00 feet of said Lot 10, containing 623 square feet or 0.01 acres, more or less.

AND

Tract 166 - Fee Simple Owner:

Monte R. Vanburen and Patricia Vanburen, husband and wife

Mailing Address:

4518 Leavenworth Road, Kansas City, KS 66104

Property Address:

4518 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in the East half of Lot 11, LAUREL ACRES, a subdivision of land in Kansas City, Wyandotte County, Kansas described as follows:

The South 15.00 feet of the East half of said Lot 11 except the South 6.00 feet thereof and except The North 4.00 feet of the South 10.00 feet of the East 40.20 feet of said Lot 11, containing 846 square feet or 0.02 acres, more or less.

Tract 168 - Fee Simple Owner:

Gilbert Rainey and Hershey Lockett

Mailing Address:

4210 Grandview Road, Kansas City, MO 64137

Property Address:

4510 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in the Southeast Quarter of Section 25, Township 10 South, Range 24 East in Kansas City, Wyandotte County, Kansas described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83/97.)

Commencing at the Southwest corner of said Southeast Quarter of Section 25; Thence N87°48'21"E, along the South line of said Southeast Quarter, a distance of 683.80 feet to the Southwest corner of a tract of land described in book 5225 at page 154; Thence N01°59'35"W, along the West line of said tract of land, a distance of 26.00 feet to the Point of Beginning on the North right-of-way line of Leavenworth Road, as now established; Thence N01°59'35"W, continuing along said West line, a distance of 9.00 feet; Thence N87°48'21"E, a distance of 95.00 feet to the East line of said tract of land; Thence S01°59'35"E, along said East line, a distance of 9.00 feet to said North right-of-way line of Leavenworth Road; Thence S87°48'21"W, along said North right-of-way line, a distance of 95.00 feet to the Point of Beginning, containing 855 square feet or 0.02 acres, more or less.

AND

Tract 170 - Fee Simple Owner:

Ramon Chacon-Ortiz

Mailing Address:

1129 Orville Avenue, Kansas City, KS 66102

Property Address:

4500 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in the Southeast Quarter of Section 25, Township 10 South, Range 24 East in Kansas City, Wyandotte County, Kansas described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83/97.)

Commencing at the Southwest corner of said Southeast Quarter of Section 25; Thence N87°48'21"E, along the South line of said Southeast Quarter, a distance of 778.80 feet to the intersection of the Southerly extension of the West line of a tract of land described in book 2014R at page 16327; Thence N01°59'35"W, along said extension, a distance of 26.00 feet to the Point of Beginning on the North right-of-way line of Leavenworth Road, as now established; Thence N01°59'35"W, continuing along said West line, a distance of 9.00 feet; Thence N87°48'21"E, a

distance of 84.88 feet to the East line of said tract of land; Thence S02°11'39"E, along said East line, a distance of 9.00 feet to said North right-of-way line of Leavenworth Road; Thence S87°48'21"W, along said North right-of-way line, a distance of 84.91 feet to the Point of Beginning, containing 764 square feet or 0.02 acres, more or less.

AND

Tract 174 - Fee Simple Owner:

Jovel Romero

Mailing Address:

4428 Leavenworth Road, Kansas City, KS 66104

Property Address:

4428 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in the Southeast Quarter of Section 25, Township 10 South, Range 24 East in Kansas City, Wyandotte County, Kansas described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83/97.)

Commencing at the Southwest corner of said Southeast Quarter of Section 25; Thence N87°48'21"E, along the South line of said Southeast Quarter, a distance of 988.80 feet to the intersection of the Southerly extension of the East right-of-way line of North 44th Place, as now established; Thence N02°11'39"W, along said extension, a distance of 26.00 feet to the Point of Beginning on the North right-of-way line of Leavenworth Road, as now established; Thence N02°11'39"W, along said East right-of-way line of North 44th Place, a distance of 9.00 feet; Thence N87°48'21"E, a distance of 75.00 feet to the East line of a tract of land described in book 2015R at page 04546; Thence S02°11'39"E, along said East line, a distance of 9.00 feet to the North right-of-way line of Leavenworth Road; Thence S87°48'21"W, along the said North right-of-way line, a distance of 75.00 feet to the Point of Beginning, containing 675 square feet or 0.02 acres, more or less.

AND

Tract 182 - Fee Simple Owner:

Volner H. Bonner a/k/a Volner H. Bonner, Jr.

Mailing Address:

3012 Parkwood Blvd., Kansas City, KS 66104

Property Address:

4410 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in the Southeast Quarter of Section 25, Township 10 South, Range 24 East in Kansas City, Wyandotte County, Kansas described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83/97.)

Commencing at the Southwest corner of said Southeast Quarter of Section 25; Thence N87°48'21"E, along the South line of said Southeast Quarter, a distance of 1207.00 feet to the Southwest corner of a tract of land described in book 4668 at page 752; Thence N02°11'39"W, along the West line of said tract of land, a distance of 26.00 feet to the Point of Beginning on the North right-of-way line of Leavenworth Road, as now established; Thence N02°11'39"W, continuing along said West line, a distance of 9.00 feet; Thence N87°48'21"E, a distance of 100.51 feet to the East line of said tract of land; Thence S11°46'40"E, along said East line, a distance of 9.13 feet to said North right-of-way line of Leavenworth Road; Thence S87°48'21"W, along said North right-of-way line, a distance of 102.03 feet to the Point of Beginning. Containing 911 square feet or 0.02 acres, more or less.

AND

Tract 188 - Fee Simple Owner:

Vernon Hopkins

Mailing Address:

217 S. Brittany Drive, Olathe, KS 66061

2403 Wood Avenue, Kansas City, KS 66104

Property Address:

4260 Leavenworth Road, Kansas City, KS 66104

Interests to be Acquired: A Permanent Utility Easement over, across, upon and under the surface of:

A tract of land in the Southeast Quarter of Section 25, Township 10 South, Range 24 East, in Kansas City, Wyandotte County, Kansas described as follows;

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83/97.)

Commencing at the Southeast corner of said Southeast Quarter of Section 25; Thence S87°48'21"W, along the South line of said Southeast Quarter, a distance of 485.00 feet; Thence N01°28'07"W, a distance of 30.00 feet; Thence S87°48'21"W, a distance of 10.00 feet to the Point of Beginning; Thence S87°48'21"W, along the North right-of-way line of Leavenworth

Road as now established, a distance of 10.00 feet; Thence N20°13'54"E, a distance of 54.09 feet to the West line of a 50.00 feet wide right-of-way described in Road Record book H at page 409; Thence S01°28'07"E, along said West right-of-way line, a distance of 33.81 feet; Thence S30°02'29"W, a distance of 19.13 feet to the Point of Beginning, containing 419 square feet or 0.01 acres, more or less.

2. It is hereby found that the costs of this project will be paid by the Unified Government of Wyandotte County/Kansas City, Kansas General Obligation Debt Funding and the Kansas City Board of Public Utilities.
3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
4. This ordinance shall take effect and be in force after its passage, approval and publication.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____, 2017.

Honorable Mark R. Holland
Mayor/CEO
Wyandotte County/Kansas City, Kansas

ATTEST:

Unified Government Clerk

Approved as to Form:

Kenneth J. Moore, Chief Counsel



Staff Request for Commission Action

Tracking No. 171376

Full Commission Meeting Date: 10/26/17

Committee: Economic Development & Finance

Date of Standing Committee Action: 10/26/17

(If none, please explain): Process followed per statute.

Publication Required: Yes 11/02/2017

<u>Date:</u> 10/19/2017	<u>Contact Name:</u> Jon Stephens	<u>Contact Phone:</u> x5749	<u>Contact Email:</u> jstephens@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

Adoption of the STAR Bond Project Plan for the Northwest Speedway STAR Bond District and approval of related Development Agreement.

Action Requested:

Adopt the STAR Bond Project Plan for the Northwest Speedway STAR Bond District and approve the related Development Agreement.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance adopting a STAR Bond Project Plan for the Northwest Speedway STAR Bond District and approving a Development Agreement in connection therewith, Executive Summary, American Royal Development Agreement, Change to Article 4

ORDINANCE NO. O-____-17

**AN ORDINANCE ADOPTING A STAR BOND PROJECT PLAN
(NORTHWEST SPEEDWAY STAR BOND DISTRICT) AND
APPROVING A DEVELOPMENT AGREEMENT IN
CONNECTION THEREWITH.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to promote, stimulate and develop the general and economic welfare of Unified Government and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within Unified Government, thereby promoting the general welfare of the citizens of the State and Unified Government, by authorizing cities and counties to acquire certain property and to issue sales tax and revenue (STAR) bonds for the financing of STAR bond projects pursuant to the provisions of K.S.A. 12-17,160 *et seq.*, as amended (the “Act”); and

WHEREAS, pursuant to the Act the Unified Government is authorized to establish STAR bond project districts within eligible areas of the Unified Government, as said terms are defined in the Act, to approve STAR bond project district plans for the completion of STAR bond projects within such STAR bond project district, and to finance all or a portion of STAR bond project costs from state and local sales revenues derived from the STAR bond project district, other revenues described in the Act, or a combination thereof or from the proceeds of special obligation revenue bonds of the Unified Government payable from such described revenues; and

WHEREAS, upon the creation of a STAR bond project district pursuant to the Act, the Unified Government may propose to undertake one or more STAR bond projects and shall prepare a STAR bond project plan, which may be implemented in separate development stages, in consultation with the Unified Government’s planning commission; and

WHEREAS, pursuant to Ordinance No. O-75-16 adopted by the governing body of the Unified Government on December 15, 2016 and published on December 22, 2016, the Unified Government established a STAR bond project district known as the Northwest Speedway STAR Bond District (the “District”) to promote, stimulate and develop the general and economic welfare of the State of Kansas and the Unified Government as a major commercial entertainment and tourism area, all in accordance with the Act; and

WHEREAS, pursuant to the Act, the Unified Government is authorized to undertake one or more STAR bond projects within the District, which may be implemented in separate development stages, and to prepare a STAR bond project plan, in consultation with the Unified Government’s planning commission (the “Planning Commission”); and

WHEREAS, the Unified Government is considering adoption of the Northwest Speedway STAR Bond District STAR Bond Financing Project Plan, dated March 31, 2017 and filed with the Unified Government’s Clerk on April 5, 2017, which has been prepared by the Unified Government in consultation with the Planning Commission (the “Project Plan”) pursuant to the Act, and provides for the redevelopment of a portion of real property within the District; and

WHEREAS, on April 10, 2017, the Planning Commission made a finding that the Project Plan is consistent with the intent of the Unified Government's comprehensive plan for the development of the Unified Government; and

WHEREAS, the Unified Government held a public hearing on June 15, 2017, after due published and mailed notice in accordance with the Act, regarding the Project Plan; and

WHEREAS, the Unified Government intends to enter into an Americal Royal Development Agreement (the "Development Agreement") with the American Royal Association, a Missouri not-for-profit cooperation to implement the Project Plan;

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

Section 1. The governing body hereby finds that due notice of the public hearing conducted on June 15, 2017 was made in accordance with the provisions of the Act. The governing body further finds that the proposed Project Plan is a valid STAR bond project plan as defined in the Act.

Section 2. The governing body hereby adopts and approves the Project Plan in the form on file with Unified Government Clerk.

Section 3. The governing body hereby finds that the ad valorem property tax revenues of the county and each affected school district for will not be adversely affected by the Project Plan.

Section 4. The Unified Government Clerk shall transmit copies of the adopted Ordinance, a description of the land within the District, and map or plat indicating the boundaries of the District to the Wyandotte County Clerk, Wyandotte County Treasurer and Wyandotte County Appraiser and to the Board of Education of Unified School District Nos. 203 and 500.

Section 5. The Development Agreement is hereby approved in substantially the form presented and the Unified Government is hereby authorized to execute and deliver the Development Agreement with such changes therein as shall be approved by the officials of the Unified Government exuecuting such Develpoment Agreement, such signatures being conclusive evidence of their approval and the Unified Government approval thereof.

Section 6. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of Unified Government, including Unified Government Attorney, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 7. This Ordinance shall be in force and effect from and after its passage by the governing body of the Unified Governement, approval by the Mayor/CEO and publication in the official Unified Government newspaper.

PASSED by a two-thirds vote of the the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas this 26th day of October, 2017.

Mayor/CEO of the Unified Government of
Wyandotte County/Kansas City, Kansas

(Seal)

ATTEST:

Unified Government Clerk

10/20/17 EXECUTIVE SUMMARY
AMERICAN ROYAL DEVELOPMENT AGREEMENT

1. **Parties.** UG and American Royal Association (“Developer”), a Missouri nonprofit corporation.
2. **The Project Site.** Approximately 550 acres of real property generally located at the southwest and northeast corners of the intersection of North 110th Street and Parallel Parkway in Wyandotte County, Kansas. Developer does not yet own the Site, but has an option to purchase it.
3. **The Project.** The Project is to be a major commercial entertainment and tourism destination which shall, at minimum, include the following Improvements:
 - (a) The Core Royal, consisting of the following Improvements:
 - (i) A 164,000 square foot livestock expo arena, with approximately 5,000 permanent seats and an additional 3,200 temporary seats for a variety of events, including livestock exhibitions, rodeos, prestigious horse shows, and horse competitions, and which may also be used for additional events, programming, sports, and other recreational and entertainment activities;
 - (ii) A 250,000 square foot livestock exhibition hall, including pens for approximately 2,000 animals for events and which may include a ten (10) day livestock show in October of each year and similar events throughout the balance of the year; and
 - (iii) Approximately 5,000 square feet of office space, including a headquarters location for corporate offices of the American Royal.
 - (b) A 6,500 square foot Agricultural Education Center – a first class agricultural museum that features indoor and outdoor exhibits, an interactive museum-based learning environment, and meeting and professional training space.
 - (c) Additional land for potential future construction of an agricultural headquarters facility and potential expansion of the Core Royal, along with various retail and restaurant uses.
4. **BBQ Competition.** The annual barbecue competition hosted by Developer may or may not be held within the boundaries of the STAR Bond District, but (subject to the conditions described below) the BBQ Competition must be held exclusively in Wyandotte County for the Term of the Agreement.
5. **Budget.** Developer's budget indicates a total Project cost of approximately \$165.4M, including approximately \$41.3M for the livestock expo arena, \$34.4M for the livestock exhibition hall, \$3.5M for the office space, and \$6.75M for the Agricultural Education Center. The budget also includes approximately \$4M for land acquisition costs, \$21.3M for private sitework, and \$19M for public infrastructure.
6. **Private Contribution.** Developer agrees to contribute at least \$80M of private funds to the project, and must demonstrate such private funding to the UG. The Private Contribution may be phased, but such phasing may limit the availability of STAR Bond Proceeds and/or CID Sales Tax Proceeds to Developer.
7. **Public Financing.** The Agreement contemplates public financing in the amount of \$80M to pay for land acquisition, sitework, the hard construction costs for the Core Royal and the Agricultural Education Center, and other infrastructure costs. Subject to satisfaction of certain conditions, the UG agrees to provide Developer with access to the following public financing:

(a) STAR Bonds. Issuance of STAR Bonds in an amount up to \$80M based on the incremental State sales and use taxes (the "State Taxes"), incremental local sales and use taxes received by the UG (the "Local Taxes"), and transient guest taxes ("TGT"). It is important to note that the Local Taxes invested in the project are limited to revenues received from the Core Royal, the Agricultural Education Center, the BBQ Uses (if the BBQ Uses or sales are located within the STAR Bond District or as otherwise allowed by law), and future development on the excess land in the STAR Bond District. In addition, the transient guest tax revenues pledged are limited -- the Agreement excludes any TGT from any hotels within the STAR Bond District located north of Parallel Parkway, and any TGT from any convention center hotel and related facilities constructed within the STAR Bond District. Additionally, the Agreement says that the reimbursement of expenses from STAR Bond proceeds are to be paid on a 50/50 basis between Developer's private funds and the available STAR Bond funds; in other words, there shall not at any time be more Project costs paid with public money than the amount of Project costs paid by Developer's private funds.

(b) Community Improvement District. The UG would also form a CID at the Site and impose a CID Sales Tax of 1% within the CID to reimburse Developer for CID Eligible Expenses from only those revenues received from the Core Royal, the Agricultural Education Center, and the BBQ Uses (to the extent that the BBQ Uses are within the CID or as otherwise permitted by law). The CID Sales Tax available to Developer for initial construction of the Project is subject to a CID Cap -- the CID Cap is equal to the difference between the net STAR Bond Proceeds resulting from a public bond sale and \$80M. If the STAR Bond sale results in \$70M of net proceeds, the CID Cap will be \$10M, but if the bond sale yields \$80M of net proceeds, the CID Cap is \$0. Notwithstanding this CID Cap, the parties agree that Developer may continue to receive Pay-As-You-Go CID Financing for the entire Term of the Agreement for ongoing maintenance and operation of the Project if such expenses are approved and eligible under the CID Act.

(c) Industrial Revenue Bonds. Developer may use IRB financing to obtain an exemption on sales taxes for construction materials, equipment and furnishing for the Project. The IRBs for each component of the Project shall be redeemed 12 months after completion of such Project component's construction. Unless otherwise agreed by the parties, no IRBs for construction of the Project shall be issued more than 3 years after the Effective Date of the Agreement. In addition, Developer may request IRB financing from the UG to facilitate 100% real property tax abatement if, and only if, the Core Royal and Agricultural Education Center are not exempt from real property taxes by reason of Developer's status as a nonprofit entity. IRBs for real property tax abatement would be for a term for 10 years, and if a longer period is needed, the UG will cooperate with Developer to find ways to either issue new IRBs or find alternative ways to abate the real property taxes until the end of the Term of the Agreement.

8. Conditions. There are a number of conditions that must be met prior to the parties making an irrevocable commitment to proceed with the project and issue STAR Bonds, including, among other things, the following:

(a) A Due Diligence Period of 18 months following the Effective Date to allow Developer to secure all necessary financing for the Project and to finalize the Development Plan.

(b) Developer must record a document against the Site that will evidence Developer's covenant to hold the annual BBQ Competition exclusively in Wyandotte County for the Term.

(c) Developer will enter into separate agreements with the Wyandotte County Fair Association, the Wyandotte County school system, and the UG to allow each to use the Core Royal and Agricultural Education Center Improvements for training and events without payment of any fees or charges except Developer's reasonable out-of-pocket costs incurred as a result of such use.

(d) Developer will enter into an agreement with the BPU for utility rates for the Project and any incentives from the BPU.

If and to the extent that the UG's approval on the various conditions is required, the Agreement says that the County Administrator is to grant or withhold those approvals on behalf of the UG.

9. **Timing.** The transaction contemplated by Agreement is not final at this point -- as noted above, Developer has an 18 month Due Diligence Period to secure all necessary financing for the Project and to finalize the Development Plan. Subject to satisfaction or waiver of all conditions, STAR Bonds will not be issued, sold or delivered until Bond Closing, which must occur on or before expiration of the Due Diligence Period or either party has the right to terminate the Agreement. Commencement of construction of the Core Royal must occur within 6 months after Bond Closing and must be substantially completed and opened no later than 2 years after Bond Closing. Commencement of the Agricultural Education Center must occur within 18 months after Bond Closing and must be substantially completed and opened no later than 3 years after Bond Closing.

10. **Term.** The Term of the Agreement commences on the Effective Date and, unless earlier terminated, expires upon the later of: (i) 20 years after the date that the Project Plan is approved, or (ii) 22 years after the date that the CID Sales Tax is first collected.

11. **Uses.** Due to the agricultural nature of the Project, portions of the Site may be used on a temporary basis for the keeping and selling of livestock and other animals at auction in connection with events for the Core Royal and Agricultural Education Center, and Developer may keep up to 20 animals on Site on a more permanent basis for educational purposes. Developer agrees to use commercially reasonable efforts (comparable to commercially reasonable standards for similar first class show arenas and livestock exhibition halls in urban areas) to minimize and mitigate odors from animals and animal waste at the Project.

12. **Local Benefit Provisions.** During the Term of the Agreement, in addition to the conditions described above, Developer agrees to:

(a) Maintain its headquarters, offices and primary operations within Wyandotte County, Kansas;

(b) Actively participate in the civic, charitable, educational, philanthropic and/or economic development of the Kansas City, Kansas/Wyandotte County community in activities of its choice;

(c) Work in good faith to enter into a partnership with the Agricultural Hall of Fame;

(d) Provide up to 25 tickets to UG officials for premium seating and special access to VIP areas (including clubs and lounges, but excluding private suites) for primary events open to the public at the Core Royal, at no admission cost to the UG or UG officials; and

(e) Provide the UG with the right to review and approve the name of the grounds for the Project, the main show arena, and the exhibition hall.

13. **Assignment and Transfer.** The UG's prior written consent (not to be unreasonably withheld) is required for Developer to: (i) assign, sell, lease, mortgage or otherwise transfer the Project; (ii) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (iii) assign the Agreement, or any of the rights, benefits or obligations thereunder. The UG's consent is not required, but Developer must provide prior written notice to the UG, for: (i) a Permitted Mortgage

(including collateral assignment of Developer's rights to reimbursement of STAR Bond Proceeds, CID Sales Tax Proceeds, and other reimbursement to Developer under the Agreement); (ii) assignment to an Affiliate; (ii) sale, lease or transfer of the excess land; and (iv) a lease executed in the normal course of Developer's use and operation of the Project for a portion of the Site or the Project (but not including long-term ground leases).

14. **MBE/WBE/LBE**. Developer has agreed to the following participation goals for construction of the project: LBE 18% , MBE – 15%, and WBE – 7%. For professional services, Developer has agreed to the following: LBE – 18%, MBE – 13%, WBE – 8%. If Developer fails to meet the goals and fails to demonstrate best efforts to have met the goals as described herein, the STAR Bond Proceeds and the CID Sales Tax Proceeds shall be reduced by an amount equal to 1.5% (meaning 1.5% for Construction Services and an additional 1.5% for Professional Services).

**AMERICAN ROYAL
DEVELOPMENT AGREEMENT**

THIS AMERICAN ROYAL DEVELOPMENT AGREEMENT (this "Agreement") is made as of the ____ day of _____, 2017 (the "Effective Date") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and the American Royal Association, a Missouri not-for-profit corporation ("Developer").

RECITALS:

A. On December 15, 2016, pursuant to the STAR Bond Act, K.S.A. 12-17,160 *et seq.*, as amended (the "STAR Bond Act"), the UG approved a STAR Bond project district (the "STAR Bond District") and identified a general development plan for the STAR Bond District (the "STAR Bond District Plan") by passage of Ordinance No. O-75-16, which STAR Bond District encompasses approximately five hundred fifty (550) acres of real property generally located at the southwest and northeast corners of the intersection of North 110th Street and Parallel Parkway in Wyandotte County, Kansas, which property is legally described on Exhibit 1 and generally depicted on Exhibit 2 attached hereto.

B. In accordance with the terms and conditions set forth herein, Developer proposes to design, develop, construct, complete and operate a major commercial entertainment and tourism destination within the STAR Bond District consisting of at least the following uses: first class livestock expo arenas and facilities (the "Core Royal"), a first class agricultural education center and museum (the "Agricultural Education Center"), certain barbecue-related uses for the American Royal barbecue contest (the "BBQ Uses"), and other family recreational tourism activities or compatible, related or appurtenant uses (collectively, the "Project"). The Project will be located on a portion of the real property within the STAR Bond District legally described on Exhibit 3 and generally depicted on Exhibit 4 attached hereto (the "Site").

C. On June 15, 2017, pursuant to the STAR Bond Act, the UG held a public hearing to consider the Northwest Speedway STAR Bond District STAR Bond Financing Project Plan (the "Project Plan"), and following the hearing, the UG approved and adopted the Project Plan by Ordinance No. O-__-17 on October 26, 2017.

D. In order to pay for certain costs associated with the design, development and construction of the Project, Developer has requested additional public incentive financing from the UG. Specifically, Developer intends to submit a petition (the "CID Petition") to the UG requesting the formation of a community improvement district ("CID") to be imposed on certain real property generally depicted on Exhibit 5 on a portion of the STAR Bond District.

E. The UG has the authority to create a CID pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "CID Act") for the purpose of financing certain economic development related projects. Under the CID Act, the owners of fifty-five percent (55%) of the land (by land area and assessed value) within the boundaries of a proposed CID may petition the UG to request the creation of a CID and to impose an additional CID sales tax on the sale of tangible personal property at retail or the rendering or furnishing of services which are taxable within the boundaries of the CID in order to pay for or reimburse the costs of a portion of a CID project.

F. Upon submission of the CID Petition, the UG shall consider the creation of the CID through passage of an ordinance (the "CID Ordinance") pursuant to the CID Act; and if approved by the UG's Commission in its sole discretion, the legal description of the CID will be attached hereto as Exhibit 6. As contemplated in the CID Petition, the CID Ordinance, if approved, would call for the imposition of a CID sales tax of one percent (1%) within the CID (the "CID Sales Tax") to be used to pay for or reimburse certain CID Eligible Expenses (defined in Section 4.3 below) related to the CID.

G. If the UG's Commission shall approve the issuance of STAR Bonds for the Project (the "STAR Bonds"), then the UG and Developer will mutually cooperate to obtain the authorization of the Secretary to issue STAR Bonds for the Project in an amount sufficient to render Eighty Million Dollars (\$80,000,000) in net STAR Bond Proceeds within eighteen (18) months of the Effective Date (the "Bond Closing"), as the Bond Closing is further described in Section 5.1.

H. The parties agree that the Project is not financially feasible without the public-private partnership as set forth in this Agreement, and therefore the parties wish to enter into this Agreement to formalize their respective rights and obligations in regard to the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the agreements provided for herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the UG and Developer hereby agree as follows:

ARTICLE 1. DEFINITIONS AND INTERPRETATIONS

1.1 Interpretation. In this Agreement, unless a clear contrary intention appears:

- (a) the singular number includes the plural number and vice versa;
- (b) reference to any Person includes such Person's successors and assigns but, if applicable, only if such successors and assigns are permitted by this Agreement, and reference to a Person in a particular capacity excludes such Person in any other capacity or individually;
- (c) reference to any gender includes each other gender;
- (d) reference to any agreement, document or instrument means such agreement, document or instrument as amended or modified and in effect from time to time in accordance with the terms thereof;
- (e) reference in this Agreement to any article, section, appendix, annex, schedule or exhibit means such article or section thereof or appendix, annex, schedule or exhibit thereto;
- (f) each of the items or agreements identified on the attached Index of Exhibits are deemed part of this Agreement to the same extent as if set forth herein;
- (g) "hereunder", "hereof", "hereto" and words of similar import shall be deemed references to this Agreement as a whole and not to any particular article, section or other provision thereof;
- (h) "including" (and with correlative meaning "include") means including without limiting the generality of any description preceding such term; and
- (i) relative to the determination of any period of time, "from" means "from and including" and "to" means "to but excluding."

1.2 Accounting Terms. Unless expressly otherwise provided, accounting terms shall be construed and interpreted, and accounting determination and computations shall be made, in accordance with GAAP.

1.3 Legal Representation of the Parties. This Agreement was negotiated by the parties hereto with the benefit of legal representation and any rules of construction or interpretation otherwise requiring this Agreement to be construed or interpreted against any party shall not apply to any construction or interpretation hereof or thereof.

1.4 Definitions. All capitalized terms used in this Agreement shall have the meanings ascribed to them in Annex 1 attached hereto and made a part hereof, or as otherwise provided herein.

ARTICLE 2.
APPOINTMENT OF DEVELOPER
GENERAL AGREEMENT – UNDERTAKINGS OF DEVELOPER –
DEVELOPMENT PLAN

2.1 Undertaking of Developer. Developer hereby agrees, subject to the terms and conditions hereinafter provided, including, without limitation, those certain conditions set forth in Section 3.1 below, to develop, construct, complete, and operate the Project. The performance of all activities by Developer shall not be as an agent of the UG in any way, nor create a partnership or joint venture with the UG.

2.2 Development Plan. The UG and Developer hereby agree that the "Development Plan" for the Project shall be as described below in this Section 2.2, which is consistent with the STAR Bond District Plan, and, for purposes of an illustrative example only, as set forth on the site plan attached as Exhibit 7 hereto and made a part hereof. Exhibit 7 shall be updated by Developer at the time of the Bond Closing and from time to time thereafter for modifications to the Development Plan in accordance with Section 2.2(i). Subject to the terms and conditions of this Agreement (including, without limitation, Section 3.1(a) below), Developer covenants and agrees that all buildings, parking structures, and other improvements constituting the Project shall be developed, constructed, completed, and operated on the Site in substantial accordance and compliance with the terms and conditions of this Section 2.2 and the Development Plan, as it may be amended by Developer from time to time in accordance with Section 2.2(i) below. On and subject to the terms and provisions set forth in this Agreement (including, without limitation, the conditions set forth in Section 3.1(a) below), Developer shall have the sole right to, and shall be responsible for, design, construction, equipment, and completion of the Project, and shall operate and use (or cause to be operated and used) the Project in the manner described herein, all in substantial accordance with the terms of this Section 2.2 and all other Applicable Laws and Requirements. Subject to the terms and conditions of this Agreement, the parties further agree as follows:

(a) The Core Royal shall be developed, designed and constructed to include the following improvements, without limitation (the "Core Royal Improvements"):

(i) A first class main show arena with at least 164,000 square feet and approximately 5,000 permanent seats and another approximately 3,200 temporary seats for a variety of events which shall include livestock exhibitions, rodeos, prestigious horse shows, and horse competitions, and which may also be used for additional events, programming, sports, and other recreational and entertainment activities;

(ii) A first class livestock exhibition hall with at least 250,000 square feet of Improvements, including pens for approximately 2,000 animals for events which may include a ten (10) day livestock show in October of each year and similar events throughout the balance of the year; and

(iii) Approximately 5,000 square feet of office space, including a headquarters location for corporate offices of the American Royal.

(b) The Agricultural Education Center shall be developed, designed and constructed with at least 6,500 square feet of Improvements (which may be integrated within the Core Royal Improvements) for a first class agricultural museum that features indoor and outdoor exhibits, which shall be regularly updated in accordance with best industry standards and practices, an interactive museum-based learning environment, and meeting and professional training space (the "Agricultural Education Center Improvements"). The Agricultural Education Center will offer a unique, state-of-the-art, interactive food and agricultural learning experience to instill a higher level of knowledge about, and trust of, modern food processing and agricultural practices while honoring the rich history of food and agriculture in the U.S. and around the world.

(c) Developer also anticipates that the Project will provide excess land for contemplated future construction of an agricultural headquarters facility and potential expansion of the Core Royal, along with various retail and restaurant uses (the "Excess Land"); provided, however, that all such future construction and expansion on the Excess Land shall be: (i) contingent upon obtaining adequate financing and other feasibility measures, as determined by Developer in Developer's sole discretion; and (ii) in accordance with Section 2.2(i) below.

(d) The Project shall include surface parking Improvements located on the Site, and potentially outside of the Site, to provide parking necessary and in compliance with Applicable Laws and Requirements (the "Parking Improvements").

(e) Developer recognizes, stipulates and agrees that its exterior signage for the Site shall be subject to all Applicable Laws and Requirements, including any lighting and signage guidelines of the UG and any special use permit(s) granted by the UG's Board of Commissioners.

(i) The UG hereby agrees that it will, to the extent possible, expedite the consideration of Developer's proposed on-Site and off-Site signage and cooperate with Developer to reasonably accommodate Developer's signage requirements for the Site.

(ii) Subject to Applicable Laws and Requirements as set forth above, Developer shall have the right to: (x) sell, install and maintain in and on the interior (which interior signs will not require additional sign permit approvals) of the Core Royal and the Agricultural Education Center advertising panels, banners, flags, signs (including electronic signs) and other advertising; and (y) create, erect and maintain additional informational and directional signs of a non-advertising nature (collectively, the "Signs"); provided, however, that the Signs shall not advertise or include any illegal, immoral or overtly religious items or themes, or any references to sex or the sex industry (e.g., pornographic materials or media or condoms or other contraceptives), and the Signs may not advertise tobacco products or personal feminine hygiene products of any kind (e.g., sanitary napkins or tampons).

(f) Developer's plans for landscaping on the Site shall be considered in accordance with all Applicable Laws and Requirements.

(g) Developer's design, development and construction of the Project hereunder shall in all respects comply with the Plans and Specifications (as defined in Section 6.2).

(h) In addition, the Construction Documents and any other contracts for the design, development, acquisition, construction and completion of the Improvements, as well as all other contracts or agreements respecting the Project, shall comply and conform with the Transaction Documents (as defined in Annex 1) and all Applicable Laws and Requirements.

(i) The Development Plan described in this Section 2.2 and attached hereto as **Exhibit 7** shall not be amended or modified by Developer without the prior written consent of the UG, in the UG's sole discretion.

2.3 General Agreements. Subject to the terms and conditions of this Agreement, including (without limitation) the conditions set forth in Section 3.1(a) below, Developer agrees to promptly and completely perform each and all of its duties and obligations under this Agreement and the other Transaction Documents. The UG agrees to promptly and completely perform each and all of its duties and obligations under this Agreement and the other Transaction Documents.

ARTICLE 3. CONDITIONS

3.1 Conditions.

(a) Conditions. Neither party shall be obligated to proceed to the Bond Closing unless and until each of the following conditions and requirements has been satisfied in full:

(i) Due Diligence. The parties acknowledge that the financing and Development Plan for the Project are not final as of the Effective Date. Therefore, Developer shall have eighteen (18) months following the Effective Date in order to secure all necessary financing for the Project and (subject always to the terms of Section 2.2(i) above) to finalize the Development Plan (the "Due Diligence Period"). If Developer is not satisfied in all respects as to the financing and final Development Plan on or prior to the expiration of the Due Diligence Period, then Developer shall have the right, exercisable by written notice to the UG on or before the date which is thirty (30) days following the expiration of the Due Diligence Period, to terminate this Agreement.

(ii) Financing Plan. Reference is hereby made to the plan for financing of the Project (the "Financing Plan"), which Financing Plan is attached hereto as **Exhibit 8**, and which **Exhibit 8** includes – among other things – Developer's securing and providing evidence of immediately available private funds which, when added to the net STAR Bond Proceeds, are sufficient to complete the Project in accordance with the Total Project Budget. Developer shall provide evidence of such private funds in form and substance verifiable and approved by the UG's County Administrator in his reasonable discretion, in the form of: (a) cash funds held in a bank account; or (b) private equity, received charitable contributions (not pledges), grants and/or a closed loan from a financial institution that is ready, willing and able to provide construction draws for the Project, subject only to normal and customary draw conditions that are reasonably approved by the UG. The Financing Plan, as described herein and on **Exhibit 8** attached hereto, is hereby approved by the UG; provided, however, that any changes to the Financing Plan must be approved by the UG in writing and, in the event of any changes to the Financing Plan, such written approval of the UG shall be a condition precedent to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds.

(iii) STAR Bond Approval. In accordance with the STAR Bond Act, the STAR Bonds described herein must be authorized and approved by the applicable Government Authorities, including the Secretary of Commerce ("Secretary") for the State of Kansas (the "State"), which shall have approved the Total Project Budget (attached hereto as **Exhibit 9**), including the line items set forth therein and any other items required to be approved by the Secretary pursuant to the STAR Bond Act. Further, Developer must be satisfied that the amount of STAR Bonds issued will be in an amount sufficient to render Eighty Million Dollars (\$80,000,000) in net STAR Bond

Proceeds for deposit into the project account, or such lesser amount as Developer may decide is acceptable to Developer in its sole discretion.

(iv) Bond Counsel Opinions. The UG's bond counsel shall have issued a legal opinion in connection with the issuance, sale and delivery of the STAR Bonds contemplated herein.

(v) CID Approval. The governing body of the UG shall have approved the CID by approval of the CID Ordinance described in Recital F above, or Developer shall have waived this requirement.

(vi) Planning and Zoning. Developer, in its sole discretion, shall have satisfied itself as to the legal description of the Site and all planning and zoning aspects thereof and all costs of constructing the Project contemplated herein after accounting for the UG's planning and zoning requirements. Developer's satisfaction shall be based upon the approvals (if applicable), responses, and interpretations of the various codes and requirements of the various UG departments after such departments review the Plans and Specifications for the Core Royal and Agricultural Education Center submitted to such departments by Developer.

(vii) Industrial Revenue Bonds. Developer shall have satisfied itself that it will have an appropriate sales tax exemption for construction materials used in connection with construction of the Project through the issuance of industrial revenue bonds ("IRBs") as set forth in Section 4.7 below.

(viii) Property Tax Exemption. Developer shall have satisfied itself that the Site will be exempted from real property taxation either through ownership by Developer as a not-for-profit entity or transfer to an Affiliate that is also a not-for-profit entity, or through the issuance of IRBs, as set forth in Section 7.6 below.

(ix) Acquisition of the Site. Developer shall purchase and close on acquisition of the Site prior to or contemporaneous with the Bond Closing (provided that the property closing may occur in escrow, with only recording to follow on the following business day after the Bond Closing).

(x) Wyandotte County Exclusivity. Prior to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds, Developer shall enter into an agreement with the UG related to the barbecue competition hosted annually by Developer (the "BBQ Competition"), which agreement will provide that the BBQ Competition will be held exclusively in Wyandotte County, Kansas during the Term of this Agreement. The terms of the agreement regarding the BBQ Competition shall be incorporated into this Agreement by reference as set forth in Section 8.1(f) below.

(xi) Wyandotte County Fair Association Agreement. Prior to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds, Developer shall enter into a separate agreement with the Wyandotte County Fair Association (the "Fair") to allow the Fair to use the Core Royal and Agricultural Education Center Improvements for Fair events for several weeks each year, including without limitation, one (1) week between June 1st and August 31st for the Fair's primary event. The agreement between Developer and the Fair described in this subsection (a)(xi) shall specify the mechanics for scheduling the Fair's events at the Project, including the relative priority given to Developer's events, and such agreement shall provide that the Fair's use of the Core Royal and Agricultural Education Center Improvements shall be without payment of any rent, license fees or other fees or

charges for using the facilities, but may require the Fair to pay Developer's reasonable out-of-pocket costs incurred as a result of the Fair's use. The UG shall have a right to review and approve the agreement between Developer and the Fair prior to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds.

(xii) Wyandotte County School System Agreement. Prior to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds, Developer shall enter into a separate agreement with the Wyandotte County school system (the "Schools") to allow the Schools to use the Core Royal and Agricultural Education Center Improvements for training and events for several times each year (the specific number of times shall be agreed upon and memorialized in the agreement). The agreement between Developer and the Schools described in this subsection (a)(xii) shall specify the mechanics for scheduling the Schools' events at the Project, including the relative priority given to the Developer's events, and such agreement shall provide that the Schools' use of the Core Royal and Agricultural Education Center Improvements shall be without payment of any rent, license fees or other fees or charges for using the facilities, or any charges or fees to the Schools' students, but may require the Schools to pay Developer's reasonable out-of-pocket costs incurred as a result of the Schools' use. The UG shall have a right to review and approve the agreement between Developer and the Schools prior to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds.

(xiii) Agreement for UG Events. Prior to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds, Developer shall enter into a separate agreement with the UG to allow the UG to use the Core Royal and Agricultural Education Center Improvements for certain events during the Term of this Agreement. The separate agreement between Developer and the UG described in this subsection (a)(xiii) shall specify the mechanics for scheduling the UG's events at the Project, including the relative priority given to the Developer's events, and such agreement shall provide that the UG's use of the Core Royal and Agricultural Education Center Improvements shall be without payment of any rent, license fees or other fees or charges for using the facilities, but may require the UG to pay Developer's reasonable out-of-pocket costs incurred as a result of the UG's use.

(xiv) BPU. Prior to the printing or distribution of any type offering statement or placement memorandum for the issuance of STAR Bonds, Developer shall enter into a separate agreement with the Kansas City Board of Public Utilities (the "BPU") for utility rates for the Project and any incentives, which agreement shall be acceptable to the Developer in its sole discretion.

(b) Approval of the UG. Where approval of the UG is required for the various conditions set forth above in Section 3.1(a), such approval shall be granted or withheld by the County Administrator.

3.2 Termination. Upon Developer's termination of this Agreement pursuant to Section 3.1(a), this Agreement shall terminate, and, except for those provisions that are specifically set forth herein to survive termination of this Agreement, the parties hereto shall have no further duty or obligation hereunder. Without limiting the generality of the foregoing, Developer shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby, and except for the fees and expenses of the UG to be paid for by Developer pursuant to that certain Funding Agreement dated as of February 28, 2017 (the "Funding Agreement") and incurred by the UG as of the date of Developer's termination of this Agreement, the UG shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby.

3.3 Waiver of Conditions. If any of the conditions set forth in Section 3.1(a) are not satisfied and the UG and Developer nonetheless proceed with the Bond Closing as set forth in Section 5.1, both the UG and Developer shall be deemed to be satisfied as to the conditions in Section 3.1(a) and shall be deemed to have waived the same.

ARTICLE 4.

FINANCING — SOURCE OF FUNDS

4.1 Source of Funds. The Project will be funded in part by public incentives, including the STAR Bonds and CID Sales Tax Proceeds, as well as the Private Contribution (as defined in Section 4.8 below) and/or other private financing sources. Reference is hereby made to the Total Project Costs and the Total Project Budget attached hereto as **Exhibit 9**, and by this reference made a part hereof. The Total Project Costs shall be paid in accordance with the procedures and requirements set forth herein, subject to the terms and conditions hereof.

4.2 STAR Bonds. The parties hereby agree as follows:

(a) Amount of STAR Bonds. The Bond Closing shall yield an amount equal to Eighty Million Dollars (\$80,000,000) of net STAR Bond Proceeds, or a lesser amount which may be approved by Developer in its discretion, which STAR Bond Proceeds shall be disbursed to Developer pursuant to the terms of Section 4.5 below to pay for STAR Bond Costs incurred in connection with the Project. An aggregate amount equal to Eighty Million Dollars (\$80,000,000), or such lesser amount as may be approved by Developer in Developer's sole discretion, shall be disbursed to Developer pursuant to the terms of Section 4.5 below and **Exhibit 9** hereof and the STAR Bond Indenture to pay for eligible and legally permissible STAR Bond Costs agreed upon by the parties and identified on **Exhibit 9** hereof. Notwithstanding anything set forth herein to the contrary, Developer's approval of an amount of net STAR Bond Proceeds which is less than Eighty Million Dollars (\$80,000,000) shall be subject to, and conditioned upon Developer providing the UG with evidence of private financing to make up for any such shortfall, which evidence of private financing shall be provided to the UG in the same manner set forth in Section 3.1(a)(ii) above.

(b) Collection of Incremental Tax Revenues.

(i) Generally. The STAR Bonds shall be paid from the following revenues collected within the STAR Bond District, for a period of twenty (20) years commencing on [REDACTED], 2017 when the ordinance approving the Project Plan was adopted by the governing body of the UG, to the extent that such revenues annually exceed the Base Year Revenues (as defined below): (1) incremental State sales and use taxes which are imposed pursuant to K.S.A. 79-3601 *et seq.* and 79-3701 *et seq.* (the "State Collection"); and (2) subject to the limitations set forth in subsection (b)(ii) below, incremental local sales and use taxes received by the UG, which are imposed pursuant to K.S.A. 12-187 *et seq.*, limited to 1% of the current City of Kansas City sales tax rate of 1.625% (excluding the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax) and the UG's share of the current County's 1% sales tax, which is currently 93.84% (with such 1% UG sales tax and the UG's share of the County's 1% sales tax referred to as the "Local Collection"); and (3) as applicable, and subject to the limitations set forth in subsection (b)(ii) below, proceeds from transient guest taxes levied within the STAR Bond District (the "TGT Collection") (the State Collection, the Local Collection, and the TGT Collection are collectively referred to herein as the "Incremental Tax Revenues"). For purposes hereof, the term "Base Year Revenues" means the aggregate amount of the State Collection, the Local Collection and the TGT Collection for the twelve (12) month period preceding December 1, 2016.

(ii) Limitations. The State Collection shall include revenues received from all taxpayers within the STAR Bond District, but notwithstanding anything set forth herein to the contrary: (A) the Local Collection shall be limited to only the revenues received from the Core Royal, the Agricultural Education Center, the BBQ Uses (if and to the extent that the BBQ Uses or sales are located within the boundaries of the STAR Bond District or as otherwise permitted by the appropriate Government Authorities and all Applicable Laws and Requirements), and from any and all prospective development on the real property within the STAR Bond District having a tax roll description of Wyandotte County Parcel No. 949106 (the "KS&F Property"); and (B) the TGT Collection shall exclude revenues received from any hotels within the STAR Bond District located north of Parallel Parkway (in the portion of the STAR Bond District shaded in yellow on Exhibit 2), and shall also exclude the revenues received from any convention center hotel and related facilities (if any) constructed within the STAR Bond District. The term "related facilities" as it pertains to the convention center hotel in the prior sentence, shall be deemed to mean hotel and convention center uses and other uses that are related or ancillary to the convention center, including without limitation, exhibition and auditorium space, hotels (including extended stay hotels) and normal hotel services, related food and beverage uses and ancillary retail supporting those uses (which may be located in one building or multiple buildings), but not including unrelated retail or restaurant uses on adjacent or nearby sites within the STAR Bond District.

(c) STAR Bond Revenue Fund; Disbursements. The UG shall collaborate with the State and the STAR Bond Trustee to establish and maintain a separate fund and account which will be described and defined in the indenture and other documents related to the issuance of STAR Bonds (the "Bond Documents") and which, for purposes of this Agreement, shall be referred to as the "STAR Bond Revenue Fund." All Incremental Tax Revenues collected in the STAR Bond District in the manner described above in Section 4.2(b) shall be deposited into the STAR Bond Revenue Fund. Following the Bond Closing, disbursements from the STAR Bond Revenue Fund shall be as set forth in this Agreement, and subject to the terms and conditions set forth in the Bond Documents.

(d) The 50% Limitation. Developer hereby understands and agrees that, in accordance with K.S.A. 12-17,164(b), in no event shall STAR Bond Proceeds be disbursed to Developer in an amount greater than fifty percent (50%) of the total cost of the Project. Developer and the UG hereby agree that the STAR Bond Proceeds available for disbursement to Developer to pay for STAR Bond Costs at any given time shall be limited to an amount which is equal to the amount of Total Project Costs which have been paid by Developer for the Project from the Private Contribution, excluding the costs for land, legal fees, soft costs and/or construction period interest. In other words, the Total Project Costs are to be paid on a 50/50 basis between Developer's Private Contribution and the available STAR Bond Proceeds, and there shall not at any time during the Term be more Total Project Costs paid with STAR Bond Proceeds than the amount of Total Project Costs paid by Developer's Private Contribution (the "50/50 Limitation"). By way of illustrative example of the 50/50 Limitation, if at a given point in time, Developer has incurred Total Project Costs (including any STAR Bond Costs) to date of \$200, then Developer's maximum disbursement from STAR Bond Proceeds may not exceed \$100. However, the parties further understand and agree that if at a given point in time, Developer has incurred \$225 of Total Project Costs, of which \$125 are STAR Bond Costs and \$100 are paid from the Private Contribution, then (i) at that particular time, no more than \$100 of STAR Bond Proceeds may be disbursed to Developer to pay for STAR Bond Costs, but (ii) if Developer later incurs an additional \$25 of Total Project Costs which are paid with the Private Contribution, then \$25 of additional STAR Bond Proceeds may be disbursed to Developer to pay for the remaining \$25 of STAR Bond Costs. Payment of Total Project Costs from the Private Contribution shall be evidenced to the UG as set forth in Section 4.5. Notwithstanding the exclusion of the costs for land, legal fees, soft costs and/or construction period interest from the Private Contribution as set forth above, if and to the extent that the exclusion of such items results in a final budget for Total Project Costs at Bond

Closing that does not have at least Eighty Million Dollars (\$80,000,000) of private costs (so that the 50/50 Limitation would necessarily result in Developer's receipt of less than Eighty Million Dollars (\$80,000,000) of STAR Bond Proceeds), then the UG and Developer will agree upon a proportionate amount of such (otherwise) excluded costs to be included for purposes of the 50/50 analysis contemplated herein.

(e) Shortfalls. Provided that a Bond Closing occurs as described herein, Developer hereby understands and agrees that all other costs of the Developer in performing under this Agreement shall be the sole responsibility of the Developer and such costs will be funded as and when needed by the Developer. In the event that Pay-As-You-Go CID Financing (defined below in Section 4.3(c)) and the net STAR Bond Proceeds are in any way insufficient in any respect to pay all CID Costs and STAR Bond Costs, and to complete any of the Improvements included therein, lien free, then Developer agrees that it will, from time to time as necessary, pay (or cause to be paid) any and all costs of said Improvements, free of mechanics liens.

(f) Excess STAR Bond Proceeds. In the event that the STAR Bond Proceeds allocated by the Total Project Budget for payment of the Developer's STAR Bond Costs (a) exceed the legally eligible STAR Bond Costs, or (b) are equal to or greater than fifty percent (50%) of the Private Contribution, and the Improvements included therein have been certified as fully completed and paid for, free of mechanics liens, such excess shall be held and applied pursuant to the STAR Bond Indenture.

(g) Costs Required to be STAR Bond Eligible. Notwithstanding anything in this Agreement to the contrary, in all events when this Agreement shall provide for the payment or reimbursement of any cost with STAR Bond Proceeds, such payment or reimbursement shall be conditioned upon such costs being (i) STAR Bond Costs, and (ii) legally permissible pursuant to the terms and conditions of the STAR Bond Act.

(h) Statutory STAR Bond Requirements. Developer and the UG agree that they will comply with all reasonable requirements including any statutory requirements, associated with the issuance, sale, purchase and delivery of the STAR Bonds and shall cooperate with one another to fully effectuate the terms, distributions, and payments as detailed herein and in the Financing Plan, incorporating the Total Project Budget. Developer further understands and agrees that there is a statutory cap on STAR Bond interest rates, which shall apply to the STAR Bonds described by this Agreement and the Indenture.

(i) Costs of Issuance. The parties agree that the principal amount of the STAR Bonds actually issued may be more than the amounts stated in the Total Project Budget to cover other costs and expenses related to the issuance of the STAR Bonds, including but not limited to costs of issuance and capitalized interest, and that, subject to Applicable Laws and Requirements and this Agreement, STAR Bonds will be issued in an amount to render Eighty Million Dollars (\$80,000,000) in net STAR Bond Proceeds for deposit into the STAR Bond Revenue Fund to pay for STAR Bond Costs incurred by Developer in connection with the Project, or such lesser amount as may be approved by Developer in its sole discretion.

(j) Prepayment of the STAR Bonds. The STAR Bonds may be prepaid pursuant to prepayment provisions to be established in the Bond Documents and which are satisfactory to the UG in its sole discretion.

(k) STAR Bond Payment Applications. Notwithstanding anything herein to the contrary, the signature of both the Developer and the UG shall be required on all pay applications submitted by the Developer to the STAR Bond Trustee for any payment from the STAR Bond Proceeds. All disbursements of the STAR Bond Proceeds shall be pursuant to the Transaction Documents.

(l) Issuance of Obligations. The terms and conditions of this Section 4.2(l) (including the conditions set forth in subsection (iv) below) shall govern and control the issuance of the STAR Bonds.

(i) Terms and Interest Rate. The UG hereby agrees to consult with the Developer regarding the amount of STAR Bonds to be issued, and the terms and interest rate or rates determined by market conditions at the time of issuance, particularly if the marketing conditions are projected to render an amount less than Eighty Million Dollars (\$80,000,000) in net STAR Bond Proceeds. Ultimately, however, any such STAR Bonds shall be issued in an amount, on terms and at an interest rate or rates determined by market conditions at the time of issuance and under terms and conditions deemed acceptable by the UG in its sole discretion, and approved by the Secretary; provided, however, that, notwithstanding the foregoing or anything in this Agreement to the contrary, if the Developer is not satisfied in all respects as to the amount of STAR Bonds to be issued, and the terms and interest rate or rates of the STAR Bonds to be issued, then Developer may, prior to the Bond Closing, terminate this Agreement upon written notice to the UG. Upon the Developer's termination of this Agreement pursuant to this Section 4.2(l)(i), this Agreement shall terminate, and, except for those provisions that are specifically set forth herein to survive termination of this Agreement, the parties hereto shall have no further duty or obligation hereunder.

(ii) Underwriters. The underwriter(s) for any STAR Bonds shall be selected by the UG. The UG shall solicit input from Developer as it relates to all components of the issuance of STAR Bonds in an effort to maximize the size of the issuance, but the UG shall have the right, power and authority, to determine the amount, terms, interest rate or rates and other terms and conditions of the STAR Bonds, subject to the approval of the Secretary and Section 4.2(l)(i) above.

(iii) No Guaranty or Credit Enhancement. The UG shall not be required, in any way, to guaranty or lend its credit to secure the STAR Bonds.

(iv) Conditions for Issuance. Issuance of any STAR Bonds shall be conditioned upon Developer complying with the terms of this Agreement and each of the following conditions:

(1) Developer shall provide such documentation to the UG as is required by the underwriter to demonstrate that the Incremental Tax Revenues contemplated herein are sufficient to pay debt service on the STAR Bonds amortized through the Term of this Agreement with a coverage factor that the underwriter determines is necessary and that is agreed to by Developer and the UG.

(2) The terms of the STAR Bonds, including but not limited to limitations on sales and transfers to sophisticated investors only, shall be acceptable to the UG in its sole discretion.

(3) The underwriter shall hold the STAR Bonds in its own account or be responsible for marketing and selling the STAR Bonds, and the UG shall be under no obligation to issue STAR Bonds if such STAR Bonds are not marketable after reasonable effort by the underwriter.

(4) The Kansas Attorney General shall approve the transcript of proceedings relating to the STAR Bonds as required by Applicable Laws and Requirements.

(5) Bond counsel selected by the UG shall provide to the UG an opinion to the effect that the STAR Bonds have been validly issued under Kansas law and, if

applicable, the interest on the STAR Bonds is exempt from Kansas and federal income taxation, subject to the standard exceptions.

(v) Bond Requirements. Developer and the UG agree that they will comply with all reasonable requirements, including any statutory requirements, associated with the issuance, sale, purchase and delivery of any STAR Bonds. Without limiting the generality of the foregoing, the parties hereby recognize and agree that K.S.A. 12-17,176 of the STAR Bond Act requires an annual audit by a certified public accountant of the use of the STAR Bond Proceeds by the UG. Developer hereby agrees that it shall cooperate with any such annual audit (and with one (1) comprehensive audit following completion of construction of the Project if and to the extent required by the UG) and Developer shall reimburse the UG for all of the costs and expenses associated with such audits.

(vi) Discretion of the UG's Board of Commissioners. Developer understands and agrees that the UG cannot bind governing bodies of the UG regarding the authorization, issuance, sale or delivery of STAR Bonds and that nothing contained herein or in the Financing Plan shall in any way bind the UG's Board of Commissioners to accept or reject any proposal to authorize, issue, sell, deliver, or refinance the STAR Bonds, which decision shall unconditionally remain with such Board of Commissioners in accordance with Applicable Laws and Requirements. Among other things, Developer hereby understands and agrees that the UG shall have the right to approve the interest rate and the other terms of the STAR Bonds.

(vii) Placement of STAR Bonds. The parties agree that, subject to the approval of the UG, the STAR Bonds may be publicly or privately placed and sold only to (i) "qualified institutional buyers," or (ii) "accredited investors" as such terms are defined by the Securities Exchange Commission ("Qualified Third Parties") who execute and deliver investor letters in the form required by the STAR Bond Indenture.

4.3 CID. It is contemplated by the parties that the Project shall be funded in part by CID Sales Tax Proceeds. Developer has identified certain Project Costs which may be reimbursed with CID Sales Tax Proceeds if and to the extent that such Project Costs are agreed-upon by the parties and identified on **Exhibit 9** attached hereto (the "CID Eligible Expenses") and eligible for payment or reimbursement pursuant to the CID Act. In connection with the CID Sales Tax, the Parties hereby agree as follows:

(a) CID Sales Tax. The UG hereby agrees that the CID Eligible Expenses may be financed and reimbursed with Pay-As-You-Go CID Financing (defined below in Section 4.3(c)) from the imposition of the CID Sales Tax in the amount of one percent (1%) on the sale of tangible personal property at retail or rendering or furnishing of services which are taxable pursuant to the Kansas Retailers' Sales Tax Act (K.S.A. 79-3601 *et seq.*) from only those revenues received from the Core Royal, the Agricultural Education Center, and the BBQ Uses (if and to the extent that the BBQ Uses are located within the CID or as otherwise permitted by the appropriate Government Authorities and all Applicable Laws and Requirements). Developer agrees to provide to the DOR a list of tenants within the CID within the timeframes required by the DOR, so that the DOR can notify tenants within the CID of their requirement to collect a CID Sales Tax. At the time the list of tenants is provided to the DOR, Developer shall also provide a copy to the UG.

(b) CID Sales Tax Fund. During the Term, all CID Sales Tax Proceeds generated within the CID and received by the UG from the DOR shall be deposited into the CID Sales Tax Fund, which shall be established and administered by the UG in compliance with the laws of the State and this Agreement.

(c) Pay-As-You-Go CID Financing. The Parties hereby agree that the proceeds from the CID Sales Tax shall be disbursed by the UG to Developer quarterly from the CID Sales Tax Fund on a pay-as-

you-go basis ("Pay-As-You-Go CID Financing") to reimburse Developer for the CID Eligible Expenses, if and to the extent that: (1) there are CID Sales Tax Proceeds in the CID Sales Tax Fund, (2) Developer has fully satisfied all of the conditions as set forth in Section 4.4 below, and (3) the Term has not yet expired. The Parties further agree as follows:

(i) The CID Sales Tax available to Developer for reimbursement of CID Eligible Expenses identified on Exhibit 9 shall be limited as follows: the amount of CID Eligible Expenses reimbursed to Developer from the CID Sales Tax through Pay-As-You-Go CID Financing shall, when added to the net STAR Bond Proceeds, in no event exceed Eighty Million Dollars (\$80,000,000) (the "CID Cap"). The CID Cap shall, for all purposes set forth herein, operate as a cap on the use of CID Sales Tax for reimbursement of the CID Eligible Expenses for the initial construction of the Project as described on Exhibit 9, including without limitation, any construction period interest and financing costs – which amounts, if any, shall effectively reduce the CID Cap. However, the parties agree that notwithstanding the CID Cap, Developer may nonetheless receive Pay-As-You-Go CID Financing beyond the CID Cap for the Term of this Agreement for ongoing maintenance and operation of the Project if and to the extent such maintenance and operation expenses are approved and eligible under Section 12-6a27(m) of the CID Act.

(ii) The CID Sales Tax shall be collected within the CID for a period that commences on the date that the CID Sales Tax is first imposed within the CID up to and concluding upon that date which is twenty-two (22) years from the date that the CID Sales Tax is first imposed (the "CID Collection Period"). At the end of the CID Collection Period, the parties understand and agree that the CID shall thereafter terminate, the CID Sales Tax shall terminate and no longer be levied or collected within the CID, and the UG shall promptly take any action required to so terminate the CID and the CID Sales Tax.

(iii) Developer shall not receive any reimbursements from Pay-As-You-Go CID Financing unless and until the conditions precedent set forth in Section 4.4 have been fully satisfied or waived by the UG, upon which satisfaction or waiver Developer shall be reimbursed from Pay-As-You-Go CID Financing as provided in this Agreement.

(d) CID Bonds. Developer hereby understands and agrees that nothing in this Agreement shall in any way obligate the UG to issue CID bonds or other CID obligations to reimburse Developer for the CID Eligible Expenses; provided, however, that the Developer may request, and the UG will consider, in its sole and absolute discretion: (i) the issuance of special obligation bonds to reimburse the Developer for CID Eligible Expenses for the initial construction of the Project as described on Exhibit 9 up to an amount equal to the CID Cap; and/or (ii) a pledge of the CID Sales Tax Proceeds as an additional source of revenues to pay the STAR Bonds up to an amount equal to the CID Cap.

(e) Payment of CID Administrative Fee. A portion of CID Sales Tax from the CID shall be used to pay an administrative fee in an amount equal to one percent (1.0%) of the CID Sales Tax Proceeds actually received by the UG from the DOR (the "CID Administrative Fee"), and Developer hereby understands and agrees that such CID Administrative Fee shall be withheld by the UG prior to depositing the balance of the CID Sales Tax Proceeds into the CID Sales Tax Fund. As and when there are sufficient CID Sales Tax revenues from the CID to pay the CID Administrative Fee, such CID Administrative Fee shall have first priority to available CID Sales Tax Proceeds.

4.4 Conditions Precedent to Payment or Reimbursement from STAR Bonds or Pay-As-You-Go CID Financing. Developer hereby understands and agrees that it shall not receive any payments or

reimbursements for Project Costs from STAR Bonds or Pay-As-You-Go CID Financing, unless and until the conditions precedent set forth below have been fully satisfied or waived by the UG in its sole discretion:

- (a) The Bond Closing has occurred;
- (b) In accordance with Section 4.5 hereof, the UG has approved the Certificate of Expenditure for the Project Costs sought to be reimbursed;
- (c) Developer shall be in full compliance with the terms and conditions of this Agreement and shall not be in default hereunder, nor shall there be conditions, actions or omissions of Developer which will, with the passage of time, become occurrences of default hereunder; and
- (d) With respect to reimbursements from Pay-As-You-Go CID Financing only (and not for reimbursements or payments from STAR Bonds, including any CID Sales Tax Proceeds pledged to the STAR Bond issuance pursuant to Section 4.3(d) above), the Core Royal Improvements and the Agricultural Education Center shall be Substantially Completed.

4.5 Certificates of Expenditure for Reimbursement from Net STAR Bond Proceeds and CID Sales Tax Proceeds. The parties hereby agree as follows:

(a) Certificate of Expenditure. In order to receive payment or reimbursement for Project Costs from net STAR Bond Proceeds or Pay-As-You-Go CID Financing, Developer shall submit a certificate of expenditure in the form attached hereto as **Exhibit 10** (each, a “Certificate of Expenditure”) attesting to the expenditure of the Project Costs in accordance with the procedure set forth below. Developer may submit a separate Certificate of Expenditure each month, but no more than one time per month, for each of the STAR Bond Revenue Fund and CID Sales Tax Fund. Additionally, Developer shall require that no transferee, purchaser, or lessee of any portion of the Site otherwise provide Certificate(s) of Expenditure to the UG, except through Developer or except as otherwise approved by the UG and Developer.

(b) Procedures for Certification of Expenditures. The UG or a representative of the UG shall review the Certificate(s) of Expenditure to be made in connection with the Project Costs for approval or denial of the same as follows:

(i) Developer shall submit to the UG a Certificate of Expenditure setting forth the amount for which certification is sought and identification of the relevant Project Costs and the appropriate source of public financing proceeds (STAR Bond Revenue Fund or CID Sales Tax Fund) for payment of such Project Costs. Developer shall certify to the UG that it shall only use the STAR Bond Proceeds and/or the CID Sales Tax Proceeds for the designated Project Costs described in the Certificate of Expenditure and that such proceeds shall not be commingled with other sources or uses.

(ii) The Certificate of Expenditure shall be accompanied by an accounting of the Private Contribution made to date, along with supporting documentation therefor, and the amount of all STAR Bond Proceeds and CID Sales Tax Proceeds received by Developer to date.

(iii) The Certificate of Expenditure shall be accompanied by bills, contracts, invoices, lien waivers and such other evidence as the UG may require to document appropriate payment or pending payment.

(iv) The Certificate of Expenditure shall be accompanied by a report regarding any LBE/MBE/WBE participation associated with the costs requested for payment or reimbursement in the Certificate of Expenditure.

(v) The UG reserves the right to have its engineer or other agents, consultants or employees inspect all the items set forth in subsection (ii) above as reasonably necessary to determine that the expenses therein are valid, eligible and properly incurred and constitute STAR Bond Costs and/or CID Eligible Expenses (as the case may be).

(vi) The UG shall have sixty (60) calendar days after receipt of any Certificate of Expenditure from the Developer (except for a Certificate of Expenditure that includes the last five percent (5%) of the STAR Bond Proceeds, which may take as long as reasonably necessary to verify compliance with LBE/MBE/WBE participation as described in Section 8.2 and **Exhibit 13** hereof) to review and respond by written notice to Developer. If the UG disapproves of the Certificate of Expenditure, the UG shall notify the Developer in writing of the reason for such disapproval within such sixty (60) day period, in which event the Developer shall have the right to revise and re-submit the Certificate of Expenditure to address the UG's reason for disapproval, and the UG will review and approve the revised Certificate of Expenditure within thirty (30) calendar days after receipt of the re-submitted Certificate of Expenditure. Approval of any Certificate of Expenditure will not be unreasonably withheld, conditioned, or delayed.

(c) **Third Party Oversight/Management.** The parties hereby understand and agree that the process to approve Certificates of Expenditure and properly disburse the STAR Bond Proceeds and CID Sales Tax Proceeds is important to the State, the UG and the Developer for various reasons. Accordingly, the parties hereby understand and agree that the UG may retain outside third party representatives to manage and/or provide oversight to this process, with the prior written approval of Developer, which approval shall not be unreasonably withheld, conditioned or delayed, following Developer's receipt of a cost proposal from such outside third party representatives, and Developer hereby agrees to fully cooperate with any such third party representatives in this process and to pay the UG's costs for retaining such third parties.

4.6 **Line Items.** The parties hereby agree that any increase in line item amounts in the columns labeled "STAR Bond Costs" or "CID Eligible Expenses" in the Total Project Budget as set forth on **Exhibit 9** may be made by Developer as long as: (a) no such increase represents more than twelve percent (12%) change per line item, and (b) Developer provides the County Administrator's office with prior written notice of such change. No increase will be effective without such notice to the County Administrator's office and a modified Total Project Budget reflecting such change. The parties further agree that no changes shall be permitted within any of the "Soft Costs" or "Contingency" line items in the STAR Bond Costs or CID Eligible Expenses columns on the Total Project Budget set forth on **Exhibit 9**.

4.7 **IRBs.** Subject to all Applicable Laws and Requirements and subject further to compliance by Developer with the UG policy for the issuance of industrial revenue bonds ("**IRBs**"), the parties hereby agree that the Developer may use IRB financing to obtain an exemption on sales taxes for construction materials, equipment and furnishing for the Project. The parties hereby understand and specifically agree that such IRB financing shall not be used for abatement of ad valorem taxes, unless and except for the particular circumstances specifically provided for in Section 7.6 of this Agreement and subject to a vote of the UG's Board of Commissioners in their sole discretion. Further, Developer understands and agrees that any such IRBs for a particular component of the Project shall be redeemed and paid in full within twelve (12) months of the completion of such Project component's construction. Unless otherwise agreed by the parties, no IRBs for the Project pursuant to this Section 4.7 shall be issued more than three (3) years after the Effective Date. Developer shall pay all costs in connection with the issuance of the IRB financing, including without limitation, any IRB fees and costs of issuance.

4.8 Private Contribution. Developer shall contribute, or procure through third party partnerships, no less than Eighty Million Dollars (\$80,000,000) of private capital to construct the Project (the "Private Contribution"). The parties acknowledge and agree that the Private Contribution may be phased, but such phasing may limit the availability of STAR Bond Proceeds and/or CID Sales Tax Proceeds to Developer from time to time as set forth in Section 4.2(d) above. In the event that the STAR Bond Proceeds and CID Sales Tax Proceeds contemplated by the Total Project Budget for payment of the Total Project Costs are in any way insufficient in any respect to pay all such Total Project Costs, then Developer agrees that it will, from time to time as necessary, pay any and all of such shortfall and will complete the Improvements, lien free.

4.9 Reimbursement Priority. All payments or reimbursements of whatever kind from the UG to the Developer under this Agreement shall be made in the following priority:

(a) First, to the UG, to the extent permitted by Applicable Laws and Requirements, for: (i) all amounts due or owing (including all taxes, fees, or fines), including any interest and penalty thereon, by the Developer to the UG under this Agreement, under any other agreement with the UG, or under any Applicable Laws and Requirements; (ii) all costs incurred (and any interest or penalty thereon) by the UG in entering into, operating under, or enforcing this Agreement, including without limitation the CID Administrative Fee, and all costs of pursuit of Developer; and (iii) indemnification of the UG for any indemnity obligation owed by Developer to the UG, and any interest or penalty thereon; and

(b) Second, to the Developer for actual amounts to which the Developer is entitled by the other provisions of this Agreement.

ARTICLE 5. CLOSING

5.1 Bond Closing. The term "Bond Closing" as used in this Agreement shall mean the date on which the STAR Bonds are issued, sold, and delivered publicly or privately. Developer shall provide written notice to the UG prior to the proposed Bond Closing date, and shall use commercially reasonable efforts to do so at least three (3) weeks in advance thereof. It is hereby recognized, stipulated and agreed by Developer and the UG that neither party shall have any duty to proceed with the Bond Closing or to do or perform any of the duties or obligations to be performed at the Bond Closing unless and until each and all of the conditions described in Article 3 have either been satisfied or waived in accordance with the applicable provisions of Article 3. Notwithstanding anything herein to the contrary, the Bond Closing must occur on or before that date which is eighteen (18) months from the Effective Date (the "Drop Dead Date"), or either party shall have the right to terminate this Agreement upon written notice delivered to the other party.

ARTICLE 6. CONSTRUCTION OF IMPROVEMENTS AND INFRASTRUCTURE IMPROVEMENTS

6.1 Architect. Developer shall select such architects, engineers and other design professionals and consultants as are necessary, in Developer's sole discretion, to provide construction documents and construction oversight services for the Core Royal Improvements, Agricultural Education Center Improvements, and Parking Improvements, along with the associated signage and landscaping (collectively, the "Improvements"). All agreements respecting architectural and engineering services shall be between Developer and such Persons, and a copy of each such agreement shall be timely provided to the UG upon a request for the same.

6.2 Design and Plans and Specifications. Developer shall, during the Due Diligence Period, provide the UG with plans and specifications for the Improvements (collectively, the "Plans and Specifications"), which Plans and Specifications shall include cost estimates for the Improvements, and detailed specifications of materials, all in accordance with applicable UG zoning and building regulations, and the Plans and Specifications shall be compatible with the Development Plan (as the same may be modified pursuant to Section 2.2(i) hereof), and in compliance with all Applicable Laws and Requirements. Developer recognizes, stipulates and agrees that the Plans and Specifications, once finalized by Developer and upon proper application therefor, will be subject to the UG's planning and zoning approval process, and the Plans and Specifications will be presented to and subject to approval by the UG in accordance with the same. Without the prior written approval of the appropriate Government Authorities, there shall be no Material Changes to the Plans and Specifications subsequent to the initial approval.

(a) Developer shall, during the Due Diligence Period and pursuant to applicable UG zoning and building regulations, provide the UG with design criteria, which set forth the preliminary architectural design of the Improvements and the building materials to be used in the construction thereof (the "Design Criteria"). The Design Criteria, once finalized by Developer, must be approved by the UG in its reasonable discretion, and upon such approval, shall be attached to this Agreement as Exhibit 11.

(b) Developer shall, during the Due Diligence Period and pursuant to applicable UG zoning and building regulations, provide the UG with a landscape plan, which sets forth a detailed plan for landscaping of the Site (the "Landscape Plan"). The Landscape Plan, once finalized by Developer, must be approved by the UG in its reasonable discretion, and upon such approval, shall be attached to this Agreement as Exhibit 12.

6.3 General Contractor and Construction Documents. Developer shall select one or more general contractors (collectively, the "General Contractor") for the Improvements, in Developer's sole discretion; provided, however, that each such General Contractor must have experience in projects of similar scope and nature in the Kansas City metropolitan area, including experience working with union labor and meeting LBE/MBE/WBE goals. Developer represents that its construction documents relative to the Improvements (the "Construction Documents") will require and provide for: (a) the design, development, construction, equipping and completion of the Improvements in accordance with the Development Plan, the Plans and Specifications and all Applicable Laws and Requirements; (b) a guaranteed maximum price, or other commercially reasonable payment structure acceptable to the UG and Developer; (c) guaranteed Substantial Completion not later than the Completion Date for each respective Improvement as set forth in Section 6.10 (with such penalties for nonperformance as the UG and Developer deem necessary); and (d) surety of performance and labor and material payment bonds as set forth in Section 6.6 below. Developer shall, as soon as practicable, provide the UG with a copy of the Construction Documents.

6.4 Changes or Amendments. Developer shall promptly deliver to the UG copies of all change orders or other Material Changes to the Construction Documents. Developer agrees with the UG that, subject to the terms and conditions of this Agreement, it will: (a) perform its duties and obligations under the Construction Documents, and (b) enforce the obligations of all other parties thereunder.

6.5 Responsibility for Design and Construction. Developer shall, subject to the terms of this Agreement, the other Transaction Documents, and the Development Plan, have the sole right and the responsibility to design, manage, operate and construct the Project. Developer shall receive no separate fee from the UG, STAR Bond Proceeds, or CID Sales Tax Proceeds for acting as construction manager or developer of the Project. Notwithstanding anything set forth herein to the contrary, the Plans and Specifications shall be sealed by the principal architect and shall require that the principal architect render a certificate upon the completion of the work required thereby that said work has been completed in accordance with all Applicable Laws and Requirements.

6.6 Payment and Performance Bonds. The General Contractor shall be required under the Construction Documents to furnish and maintain in full force and effect performance and labor and material payment bonds in the full amount of the project cost, as set forth in the Construction Documents. The bonds shall be in form and substance and issued by a corporate surety satisfactory to Developer and the UG. The bonds shall be in favor of the UG, Developer, the Permitted Mortgagee, and such other parties as are required in connection with the issuance of the STAR Bonds; provided, however, that the General Contractor shall not be required to provide such bonds if the County Administrator agrees in its discretion to waive such requirement in writing after review and approval of the General Contractor's financial statements.

6.7 Permits and Reviews. Developer hereby recognizes, stipulates and agrees: (a) that in the design, construction, completion, use or operation of the Improvements, Developer, or its General Contractor, shall procure and pay for (or cause to be procured and paid for) any and all permits, licenses or other forms of authorizations that are, from time to time, required by Applicable Laws and Requirements; and (b) that nothing herein shall be construed as any release by the UG of the responsibility of Developer to comply with, and satisfy the requirements of, all Applicable Laws and Requirements; the UG agreeing, however, that it will, to the extent possible, expedite all plan review and permitting in connection with the design and construction of the Improvements, and that, subject to this Agreement and Applicable Laws and Requirements, including without limitation the CID Act and the STAR Bond Act, the costs of procuring any and all permits, licenses or other forms of authorizations may be paid for and/or reimbursed, as the case may be, with STAR Bond Proceeds or CID Sales Tax Proceeds.

6.8 Cost Verification. During construction of the Improvements, the UG and Developer shall establish appropriate review procedures whereunder the UG and/or its representatives can inspect and review costs (which may include an audit of records to verify the STAR Bond Costs, CID Costs and Private Contribution which are incurred and paid in accordance with the Development Plan) and to verify that construction is proceeding in accordance with the Development Plan, the Plans and Specifications and all Applicable Laws and Requirements. Developer will cooperate with the UG in such review and, subject to Section 4.5(c) above, the costs and expenses for such review shall be paid by Developer and if such costs are eligible, the same may be reimbursed with STAR Bond Proceeds and/or CID Sales Tax Proceeds, subject to compliance with the CID Act and the STAR Bond Act (as applicable). All disbursements of STAR Bond Proceeds and CID Sales Tax Proceeds shall be subject to the written approval of the UG in accordance with this Agreement, which approval will not be unreasonably delayed, conditioned or withheld.

6.9 Periodic Meetings with the UG. From the Effective Date until Substantial Completion of the Improvements, Developer hereby agrees to meet with the UG and/or its representatives at such intervals as Developer, the UG and any such designee shall mutually agree or reasonably request, but not more frequently than monthly, to review and discuss the design, development and construction of the Improvements and the Project.

6.10 Commencement and Completion of Improvements. Subject to satisfaction or waiver of the conditions set forth in Section 3.1(a) above, and subject to Force Majeure, Developer hereby agrees that it shall commence and complete the Improvements on or before the dates set forth as follows:

(a) The Core Royal Improvements. Commencement of construction of the Core Royal Improvements shall occur on or before that date which is six (6) months after the Bond Closing, and the Developer further agrees that the Core Royal Improvements, associated Parking Improvements, signage, and landscaping shall be Substantially Completed and opened no later than that date which is two (2) years after the Bond Closing.

(b) The Agricultural Education Center Improvements. Commencement of construction of the Agricultural Education Center Improvements shall occur on or before that date which is eighteen (18)

months after the Bond Closing, and the Developer further agrees that the Agricultural Education Center Improvements, associated Parking Improvements, signage, and landscaping shall be Substantially Completed and opened no later than that date which is three (3) years after the Bond Closing.

ARTICLE 7. USE AND OPERATION

7.1 Term. The Term of this Agreement shall commence on the Effective Date and, unless earlier terminated as specifically provided in Sections 3.1(a), 4.2(l), 5.1 or 7.10(c) herein, shall expire on that date which is the later of: (i) twenty (20) years after the date that the Project Plan is approved, or (ii) twenty-two (22) years after the date that the CID Sales Tax is first collected (the "Term").

7.2 Use and Operation. Developer covenants that at all times during the Term, it will:

(a) Use the Project only for a major commercial entertainment and tourism development consisting of the following uses: first class livestock expo arena and other agricultural-related uses, first class education and conference center, first class entertainment complexes, and other related retail, restaurant, office, multi-use, exhibition, meeting, conference, and sporting and recreational uses (the "Permitted Uses").

(b) Conduct its business at all times in a dignified and quality manner and in conformity with the highest industry standards and in such manner as to help establish and maintain a strong reputation for the Project.

(c) Maintain the Project in substantial compliance with the Landscape Plan and at all times trimmed and well-maintained.

(d) Provide security for the Project in accordance with industry standards for similarly situated projects of similar scope and nature, including crowd control and management, traffic control and first aid before, during and after events at the Project, including the BBQ Competition.

(e) Perform its duties to repair, restore and replace the Improvements as set forth in Sections 7.4 and 7.10 hereof; provided, however, that notwithstanding anything herein to the contrary, nothing in this Agreement shall require Developer to make renovations or upgrades to the Improvements beyond what is set forth in the Plans and Specifications.

(f) Additionally, Developer and the UG hereby agree that the following uses shall be prohibited on or about the Site during the Term, except as otherwise provided herein or with the prior written approval of the UG:

(i) Any use which is unreasonably offensive (meaning not in compliance with commercially reasonable standards for projects of similar scope and nature) by reason of odor, fumes, dust, smoke, noise, or pollution, or which constitutes a nuisance, or is hazardous, by reason of fire or explosion, or which is objectively injurious to the reputation of the Project; provided, however, that the UG understands and agrees that the Project includes uses that are agricultural- and entertainment-related in nature, and as such, the noise and odor that accompany such uses shall not be prohibited by the foregoing restriction, but the same shall be subject to the terms of subsection (g) below. No oil, gasoline or flammable liquid shall be stored in bulk other than allowed pursuant to Applicable Laws and Requirements.

(ii) A gas station, or car wash facility, open to the public.

(iii) A facility primarily used as a storage warehouse operation, mini-warehouse, or freight terminal; provided, however, that the foregoing restriction shall not in any way prohibit the operation of a small warehouse or mini-warehouse if operated in connection with and ancillary to the Permitted Uses.

(iv) A facility for the assembling, manufacturing, refining, or smelting, drilling, mining, exploring or the producing of oil, gases or other minerals.

(v) Any use, other than for educational purposes, which involves the long-term raising, breeding, and keeping of any animals or poultry; provided, however, that such educational uses shall: (1) never exceed more than twenty (20) animals at one time, and (2) always be subject to Applicable Laws and Requirements. However, the UG understands and agrees that portions of the Site may be used on a temporary basis for the keeping and selling of livestock and other animals at auction in connection with events for the Core Royal and the Agricultural Education Center, and Developer agrees that in each such case, such areas are to be cleaned and maintained in accordance with best industry standards for similar facilities.

(vi) Salvage or reclamation yards and the storage of inoperative vehicles.

(vii) Any pawn shop or "second hand" store; provided, however, that the foregoing restriction shall not in any way prohibit the operation of high quality antique or so-called vintage stores.

(viii) Any mobile home park, camp ground, trailer court, or labor camp; provided, however, that the foregoing restriction shall not be applicable to: (1) the temporary use of construction trailers during periods of construction, reconstruction or maintenance; or (2) trailers, delivery trucks or recreational vehicles of invitees, guests, and participants of the Project.

(ix) Any dumping, disposing, incineration or reduction of garbage; provided, however, that this prohibition shall not be applicable to garbage compactors located near the rear of any building on the Site, or elsewhere on the Site subject to the approved final Development Plan and in compliance with all Applicable Laws and Requirements.

(x) Any fire sale, bankruptcy sale (unless pursuant to a court order) or use primarily as an auction house operation.

(xi) Any central laundry or laundromat as a primary use.

(xii) Any automobile, truck or equipment dealerships of any kind, including without limitation, facilities with permanent sales, leasing or displays of any automobile, truck, trailer or recreational vehicle, except for in conjunction with promotions, displays, and other marketing activities (subject to Applicable Laws and Requirements); provided, however, that the foregoing restriction shall not in any manner restrict: (1) temporary sales of automobiles, trucks, trailers, or recreational vehicles during events at the Core Royal and the Agricultural Education Center; or (2) permanent automobile, truck, trailer, or recreational vehicle displays by sponsors.

(xiii) Any body shop repair operation, engine repair or vehicle repair facility for all vehicles, including motorcycles, including a quick service facility, except as operated in connection with and ancillary to the Permitted Uses.

(xiv) Any mortuary or funeral home.

(xv) Any establishment selling or exhibiting pornographic materials or which sells drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff and/or any massage parlors or similar establishments; except that this provision shall not be deemed to preclude the operation in the Site of either a nationally or regionally recognized high-quality book store, or a drug store or pharmacy, or a department within a retail store offering for sale its usual or customary inventory of books, magazines and/or related pharmaceutical materials.

(xvi) A nightclub, which shall be deemed to mean any bar, restaurant, club or other establishment that derives seventy percent (70%) or more of its gross receipts from the sale of alcoholic beverages; provided, however, that the foregoing restriction shall not in any manner restrict: (1) a bar, restaurant, or similar establishment (regardless of the percentage of gross receipts received from the sale of alcoholic beverages) if such bar, restaurant, or similar establishment is located within, or contiguous to, the Core Royal or the Agricultural Education Center, and generally open for business only during events held at the Core Royal or the Agricultural Education Center; or (2) a single public-facing tavern-type establishment external to, or contiguous with, the Core Royal or the Agricultural Education Center, and open to the public.

(xvii) Any store selling discounted tobacco products, electronic or vapor cigarettes or other smoking devices or paraphernalia.

(xviii) Any hookah bars or other establishment with a primary focus on smoking.

(xix) Pay-day or title loan facilities.

(xx) Any precious metal facilities.

(xxi) A flea market; provided, however, that the foregoing restriction shall not in any way prohibit: (1) the operation of a "city market" or "farmers market" for the sale of fresh fruits, vegetables and other foods and flowers and other similar items; or (2) no more than six (6) times per year, a flea market that operates for less than four (4) consecutive calendar days.

The UG's Commission is hereby authorized to grant variances to the restrictions set forth in this Section 7.2(f) from time to time in its sole and absolute discretion. Prior to the Bond Closing, Developer and the UG shall execute a document which shall memorialize the restrictions set forth in this Section 7.2 and state that, to the parties' actual knowledge, there are no known violations of the restrictions within the STAR Bond District, and record the same against the real property within the STAR Bond District, which restrictions shall be effective and run with the land for the Term of this Agreement.

(g) Without limiting the generality of the restrictions set forth above, including without limitation, those set forth in subsections (f)(i) and (f)(v) above, Developer hereby covenants and agrees that it will use commercially reasonable efforts (meaning efforts comparable to commercially reasonable standards for similar first class show arenas and livestock exhibition halls in urban areas) to minimize and mitigate odors from animals and animal waste at the Project.

7.3 Development Plan. During the Term, Developer agrees that it shall perform and comply with each and all of the terms and provisions of the Development Plan and not suffer or permit any default or breach of any such terms or provisions of the Development Plan.

7.4 Maintenance and Use. During the Term, Developer shall cause the Project and all parts thereof, including the Site and all other of its property used or useful in the conduct of its business and operations on the Site, to be maintained, preserved and kept in good repair and working order and in good and safe condition, consistent with industry standards for similarly situated projects of similar scope and nature, and will maintain the improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Site. Developer may make additions, alterations and changes to the Improvements so long as such additions, alterations and changes are made in compliance with all Applicable Laws and Requirements, are compatible with the Development Plan and subject to any applicable provisions of the Transaction Documents, and as long as the same do not materially adversely affect Developer's ability to perform its obligations under this Agreement. Developer agrees to set aside on its books commercially reasonable reserves for future maintenance and capital expenditures.

7.5 Compliance. Developer shall conduct its affairs and carry on its business and operations in such a manner as to comply with all Applicable Laws and Requirements, and to observe and conform to all valid orders, regulations or requirements (including, but not limited to, those relating to safety and health) of any Government Authorities applicable to the conduct of its business and operations and the ownership of the Project; provided, however, that nothing contained in this Agreement shall require Developer to comply with, observe and conform to any such law, order, regulation or requirement of any Government Authorities so long as the validity thereof shall be contested by Developer in good faith by appropriate proceedings, and provided that Developer shall have set aside on its books commercially reasonable reserves or secured adequate bonding with respect to such contest and such contest shall not materially impair the ability of Developer to meet its obligations under this Agreement. Developer agrees to promptly pay any and all fees and expenses associated with any safety, health or other inspections required under this Agreement or imposed by Applicable Laws and Requirements, unless contested in good faith with the assurances provided in the preceding sentence.

7.6 Payment of Taxes and Other Charges. Developer contemplates that the land and improvements that constitute the Core Royal Improvements and the Agricultural Education Center Improvements shall be one-hundred percent (100%) exempt from real property taxation because the same are to be owned by Developer as a not-for-profit entity or by an Affiliate that is also a not-for-profit entity. However, in the event of an adverse tax ruling under these conditions or other failure to obtain the foregoing real property tax exemption, the UG shall advance and consider, subject to a vote of the UG's Board of Commissioners in their sole discretion, the issuance of IRBs to facilitate: (a) a one-hundred percent (100%) tax abatement for a term of ten (10) years as provided by the laws of the State, and (b) subject to Applicable Laws and Requirements, at the end of the term of the IRBs, the UG will cooperate with Developer to find ways to either issue new IRBs or find alternative ways to abate the real property taxes for the Core Royal Improvements and the Agricultural Education Center Improvements until the end of the Term of this Agreement. Developer agrees that it shall pay (or cause to be paid) all ad valorem property taxes and other taxes on the Excess Land and other land or facilities that are not a part of the Core Royal Improvements and/or the Agricultural Education Center Improvements. Notwithstanding the foregoing, nothing contained in this Agreement shall prohibit Developer or its Affiliates from contesting the assessed value of the properties, Improvements or the taxes thereon in good faith by appropriate proceedings, provided that each such party shall pay (or cause to be paid) any and all amounts that are contested under protest while any such proceedings are pending. The parties further agree as follows:

(a) Developer and any other owners of real property within the Site shall promptly notify the UG in writing of a protest of real estate taxes or valuation of the Developer's or such other owners' property within the Site.

(b) Subject to the terms and conditions of this Agreement, including (without limitation) the Developer's right hereunder to receive reimbursement from STAR Bond Proceeds and CID Sales Tax

Proceeds, Developer shall not take any actions or adopt any practices or procedures which are designed to, or which may or will have the effect of, eliminating, reducing or diverting in any way any sales taxes, use taxes and/or transient guest taxes payable to the UG or the State in connection with sales made or services from, in or on and about the Site. In connection therewith, Developer recognizes, stipulates and agrees that such sales shall include ticket sales and concessions. Developer agrees that it will itself provide, and that it will use commercially reasonable efforts to, by appropriate agreement, require all parties holding or operating by, through or under it, or otherwise operating on or from the Site, to provide to the UG and the STAR Bond Trustee, true and correct copies of all sales tax, use tax, and transient guest tax returns filed with the State with respect to sales in, on or from the Site, the same to be provided simultaneously with or within ten (10) days after such filing. Developer agrees to use commercially reasonable efforts to include a provision to this effect in any purchase agreement, lease, license or other agreement with any party holding or operating by, through or under it, or otherwise operating on or from the Site, and Developer will use commercially reasonable efforts to enforce such provision. Developer shall, to the extent required by Applicable Laws and Requirements or upon reasonable notice, provide to the DOR and the STAR Bond Trustee the names of all vendors operating in, on or from the Site, their Kansas sales tax identification number(s) and their dates of operation.

(c) Developer has requested that the UG agree to work with Developer to explore solutions to the issues revolving around the fact that certain revenues may be produced outside of the STAR Bond District and CID, and whether or not it is legal (and without risk of liability to bondholders from other STAR Bond or other special taxing districts) for a “point of sale” to be established for such revenues inside of the STAR Bond District and/or CID. The UG has agreed to cooperate with Developer to explore such issues, but the UG has opined that the same may not be possible under Applicable Laws and Requirements, and Developer understands and agrees that: (i) the UG has not made any representations or warranties whatsoever to Developer about the possibility of capturing such revenues from outside the STAR Bond District and/or CID for financing the Project, and (ii) the UG is no way responsible for any adverse rulings or failure to find solutions acceptable to Developer in connection with the same.

7.7 Liens and Encumbrances. During the Term, except for a Permitted Mortgage, Developer shall not create or incur or permit to be created or incurred or to exist any mortgage, lien, security interest, charge or encumbrance upon the Project, or any part thereof, and shall promptly cause to be discharged or terminated all mortgages, liens, security interests, charges and encumbrances that are not Permitted Encumbrances or a Permitted Mortgage. For purposes hereof, the term "Permitted Mortgage" shall mean any security interest placed on the Site or any part thereof by Developer in connection with any construction or permanent financing of the Project. Notwithstanding the foregoing, any Permitted Mortgage shall be subject to the terms and conditions of this Agreement, including without limitation, Section 9.2 of this Agreement.

7.8 Licenses and Permits. During the Term, Developer shall procure and maintain all licenses and permits, and allow all inspections and/or investigations required by Applicable Laws and Requirements or otherwise necessary in the operation of its business and affairs in, on or about the Project; provided, however, that Developer shall not be required to procure or maintain in effect any right, license or accreditation that Developer and the UG have determined in good faith and subject to Applicable Laws and Requirements, is not in the best interests of Developer and is no longer necessary in the conduct of its business and that lack of such compliance will not materially impair the ability of Developer to perform its obligations under this Agreement.

7.9 Insurance. During the Term, Developer shall maintain or cause to be maintained insurance with respect to the Project and operations covering such risks that are of an insurable nature and of the character customarily insured against by organizations operating similar properties and engaged in similar operations (including but not limited to property and casualty, worker's compensation, general liability and employee dishonesty) and in such amounts as, in the reasonable judgment of Developer, are adequate to protect

Developer, the UG, and the Project, but in no event in an amount less than that required by the Insurance Specifications attached hereto as **Exhibit 13**, and made a part hereof, or as otherwise required by the terms of the Transaction Documents. Each policy or other contract for such insurance shall: (i) name the UG as an additional insured with respect to liability insurance (but only in an amount equal to Five Hundred Thousand Dollars (\$500,000)), and (ii) contain an agreement by the insurer that, notwithstanding any right of cancellation reserved to such insurer, such policy or contract shall continue in force for at least thirty (30) days after written notice of cancellation to Developer and each other insured, additional insured, loss payee, and mortgage payee named therein. Without limiting the general accuracy of the foregoing, Developer agrees to perform and comply with Section 8.3 of this Agreement. Throughout the Term, Developer shall ensure the UG is provided with a current and accurate certificate of insurance ("Certificate of Insurance") for each coverage applicable to the Project, the Site, and the Improvements, and for all coverages required herein. Each Certificate of Insurance shall be on ACORD forms or on other forms which the UG may approve in writing.

7.10 Damage, Destruction or Condemnation. The parties hereby agree as follows:

(a) In the event of damage to or destruction of any portion of the Improvements resulting from fire or other Casualty during the Term, or in the event any portion of the Improvements is condemned or taken for any public or quasi-public use or title thereto is found to be deficient during the Term, the net proceeds of any insurance relating to such damage or destruction, the net proceeds of such condemnation or taking, or the net proceeds of any realization on title insurance shall be paid into, and used in accordance with, a construction escrow agreement satisfactory to the UG, Developer and any Permitted Mortgagee ("Casualty Escrow").

(b) If, at any time during the Term, the Improvements or any part thereof shall be damaged or destroyed by a Casualty (the "Damaged Facilities"), Developer, to the extent insurance proceeds are made available to Developer and to the extent made possible with said proceeds shall proceed as promptly as possible to repair, restore and replace the Damaged Facilities as nearly as possible to their condition immediately prior to the Casualty and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

(c) If at any time during the Term, title to the whole or substantially all of the Improvements shall be taken in condemnation proceedings or by right of eminent domain, Developer, at its sole discretion, may terminate this Agreement as of the date of such taking. For purposes of this Section 7.10(c), "substantially all of the Improvements" shall be deemed to have been taken if the UG and Developer, each acting reasonably and in good faith, determine that the untaken portion of the Project, including the Parking Improvements, cannot be practically and economically used by Developer for the purposes and at the times contemplated by this Agreement. In the event of condemnation of less than the whole or substantially all of the Improvements during the Term, Developer, to the extent made possible by the proceeds in the Casualty Escrow, shall commence and thereafter proceed as promptly as possible to repair, restore and replace the remaining part of the Project, as nearly as possible, to their former condition, and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

7.11 Indemnity. Developer shall, in connection with the Site and the BBQ Competition (to the extent that the same is held outside the boundaries of the Site), pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless from and against all loss, liability, damage or expense arising out of: (a) the acquisition of the Site; (b) the design, construction and completion of the Improvements by Developer; (c) the use or occupation of the Improvements by Developer or anyone acting by, through or under it; (d) damage or injury, actual or claimed, of whatsoever kind or character occurring after the Bond Closing, to persons or property occurring or allegedly occurring in, on or about the Site and the site of the BBQ Competition; and (e) any breach, default or failure to perform by

Developer under this Agreement (except for and excluding claims of breaches, defaults, or failures by and between Developer and the UG which would more appropriately be brought in a breach of contract action). Developer shall also pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by them or by Developer in any action or proceeding brought by reason of any such claim, demand, expense, penalty or fine. If any action or proceeding is brought against the UG or its governing board members, directors, officers, employees or agents by reason of any such claim or demand, Developer, upon notice from the UG, covenants to resist and defend such action or proceeding on demand of the UG or its governing body members, directors, officers, employees or agents. Notwithstanding the foregoing, no party benefited by this indemnity shall be indemnified against: (i) liability for damage arising out of bodily injury to persons or damage to property caused by the UG's own willful and malicious acts or omissions or negligence; (ii) liability for losses, liability, damages or expenses resulting from any claims against the UG challenging the legality or validity of the approval processes of the UG with respect to any zoning, finance, or entitlement approvals in connection with the Project, this Agreement, or any of the terms or provisions hereof; or (iii) any claims, causes of action, or disputes between the UG and Developer arising out of or relating to this Agreement, which claims, causes of action, or disputes are based in breach of contract, or would more appropriately be brought in a breach of contract action. The foregoing covenants contained in this Section 7.11 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument.

7.12 Prohibition on Assignment; Sales and Leasing Permitted, Etc. During the Term, Developer shall not, without the prior written consent of the UG: (i) assign, sell, lease, mortgage or otherwise transfer the Site, the Improvements, or any equipment that comprise the Project or any part thereof or any interest therein; (ii) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (iii) assign this Agreement, or any of the rights, benefits or obligations hereunder. Any such assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG shall be an "Approved Assignment" and the assignee, purchaser, mortgagee or transferee shall be an "Assignee." The UG shall not unreasonably withhold, condition or delay its consent to any of the aforesaid, provided that Developer shall provide the UG with sufficient information to review and evaluate the proposed assignment, sale or other transfer. Notwithstanding the foregoing or anything in this Agreement to the contrary, Developer may, with prior written notice to the UG but without consent or approval from the UG, enter into: (a) a Permitted Mortgage (including, without limitation, collateral assignment of Developer's rights to reimbursement of STAR Bond Proceeds, CID Sales Tax Proceeds, and other reimbursement to Developer under this Agreement); (b) assignment to an Affiliate; (c) a sale, lease or transfer of the Excess Land, subject to the terms and conditions of this Agreement; and (d) a lease executed in the normal course of Developer's use and operation of the Project for a portion of the Site or the Project (but not including long-term ground leases). In the event of any Approved Assignment or any sale, lease, transfer or assignment pursuant to subsections (a) through (d) in the prior sentence, Developer shall nonetheless remain liable for performance of all of the Developer's obligations and duties set forth in this Agreement unless and to the extent that the UG shall, in its sole discretion, specifically agree to release such obligations and duties (or a portion thereof) in a written and executed agreement of the UG.

7.13 Utilities. During the Term, all utility and utility services used by Developer in, on or about the Project shall be paid (or caused to be paid) for by Developer, and Developer shall, at no cost to the UG, procure any and all permits, licenses or authorizations necessary in connection therewith; provided, however, that the parties will fully cooperate to ensure that the BPU provides utilities to the Project at rates which shall be negotiated pursuant to a separate agreement (as described in Section 3.1(a)(xiv).

7.14 Access. During the Term, Developer hereby recognizes, acknowledges and agrees that the UG, and its duly authorized representatives and agents, shall have the right to enter the Project at reasonable

times and upon reasonable notice, to substantiate compliance with this Agreement. In exercising its rights hereunder, the UG shall use reasonable efforts to avoid unreasonable interference with the operation of the Project. Except as otherwise provided in this Agreement, the UG shall pay all costs it incurs under this provision. Nothing contained in this Section 7.14 shall limit the UG's powers under Section 7.16 below or otherwise restrict or impede the right of the UG to enter the Project pursuant to any Applicable Laws and Requirements.

7.15 Environmental Matters. Developer hereby agrees that Developer shall assume responsibility for the costs of any remediation of any environmental conditions upon the Site that are required to be incurred by Developer in accordance with Applicable Laws and Requirements. Further, Developer shall not store, locate, generate, produce, process, treat, transport, incorporate, discharge, emit, release, deposit or dispose of any Hazardous Substance in, upon, under, over or from the Project in violation of any Environmental Regulation; shall not permit any Hazardous Substance to be stored, located, generated, produced, processed, treated, transported, incorporated, discharged, emitted, released, deposited, disposed of or to escape therein, thereupon, thereunder, thereover or therefrom in violation of any Environmental Regulations; shall cause all Hazardous Substances which Developer knows or should know to be present on the Site to be properly removed therefrom and properly disposed of in accordance with all applicable Environmental Regulations; shall not install or permit to be installed any underground storage tank therein or thereunder in violation of any Environmental Regulation; and shall comply with all other Environmental Regulations which are applicable to the Project. Developer shall indemnify the UG against, shall hold the UG harmless from, and shall reimburse the UG for, any and all claims, demands, judgments, penalties, fines, liabilities, costs, damages and expenses, including court costs and reasonable attorneys' fees incurred by the UG (prior to trial, at trial and on appeal) in any action against or involving the UG, resulting from any breach of the foregoing covenants or from the discovery of any Hazardous Substance, in, upon, under or over, or emanating from, the Project, whether or not Developer is responsible therefor, it being the intent of Developer and the UG that the UG shall have no liability or responsibility for damage or injury to human health, the environment or natural resources caused by, for abatement and/or clean-up of, or otherwise with respect to, Hazardous Substances, which arises subsequent to the Effective Date. The foregoing covenants contained in this Section 7.15 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument.

7.16 Power of the UG. Notwithstanding anything set forth herein to the contrary, no provision contained herein shall in any manner diminish or usurp the inherent and lawful rights and powers of the UG to act in its capacity as a public body. Any such provision shall be deemed to be of no force or effect. Further, nothing herein shall relieve Developer from complying with all Applicable Laws and Requirements.

ARTICLE 8. SPECIAL PROVISIONS

8.1 Special Agreements of Developer. During the Term of this Agreement:

(a) Developer shall use commercially reasonable efforts to actively market and advertise the Project on a regional and national basis.

(b) Developer shall maintain its headquarters, offices and primary operations within Wyandotte County, Kansas.

(c) Developer shall actively participate in the civic, charitable, educational, philanthropic and/or economic development of the Kansas City, Kansas/Wyandotte County community in activities of its choice.

(d) Developer agrees to work in good faith to accommodate the needs of the Fair with respect to the Fair's use of the Core Royal and Agricultural Education Center Improvements at reasonable times and at reasonable cost to the Fair. As a condition to proceeding to Bond Closing, Developer will enter into an agreement with the Fair as described in in Section 3.1(a)(xi) of this Agreement, which agreement shall memorialize the details of the Developer's relationship with the Fair.

(e) Developer shall allow the Core Royal and Agricultural Education Center to be used by the Schools' students for trainings and events, at reasonable times and at no admission cost to the Schools or students. As a condition to proceeding to Bond Closing, Developer will enter into an agreement with the Schools as described in in Section 3.1(a)(xii) of this Agreement, which agreement shall memorialize the details of the Developer's relationship with the Schools.

(f) Effective as of the Bond Closing, Developer shall affirmatively covenant and commit to the UG that the BBQ Competition hosted annually by Developer shall be held in Wyandotte County for the entire Term of this Agreement. As a condition to proceeding to Bond Closing, Developer will enter into an agreement with the UG to further memorialize the terms and conditions of these BBQ Competition obligations, which agreement, when executed by the Developer and the County Administrator, shall be attached hereto as Exhibit 15, and the terms of which shall be incorporated into this Agreement as though more fully set forth herein.

(g) Developer shall allow the Core Royal and Agricultural Education Center to be used from time to time for UG activities and events, at reasonable times and at no admission cost to the UG. As a condition to proceeding to Bond Closing, Developer will enter into a separate agreement with the UG as described in in Section 3.1(a)(xiii) of this Agreement, which agreement shall memorialize the details of the UG's use of the Core Royal and Agricultural Education Center for UG activities and events.

(h) Developer agrees to work in good faith to enter into a partnership with the Agricultural Hall of Fame.

(i) Developer shall provide up to twenty five (25) tickets to UG officials for premium seating and special access to VIP areas (including clubs and lounges, but excluding private suites) for primary events open to the public at the Core Royal, at no admission cost to the UG or such UG officials.

(j) Prior to the official naming and/or the execution of any naming rights agreements, the UG shall have the right to review and approve the name of the grounds for the Project, the main show arena described in Section 2.2(a)(i) and the exhibition hall described in Section 2.2(a)(ii) and any related common use nomenclature for the same, which approval shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, the UG shall not have any approval of any other naming rights in the Project, nor shall the UG have the right to approve other advertisements or sponsors within the Project. If, and only to the extent that, the official title of any Core Royal facility or event includes the phrase "Kansas City, Kansas" or the phrase "Wyandotte County", the UG shall have the right to review and approve the official title of said Core Royal facility or event, which approval shall not be unreasonably withheld, conditioned or delayed.

(k) Developer shall, upon written request from the UG, provide copies of audited financial statements for Developer and its Affiliates to the UG.

8.2 LBE/MBE/WBE Employment Opportunity Goals. Developer agrees to use its "best efforts" (as defined on Exhibit 13) to comply with the goals set forth on Exhibit 13, attached hereto and made a part hereof, in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses.

8.3 Consultants. Developer shall cause the following written opinions to be provided to the UG:

(a) Prior to commencement of construction of the Improvements, a written opinion from the project engineer, mutually agreeable to the UG and Developer, stating that the Improvements' design is structurally sound.

(b) Prior to commencement of construction of the Improvements, a written opinion from an architect mutually agreeable to the UG and Developer stating that the Improvements' design meets all Applicable Laws and Requirements and that the Total Project Budget is reasonable.

(c) After the conclusion of construction of the Improvements, a written opinion that the Improvements were built substantially in accordance with the design referred to in Section 8.3(a) and (b) above.

ARTICLE 9. DEFAULT AND REMEDIES

9.1 Default Provisions. Developer shall be in default under this Agreement if:

(a) Developer fails to make any of the payments of money required by the terms of this Agreement or any of the Transaction Documents, and Developer fails to cure or remedy the same within thirty (30) days after the UG has given Developer written notice specifying such default;

(b) Developer fails to keep or perform any covenant or obligation herein contained on Developer's part to be kept or performed, and Developer fails to remedy the same within sixty (60) days after the UG has given Developer written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Developer within such period and diligently pursued until the default is corrected;

(c) Developer fails to keep or perform any covenant or obligation on Developer's part to be kept or performed in the Bond Documents;

(d) A default shall exist or occur with respect to any of the duties or obligations of Developer, or any Affiliates of Developer, under any of the Transaction Documents, and Developer fails to cure or remedy (or cause to be cured or remedied) the same within the period(s) provided under the Transaction Documents;

(e) Developer shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against Developer in a court having jurisdiction and said petition is not dismissed within sixty (60) days; or Developer makes an assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial part of the assets of Developer, and such appointment is not dismissed within sixty (60) days; or any execution or attachment shall issue against Developer whereupon the Project, or any part thereof, or any interest therein of Developer under this Agreement shall be taken and the same is not released prior to judicial sale thereunder (each of the events described in this subparagraph being deemed a default under the provisions of this Agreement); or

(f) Developer materially breaches the representations and warranties set forth in this Agreement and fails to cure or correct same within thirty (30) days following Developer's receipt of written notice from the UG.

9.2 Rights and Remedies. The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. Whenever any default by Developer shall have occurred and be continuing, subject to applicable cure periods as set forth above, the UG may: (i) refuse to approve any further Certificates of Expenditure and make any further disbursements of STAR Bond Proceeds and/or CID Sales Tax Proceeds unless and until such default is cured by the Developer; (ii) terminate the CID; (iii) terminate any IRB financing provided under this Agreement; (iv) terminate this Agreement; (v) exercise any remedies provided to the UG under the Bond Documents (if, and to the extent that, Developer is in default thereunder); (vi) set-off any amounts due or owing from the Developer to the UG (including without limitation any amounts under or referred-to in Section 4.9) against any payment(s) due or owing from the UG to the Developer; and/or (vii) any other rights or remedies available to the UG at law or equity. Without limiting the generality of the foregoing, the UG shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. The UG shall additionally be entitled to any right and remedy provided to it in the Transaction Documents; provided, however, that, notwithstanding the foregoing or anything in this Agreement to the contrary, under no circumstances shall Developer ever be liable for any punitive, remote or consequential damages, including without limitation, lost tax revenues, in connection with this Agreement. The rights and remedies reserved by the UG under this Section 9.2 shall be subject to the terms and conditions of Section 4.2(h) and (l)(v) hereof. Failure by the UG to enforce any such rights shall not be deemed a waiver thereof. Additionally, the UG shall be entitled to any right and remedy provided to it in the Transaction Documents, and the following specific remedies:

9.3 Interest on Late Payments. Any payment of the Developer to the UG which is required hereunder which is not received by the UG within the cure period set forth in Section 9.1(a) above shall bear interest from the date originally due at the Prime Rate plus two percent (2%), or, if less, the maximum rate permitted by law.

9.4 Enforcement. In the event of any default by Developer hereunder, the UG may take such actions, or pursue such remedies, as exist hereunder, under any of the other Transaction Documents, or at law or in equity; and if the UG is the prevailing party in an action to enforce its remedies hereunder or under any of the other Transaction Documents, the UG shall be entitled to reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies.

9.5 Default by the UG. The UG shall be in default under this Agreement if the UG fails to keep or perform any covenant or obligation herein contained on the UG's part to be kept or performed, and the UG fails to remedy the same within thirty (30) days after Developer has given the UG written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by the UG within such period and diligently pursued until the default is corrected. If a default by the UG occurs under this Agreement and is continuing, Developer may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by the UG of any provision of this Agreement; provided, however, that the UG's liability for monetary amounts shall be limited to the actual amount, if any, in question, and under no circumstances shall the UG be liable for any special, punitive, remote or consequential damages. Without limiting the generality of the foregoing, the Developer shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceedings in equity. Developer shall additionally be entitled to any right or

remedy provided to it in the Transaction Documents; provided, however, that under no circumstances shall the UG ever be liable for remote or consequential damages. In the event of such default, Developer may take such actions, or pursue such remedies, as exist hereunder, under any of the other Transaction Documents, or at law or in equity. The rights and remedies reserved by Developer hereunder and those provided by law or equity shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. Failure by Developer to enforce any such rights shall not be deemed a waiver thereof.

ARTICLE 10. MISCELLANEOUS

10.1 Waiver of Breach. No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it.

10.2 Force Majeure. In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate Government Authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, war, terrorism, labor difficulties (including jurisdictional labor disputes), judicial or administrative writ, order or decree, legislative decisions or actions, or delay by, applicable local, State or federal governments, casualties at the job site and resulting in direct physical damage to the Project, or occurring off-site and directly disrupting or delaying the supply of labor or materials to the Project, moratoria on the issuance of applicable permits or other governmental approvals, or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement ("Force Majeure"), then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section 10.2 shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

10.3 Covenants of Parties.

(a) Representations and Warranties of Developer. Developer represents and warrants to the UG as follows:

(i) Organization. Developer is a Missouri not-for-profit corporation duly formed and validly existing under the laws of the State of Missouri. Developer is, or will be as of the Bond Closing, duly authorized to conduct business in the State and each other jurisdiction in which the nature of its properties or its activities requires such authorization. Developer shall: (1) preserve and keep in full force and effect its corporate or other separate legal existence, and (2) following the Bond Closing, remain qualified to do business and conduct its affairs in the State.

(ii) Authority. The execution, delivery and performance by Developer of this Agreement are within Developer's powers and have been duly authorized by all necessary action of Developer.

(iii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will, to Developer's actual knowledge, contravene the organizational documents of Developer or any provision of law, statute, rule or regulation to which Developer is subject, or to any judgment, decree, license, order or permit applicable to Developer, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Developer is a party, by which Developer is bound, or to which Developer is subject.

(iv) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the due execution and delivery by Developer of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the performance by Developer of this Agreement or the consummation of the transactions contemplated hereby except for zoning, building and other customary permits to be obtained from the UG or other governmental units, or as otherwise provided herein.

(v) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Developer, enforceable against Developer in accordance with the terms hereof.

(b) Representations and Warranties of the UG.

(i) Authority. The execution, delivery and performance by the UG of this Agreement are within its powers and have been duly authorized by all necessary action.

(ii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the ordinances, rules, regulations of the UG or the laws of the State nor result in a breach, conflict with or be inconsistent with any terms, covenants, conditions or provisions of any indenture, agreement or other instrument by which the UG is bound or to which the UG is subject.

(iii) No Consents. Except as set forth in Section 3.1(a)(iii) and (v) hereof, no consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the due execution and delivery by the UG of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authorities or regulatory body or third party is required for the performance by the UG of this Agreement or the consummation of the transactions contemplated hereby.

(iv) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of the UG enforceable against the UG in accordance with its terms.

10.4 Amendments. This Agreement may be amended, changed or modified only by a written agreement duly executed by the UG and Developer.

10.5 Construction and Enforcement. This Agreement shall be construed and enforced in accordance with the laws of the State.

10.6 Invalidity of Any Provisions. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

10.7 Headings. The Article and Section headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

10.8 Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. Hand signatures transmitted by electronic mail in portable document format (PDF) or similar format are also permitted as binding signatures to this Agreement.

10.9 Time. Time is of the essence in this Agreement.

10.10 Consents and Approvals. Wherever in this Agreement it is provided that the UG or Developer shall, may or must give its approval or consent, the UG or Developer shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for Developer or the UG in any action concerning the other's reasonableness will be action for declaratory judgment and/or specific performance, and in no event shall either such party be entitled to claim damages of any type or nature in any such action. Where consent or approval of the UG is required in this Agreement, the parties understand and agree that the County Administrator may approve or consent to logistical and/or administrative matters that are related to effectuating the terms and conditions of this Agreement as currently contemplated herein, but (except as otherwise provided in this Agreement) any other consents or approvals which affect the nature, substance or policy objectives of the Agreement, or result in any change in the agreements hereunder from the UG's perspective, shall be granted or withheld by the UG's governing body in its sole discretion.

10.11 Notices. All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if: (i) delivered by nationally recognized overnight delivery service; (ii) delivered by electronic mail (with follow up within two (2) business days by United States Mail or by nationally recognized overnight delivery service); or (iii) delivered in person, in each case if addressed to the parties set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: bcobbins@wycokck.org

with a copy to:

Kenneth J. Moore, Esq.
Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: kjmoore@wycokck.org

and a copy to:

Douglas G. Bach
County Administrator
The Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, 9th Floor
Kansas City, Kansas 66101
Telephone: 913-573-5030
Email: dbach@wycokck.org

and a copy to:

Todd A. LaSala, Esq.
Stinson Leonard Street LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Telephone: 816-842-8600
Email: todd.lasala@stinson.com

and a copy to:

Gary A. Anderson, Esq.
Gilmore & Bell, P.C.
2405 Grand Boulevard, Suite 1100
Kansas City, Missouri 64108
Telephone: 816-221-1000
Email: ganderson@gilmorebell.com

and a copy to:

The STAR Bond Trustee
Security Bank of Kansas City
Attn: Corporate Trust Department
701 Minnesota Avenue, Suite 206
Kansas City, Kansas 66101
Telephone: 913-279-7946
Facsimile: 913-279-7960

and to Developer at:

American Royal Association
Attn: Executive Director
1701 American Royal Court
Kansas City, Missouri 64102
Telephone: (816) 221-9800
Email: jmitchell@companykitchen.com

With a copy to:

Korb Maxwell, Esq.
Polsinelli, PC
900 West 48th Place, Suite 900

Kansas City, Missouri 64112
Telephone: (816) 360-4327
Email: kmaxwell@polsinelli.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, and followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one (1) business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

10.12 Real Estate Commissions. Each party hereby agrees to indemnify and hold harmless the other from and against: (i) any and all, losses, liens, claims, judgments, liabilities, reasonable costs, expenses or damages (including reasonable attorneys' fees and court costs) of any kind or character arising out of or resulting from any duty or responsibility to pay any commission or make any other payment by either Developer or the UG; or (ii) arising out of or resulting from any agreement, arrangement or understanding alleged to have been made by Developer or on its behalf with any other broker, agent or finder in connection with this Agreement or the transactions contemplated hereby. Notwithstanding anything to the contrary contained herein, this Section 10.12 shall survive the Bond Closing or any termination of this Agreement.

10.13 Entire Agreement. Together with the Exhibits hereto, this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes and replaces all prior oral or written agreements concerning the subject matter hereof.

10.14 Run with the Land. This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors and assigns and shall run with the land. However, Developer shall remain liable in the event of a violation of any of the terms or restrictions set forth in Section 7.11 and 7.15 hereof. At the time of Bond Closing, the parties shall record a memorandum describing this Agreement in the Office of the Register of Deeds of Wyandotte County, Kansas.

10.15 Tax Implications. Developer acknowledges and agrees that: (a) neither the UG nor any of its officials, employees, consultants, attorneys or other agents has provided to Developer any advice regarding the federal or state income tax implications or consequences of this Agreement, and the transactions contemplated hereby; and (b) Developer is relying solely upon its own tax advisors in this regard.

10.16 Electronic Storage. The parties agree that the transactions described herein may be conducted and related documents may be received, sent or stored by electronic means. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Signature pages follow]

IN WITNESS WHEREOF, the parties hereto have executed this American Royal Development Agreement as of the Effective Date.

DEVELOPER:

AMERICAN ROYAL ASSOCIATION

By: _____
Name: _____
Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2017, by _____, as _____ of the American Royal Association, a Missouri not-for-profit corporation.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My Commission Expires:

INDEX OF EXHIBITS

1. Legal Description of STAR Bond District
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3. Legal Description of Project
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7. Development Plan
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10. Certificate of Expenditure
11. Design Criteria
12. Landscape Plan
13. Insurance Specifications
14. LBE/MBE/WBE Participation and Employment Opportunity Agreement
15. BBQ Competition Agreement

ANNEX 1

DEFINITIONS

"Affiliate" means any person, entity or group of persons or entities which controls Developer or a majority of its principals, which Developer or a majority of its principals controls or which is under common control with Developer or a majority of its principals. As used herein, the term "control" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract or otherwise.

"Agreement" means this Development Agreement by and between the UG and Developer.

"Agricultural Education Center" and "Agricultural Education Center Improvements" shall have the meanings set forth in Recital B and Section 2.2(b), respectively.

"Applicable Laws and Requirements" shall mean any applicable constitution, treaty, statute, rule, regulation, ordinance, order, directive, code, interpretation, judgment, decree, injunction, writ, determination, award, permit, license, authorization, directive, requirement or decision of or agreement with or by Government Authorities, and all requirements of any insurers. Applicable Laws and Requirements shall include, without limitation, the Development Plan, the CID Act, the STAR Bond Act, and the Kansas Cash Basis Law (K.S.A. § 10-1100 *et. seq.*) and Budget Law (K.S.A. § 75-2935 *et. seq.*).

"Approved Assignment" shall have the meaning set forth in Section 7.12.

"Assignee" shall have the meaning set forth in Section 7.12.

"Base Year Revenues" means the annual aggregate amount of the State Collection, the Local Collection and the TGT Collection for the twelve (12) month period preceding December 1, 2016, as described in Section 4.2(b)(i).

"BBQ Competition" means the barbecue contest hosted annually by Developer described in Section 3.1(a)(x).

"BBQ Uses" means those certain barbecue-related uses described in Recital B.

"Bond Closing" means the date on which the STAR Bonds are issued, sold, and delivered publicly or privately, as described in Recital G and Section 5.1.

"BPU" means the Kanas City Board of Public Utilities as referenced in Section 3.1(a)(xiv).

"Bond Documents" means the indenture and other documents related to the issuance of STAR Bonds, as described in Section 4.2(c).

"Casualty" means any fire, storm, earthquake, tornado, flood or natural disaster or other sudden, unexpected or unusual cause of damage or destruction.

"Casualty Escrow" means the net proceeds of any insurance relating to damage or destruction of any portion of the Improvements, the net proceeds of condemnation or taking of any portion of the Improvements, or the net proceeds of any realization on title insurance paid into, and used in accordance with, a construction escrow agreement satisfactory to the UG, Developer and any Permitted Mortgagee, as further described in Section 7.10(a).

"Certificate of Expenditure" means the form attached hereto as **Exhibit 10** that Developer must submit to the UG in order to receive payment or reimbursement for Project Costs from net STAR Bond Proceeds or Pay-As-You-Go CID Financing, as further described in Section 4.5.

"Certificate of Insurance" means a current and accurate certificate of insurance for each coverage applicable to the Project, the Site, and the Improvements, and for all coverages required in Section 7.9 and **Exhibit 13**.

"CID" means the community improvement district established by the UG pursuant to K.S.A. § 12-6a26 *et seq.*, as amended, and legally described on **Exhibit 5** and generally depicted on **Exhibit 6** attached hereto.

"CID Act" means K.S.A. § 12-6a26 *et seq.*, as amended.

"CID Administrative Fee" means the portion of CID Sales Tax from the CID used to pay an administrative fee in an amount equal to one percent (1.0%) of the CID Sales Tax Proceeds received by the UG from the DOR as set forth in Section 4.3(e).

"CID Cap" means the figure set forth in Section 4.3(c) to be used as a limitation on the use of CID Sales Tax for reimbursement of any and all CID Eligible Expenses.

"CID Collection Period" means the period of time in which CID Sales Tax shall be imposed and collected within the CID as set forth in Section 4.3(c)(ii).

"CID Costs" means those costs described on the Total Project Budget to be paid from the CID Sales Tax Fund with Pay-As-You-Go CID Financing.

"CID Eligible Expenses" means those Project Costs to be reimbursed with CID Sales Tax Proceeds as described in Section 4.3 if and the extent to which such Project Costs are eligible for payment or reimbursement pursuant to the CID Act.

"CID Petition" means that certain petition submitted by the Developer to the UG on or about _____, 2017, as described in Recital D.

"CID Ordinance" means the ordinance described in Recital F and approved by the UG to create the CID.

"CID Sales Tax" means that certain one percent (1%) sales tax imposed within the CID.

"CID Sales Tax Proceeds" means the proceeds from the CID Sales Tax.

"CID Sales Tax Fund" means a separate fund and account established by the UG for collection of the CID Sales Tax Proceeds collected in the CID as described in Section 4.3(b).

"Completion Date" means those dates described in Section 6.10.

"Construction Documents" means those documents respecting the design, development, construction, equipping and completion of the Improvements pursuant to the terms of Section 6.3.

"Core Royal" and "Core Royal Improvements" shall have the meanings set forth in Recital B and Section 2.2(a) of this Agreement, respectively.

"Damaged Facilities" means any part or the whole of the Project to the extent that the same is damaged or destroyed by a Casualty as described in Section 7.10(b).

"Design Criteria" means the design criteria exhibit to be agreed upon by the parties pursuant to Section 6.2(a) and attached hereto as **Exhibit 11**.

"Developer" means American Royal Association, a Missouri not-for-profit corporation, or its successors or assigns as permitted hereunder.

"Development Plan" means the plan agreed to by Developer and the UG as more fully described in Section 2.2 and **Exhibit 7** of this Agreement.

"DOR" means the Kansas Department of Revenue.

"Drop Dead Date" means the date certain described in Section 5.1.

"Due Diligence Period" means the period of time described in Section 3.1(a)(i).

"Effective Date" means the date of this Agreement first above written.

"Environmental Regulation" means any and all present and future laws, statutes, ordinances, rules, regulations and orders of any governmental authority having jurisdiction over the parties hereto or any portion of the Site or the Site and pertaining to the protection of human health, hazardous substances, pollution, or the environment, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, and as the same may be further amended from time to time (hereinafter collectively called "CERCLA").

"Excess Land" means that certain acreage within the Site for contemplated future construction of an agricultural headquarters facility and potential expansion of the Core Royal, along with various retail and restaurant uses as described in Section 2.2(c).

"Fair" means the Wyandotte County Fair Association.

"Financing Plan" means the financing plan for the Project as more particularly described in Section 3.1(a)(ii) attached hereto as **Exhibit 8**.

"Force Majeure" is defined in Section 10.2.

"Funding Agreement" means that certain agreement to fund certain costs between the UG and Developer as described in Section 3.2.

"GAAP" means generally accepted accounting principles.

"General Contractor" means the contractor(s) selected pursuant to Section 6.3.

"Government Authorities" shall mean any and all jurisdictions, entities, courts, boards, agencies, commissions, offices, divisions, subdivisions, departments, bodies or authorities of any nature whatsoever of any governmental unit (federal, state, county, district, municipality, city or otherwise), whether now or hereafter in existence.

"Hazardous Substance" means any substance that is defined or listed as a hazardous or toxic substance and which is regulated as such or may form the basis of liability under any present or future Environmental Regulation, or that is otherwise prohibited or subject to investigation or remediation under any present or future Environmental Regulation because of its hazardous, toxic, or dangerous properties, including,

without limitation, (i) any substance that is a "hazardous substance" under CERCLA, and (ii) petroleum, natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), only to the extent that the constituents of such synthetic gas are released or threatened to be released into the environment.

"Improvements" means the Core Royal Improvements, Agricultural Education Center Improvements, and Parking Improvements, along with the associate signage and landscaping to be constructed in the Project as referenced in Section 6.1.

"Incremental Tax Revenues" means all Incremental Tax Revenues collected within the STAR Bond District and described in Section 4.2(b).

"Insurance Specifications" means the insurance requirements on Developer in connection with the Project as generally described in Section 7.8.

"IRBs" means industrial revenue bonds as set forth in Section 3.1(a)(vii) and Section 4.7.

"KS&F Property" means the real property within the STAR Bond District having a tax roll description of Wyandotte County Parcel No. 949106.

"Landscape Plan" means the detailed plan for landscaping of the Site described in Section 6.2(b) and **Exhibit 12**.

"Local Collection" means the revenues collected within the STAR Bond District by the UG as provided in Section 4.2(b).

"Material Change" means any substantial change to any agreement, plan or other document referred to herein that requires approval of a Government Authority, which change would require changes to Developer's permits or approval of the applicable Government Authorities required by Applicable Laws and Requirements.

"Parking Improvements" means any parking improvements provided for in Section 2.2(d).

"Pay-As-You-Go CID Financing" means the quarterly disbursements of CID Sales Tax Proceeds from the CID Sales Tax Fund described in Section 4.3(c).

"Permitted Mortgage" means the granting of any security interest placed on the Site or any part thereof by Developer in connection with any construction or permanent financing of the Project as described in Section 7.7.

"Permitted Mortgagee" means the holder of the Permitted Mortgage.

"Permitted Uses" means those uses generally described in Section 7.2(a).

"Person" shall mean any natural person, firm, partnership, association, corporation, limited liability company, trust, entity, public body or government or other entity.

"Plans and Specifications" means those plans and specifications generally described in Section 6.2.

"Prime Rate" means the rate of interest announced from time to time by Security Bank of Kansas City, or any successor to it. If such bank, or any successor to it, ceases to announce a prime rate, the UG shall designate a reasonably comparable financial institution for purposes of determining the Prime Rate.

"Private Contribution" means Developer's contribution of private capital to construct the Project as described in Section 4.8.

"Project" means that certain venture to be constructed, developed and completed by Developer as described in Recital B, Section 2.2, and elsewhere in this Agreement.

"Project Costs" means any and all costs of the Project.

"Project Plan" means that certain Northwest Speedway STAR Bond District STAR Bond Financing Project Plan approved and adopted by the UG pursuant to Ordinance No. O-__17.

"Qualified Third Parties" means "qualified buyers" or "accredited investors", as described in Section 4.2(l)(vii).

"Schools" means the Wyandotte County school system as referenced in Section 3.1(a)(xii).

"Secretary" means the Secretary of Commerce for the State of Kansas.

"Signs" means any signage for the Site provided for in Section 2.2(e).

"Site" means that portion of the STAR Bond District upon which Developer is to design, construct and complete the Improvements, and the legal description for which is attached hereto as **Exhibit 3** and generally depicted on **Exhibit 4**.

"STAR Bond Act" means the Kansas STAR Bond Act, K.S.A. § 12-17,160 *et seq.*, as amended.

"STAR Bonds" means the Sales Tax Special Obligation Revenue Bonds to be issued by the UG pursuant this Agreement and the STAR Bond Indenture in connection with the development of the Project, including any refinancing of any such bonds.

"STAR Bond Costs" means Project Costs to be paid with STAR Bond Proceeds if and the extent to which such Project Costs are eligible for payment pursuant to the STAR Bond Act.

"STAR Bond District" means that certain STAR Bond project district established by the UG pursuant to K.S.A. § 12-17,160 *et seq.*, as amended, and Ordinance No. O-75-16, and as legally described on **Exhibit 1** and generally depicted on **Exhibit 2** attached hereto.

"STAR Bond District Plan" means that certain general development plan for the STAR Bond District identified in Ordinance No. O-75-16.

"STAR Bond Indenture" means the bond trust indenture to be entered into between the UG and the STAR Bond Trustee thereunder, as amended and supplemented from time to time, relating to the STAR Bonds.

"STAR Bond Proceeds" means the proceeds from the STAR Bonds.

"STAR Bond Revenue Fund" means a separate fund and account established by the STAR Bond Trustee for collection of the Incremental Tax Revenues collected in the STAR Bond District as described in Section 4.2(c) of this Agreement.

"STAR Bond Trustee" means that institution serving as trustee for the STAR Bonds under the STAR Bond Indenture.

"State" means the State of Kansas.

"State Collection" means the revenues collected within the STAR Bond District by the State as provided in Section 4.2(b).

"Substantial Completion" or "Substantially Completed" means the stage in the progress of the construction of the Project, or as to any particular portion thereof, when said construction is sufficiently complete so that the Project or such particular portion can be occupied or utilized for its intended use.

"Term" means the term of this Agreement as set forth in Section 7.1.

"TGT Collection" means the revenues collected from transient guest taxes levied within the STAR Bond District as provided in Section 4.2(b).

"Total Project Budget" means the estimated Project budget attached hereto as **Exhibit 9**.

"Total Project Costs" or "Project Costs" means the costs of constructing, developing and completing the Improvements, an estimate of which costs is more particularly described in **Exhibit 9** hereof.

"Transaction Documents" means this Agreement, the STAR Bond Indenture and the other Bond Documents.

"UG" means the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation organized and existing pursuant to the laws of the State of Kansas as a consolidated city-county having all of the powers, functions, and duties of a county and city of the first class.

EXHIBIT 1

Legal Description of STAR Bond District

All that part of the Northeast Quarter and Southeast Quarter of Section 4, and all that part of Section 3, and all that part of the north half of Section 2, all in Township 11 South, Range 23 East, all that part of Lot 1, PIPER PLAZA, all that part of Lots 1, 2, 3, 4, and 5 of PIPER PLAZA SECOND PLAT, all that part of Lots 1 and 2 SECURITY BANK, all that part of Lots 14, 24, 25 and C of PLAZA AT THE SPEEDWAY, and all that part of Lots D and 53, PLAZA AT THE SPEEDWAY SECOND PLAT, and all that part of Lots 38, 39, 40, 41, and 42, PLAZA AT THE SPEEDWAY THIRD PLAT, and all that part of Lots 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, PLAZA AT THE SPEEDWAY FOURTH PLAT, and all that part of Lots 53, 54, and 55, PLAZA AT THE SPEEDWAY FIFTH PLAT, and all that part of Lots 56, 57, Tract E1, and Tract E2, PLAZA AT THE SPEEDWAY SIXTH PLAT, and all that part of the Southeast Quarter and Southwest Quarter of Section 34, and all that part of the Southeast Quarter of Section 33, both in Township 10 South, Range 23 East, all being in the City of Kansas City, Wyandotte County, Kansas being generally described as follows: Beginning at the intersection of the south right-of-way line of Parallel Parkway and the west right-of-way line of N. 118th Street, thence southerly, with the west right-of-way line of N. 118th Street to the north line of Parcel 953101; thence westerly with the north line of parcel 953101, to the northwest corner of said Parcel 953101; thence southerly, with the west line of Parcel 953101, and with the west line of Parcels 953103 and 953104 to the north right-of-way line of State Avenue; thence easterly, with the north right-of-way line of State Avenue to the east right-of-way line of N. 110th Street; thence northerly, with the east right-of-way line of N. 110th Street, to the south right-of-way line of Parallel Parkway; thence easterly, with the south right-of-way line of Parallel Parkway, to the west right-of-way line of Village West Parkway; thence northerly, with the west right-of-way line of Village West Parkway, to the north right-of-way line of Parallel Parkway; thence easterly, with the north right-of-way line of Parallel Parkway, to the easterly line of PLAZA AT THE SPEEDWAY SIXTH PLAT; thence northerly, with the east line of PLAZA AT THE SPEEDWAY SIXTH PLAT to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY SIXTH PLAT, to the northwest corner thereof, said point also being on the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT; thence westerly and northerly, with the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT, to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY FIFTH PLAT, and with the north line of PLAZA AT THE SPEEDWAY, to the northwest corner thereof, said point being on the east right-of-way line of Hutton Road; thence southwesterly, with the easterly right-of-way line of Hutton Road to the north right-of-way line of Parallel Parkway; thence westerly, with the north right-of-way line of Parallel Parkway, to the intersection of the north right-of-way line Parallel Parkway and the northerly prolongation of the west right-of-way line of N. 118th Street; thence southerly, with the northerly prolongation of the west right-of-way line of N. 118th Street, to the point of beginning.

Except all of Lot 1, LEGENDS APARTMENTS, and except all of Lot 1, VILLAGE WEST APARTMENTS, and except all of Parcel 949201.

The above described tract contains approximately 550 acres, more or less.

EXHIBIT 2

General Depiction of STAR Bond District

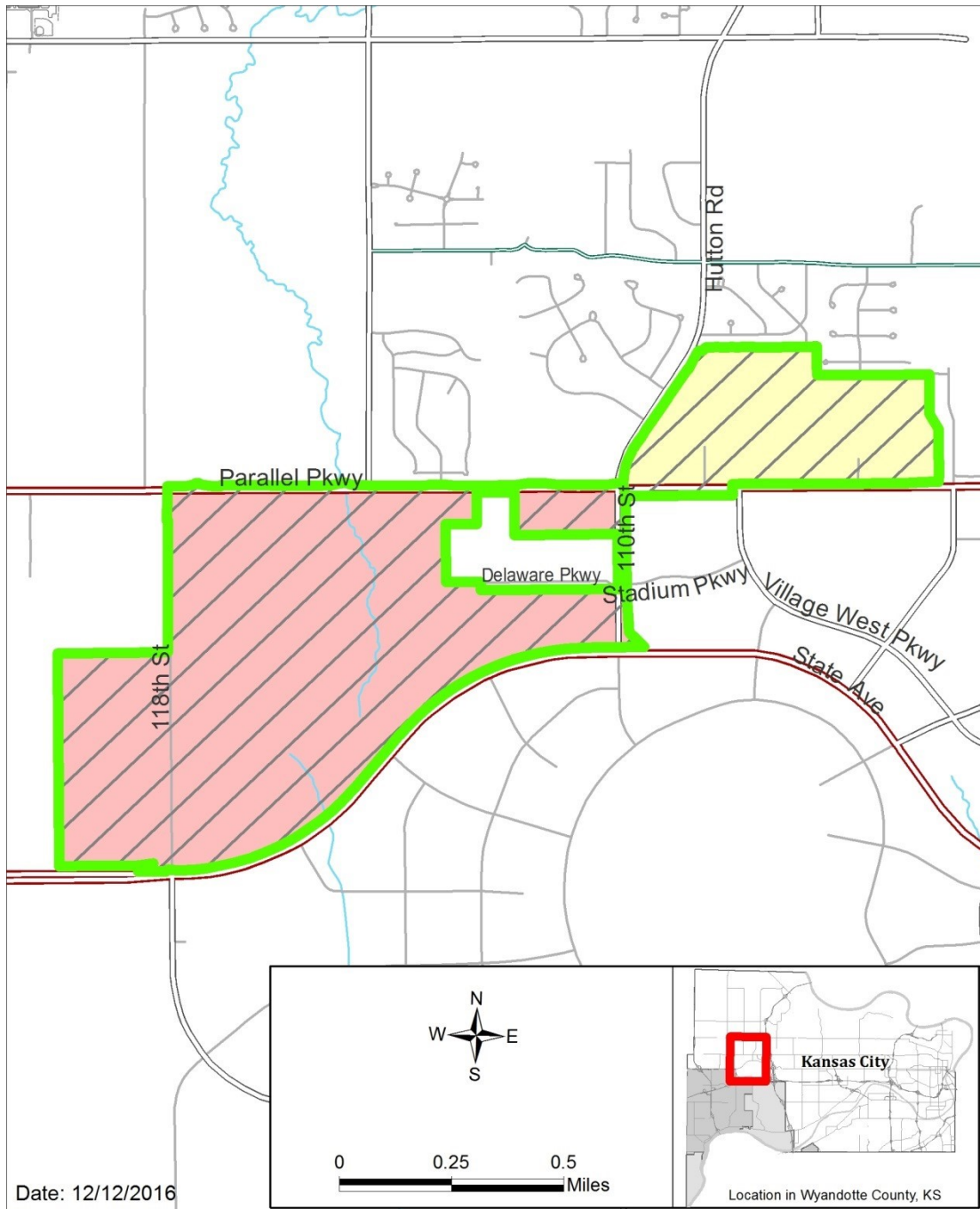


EXHIBIT 3

Legal Description of Project Site

All that part of the Northeast Quarter and Southeast Quarter of Section 4, and all that part of Section 3, and all that part of the north half of Section 2, all in Township 11 South, Range 23 East, all that part of Lot 1, PIPER PLAZA, all that part of Lots 1, 2, 3, 4, and 5 of PIPER PLAZA SECOND PLAT, all that part of Lots 1 and 2 SECURITY BANK, all that part of Lots 14, 24, 25 and C of PLAZA AT THE SPEEDWAY, and all that part of Lots D and 53, PLAZA AT THE SPEEDWAY SECOND PLAT, and all that part of Lots 38, 39, 40, 41, and 42, PLAZA AT THE SPEEDWAY THIRD PLAT, and all that part of Lots 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, PLAZA AT THE SPEEDWAY FOURTH PLAT, and all that part of Lots 53, 54, and 55, PLAZA AT THE SPEEDWAY FIFTH PLAT, and all that part of Lots 56, 57, Tract E1, and Tract E2, PLAZA AT THE SPEEDWAY SIXTH PLAT, and all that part of the Southeast Quarter and Southwest Quarter of Section 34, and all that part of the Southeast Quarter of Section 33, both in Township 10 South, Range 23 East, all being in the City of Kansas City, Wyandotte County, Kansas being generally described as follows: Beginning at the intersection of the south right-of-way line of Parallel Parkway and the west right-of-way line of N. 118th Street, thence southerly, with the west right-of-way line of N. 118th Street to the north line of Parcel 953101; thence westerly with the north line of parcel 953101, to the northwest corner of said Parcel 953101; thence southerly, with the west line of Parcel 953101, and with the west line of Parcels 953103 and 953104 to the north right-of-way line of State Avenue; thence easterly, with the north right-of-way line of State Avenue to the east right-of-way line of N. 110th Street; thence northerly, with the east right-of-way line of N. 110th Street, to the south right-of-way line of Parallel Parkway; thence easterly, with the south right-of-way line of Parallel Parkway, to the west right-of-way line of Village West Parkway; thence northerly, with the west right-of-way line of Village West Parkway, to the north right-of-way line of Parallel Parkway; thence easterly, with the north right-of-way line of Parallel Parkway, to the easterly line of PLAZA AT THE SPEEDWAY SIXTH PLAT; thence northerly, with the east line of PLAZA AT THE SPEEDWAY SIXTH PLAT to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY SIXTH PLAT, to the northwest corner thereof, said point also being on the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT; thence westerly and northerly, with the easterly line of PLAZA AT THE SPEEDWAY FIFTH PLAT, to the northeast corner thereof; thence westerly, with the north line of PLAZA AT THE SPEEDWAY FIFTH PLAT, and with the north line of PLAZA AT THE SPEEDWAY, to the northwest corner thereof, said point being on the east right-of-way line of Hutton Road; thence southwesterly, with the easterly right-of-way line of Hutton Road to the north right-of-way line of Parallel Parkway; thence westerly, with the north right-of-way line of Parallel Parkway, to the intersection of the north right-of-way line Parallel Parkway and the northerly prolongation of the west right-of-way line of N. 118th Street; thence southerly, with the northerly prolongation of the west right-of-way line of N. 118th Street, to the point of beginning.

Except all of Lot 1, LEGENDS APARTMENTS, and except all of Lot 1, VILLAGE WEST APARTMENTS, and except all of Parcel 949201.

The above described tract contains approximately 550 acres, more or less.

EXHIBIT 4

General Depiction of Project Site

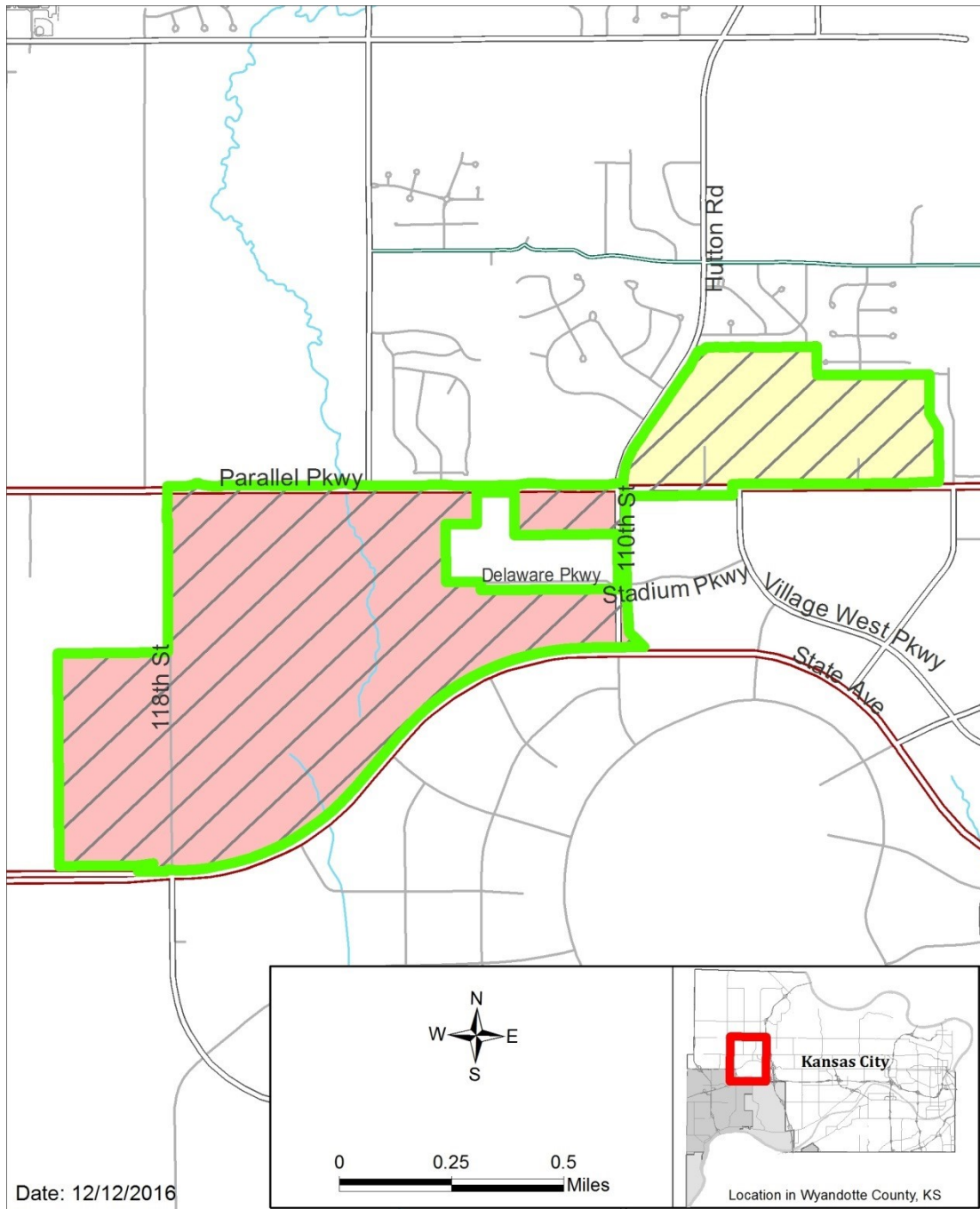


EXHIBIT 5

Legal Description of CID

[TO BE ATTACHED]

EXHIBIT 6

General Depiction of CID

[TO BE ATTACHED]

EXHIBIT 7

Development Plan

SITE OPTION 1



AMERICAN ROYAL: PROJECT OZ | March 30, 2017

gouldevans

EXHIBIT 8

Financing Plan

SOURCES		USES	
Net STAR Bond Proceeds	\$ 80,000,000	Land Acquisition	\$ 4,000,000
Private Contribution	\$ 80,000,000	Private Sitework	\$ 21,335,244
Other Sources	\$ 5,383,706	Public Infrastructure	\$ 18,979,957
		Vertical Construction	\$ 91,352,249
		Soft Costs	\$ 19,158,443
		Contingency	\$ 10,557,813
TOTAL SOURCES	\$ 165,383,706	TOTAL USES	\$ 165,383,706

NOTE: The costs set forth above are estimates only, and subject to change in Developer's discretion, subject to compliance with this Agreement. Subject to the terms of Section 4.6 and the balance of the Agreement, costs set forth above may be shifted among line items.

Prior to the Bond Closing, Developer shall prove-up all sources and uses for the Project, evidenced by:

1. The good faith belief by the UG (as issuer) and the underwriter of the STAR Bonds that a Bond Closing can be achieved that will result in the issuance of STAR Bonds sufficient to render \$80 million in net STAR Bond Proceeds (or such lesser amount as Developer may decide is acceptable to Developer in its discretion, provided such lesser amount balances with the Total Project Costs as described in Section 4.2(a) of the Agreement); and
2. Immediately available private funds to assist in financing the Project that, when added to the net STAR Bond Proceeds, are sufficient to complete the Project in accordance with the Total Project Budget, and that are verifiable by the UG: (a) cash funds held in a bank account; or (b) private equity, received charitable contributions (not pledges), grants and/or a closed loan from a financial institution that is ready, willing and able to provide construction draws for the Project, subject only to normal and customary draw conditions that are reasonably approved by the UG.

The parties acknowledge and agree that the Financing Plan may change in accordance with this Agreement, and likely will change prior to the Bond Closing, in which event the County Administrator shall consider such change or changes in accordance with Section 3.1(a)(ii) hereof.

The parties further acknowledge and agree that all disbursements of STAR Bond Proceeds shall be subject to the 50/50 Limitation (as defined in Section 4.2(d) of this Agreement) and the other limitations described in Article 4 of the Agreement.

EXHIBIT 9

Total Project Budget

COST CATEGORY		ESTIMATED COSTS	STAR BOND COSTS	CID ELIGIBLE EXPENSES
<u>Land Acquisition</u>				
Land Cost		\$ 4,000,000	\$ 4,000,000	\$ 4,000,000
		Subtotal: \$ 4,000,000	\$ 4,000,000	\$ 4,000,000
<u>Private Sitework</u>				
Grading, Utilities, Paving, Landscaping	75+/- ac. @ \$284,470 per ac.	\$ 21,335,244	\$ 21,335,244	\$ 21,335,244
		Subtotal: \$ 21,335,244	\$ 21,335,244	\$ 21,335,244
<u>Public Infrastructure</u>				
115th Street		\$ 6,721,192	\$ 6,721,192	\$ 6,721,192
118th Street		\$ 5,660,765	\$ 5,660,765	\$ 5,660,765
Delaware West		\$ 4,688,000	\$ 4,688,000	\$ 4,688,000
South Road at Kiickapoo		\$ 1,910,000	\$ 1,910,000	\$ 1,910,000
		Subtotal: \$ 18,979,957	\$ 18,979,957	\$ 18,979,957
<u>Vertical Construction</u>				
Barns / Warm-up Arena	274,080 SF @ \$125.33 PSF	\$ 34,350,684	\$ 34,350,684	\$ 34,350,684
Large Show Arena	164,825 SF @ \$250.70 PSF	\$ 41,321,117	\$ 41,321,117	\$ 41,321,117
Sales Barn*	7,500 SF @ \$250.70 PSF	\$ 1,880,227	\$ -	\$ 1,880,227
American Royal Office & Meeting*	21,660 SF @ \$159.77 PSF	\$ 3,460,662	\$ -	\$ 3,460,662
Maintenance, Storage, Dirt Facilities*	60,000 SF @ \$59.83 PSF	\$ 3,589,560	\$ -	\$ 3,589,560
Integrated Educational & Museum Facilities		\$ 6,750,000	\$ 6,750,000	\$ 6,750,000
		Subtotal: \$ 91,352,249	\$ 82,421,801	\$ 91,352,249
<u>Soft Costs</u>				
Design & Engineering	8.00%	\$ 10,533,396	\$ -	\$ -
Reimbursable Expense Allowance		\$ 225,000	\$ -	\$ -
Professional Services & Fees	3.00%	\$ 3,950,024	\$ -	\$ -
Property Insurance		\$ 50,000	\$ -	\$ -
Construction Mgmt. / Owners Rep. Fees	2.00%	\$ 2,633,349	\$ -	\$ -
Utility Development Fees		\$ 250,000	\$ -	\$ -
Special Inspections & Inspection Services		\$ 75,000	\$ -	\$ -
Testing (Building & Site)		\$ 125,000	\$ -	\$ -
Overhead & Opening Operations	1.00%	\$ 1,316,675	\$ -	\$ -
		Subtotal: \$ 19,158,443	\$ -	\$ -
<u>Contingency</u>				
Contingency (Hard & Soft)	7.00%	\$ 10,557,813	\$ -	\$ -
TOTAL PROJECT COST		\$ 165,383,706	\$ 126,737,002	\$ 135,667,450

*NOTE: To the extent that CID Sales Tax is pledged as an additional source of revenues to pay the STAR Bonds, the following line items above will not be eligible for payment with STAR Bond Proceeds: (1) Sales Barn; (2) American Royal Office & Meeting; and (3) Maintenance, Storage, Dirt Facilities.

NOTE: The costs set forth above are estimates only, and subject to change in Developer's discretion, subject to compliance with this Agreement. Subject to the terms of Section 4.6 and the balance of the Agreement, costs set forth above may be shifted among line items.

EXHIBIT 10

Form Certificate of Expenditure

**CERTIFICATE OF EXPENDITURES
AMERICAN ROYAL IMPROVEMENTS**

Date:
Certification #

Governing Body of the Unified Government

The American Royal Association, a Missouri not-for-profit corporation ("Developer"), in accordance with the American Royal Development Agreement dated _____, 2017 (the "Agreement"), between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Developer, presents this Certificate Expenditure ("Certificate"), certifying as follows:

1. All amounts submitted herewith ("Amounts") are expenses for STAR Bond Costs [*and/or CID Eligible Expenses*] that are reimbursable to Developer under the terms and conditions of the Agreement.
2. All Amounts have been advanced by Developer, successors, assigns, tenants, or transferees for STAR Bond Costs [*and/or CID Eligible Expenses*] in accordance with the Agreement and represent the fair value of work, materials or expenses.
3. No part of such Amounts has been the basis for any previous request for reimbursement under the Agreement.
5. This Certificate complies with all Applicable Laws and Requirements in accordance with the Agreement, including without limitation the Kansas False Claims Act (K.S.A. § 75-7501 *et. seq.*).
4. Developer has not breached and is not in default or violation of any representation, warranty, or covenant under the Agreement.
5. All insurance policies which Developer is responsible for under the Agreement are in full force and effect and that Developer is in compliance, in all material respects, with all other terms of the Agreement.

The total of all Amounts requested for reimbursement by this Certificate is \$_____ which amount is itemized on **Attachment A** attached hereto and which Attachment A includes _____ page(s), is incorporated herein by reference and has been signed by the authorized representative of Developer who signed this Certificate.

Certified: AMERICAN ROYAL ASSOCIATION Approved:

Signed: _____

UG Representative

By: _____

Its: _____

ATTACHMENT A
TO CERTIFICATION OF EXPENDITURES
AMERICAN ROYAL IMPROVEMENTS

PAGE ____ OF ____

Date: _____

Certification # _____

**DESCRIPTION OF EXPENSE
(ATTACH ADDITIONAL SUPPORTING
DOCUMENTATION)**

Amount of Expense

1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____

TOTAL EXPENSES \$ _____

Signature of Developer

EXHIBIT 11

Design Criteria

[TO BE ATTACHED]

EXHIBIT 12

Landscape Plan

[TO BE ATTACHED]

EXHIBIT 13

Insurance Specifications

1. Worker's Compensation. Developer may self-insure, to the extent allowed by applicable law. The self-insured retention shall be that which is standard in the industry. Developer will then purchase excess Worker's Compensation Insurance with statutory limits over the self-insured retention. If self-insurance is not available under applicable state law, coverage will be purchased in accordance with the statutory requirements.
2. Comprehensive General Liability. Developer will purchase and maintain with primary limits of \$2,000,000.
3. Automobile Liability. Developer will purchase and maintain with primary limits of \$1,000,000.
4. Excess Liability. Developer will purchase and maintain excess liability insurance in an amount not less than \$5,000,000.
5. Special Perils Form Property Insurance. Developer will purchase on a replacement cost basis. Deductibles and limits will be standard to those in the industry, and the policy shall include an "Agreed Amount" endorsement.

EXHIBIT 14

LBE/MBE/WBE PARTICIPATION AND EMPLOYMENT OPPORTUNITY AGREEMENT

This Exhibit sets forth the goals for the utilization of local business, minority, and women enterprises and local resident, minority, and women participation and equal employment opportunity referenced in Section 8.2 of the American Royal Development Agreement (the "Agreement") between the Unified Government of Wyandotte County/Kansas City, Kansas ("UG") and American Royal Association ("Developer"). The parties agree as follows:

I. SCOPE

These procedures are applicable to the design, construction, and development of the Project, whether performed by or on behalf of Developer, and including:

A. During the Term of the Agreement, Professional Services, which shall include but not be limited to architectural, engineering, planning, appraisal, public relations, and other similar services related to design, development, and Construction of the Project, but not including: (i) Specialized Services, or (ii) legal, architectural and pre-construction consulting services already contracted for prior to the Effective Date of the Agreement (as defined herein), which shall specifically be excluded from both the numerator and the denominator in determining whether the Professional Services goals set forth herein have been met; and

B. Construction, including but not limited to all aspects of the Construction of the Project and all related facilities, including labor, materials and supplies, and construction-related services, whether undertaken by or on behalf of Developer, but not including (i) Specialized Services, (ii) Professional Services, or (ii) pre-construction consulting services already contracted for prior to the Effective Date of the Agreement (as defined herein), which shall specifically be excluded from both the numerator and the denominator in determining whether the Construction goals set forth herein have been met.

II. DEFINITIONS

All capitalized terms used in this Exhibit shall have the meaning ascribed to them in Annex 1 to the Agreement and made a part thereof, or as otherwise set forth herein.

A. **"Construction"** means all aspects of the design, development, and construction of the Project, including without limitation labor, materials and supplies, and construction-related services, whether performed or contracted for by or on behalf of Developer. Construction shall not include: (1) services performed or associated with tenant improvements or any services requested by tenants of the Project, provided that this exception shall only apply to tenants who are third parties unaffiliated with Developer, (2) Specialized Services, (3) Professional Services, or (4) pre-construction consulting services already contracted for prior to the Effective Date of the Agreement (as defined herein).

B. **"Contractor"** means the Proposer selected by Developer for the design, development, or construction of the Project.

C. "Local Business Enterprise or LBE" means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. "Local Resident" means an individual that, during his or her employment with the Project, maintains his or her place of domicile in Wyandotte County, Kansas.

E. "Minority Business Enterprise or MBE" means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

F. "Professional Services" means advisory or consulting activities including, but not limited to, architectural, engineering, accounting, financial, marketing, environmental studies, medical doctors, and financial services contracted for by or on behalf of Developer for the design, development, and Construction of the Project, but specifically excluding: (1) services that have historically been sourced and provided at the holding company level by Developer (such as legal services, and accounting services, for example); (2) Specialized Services, or (3) legal, architectural and pre-construction consulting services already contracted for prior to the Effective Date of the Agreement (as defined herein).

G. "Proposer" means a person who submits a proposal in response to a solicitation for proposals issued by Developer or one of its Contractors with respect to the design, development, or Construction of the Project or with respect to the annual operations of the Project.

H. "Specialized Services" means expertise, services or products, the application of which are unique to the business of the Project and which are only available through sole or limited source providers or national vendors including, but not limited to, the following: superflat concrete floors, vendor displays and racks, log construction, murals, mountain and exterior water feature displays (excluding plumbing), aquariums, mounts, and bronze sculptures.

I. "Substantial Local Office" means an office operated and financially supported by a firm that has sufficient space, staff, and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, Kansas.

J. "Women Business Enterprise or WBE" means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. DESIGN, DEVELOPMENT, AND CONSTRUCTION

A. GOALS FOR LBE/MBE/WBE PARTICIPATION.

1. Construction Goals.

Developer will use its best efforts, as defined in Section III.C.3.b., to meet the following goals based upon the total cost of the Construction and Professional Services, respectively, to complete the Project, but not including Specialized Services. In no event shall Developer be

required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not to act as quotas or set asides.

	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
WBE	7%	8%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs. The Developer shall strive to meet each individual goal listed.

2. Contract Specific Goals.

Where appropriate, the UG may agree to different specific goals for specific elements of the Project to be awarded by Developer, when proposed by Developer, relating to the construction of the Project, based upon the availability of qualified LBEs and certified MBEs and WBEs to perform the specific scopes of work delineated in Developer's Project Utilization Plan.

3. Eligibility for Credit.

a. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women's Business Enterprise National Council, or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an "approved" business) may be counted towards the participation goals in Section III.A.1. above.

b. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE, or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall nonetheless receive credit towards the goal for the entire portion of work performed or services provided up to the point such business becomes unapproved.

4. Construction Workforce.

a. Recruitment and Outreach. Developer will use its best efforts to employ and to ensure its Contractors employ Local Residents, minorities, and women in all aspects of the Construction of the Project, except for Specialized Services. These efforts shall include but not be limited to:

i. advertising in appropriate publications describing the work available, pay scales, and application procedures and maintaining a log or copies of these ads showing the date of publication and identifying the publication;

ii. working with local community organizations, minority and women's community organizations, and other appropriate organizations to seek qualified Local Residents, minorities, and women (a list of these organizations may be provided by the UG upon request); and

iii. working with the UG to promote diversity and inclusion in all aspects of the Construction of the Project.

Documentation of these and any other steps taken shall be submitted to the UG in connection with each submission of Certificates of Expenditure by Developer.

b. Employment Procedures. Developer and its Contractors shall implement equal employment opportunity hiring and job action procedures as those terms are commonly understood.

B. CONSTRUCTION UTILIZATION PLANS.

1. Submissions, Content, and Fulfillment of Utilization Plan.

a. Fourteen (14) calendar days before the solicitation of the first proposal for the Construction of part of the Project, which is issued by Developer after the execution of the Agreement, Developer shall submit a Construction Utilization Plan to the UG. The Construction Utilization Plan shall be on the form attached to this Agreement as Attachment A or on another form provided or approved by the UG. This Construction Utilization Plan shall set forth, to Developer's actual knowledge: all categories of work that will be covered within solicitations that Developer or its Contractors intend to issue for all Construction and Professional Services providers necessary for the Construction of the Project; an estimate of the dollar value of all work covered by these solicitations; an estimate of the dollar value of work within each identified work category; the dollar value of the work for each identified work category that is projected to be performed by LBEs, MBEs, and WBEs; any known potential joint ventures with LBEs, MBEs, and WBEs within each identified work category; an overall schedule of all work projected to be performed related to the Construction of the Project, laid out sequentially over time; and the actions Developer intends to take, with respect to these solicitations, to make best efforts to meet the goals set forth in Section III.A.1. of this Exhibit.

b. The Developer, in this Construction Utilization Plan, shall designate one person as the Project Manager to serve as the point of contact with the UG on all matters related to the Construction Utilization Plan. Developer shall provide the Project Manager's name, physical office address, e-mail address, and phone number to the UG.

c. The goals of Section III.A.1. may be met by the expenditure of dollars with approved LBE, MBE, or WBE prime contractors, material suppliers, subcontractors, or through joint ventures with approved LBEs, MBEs, or WBEs.

i. Certified MBE and WBE prime contractor Proposers may count their own participation toward each goal for which they qualify, and may divide

their participation between two goals, but the participation may not be double-counted. These prime contractor Proposers shall receive credit towards the goals for the dollar value of the contract.

ii. Approved or certified MBE, WBE, or LBE material suppliers, regular dealers, and manufacturers shall be credited towards the goals for the dollar value of the contract.

iii. A joint venture involving an approved LBE, MBE, or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount that the approved LBE, MBE, or WBE is responsible for and at risk, except, however, if the LBE/MBE/WBE is the majority partner in the joint venture, the entire joint venture contract amount shall be counted, less any work subcontracted to the non-LBE/MBE/WBE joint venture partner. To receive credit, the approved LBE, MBE, or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

iv. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be double counted. A certified MBE or WBE may also be counted towards the LBE goal, if qualified as LBE. The amount of participation by these businesses may be divided between the MBE or the WBE goals but may not be double-counted. A qualified LBE, which is certified as MBE and WBE, shall be counted toward the LBE and the MBE or WBE goals, but shall not be counted toward both the MBE and WBE goals.

v. Only the participation of LBEs, MBEs, and WBEs that provide a commercially useful function required for the work of the specific solicitation shall be counted toward achievement of the goals. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the solicitation. Brokering is not credited. Purchases from LBEs, MBEs, and WBEs that constitute indirect or general overhead costs to a projected Proposer's business may not be counted toward the goals. Costs directly incurred solely to perform the work with respect to a Project contract may be counted toward the goals.

2. Evaluation of Utilization Plans.

a. The UG will review the Developer's Construction Utilization Plan respecting each category of work identified by Developer. In conducting its review, the UG shall evaluate the extent to which the actions Developer proposes constitute best efforts, as set forth in Section III.C.3.b. below. In no event shall Developer or any of its Contractors be required to engage any LBE, MBE, or WBE that is not the low bidder or is not qualified or capable of performing the work to acceptable standards in the reasonable discretion of Developer.

b. Changes to the Construction Utilization Plan shall be reviewed and approved or rejected by the UG within 30 days after submission of the same by Developer, and the same shall be deemed to be approved by the UG if not rejected within said 30 days. All such approved changes shall become effective upon the date that the same are approved (or deemed approved) by the UG.

C. CONTRACT AWARD COMPLIANCE PROCEDURES.

1. Solicitation Documents.

The solicitation documents for each contract for which goals are established shall contain a general description of the requirements set forth in this Exhibit; the LBE, MBE, and WBE goals; and the areas of projected subcontracting. Five (5) calendar days before the issuance of each solicitation, Developer shall submit the solicitation documents and the bid list to the UG. This submittal is mandatory for each bid subject to LBE/MBE/WBE goals.

2. Developer's Report of Solicitation Results.

Within seven (7) working days after the date set for receipt of proposals by each solicitation issued for Developer for the Construction of the Project, the Project Manager shall submit to the UG, on a form provided or approved by the UG, a Report of Solicitation Results (the "Report") fully describing all proposals received in response to the solicitation. The Report shall: (1) state the estimated total dollar value of the work covered by the solicitation; (2) state the names of all Proposers; (3) state the total dollar value of work covered by proposals submitted by approved LBEs, MBEs, and/or WBEs (for both Construction and Professional Services); (4) provide all relevant information concerning each joint venture Proposer; and (5) state the name of all subcontractors to Proposers (to the extent then available) that are approved LBEs, MBEs, and/or WBEs, and the dollar value of work covered by proposed subcontracts between Proposers and LBEs, MBEs, and/or WBEs. The Report shall also indicate to which of the Proposers, including joint venture Proposers, the Developer or any of its Contractors is intending to award contracts resulting from the solicitation. In addition, with respect to any LBE, MBE, or WBE goal established in the Construction Utilization Plan that it appears from the proposals received will not be met, Developer shall include in the Report a precise description of all best efforts it has undertaken or caused to be undertaken to meet the established goals. These submittals are mandatory for all solicitations subject to LBE/MBE/WBE goals.

3. UG Review of Developer's Report of Solicitation Results.

a. Within seven (7) calendar days of receiving a Report for review, the UG, based on its review of the Report, shall advise the Developer whether it appears that, in light of Developer's indication of the Proposers to whom it intends to award contracts, Developer will meet the goals for work to be performed by LBEs, MBEs, and WBEs set forth in the Construction Utilization Plan or if not, whether Developer has established best efforts to meet these goals, and shall state the reasons for this conclusion, referring to the specific efforts criteria contained in Section III.C.3.b. below. As a part of its review, the UG may ascertain whether LBE, MBE, or WBE subcontractors agree with the dollar value of the work and the scope of the work, as identified in the proposal.

b. For each Construction Utilization Plan goal that is not achieved, Developer shall be deemed to have used best efforts ("best efforts") to meet the Construction Utilization Plan goals for Construction and Professional Services set forth in Section III.A.1. of this Exhibit if Developer shall have taken substantially all the following actions:

i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;

ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;

iii. Developer is providing or has provided reasonable written notice of opportunities and informational meetings to approved LBEs, MBEs, and WBEs;

iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;

v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE, MBE, and WBE participation, where feasible;

vi. Developer is providing or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;

vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work histories; and

ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers or any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs, and WBEs.

Each time the phrase “best efforts” appears throughout this Exhibit, it refers to the definition set forth in this Section. Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used best efforts.

4. Signed Contracts.

Within thirty (30) working days following provision of the UG's evaluation of the Report of Solicitation Results to Developer, the Project Manager shall submit signed contracts with successful Proposers to the UG.

D. SUBCONTRACTOR RELATIONS.

1. Documentation of Subcontracting Agreements.

All subcontracting services shall be evidenced by a written agreement stating, at a minimum, the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

2. Documentation of Schedules.

a. For Construction contracts, the Contractor must present a work schedule that includes when the LBE, MBE, and WBE subcontractors will be utilized at the job site. This schedule is due on or before the pre-construction meeting with the UG and the Project Manager representing Developer.

b. For Professional Services contracts, Developer must present a written schedule of when the LBE, MBE, and WBE consultants will be working on the Project. This written schedule shall be provided to the UG prior to the Bond Closing (as defined in the Agreement).

3. Substitutions, Additions or Deletions.

Where a substitution for a LBE, MBE, or WBE subcontractor must occur after submission of proposals by the Project Manager to the UG, the Project Manager must submit notice of the proposed change or substitution to the UG for review. The UG shall have no authority to approve or reject any change or substitution. The sole purpose of the review by the UG shall be to determine whether the LBE, MBE, or WBE should be counted toward achievement of the goals of Section III.A.1.

IV. UG'S ASSISTANCE TO DEVELOPER.

The UG shall use its best efforts to provide assistance to Developer in fulfilling its obligations as set forth in this Exhibit. Developer assumes all responsibility for its efforts in meeting the goals and complying with the procedures and processes set forth herein. The UG assumes no duty or responsibility to the Developer with respect to Developer's fulfillment of the goals set forth in this Exhibit by reason of the provision of assistance to the Developer. Examples of assistance the UG may provide include but are not limited to:

- A.** providing information and technical assistance regarding the Project to Developer and its agents, including Contractors, subcontractors, LBEs, MBEs, WBEs, officials, and other interested persons;
- B.** developing and maintaining a registry of approved LBE, MBE, and WBE businesses;
- C.** assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D.** updating Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;
- E.** recommending contract specific goals, as appropriate;
- F.** providing assistance in pre-award activities, such as provision of model or example Utilization Plans and work segmentation;
- G.** reviewing Developer, Contractor, and subcontractor performance and LBE, MBE, and WBE participation on the Project;
- H.** providing advice relative to utilization and compliance matters;
- I.** conducting compliance reviews and audits of LBE, MBE, and WBE participation;
- J.** evaluating requests for substitutions, additions, and deletions;
- K.** assisting Developer and its agents in addressing issues related to the goals and procedures set forth in this Exhibit;

L. reviewing payments to subcontractors, as documented by monthly reports submitted by Developer;

M. reviewing complaints from LBEs, MBEs, WBEs, Contractors, subcontractors, and any other interested persons regarding these goals and procedures;

N. assisting in Developer's development of forms to document compliance with these procedures; and

O. reviewing and approving utilization plans and contract award submittals.

VI. DEVELOPER COMPLIANCE RECORDS AND REPORTS.

A. RECORDS.

Developer shall maintain those records as may reasonably be required to demonstrate compliance with the goals and procedures set forth in this Exhibit. These records shall be available to the UG upon reasonable notice.

B. CONSTRUCTION UTILIZATION PLAN REPORTS.

Developer shall update the Construction Utilization Plan quarterly on the forms attached hereto as Attachments B and C or another form provided or approved by the UG. In addition, each quarterly report shall include the following for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and WBE; and a brief description of the work to be performed by each. Developer also shall document the change orders to contracts awarded in each monthly report.

C. REMEDIES.

Subject to the provisions of Section 9.1 of the Agreement, if Developer should fail to provide a report required by this Exhibit, and fail to cure such failure within thirty (30) days after receipt of written notice from the UG specifying such failure, then such failure to cure shall constitute an event of default and the UG shall have those remedies set forth in the Agreement, and the UG shall have the right to stop processing Certificates of Expenditure or make any further disbursements of STAR Bond Proceeds and/or CID Sales Tax Proceeds until Developer complies with reporting requirements.

If, after reviewing Developer's reports, the UG reasonably believes that the participation goals contained in this Exhibit have not been met, and that the best efforts described herein have not been met, then the UG shall inform Developer of this determination in writing. If the Developer fails to demonstrate to the UG, within thirty (30) days following its receipt of said written determination, that either: (i) the goals contained in this Exhibit have been met, or (ii) the goals contained in this Exhibit have not been met but the best efforts described herein have been met, then the UG shall have the right to reduce the STAR Bond Proceeds and CID Sales Tax Proceeds available to Developer pursuant to the Agreement by an amount equal to one and one-half percent (1.5%) (applied separately to Construction and Professional Services) as the UG's sole and exclusive remedy for such failure. The UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects.

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

By: _____
Douglas G. Bach
County Administrator

Date: _____

AMERICAN ROYAL ASSOCIATION

By: _____
Name: _____
Title: _____
Date: _____

Date: _____

Project Name: _____

58916516.10
CORE/0501343.0111/132688339.15

Attachment B
Unified Government
MBE/WBE/LBE Status Report
Construction Phase

[illegible]

Attachment C

LBE/MBE/WBE COMPLIANCE

**SUMMARY REPORT
EXPENDITURES FOR REPORTING PERIOD**

GOODS SUPPLIES and OTHER SERVICES	Total	Class	Percent	Comments
Total \$ Awarded				
Total \$ Expended				
Total \$ MBE		% MBE		
Total \$ WBE		%WBE		
Total \$ M/WBE		%M/WBE		

MINORITY AND WOMEN EMPLOYEES

List the name, address, trade, classification, date hired, sex and ethnic origin for each minority/women employed by your company.

Name & Address	Trade	Classification	Date Hired	Sex	Ethnic Origin

EXHIBIT 15

BBQ Competition Agreement

[To Be Attached]

(i) Generally. The STAR Bonds shall be paid from the following revenues collected within the STAR Bond District, for a period of twenty (20) years commencing on [REDACTED], 2017 when the ordinance approving the Project Plan was adopted by the governing body of the UG, to the extent that such revenues annually exceed the Base Year Revenues (as defined below): (1) incremental State sales and use taxes which are imposed pursuant to K.S.A. 79-3601 *et seq.* and 79-3701 *et seq.* (the "State Collection"); and (2) subject to the limitations set forth in subsection (b)(ii) below, incremental local sales and use taxes received by the UG, which are imposed pursuant to K.S.A. 12-187 *et seq.*, limited to 1% of the current City of Kansas City sales tax rate of 1.625% (excluding the 0.25% UG EMS sales tax and the 0.375% UG public safety and neighborhood infrastructure tax) and the UG's share of the current County's 1% sales tax, which is currently 93.84% (with such 1% UG sales tax and the UG's share of the County's 1% sales tax referred to as the "Local Collection"); and (3) as applicable, and subject to the limitations set forth in subsection (b)(ii) below, proceeds from transient guest taxes levied within the STAR Bond District (the "TGT Collection") (the State Collection, the Local Collection, and the TGT Collection are collectively referred to herein as the "Incremental Tax Revenues"). For purposes hereof, the term "Base Year Revenues" means the aggregate amount of the State Collection, the Local Collection and the TGT Collection for the twelve (12) month period preceding December 1, 2016.

(ii) Limitations. The State Collection shall include revenues received from all taxpayers within the STAR Bond District (except as set forth below), but notwithstanding anything set forth herein to the contrary: (A) the Local Collection shall be limited to only the revenues received from the Core Royal, the Agricultural Education Center, the BBQ Uses (if and to the extent that the BBQ Uses or sales are located within the boundaries of the STAR Bond District or as otherwise permitted by the appropriate Government Authorities and all Applicable Laws and Requirements), and from any and all prospective development on the real property within the STAR Bond District having a tax roll description of Wyandotte County Parcel No. 949106 (the "KS&F Property"); and (B) the TGT Collection shall exclude revenues received from any hotels within the STAR Bond District located north of Parallel Parkway (in the portion of the STAR Bond District shaded in yellow on Exhibit 2), and the Local Collection and TGT Collection shall also exclude the revenues received from any convention center hotel and related facilities (if any) constructed within the STAR Bond District. The term "related facilities" as it pertains to the convention center hotel in the prior sentence, shall be deemed to mean hotel and convention center uses and other uses that are related or ancillary to the convention center, including without limitation, exhibition and auditorium space, hotels (including extended stay hotels) and normal hotel services, related food and beverage uses and ancillary retail supporting those uses (which may be located in one building or multiple buildings), but not including unrelated retail or restaurant uses on adjacent or nearby sites within the STAR Bond District. Notwithstanding the foregoing, the parties agree that if the convention center, convention center hotel and related facilities locate within the STAR Bond District, then the City and the State shall work together to determine how much, if any, of the State Collection revenues from the convention center, convention center hotel and related facilities would be available to finance such uses, and how much of such State Collection revenues may be pledged to the Developer's STAR Bonds for the Project.

(c) STAR Bond Revenue Fund; Disbursements. The UG shall collaborate with the State and the STAR Bond Trustee to establish and maintain a separate fund and account which will be described and defined in the indenture and other documents related to the issuance of STAR Bonds (the "Bond Documents") and which, for purposes of this Agreement, shall be referred to as the "STAR Bond Revenue Fund." All Incremental Tax Revenues collected in the STAR Bond District in the

Summary Report: Litéra® Change-Pro TDC 7.0.0.385 Document Comparison done on 10/26/2017 9:11:39 AM	
Style Name: Default Style	
Original DMS: iw://EDMS/CORE/132688339/15	
Modified DMS: iw://EDMS/CORE/132688339/16	
Changes:	
Add	6
Delete	3
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format Changes	0
Total Changes:	9



Staff Request for Commission Action

Tracking No. 171381

Full Commission Meeting Date: 10/26/17

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 10/20/2017	<u>Contact Name:</u> Doug Bach	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> dbach@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> A resolution authorizing execution of a Memorandum of Understanding (MOU) between the Unified Government and the Service Employees International Union (SEIU) Local #1. This is the second of 12 contracts to be ratified in 2017.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution, MOU				

RESOLUTION NO. _____

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

That the County Administrator of the Unified Government of Wyandotte
County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of
the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified
Government Clerk is hereby authorized and directed to attest the signature of said County
Administrator and to attach the seal of the Unified Government thereto as the voluntary
act of the Unified Government to the following:

- (1) Memorandum of Understanding between the Unified Government of Wyandotte
County/Kansas City, Kansas, and the Service Employees International Union,
Local #1, effective January 1, 2018, through December 31, 2019.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2017.**

Mark Holland, Mayor/CEO

ATTEST:

Unified Government Clerk

MEMORANDUM OF UNDERSTANDING

BETWEEN

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

AND

**THE SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL #1**

January 1, 2018 thru December 31, 2019

MEMORANDUM OF UNDERSTANDING

ARTICLE I

THIS MEMORANDUM OF UNDERSTANDING, dated the 1st day of January, 2017, by and between the Unified Government of Wyandotte County/Kansas City, Kansas. Hereinafter referred to as "the Employer" and Service Employees International Union, Local No. 1, hereinafter referred to as "the Union," entered into for the purpose of establishing rates of wages, hours of work, working conditions, health and safety measures, and procedures for the settlement of differences.

ARTICLE II

RECOGNITION

Employer agrees to recognize the Union as the sole and exclusive bargaining agent pursuant to the Public Employer Employee Relations Act for Building Engineers by the Unified Government Department of Buildings & Logistics.

ARTICLE III

EMPLOYER'S RESPONSIBILITY

Section 1. Except as specifically set out herein, nothing in this Memorandum shall be construed as divesting the Employer of any of its vested management rights or as delegating to others the authority conferred by law on the Employer, or in any way abridging or reducing such authority.

Section 2. In the case of promotions, the Unified Government agrees to recognize qualifications (including training, education, experience, ability and past performance) of the affected employee and then recognize standard seniority rules and practices. In the case of lay off the Unified Government shall use seniority as the determining factor in

selecting the employees to be laid off. The right to hire, promote, layoff, assign, transfer, discharge or discipline for cause and to maintain discipline and efficiency of employees is the sole responsibility of the Employer, except that Union members shall not be discriminated against as such.

Section 3. The Employer may adopt reasonable rules and regulations and amend the same from time to time, and the Employer and the Union will cooperate in the enforcement thereof. To the extent practical, the Employer will give prior notification of such rules and regulations to the Union.

Section 4. This Memorandum of Understanding shall be construed as requiring the employees to follow the provisions herein in the exercise of the authority conferred upon the Employer by law.

ARTICLE IV

Section 1. Employees shall be paid the following wages:

	1/1/18	1/1/19
Wage Rate	\$33.18	\$33.84

The Apprentice wage rate shall be at ninety percent (90%) of the above identified wage rate. An employee shall be deemed an Apprentice within the first eighteen (18) months of their employment. At the end of the initial eighteen (18) months of employment, the employee shall be paid the full wage rate provided that the employee is not at that time on a performance improvement plan and further provided that the employee must have successfully completed the Master Engineer License examination. If the employee is on a performance improvement plan, the employee shall remain at the Apprentice wage rate

until they have successfully completed the performance improvement plan. The Employer shall reimburse the cost of one preparatory class and one examination fee for each employee seeking to obtain his or her Master Engineer License upon such employee's successful completion of such examination.

ARTICLE V

FRINGE BENEFITS

Each employee shall be entitled to vacations, paid holidays, health benefits, pension, sick leave, family medical leave, funeral leave, military leave, personal leave, jury duty, and any other benefits in accordance with the Human Resources Guide of the UG as amended from time to time.

ARTICLE VI

STRIKES AND LOCK OUTS

There shall be no stoppage of work either by strike or lock out because of any dispute over matters relating to this Memorandum of Understanding, whether such matters are drafted within this Agreement.

ARTICLE VII

NONDISCRIMINATION

The Employer and the Union agree that there shall be no discrimination against any employee or applicant because of race, creed, sex, age, national origin, physical handicap or union activities.

ARTICLE VIII

WORKING CONDITIONS

All working conditions including discipline, discharge, equal opportunity in employment harassment in the workplace, workers' compensation and injury leave, unemployment compensation, responsible use of technology, and all other matters constituting working conditions shall be subject to and regulated by the policies of the UG as expressed in the Human Resources Guide and amendments thereof except as may be inconsistent with the terms of this Memorandum of Understanding.

ARTICLE IX

HOURS' OF WORK

The standard work week for full time employees shall be forty (40) hours within a consecutive seven (7) day period with two (2) consecutive days off except where operational needs require otherwise. Employees shall be advised of any changes in the beginning of their standard work week.

A standard work day for full time employees shall consist of eight (8) consecutive hours in a twenty-four (24) hour period, except for a thirty (30) minute intermission for lunch.

Employees will be allowed not to exceed two (2) fifteen minute breaks (one in the morning and one in the afternoon) per normal working day. Designation of rest breaks, times, and locations shall be at the supervisors discretion. Rest breaks shall not be taken in conjunction with the employee's lunch period, except at the mutual agreement of each employee and supervisor.

ARTICLE X

OVERTIME

All employees shall receive one and one-half (1½) times their actual hourly rate of pay for work performed in excess of eight (8) hours in a day. Overtime shall only be time actually worked and approved by the UG. Provided that for purposes of overtime calculations, the UG holidays are considered to be time worked. Employees designated to be "on-call" on a weekend day (Saturday or Sunday) or on a holiday shall receive two hours "on-call" pay at the overtime rate in addition to any hours actually worked.

ARTICLE XI

HEALTH AND SAFETY

The UG is committed to providing a work place that is free from recognized safety and health hazards.

All employees covered by this Memorandum shall comply with all safety rules, manuals and regulations of the UG and safety rules relating specifically to their respective department/division.

ARTICLE XII

SENIORITY

Each full time employee shall accrue seniority, retroactive to the latest date of hire, upon completion of his or her probationary period. Part time employees shall accrue seniority on the basis of hours of continuous service during the employee's most recent employment with the Employer. Full time employees are those employees regularly scheduled for forty (40) hours per work week. Part time employees are those regularly scheduled for less than forty (40) hours per work week.

"Employer Seniority" is an employee's total length of service since his or her latest date of hire. When the term seniority" is used in this Agreement it shall mean Employer seniority, unless the context clearly indicates otherwise. Employees transferred or promoted to positions with the Employer shall retain their Employer's seniority.

ARTICLE XIII

SAVINGS

In the event any part of this Agreement is judged to be unlawful or unenforceable by a court of law or administrative agency having jurisdiction of the subject matter and of the parties, then the remainder of this Agreement shall continue in full force and effect.

ARTICLE XIV

GRIEVANCE AND ARBITRATION

Section 1. Both parties to this Memorandum of Understanding recognize that most grievances involve misunderstandings and every attempt should be made to resolve the grievance informally. Grievances should immediately be reported to the Employer by the employee or Union within 7 calendar days of when the situation became known or reasonably should have been known.

Section 2. In the event a grievance cannot be informally settled such grievance shall be reduced to writing and provided to the Human Resource Director within 7 calendar days of the resolution of the informal step.

Section 3. If satisfactory settlement of a grievance which involves the interpretation or application of the terms of this Memorandum of Understanding is not

obtained under Section 1 or 2 hereof, the Union may request that the matter be submitted to arbitration. If the parties cannot agree on the selection of an arbitrator, a seven-person panel will be requested from the Federal Mediation and Conciliation Service with the Arbitrator selected by alternate striking of names.

Section. 4. The expenses and fee of the arbitrator shall be split by the parties. The arbitrator shall be limited to the particular dispute in question and shall be bound and governed by the provision of this Memorandum of Understand and restricted to its application to the facts presented. The arbitrator shall not have jurisdiction or authority to add, to modify, detract from, or alter in any way the provisions of the Memorandum of Understanding or any amendment or supplement thereto. The decision of the arbitrator shall be binding on the parties and employees involved.

Section 5. When it shall be necessary to reprimand and/or discipline an employee, the same shall be done in the privacy of the management supervisor's office or other private area.

ARTICLE XV

DURATION

THIS MEMORANDUM OF UNDERSTANDING shall be in full force and effect from January 1, 2018, and shall remain in force and effect until the 31st day of December, 2019, and shall continue in force and effect from year to year thereafter unless either party shall notify the other in writing at least sixty (60) days prior to December 31, 2019 or December 31st of any successive year of a desire to terminate or amend this Memorandum of Understanding.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this
_____ day of _____, 2017.

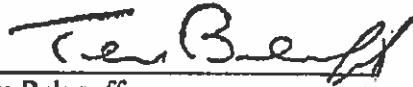
EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

THE SERVICE EMPLOYEES
INTERNATION UNION, LOCAL #1

By: _____
Doug Bach
County Administrator

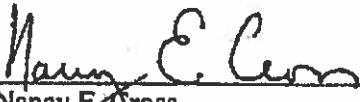
By: 
Tom Balanoff,
SEIU President

Renee Ramirez
Director of Human Resources

Tyler French
City Director, Kansas City

ATTEST:

Unified Government Clerk



Nancy E. Cross,
SEIU Vice President

Approved as to form:

David Miller

Kenneth J. Moore, Chief Counsel

LETTER OF UNDERSTANDING

This Letter of Understanding is entered into on this 25th day of September, 2017, by and between the Unified Government of Wyandotte County / Kansas City, Kansas ("Unified Government" or "UG") and Service Employees International Union, Local 1 ("Union") for the purpose of establishing leave benefits for bargaining unit employee David L. Miller.

WHEREAS, the Union is the sole and exclusive bargaining agent for building engineers employed by the Unified Government Department of Building and Logistics;

WHEREAS, bargaining unit employee David L. Miller was hired by the Unified Government after January 1, 2014;

WHEREAS, the Memorandum of Understanding between the Unified Government and the Union at Article V adopts those fringe benefits established by the Unified Government Human Resources Guide including vacations, paid holidays, sick leave and other paid leave;

WHEREAS, the Unified Government adopted revisions to the Human Resources Guide which divide employees into Category 1 and Category 2 employees with Category 1 employees being employees hired prior to January 1, 2014 and Category 2 employees being hired after January 1, 2014 for the purposes of establishing leave benefits;

WHEREAS, despite the fact that employee David L. Miller was hired after January 1, 2014, the parties have agreed that David L. Miller will receive leave benefits as a Category 1, employee;

NOW, THEREFORE, in furtherance of the parties' agreement, the parties state the following:

1. Employee David L. Miller shall receive leave benefits under the Human Resources Guide as a Category I employee.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this
25th day of September, 2017.

EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

THE SERVICE EMPLOYEES
INTERNATION UNION, LOCAL #1

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ATTEST:

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SEIU Vice President

Approved as to form:

David Miller

Kenneth J. Moore, Chief Counsel