

**UPDATE
NOVEMBER 30, 2017 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND TONY CARTER, FAITH COMMUNITY CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, NOVEMBER 30, 2017 AGENDA BLUE SHEET**

VII. Planning and Zoning Consent Agenda

Additional information Item B. 1 – Special Use Permit Application #SP-2017-36 – Frederick Avery with Avery's Village

X. Non-Planning Consent Agenda

New Item #6 – Legends Auto Mall 3rd Plat

(Items located under perspective agenda)

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 THOMAS JOYCE

PLANNING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3149 - JON CORBIN WITH KVC FOUNDATION, INC.**

SYNOPSIS: Change of Zone from C-1 Limited Business District to R-4 Garden Apartment District for a facility that provides short-term residence to youth in foster care at 316-344 North 38th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL AS A SPECIAL USE PERMIT FOR 2 YEARS)**
Tracking #: 171407

2. **#3150 - RANDY CALLSTROM WITH WYANDOTTE INC.**

Synopsis: Change of Zone (CP-1 Planned Limited Business District) to modify the previous 2005 approval in order to provide overnight units for up to 10 people for a maximum of 10 days at 1301 North 47th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 171408

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2017-36 - FREDERICK AVERY WITH AVERY'S VILLAGE**

Synopsis: Special Use Permit for a youth residential facility at 6261 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 171409

2. **#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 #: 171410

3. **#SP-2017-58 - ERIC BISHOP**

Synopsis: Special Use Permit for a maximum of 12 goats at 3552 North 47th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 171411

4. **#SP-2017-59 - MONICA CABRERA**

Synopsis: Renewal of a Special Use Permit (#SP-2015-41) to keep 1 horse at 1411 North 47th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 171404

5. **#SP-2017-61 - RUBY MARTIN WITH HILLTOP SADDLE CLUB**

Synopsis: Renewal of a Special Use Permit (#SP-2015-12) for a trailer for monthly meetings and to keep supplies at 5025 Muncie Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 171405

6. **#SP-2017-66 - RANDEL VANBEBER**

Synopsis: Renewal of a Special Use Permit (#SP-2015-16) for 2 goats at 3415 North 63rd Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 171406

C. VACATION APPLICATIONS

1. **#R/W-2017-11 - WIL ANDERSON WITH BHC RHODES FOR THE BOARD OF PUBLIC UTILITIES**

Synopsis: Vacation of right-of-way at 342 South Bethany Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171412

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

1. **REZONING ORDINANCE #3147** - an ordinance rezoning property at 4229 Swartz Road from C-1 Limited Business District to R-1(B) Single Family District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171413

2. **VACATION ORDINANCE #P/E-2017-10** - an ordinance vacating a pedestrian easement at 3928 Rainbow Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171414

3. **VACATING ORDINANCE #U/E-2017-8** - an ordinance vacating a utility easement at 9000 Haskell Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 171415

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR NOVEMBER 30, 2017

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

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

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. NON-PLANNING CONSENT AGENDA

1. RESOLUTION: NORTH 31ST & KIMBALL SANITARY STREAM CROSSING IMPROVEMENT

Synopsis: A resolution declaring the necessity and authorizing a survey and description of lands necessary for the North 31st & Kimball Sanitary Stream Crossing Improvements Project (CMIP #6301), submitted by Ryan Haga, Assistant Counsel.

*On November 13, 2017, the **Public Works and Safety Standing Committee**, chaired by*

Commissioner Bynum, voted unanimously to approve and forward to full commission.

Tracking #: 171378

2. **RESOLUTION: INLAND & HOLLIDAY DRIVE SEWER MAIN EXTENSION**

Synopsis: A resolution declaring the necessity and authorizing a survey and description of lands necessary for the Inland & Holliday Drive Sewer Main Extension Project (CMIP #6301), submitted by Ryan Haga, Assistant Counsel.

*On November 13, 2017, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 171379

3. **NOMINATION: BOARDS AND COMMISSIONS**

Synopsis: Nomination for Boards & Commissions:

Mary Hopkins for the Law Enforcement Advisory Board, 11/30/2017 to 6/30/2018, submitted by Sheriff Ash

Tracking #: 171395

4. **MINUTES**

Synopsis: Minutes from regular session of October 26, 2017.

Tracking #: MINUTES

5. **WEEKLY BUSINESS MATERIAL**

Synopsis: Weekly business material dated November 16 and 22, 2017.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

**1. RESOLUTION: SALE OF
GENERAL OBLIGATION REFUNDING
BONDS**

Synopsis: A resolution authorizing the offering for sale of general obligation refunding bonds of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Kathleen VonAchen, Chief Financial

Officer.

Tracking #: 171393

**2. RESOLUTION: EXERCISE OPTIONS TO PURCHASE PROPERTY FOR
HEALTHY CAMPUS PROJECT**

Synopsis: A resolution authorizing the County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, and to enter into contracts for associated pre-construction architecture and engineering costs, in an amount up to \$2 million, submitted by Doug Bach, County Administrator.

Tracking #: 171419

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, NOVEMBER 30, 2017**

X. NON-PLANNING CONSENT AGENDA

NEW ITEM

ITEM NO. 6 – 171433....PLAT: LEGENDS AUTO MALL 3RD PLAT

Synopsis: Legends Auto Mall 3rd Plat, located at the northwest corner of North 99th Street and Parallel Parkway, being developed by KCK Development, Inc., submitted by Brent Thompson, Director of Engineering/County Surveyor, and Troy Shaw, County Engineer.



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: November 30, 2017
Re: Change of Zone Petition #3149

GENERAL INFORMATION

Applicant:
Jon Corbin

Status of Applicant:
Representative
KVC Foundation, Inc.
316-344 North 38th Street
Kansas City, KS 66102

Requested Actions:
Change of Zone from
C-1 Limited Business District
to RP-4 Planned Garden
Apartment District

Date of Application:
September 29, 2017

Purpose:
KVC proposes to operate a facility that provides short-term residence to youth in foster care.

Property Location:
344 North 38th Street



Existing Zoning: C-1 Limited Business District and R-1 Single Family District

Surrounding Zoning:

North:	R-1 Single Family District
South:	R-1 Single Family District
East:	R-1(B) Single Family District
West:	R-1 Single Family District

Existing Uses:

North:	Cemetery
South:	Single Family Residences
East:	Single Family Residences
West:	Single Family Residences

Total Tract Size: The total property size is 2.27 acres. The applicant submitted a portion of the property in a legal description for rezoning that is 1.06 acres.

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

Major Street Plan: The City-Wide Master Plan designates 38th Street and Orville Avenue has a Class C thoroughfares.

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owners – October 17, 2017 and November 21, 2017

Public Hearings: November 13, 2017 and November 30, 2017

Public Opposition: There were three people present in opposition at the November 13, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, KVC Foundation, Inc. has submitted a rezoning application to operate a facility that provides short-term residence to youth in foster care. The facility is proposed for providing short-term care for youth entering into the foster care system awaiting a long-term placement. The use intends to provide a safe, comfortable, home-like environment. The building is 3 stores, includes 7,700 square feet, and the property includes significant parking areas.

A Special Use Permit for a group home is required to operate this use. A group home can be approved in any zoning district regardless of zoning. Staff recommends that this case be considered as a special use permit and not a change of zone.

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 primarily comprised of single family homes. There is a large cemetery immediately to the north of the property. The area also includes large undeveloped lots due to the hilly topography, lack of connecting streets, and proximity to the I-635 and I-70 interchange.

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

A youth residential facility with 20 residents and 20 full time equivalent staff members may be compatible with the surrounding uses due to the fact that this property previously operated as a commercial business. However, the level of activity at this location may also pose some compatibility issues given the single family residential character of the surrounding area.

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

The property is suitable for a youth residential facility. It is a relatively large structure compared to the single family houses in the neighborhood and it has a large parking area. The proposed floorplan includes 9 bedrooms, which would mean that each bedroom would hold 2-3 youth. Three youth to a bedroom may not be suitable for long term, but may be appropriate for a short term, emergency basis. The proposed staff to youth ratio (20 youth and 20 FTE staff members) mitigates concerns related to surrounding properties because the youth will be properly supervised.

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

The property is currently unoccupied. It was an adult day care service business between 2012 and 2014. The building was a florist business prior to this use between 2000 and 2007.

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.*

There is a need for the proposed use in order to care for the youth in the community who need short-term residential placement.

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.

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

The Master Plan does not address group homes.

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

This is not an issue with the proposed use.

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*

The building is on a septic system and will require approval from the Health Department prior to occupancy.

c. *Storm water control*

To meet City Code

d. *Police*

Police service is provided by Midtown Patrol, District #442

e. *Fire*

Fire service is provided by District #1

f. *Transit*

KCATA routes 101, 102, 106, and 107 are available at State Ave and 38th Street, which is approximately 0.5 miles to the north of the property.

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 economic impact of the proposed use is likely small.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The proposed use would be a gain to the public health, safety, and welfare of the community because it would allow the community to care for youth that are in need of a short term residential placement. More information is needed about the operation of the facility to determine whether there would be any hardship imposed on individual landowners.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on Tuesday, October 24, 2017. The neighborhood meeting minutes, sign in sheet, and meeting affidavit are attached to this staff report.

KEY ISSUES

Legal Description
Special Use Permit
Additional Information Regarding Operation of the Facility
Septic System

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3149 as a **Special Use Permit for two (2) years**, subject to:

Urban Planning and Land Use Comments:

Legal Description

The legal description of the property submitted by the applicant does not include the entire property. The new parking lot to the south of the building appears to be outside the boundary of the submitted legal description. Please submit a new legal description that includes the entire property.

Staff Response: This has been resolved.

Special Use Permit

A special use permit is required to operate a group home. A group home may be approved in any zoning district with a special use permit. Staff recommends that this case be considered as a special use permit application and not a rezoning application. If the applicant would like to seek a change of zone, zoning variances will be required including setback variances.

Additional Information Regarding Operation of the Facility

Please provide additional information related to operation of the facility including:

1. How many children will reside at the property at one time? What are the age ranges of the children that will be placed at the property? What will be the average length of stay? What are the background and circumstances of the children placed at this location?

Applicant Response: The facility, based bedroom square footage size, will be licensed for up to 20 youth. The license for the facility will also be from 6-18 years old, but the biggest need in the community is from ages 13-18. The length of stay of each youth is dependent on the State of Kansas and the foster care subcontractors. The goal of the foster care subcontractors is for each child to achieve permanency. They want children and youth to be able to remain safe while that goal is being worked toward and for the time of a child to be considered in all decisions. It is our goal for children to remain in the shelter as little time as possible so they can either experience reintegration with their biological family, a long-term foster placement is located, family members or non-kin relationships can be kindled into a long-term placement or an adoptive resource is identified if that is the youth's permanency goal (meaning that parental reintegration is no longer a viable option). The youth at this location are those entering the foster care system and in search of longer a viable option). The youth at this location are those entering the foster care system and in search of placement, or those currently in the foster care system and in-between foster homes / reintegration.

2. How many staff members will be on-site during different times of the day/night? Are there requirements for the staff in terms of education, credentials, or minimum requirements?

Applicant Response: KVC Hospitals will employ approximately 20 FTE staff for this location, with positions ranging from direct youth care, supervisory staff, and possibly a therapist and LPN depending on the individual needs of each youth. For each level of staff members, varying education, credentials and requirements for employment are required. We offer positions which require a high school diploma, a college degree as well as

advanced degrees. We do have preference for applicants who have worked with youth in the past and provide training to all staff members based on neuroscience and brain development, trauma informed care practices and Trauma Systems Therapy in order to best serve our clients.

3. How will the rest of the property be used? For example, are there plans to expand or add recreational areas? Please show on a site plan any proposed recreational areas, additions, parking areas, fencing, landscaping, or any other changes to the property that are proposed. Any changes from the approved site plan must be approved by the Planning Commission and Board of Commissioners.

Applicant Response: At this time there are no plans for expand into the empty lots on the property. The empty lots would be used as a space to let kids be kids (play outside, fly kits, etc.)

4. Please provide a floor plan of the building.

Applicant Response: A Floor Plan of the building, as it is now, is attached. A floor plan of what we anticipate the building will look like after some light interior renovations is also attached. Please note: the floorplan is not final and still under internal review.

5. How do you plan to provide transportation? Will there be vans or other vehicles stored on site?

Applicant Response: KVC will purchase vehicles to ensure youth have appropriate transportation for community outings and to school (if needed). These vehicles will be kept in the parking lot or the large garage on the property.

6. What is the anticipated effect on the neighborhood schools? Have you discussed the proposed facility with the school district and what is their response?

Applicant Response: These youth will be enrolled in USD 500 (Kansas City Kansas schools) if they are not already. We have met with the school district administrators and they are in support of the program. KVC has a wonderful relationship with USD 500 that extends well outside this program.

Business License Comments:

If approved, applicant would need to file application with our office as they become operational

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) Obtain an inspection and approval from Wyandotte County Health Department regarding the existing and/or proposed septic system.
 - 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 concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3149 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Zoning Map
Exterior Photos
Applicant Responses to Staff Comments
Site Plan
Existing Floorplan
Proposed Floorplan
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	November 13, 2017	November 30, 2017
Rezoning	Approval (SUP)	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3149 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 #3149, 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.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

Non-Consent Agenda Starts at 26:36:

CHANGE OF ZONE APPLICATION #3149 – JON CORBIN WITH KVC FOUNDATION, INC. – SYNOPSIS:

Change of Zone from C-1 Limited Business District to R-4 Garden Apartment District for a facility that provides short-term residence to youth in foster care at 316-344 North 38th Street. **Detailed Outline of Requested Action:** The applicant, KVC Foundation, Inc. has submitted a rezoning application to operate a facility that provides short-term residence to youth in foster care. The facility is proposed for providing short-term care for youth entering into the foster care system awaiting a long-term placement. The use intends to provide a safe, comfortable, home-like environment. The building is 3 stores, includes 7,700 square feet, and the property includes significant parking areas. A Special Use Permit for a group home is required to operate this use. A group home can be approved in any zoning district regardless of zoning. Staff recommends that this case be considered as a special use permit and not a change of zone.

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

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

7. The Notices to property owners dated October 17, 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:

- ❖ Ryan Speier, President of KVC Hospitals, 4300 Brenner Drive, Kansas City, Kansas
- ❖ Jackie Suttington, 618 Orient Drive, Kansas City, Kansas 66102
- ❖ Rachelle Martin. volunteer

Present in Opposition:

- ❖ Jan Moore, 42 South Valley, Kansas City, Kansas 66102
- ❖ Paul Soptic, President of Wyandotte Countians Against Crime, 65 South 24th Street, Kansas City, Kansas 66102
- ❖ Earl Cooksey, 3621 North 55th Street, Kansas City, Kansas 66104

Staff Recommendation Starts at 58:12: Director Richardson stated that in addition to this facility being operated as commercial property in terms of the florist and jewelry it was most recently operated as an adult day care and that is how it has been divided up into rooms. This allows them to use it so quickly and easily because it has already been divided up into bedrooms and community spaces. One of the recommendations of staff is that it be approved as a special use permit for two years because group homes require a special use permit. That would give people the opportunity to see that some of the concerns they have will not be present with this facility the way they are operating. It is a facility for good kids in bad situations with good people taking care of them. The character of the building will not change and there will not be anyone by KVC employees coming and going. The staff recommends approval as a special use permit for two (2) years subject to the comments and stipulations in the staff report.

Motion and Vote Starts at 1:01:35:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3149 as a special use permit for two (2) years:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

Legal Description

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Staff Response: This has been resolved.

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Business License Comments:

If approved, applicant would need to file application with our office as they become operational

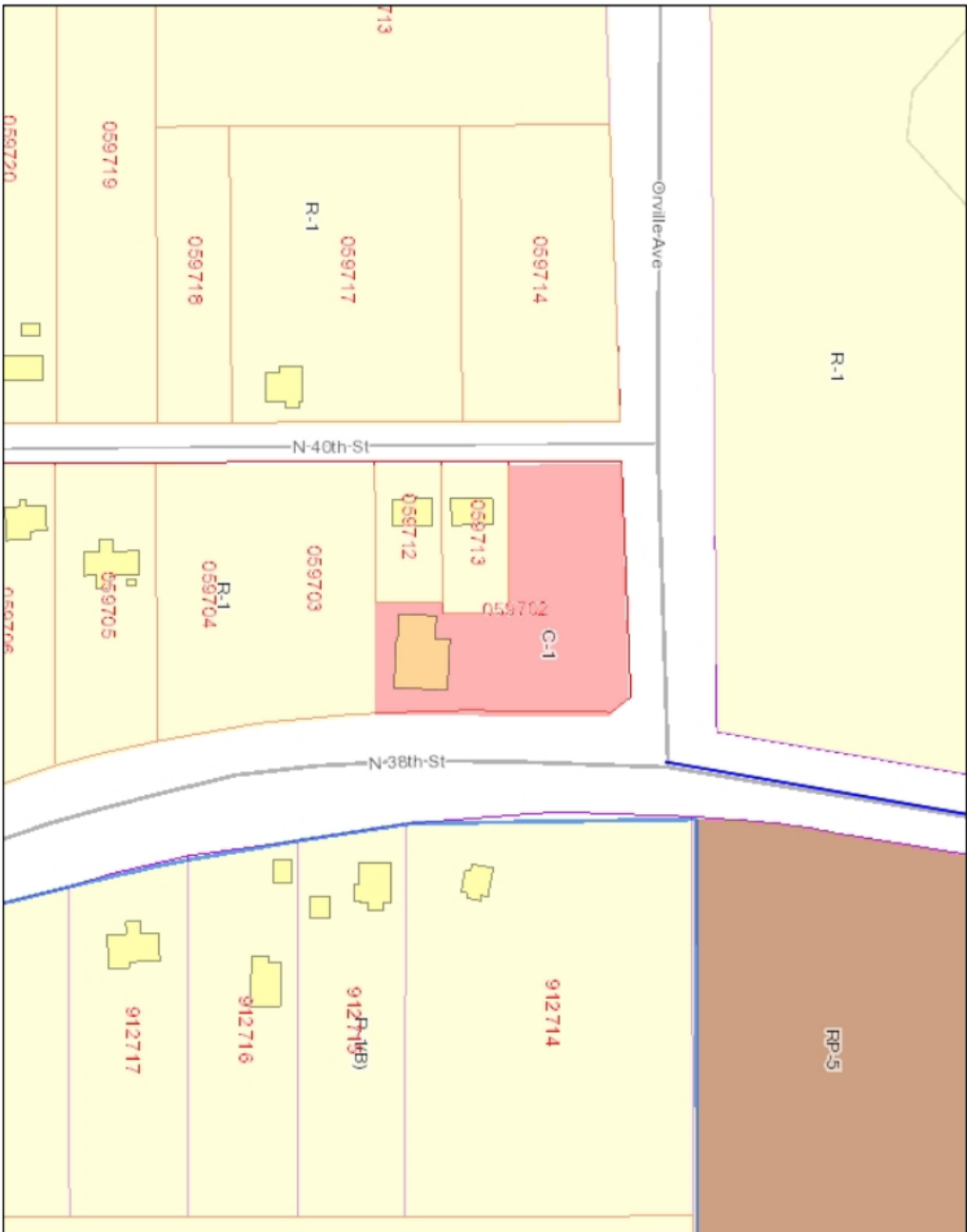
Public Works Comments:

- 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) Obtain an inspection and approval from Wyandotte County Health Department regarding the existing and/or proposed septic system.
 - 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

Wyandotte County, KS



GeoSpatial Services
710 N 7th St, Suite 200 | Kansas City, KS 66101
Ph: 913-973-2941 | gss@wyocok.org
www.wyocok.org/gss



Legend

- Buildings
- Points of Interest
- Lakes
- Rivers
- Streams
- Special Flood Hazard Areas
 - Zone A - 1% annual chance flood
 - Zone AE - 1% annual chance flood
 - Zone X - 0.2% annual chance flood
 - Zone X - Protected by Levee
- Parks
- Kansas City Zoning**
 - AG
 - AG (Wyeo)
 - BP
 - C-0
 - C-1
 - C-1 (Wyeo)
 - C-2
 - C-2 (Wyeo)
 - C-3
 - C-0
 - CP-0
 - CP-1
 - CP-2 (Wyeo)
 - CP-3 (Wyeo)
 - CP-0
 - M-1

Locator Map



Notes

Map Print Date: 10/23/2017 9:32 AM

DISCLAIMER OF WARRANTY AND ACCURACY: Unified Government of Wyandotte Co./Kansas City, KS (UG) makes no representations or warranties about this map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. 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.



Map Scale
1: 1,878

0 156 313
Feet

	Subject
	Subject
	Subject

Special Use Development, 316, 322, and 344 N 38th St., Kansas City, KS; CAA16-1820

	Subject
	Subject
	Subject

Special Use Development, 316, 322, and 344 N 38th St., Kansas City, KS; CAA16-1820



October 26, 2017

To: City Planning Commission

Re: Response to Change of Zoning Petition #3149

Thank you for the recent comments and explanation of the zoning requirements. We will follow the suggestions of the city and change the rezoning request to instead a request for special use permit (as recommended).

Legal Description:

A new legal description, that includes the parking lot, is attached to this email.

Additional Information Requested:

1. How many children will reside at the property at one time? What are the age ranges of the children that will be placed at the property? What will be the average length of stay? What are the background and circumstances of the children placed at this location?

The facility, based bedroom square footage size, will be licensed for up to 20 youth. The license for the facility will also be from 6-18 years old, but the biggest need in the community is from ages 13-18. The length of stay of each youth is dependent on the State of Kansas and the foster care subcontractors. The goal of the foster care subcontractors is for each child to achieve permanency. They want children and youth to be able to remain safe while that goal is being worked toward and for the time of a child to be considered in all decisions. It is our goal for children to remain in the shelter as little time as possible so they can either experience reintegration with their biological family, a long-term foster placement is located, family members or non-kin relationships can be kindled into a long-term placement or an adoptive resource is identified if that is the youth's permanency goal (meaning that parental reintegration is no longer a viable option). The youth at this location are those entering the foster care system and in search of placement, or those currently in the foster care system and in-between foster homes / reintegration.

2. How many staff members will be on-site during different times of the day/night? Are there requirements for the staff in terms of education, credentials, or minimum requirements?

KVC Hospitals will employee approximately 20 FTE staff for this location, with positions ranging from direct youth care, supervisory staff, and possibly a therapist and LPN depending on the individual needs of each youth. For each level of staff members, varying education, credentials and requirements for employment are required. We offer positions with require a high school diploma, a college degree as well as advanced degrees. We do have preference for applicants who have worked with youth in the past and

Prairie Ridge Hospital
Wheatland Hospital

4300 Brenner Drive, Kansas City, KS 66104
205 E. Seventh St., Hays, KS 67601
www.kvc.org/hospitals

(913) 334-0294
(785) 624-6000



provide training to all staff members based on neuroscience and brain development, trauma informed care practices and Trauma Systems Therapy in order to best serve our clients.

3. How will the rest of the property be used? For example, are there plans to expand or add recreational areas? Please show on a site plan any proposed recreational areas, additions, parking areas, fencing, landscaping, or any other changes to the property that are proposed. Any changes from the approved site plan must be approved by the Planning Commission and Board of Commissioners.

At this time there are no plans to expand into the empty lots on the property. The empty lots would be used as a space to let kids be kids (play outside, fly kites, etc).

4. Please provide a floor plan of the building.

A floor plan of the building, as it is now, is attached. A floor plan of what we anticipate the building will look like after some light interior renovations is also attached. Please note: the floorplan is not final and still under internal review.

5. How do you plan to provide transportation? Will there be vans or other vehicles stored on site?

KVC will purchase vehicles to ensure youth have appropriate transportation for community outings and to school (if needed). These vehicles will be kept in the parking lot or the large garage on the property.

6. What is the anticipated effect on the neighborhood schools? Have you discussed the proposed facility with the school district and what is their response?

These youth will be enrolled in USD500 (Kansas City Kansas schools) if they are not already. We have met with the school district administrators and they are in support of the program. KVC has a wonderful relationship with USD 500 that extends well outside this program.

Public Works Comments

7. It appears there are 4 driveway access points along N. 38th Street. The southern 2 driveway approaches shall be removed and the right-of-way area restored. Please show on a site plan and indicate applicable information in accordance with UG standards and criteria.

The site plan, attached, has been updated with this request.

8. The site plan shall show the driveway approach at Orville Ave. and indicate the driveway width. The driveway approach may require modification to meet UG standards and criteria.

An approximate of the driveway width, after discussion with Kimberly Ingham, has been included on the site plan.

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(785) 624-6000

9. Please confirm if the existing building is on a septic system. On a site plan, show the existing septic tank and lateral field locations.

We are aware the building is on a septic system. We will obtain approval from the Health Department prior to occupancy.

10. Obtain approval from Wyandotte County Health Department regarding the existing and/or proposed septic system.

We will obtain approval from the Health Department prior to occupancy.



DISTRICT BOUNDARY IS APPROXIMATELY 26'-0" WIDE

SUBJECT PROPERTY

DISTRICT BOUNDARY IS APPROXIMATELY 26'-0" WIDE

- NOTES
1. THE LOCATION OF AN EXISTING SEPTIC TANK/SYSTEM IS UNKNOWN.
 2. DESIGN APPROVAL FROM THE KANSAS CITY HEALTH DEPARTMENT REGARDING THE EXISTING AND/OR PROPOSED SEPTIC SYSTEM.

3. SOUTHERN DRIVEWAY ACCESS POINTS APPROXIMATED ALONG NORTH 38TH STREET SHALL BE SITUATED IN THE "UNDEVELOPED" AREA. EXISTING DRIVEWAYS AT THE SITE SHALL BE IN ACCORDANCE WITH US STANDARDS AND SPECIFICATIONS.



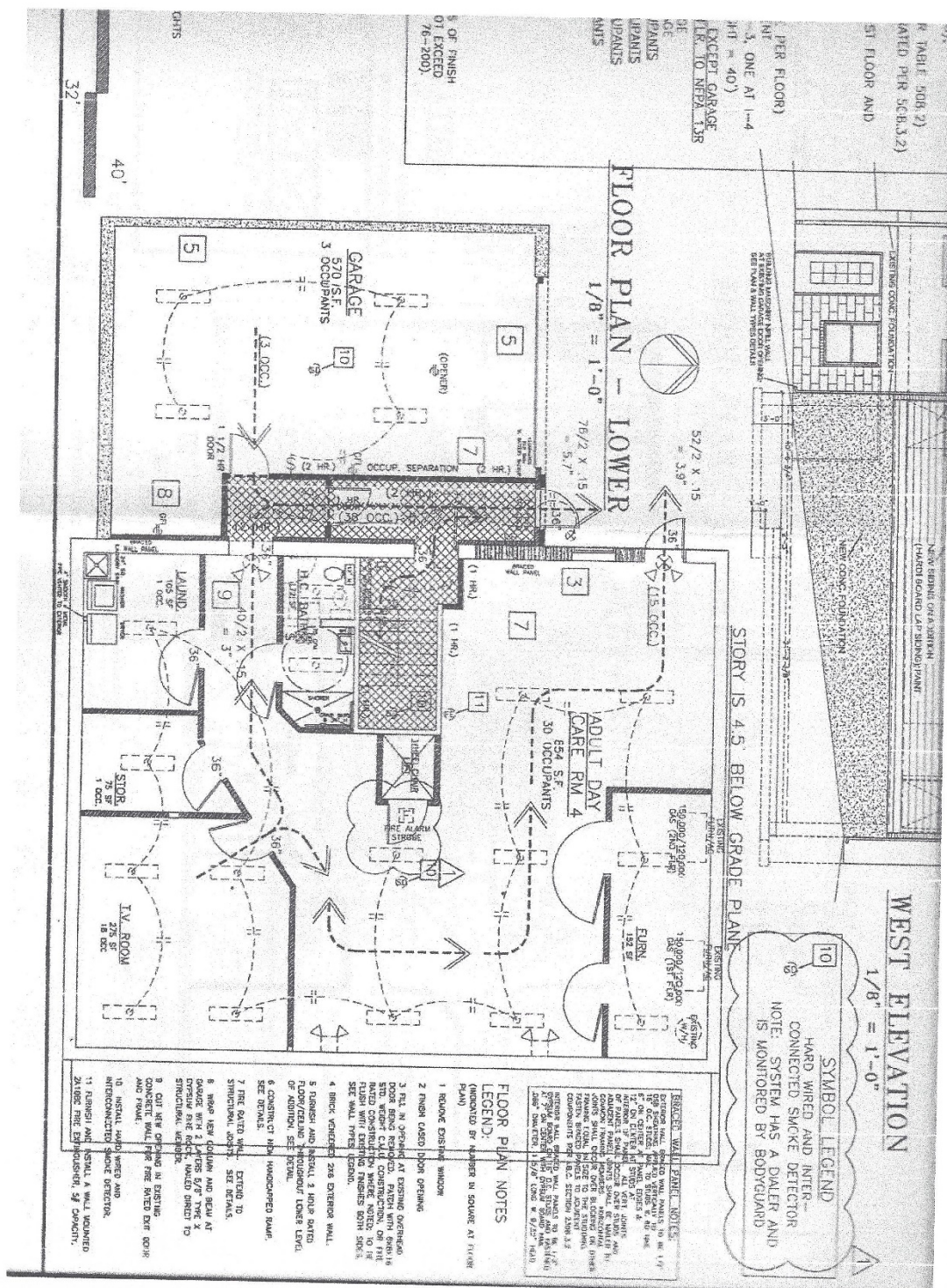
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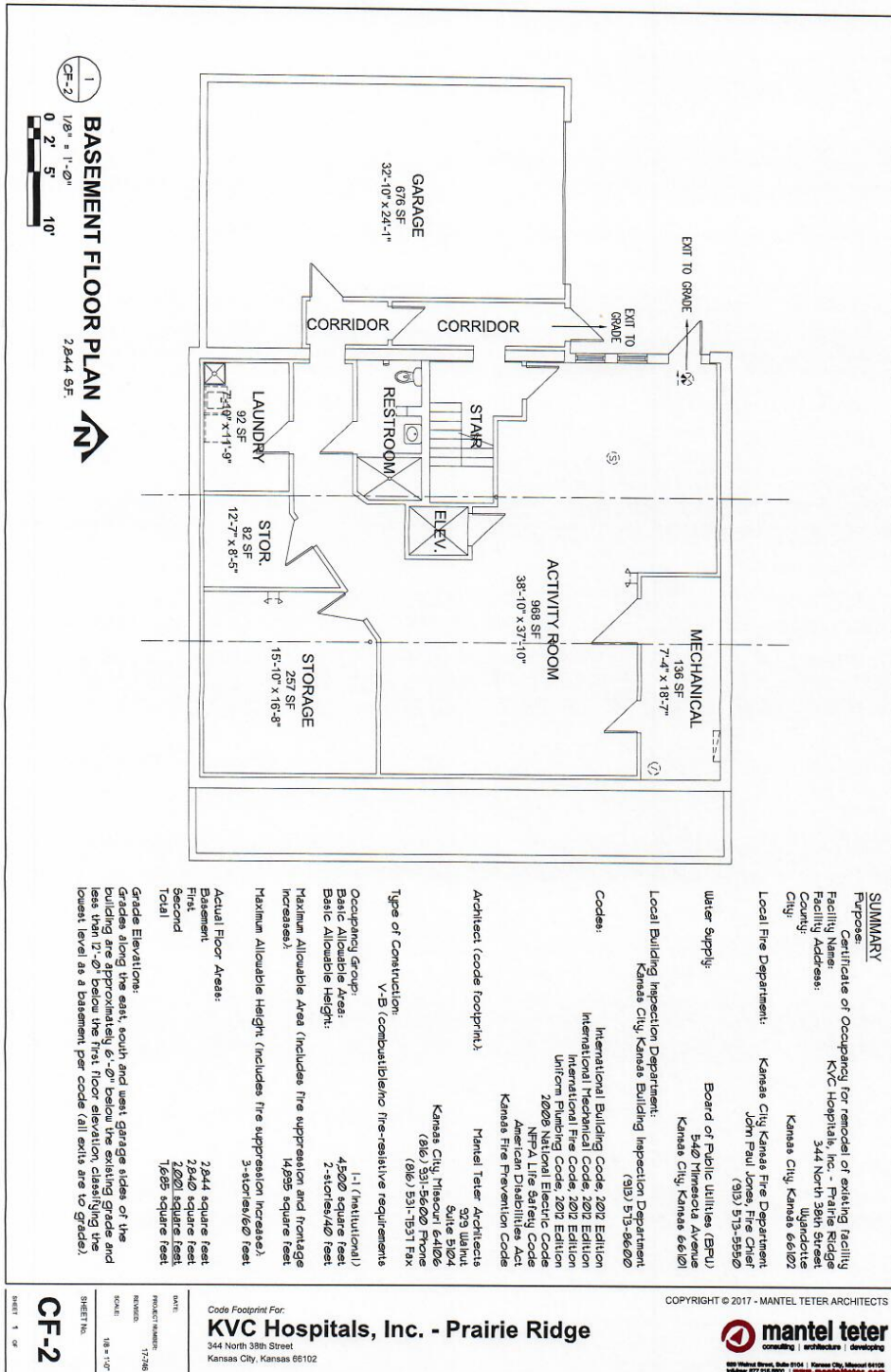
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Planning Commission Submittal For:
KVC Hospitals, Inc. - Prairie Ridge
 344 North 38th Street
 Kansas City, Kansas 66102

DATE: 10/30/2017
 PROJECT NUMBER: 17-102
 SHEET: 18 - 1 OF 5
 SHEET TITLE: **A1**
 SHEET: 1 OF 5





SUMMARY

Purpose:

Certificate of Occupancy for remodel of existing facility

Facility Name:

KVC Hospitals, Inc. - Prairie Ridge

Facility Address:

344 North 38th Street
Wynandotte
Kansas City, Kansas 66102

Local Fire Department:

Kansas City Fire Department
John Paul Jones, Fire Chief
(913) 513-5550

Water Supply:

Board of Public Utilities (BPU)
540 Minnesota Avenue
Kansas City, Kansas 66101

Local Building Inspection Department:

Kansas City Kansas Building Inspection Department
(913) 513-6600

Codes:

International Building Code, 2009 Edition
International Fire Code, 2009 Edition
International Fire Code, 2002 Edition
Uniform Plumbing Code, 2002 Edition
2008 National Electric Code
NFPA Life Safety Code
American Disabilities Act
Kansas Fire Prevention Code

Architect (code footprint):

Mantel Teter Architects
344 North 38th Street
Kansas City, Missouri 64106
(816) 531-5600 Phone
(816) 531-7531 Fax

Type of Construction:

V-B (combustible/no fire-resistive requirements)

Occupancy Group:

I-1 (Institutional)

Basic Allowable Area:

4,500 square feet

Basic Allowable Height:

2-stories/40 feet

Maximum Allowable Area (includes fire suppression and height increases):

14,935 square feet

Maximum Allowable Height (includes fire suppression increases):

3-stories/60 feet

Actual Floor Areas:

Basement: 2,844 square feet
 First: 2,640 square feet
 Second: 2,001 square feet
 Total: 7,485 square feet

Grade Elevations:

Grades along the east, south and west garage sides of the building are approximately 6'-0" below the existing grade and less than 12'-0" below the first floor elevation, classifying the lowest level as a basement per code (all exits are to grade).

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Code Footprint For:

KVC Hospitals, Inc. - Prairie Ridge

344 North 38th Street
Kansas City, Kansas 66102

DATE:

PROJECT NUMBER:

REVISION: 17-248

SHEET NO. 18 of 147

CF-2

SHEET 1 OF 1



K5A 31-133 and 31-134a

Those connections to distinctly hazardous conditions compensate for the impaired exiting. Many compensatory measures acceptable to the Kansas State Fire Marshal's Office do not upgrade the building to meet the letter of a building, fire or life safety code, existing portions of many buildings do not comply with a certain building code and should be specified as meeting the Kansas Fire Prevention Code.

Facility was approved as a senior day care facility.

- ### FIRST FLOOR OCCUPANCY LOADS

Bedrooms (2 people/room) x 2 rooms.
Dau Room (15 sq ft) x 1 room.

- Lab Room (15 sq. ft./person) 210 sq. ft. / 15
 Office
 Validation Rooms (15 sq. ft./person) 240 sq. ft. / 15
 Dining (15 sq. ft./person) 653 sq. ft. / 15
 Kitchen (100 sq. ft./person) 93 sq. ft. / 100
 Total Occupant Load

4 38 16 44 104



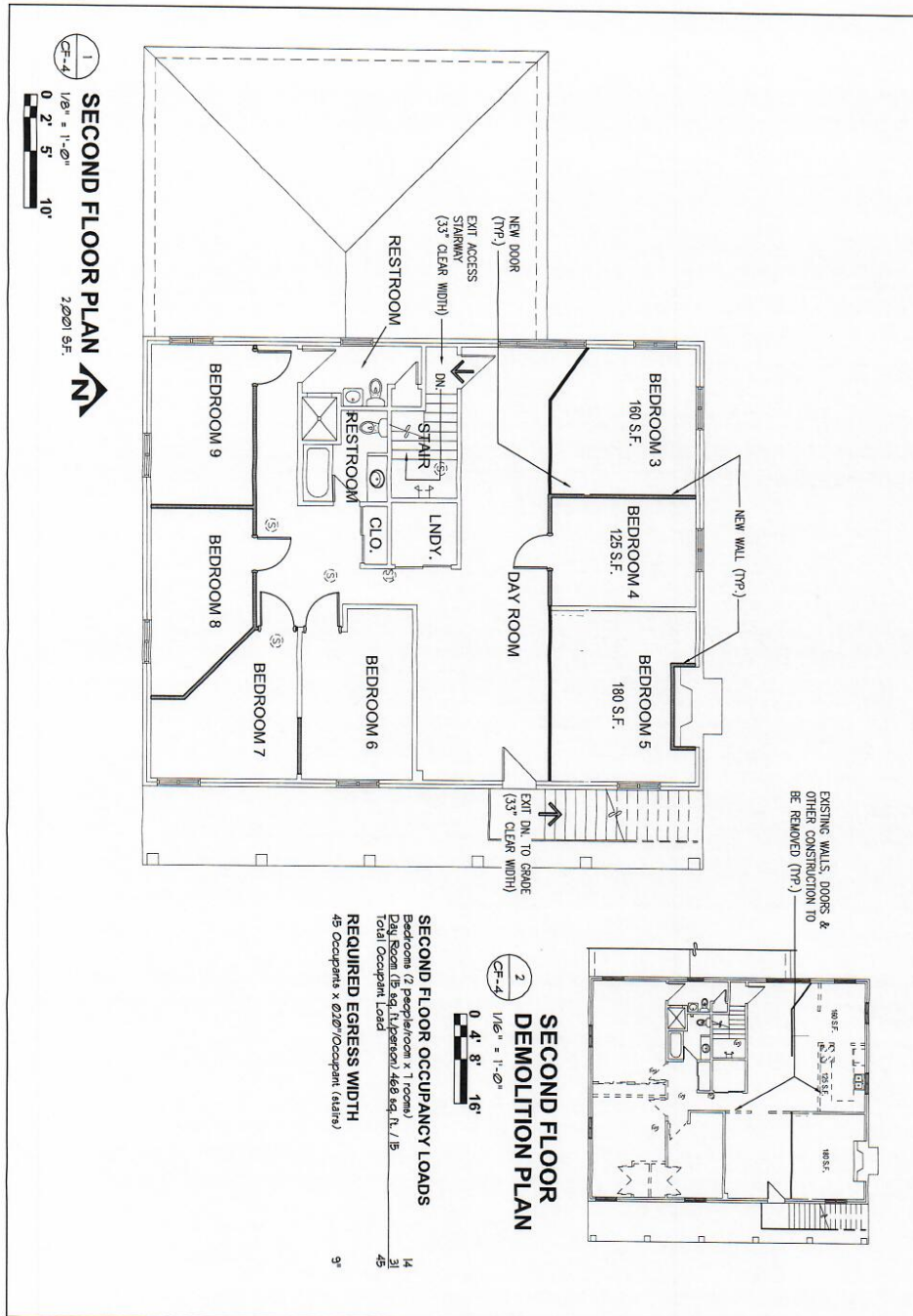
mantel teter
consulting | architecture | developing

808 Walnut Street, Suite 8104 | Kansas City, Missouri 64108
tel: 816.777.2118.3600 | www.mantelteter.com

KVC Hospitals, Inc. - Prairie Ridge
344 North 38th Street
Kansas City, Kansas 66102

344 North 38th Street
Kansas City, Kansas 66102

CF-3



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now L'Amber Wilson of lawful age, sound mind and upon his/her oath states as follows:

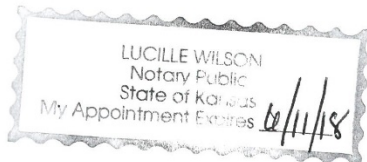
1. That I conducted a neighborhood meeting on October 24, 2017.
2. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24 day of Oct, 2017

My commission expires 6/11 of 11, 2017



[Signature]
Notary Public

Neighborhood Meeting- Minutes

October 24, 2017

2 South 14th Street, Kansas City, KS 66102

Change of Zone #3149

Meeting called to order at 4:01 pm by Lauren Lueck.

Attendees: Todd Lambrecht, Jackie Suttington, Rachelle Martin, Alyce Wardridge.

Presentation: Lauren Lueck gave history on KVC Hospitals, Inc. and disclosed information the change of zone application with City Planning. The property will be used as a temporary shelter for children in need of temporary residence at 344 North 38th Street, Kansas City, KS.

Questions:

1. Will there be in structural changes done to the property?
 - No plans to develop on the lots. Some wall changes inside, landscape changes outside.
2. What is the bedding capacity?
 - We plan to license for up to 20 children, but not planning to take in that many at one time. 10 bedrooms.
3. What age children?
 - Typically between ages 10-18. Will be available for all ages up to 18 years.
4. Is the shelter for KVC kids only?
 - No, some of the kids may be KVC Kansas (our foster program) kids but that is not a prerequisite.
5. Is KVC Hospitals partnered with the city/state?
 - KVC Hospitals are good partners with KVC Kansas which is our child placement division.
6. Will this be a residential drug treatment facility?
 - No. All children are required to be medically stable.
7. Will the shelter be supervised?
 - Yes, fully staffed. Staff ratio standards are in place.
8. Are you planning to build a fence around the property?
 - We are exploring the idea of a recreational area on property.
9. What is the Time frame on opening?
 - Projected to open in February. Pending renovations.

10. When is the Planning Commission meeting?

- The meeting is Nov. 13th at 6:30 pm.

11. Should I be concerned about my safety?

- No, these are children who have been removed from their homes to protect them.

Meeting adjourned at: 4:20 pm

Minutes taken by: J'Amber Wilson with KVC Hospitals, Inc.

Neighborhood Meeting - Sign-In Sheet

October 24, 2017 4:00 PM

CHWC, Inc.- 2 South 14th St., KC, KS 66102

Change of Zone #3149

PRINT NAME	SIGNATURE
Todd LAMBRECHT	Todd Lambrecht
Jackie Settington	J. Settington
Rachelle Martin	Rachelle Martin
Alycia Handridge	Alycia Handridge



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: November 30, 2017

Re: **Change of Zone Petition #3150**

GENERAL INFORMATION

Applicant:
Randy Callstrom

Status of Applicant:
Executive Director
Wyandot, Inc.
757 Armstrong Avenue
Kansas City, KS 66101

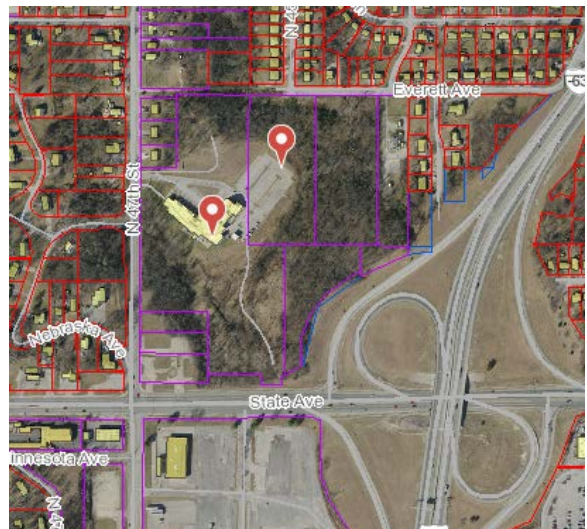
Requested Actions:
Change of Zone from
CP-1 Planned Limited Business District to
CP-1 Planned Limited Business District

Date of Application:
September 29, 2017

Purpose:
To amend stipulations from previous change of zone approval to have overnight patient stays and 24-hour operations for adult mental health services

Property Location:
1301 North 47th Street

Existing Zoning: CP-1 Planned Limited Business District



Surrounding Zoning: **North:** R-1(B) Single Family District
 South: CP-1 Planned Limited Business District
 East: R-1 Single Family District
 West: R-1 Single Family, R-2 Two Family and C-3 Commercial Districts

Existing Uses: **North:** Single family residences
 South: Dental office and vacant land (formerly Indian Springs Shopping Center)
 East: Undeveloped and Interstate 635
 West: Single family residences

Total Tract Size: 16.36 acres

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

Major Street Plan: The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare and 47th Street as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – October 19, 2017
 Letters to Property Owners – October 17, 2017 and November 21, 2017

Public Hearings: November 13, 2017 and November 30, 2017

Public Opposition: No one appeared in opposition at the November 13, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Randy Callstrom of Wyandot Inc. wants to rezone the property from CP-1 Planned Limited Business District to CP-1 Planned Limited Business District to amend stipulations from a 2005 change of zone approval (COZ #2806) to allow Wyandot Inc. and RSI to have 24-hour operations and short-term overnight stays for a maximum of ten (10) days for a maximum of 10 persons.

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.

This is a transitional area with residences to the north and west and primarily commercial uses to the south and Interstate 635 to the east.

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

The zoning and uses are set out above. The proposed use should be compatible with the existing uses.

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

Wyandot Center, Inc. has been operating on the property since 2005 – 2006. The removal of the restrictions will not harm nearby property.

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

The property is not vacant.

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 for the convenience and welfare of the public and we do not see it injuring 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.*

By amending these stipulations, the proposed use will likely increase some traffic to the site outside the normal, 8:00 AM to 5:00 PM business hours, but not in ways that would adversely affect road capacity, safety, or create parking problems.

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

The proposed use conforms to the Master Plan.

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

The proposed use will not cause environmental harm.

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

Complies with City Code

d. Police

Police service is provided by Midtown Patrol, District #222

e. Fire

Fire service is provided by Station #2 near 62nd and State Avenue.

f. Transit

Kansas City ATA transit center is across the street at 47th and State Avenue.

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 has had a positive impact on the community.

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

The proposed use can 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.

We see the public and the owner benefiting from this project.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 30, 2017. According to the applicant, no one appeared at the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3150, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. Per the applicant, RSI will provide 24 hour assessment with sobering beds and crisis observation units. RSI will provide non-medical resident board and care with a licensed short-term crisis stabilization unit for 10 persons maximum, for stays for up to 10 days. KCKPD will be on site from 6:00 PM to 6:00 AM to monitor the 24 hour access to the facility. Residents staying overnight will not be allowed to leave the site and will be under staff supervision for outdoor activity on the fenced in patio on the back side of the facility.
3. What is the staff-to-resident ratio?

Applicant Response: The ratio depends on the number of patients on each unit. Each shift at RSI consists of a minimum of one (1) registered nurse, a triage specialist, a recovery specialist, and four (4) mental health technicians. In addition, there is an off-duty law enforcement officer present from 6:00 PM to 6:00 AM. At a minimum during the overnight hours, there is 1:5 ratio. However, additional staff may be called in if any patient needs a 1:1 ratio.

4. Please provide a narrative on how RSI will operate within the building?

Applicant Response: Patients will enter through the crisis clinic entrance. A triage specialist will complete an assessment of the current crisis to determine what level of care that is needed and which unit may be the most appropriate for the individual. A registered nurse then completes a nursing assessment to assure the patient is stable enough to be served at RSI.

Individuals who are brought because of being intoxicated are moved to the sobering unit where the individual is kept safe and allowed to become sober. A substance abuse staff member then completes a substance abuse

assessment to determine if the person needs to be moved to a social detox facility or is safe to return home. If the person is released to go home, Heartland RADAC assigns an intensive care manager to follow up with the person in the community.

A person may be placed in the 23 hour observation unit for further assessment. Nursing and mental health staff will continue to observe and assist the person achieve resolution of their psychiatric crisis. Psychiatric staff, psychiatrist or a nurse practitioner will also assess for medication needs. If additional time is needed to resolve the crisis, the person is placed on the stabilization unit where they may remain for up to 10 days. Once the person becomes stable and is safe to be discharged back into the community, a mental health case manager helps prepare a crisis plan and discharge plan, and provides after care until the person is linked with ongoing community based services.

5. Please describe a typical 24 hour shift within the 3,427 square foot non-medical resident care unit interior addition?

Applicant Response: Patients begin the day with breakfast. Various groups throughout the day are provided to help individuals develop coping skills and crisis management skills to help become ready for discharge. Patients also will see the psychiatric provider for medication management as needed. A social worker will meet 1:1 ratio with patients to resolve their crisis and begin discharge planning. A case worker will also assist with identifying the needed services following discharge. Patients will also be provided lunch, dinner, and some time for rest.

6. Who is paying for KCKPD services? Are the officers on or off duty?

Applicant Response: The officers at RSI are off-duty Kansas City Kansas Police Officers or Wyandotte County Sheriff Deputies, and they are paid by RSI for their time and services.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Construction 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 and organization, Wyandot, Inc. has provided a service that is

needed in the community. Expanding the facility's operation to include overnight stays and 24 hour care will provide those that need this critical attention and care a stable, safe environment to obtain the help they need.

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 #3150 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Aerial Photograph
Site Plan
Floor Plan

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	November 13, 2017	November 30, 2017
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3150 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 #3150 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.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 1:02:35:

CHANGE OF ZONE APPLICATION #3150 – RANDY CALLSTROM WITH WYANDOTTE INC. – SYNOPSIS: Change of Zone (CP-1 Planned Limited Business District) to modify the previous 2005 approval in order to provide overnight units for up to 10 people for a maximum of 10 days at 1301 North 47th Street. **Detailed Outline of Requested Action:** The applicant, Randy Callstrom of Wyandot Inc. wants to rezone the property from CP-1 Planned Limited Business District to CP-1 Planned Limited Business District to amend stipulations from a 2005 change of zone approval (COZ #2806) to allow Wyandot Inc. and RSI to have 24-hour operations and short-term overnight stays for a maximum of ten (10) days for a maximum of 10 persons.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 19, 2017; and
7. The Notices to property owners dated October 17, 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:

- ❖ Randy Callstrom, President/CEO of Wyandot Inc., 757 Armstrong Avenue, Kansas City, Kansas 66101
- ❖ Ryan Speier, President of KVC Hospitals, 4300 Brenner Drive, Kansas City, Kansas
- ❖ One person was present in support that did not speak

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 1:19:15: Director Richardson stated he would like to emphasize one thing that the applicant said about working with the Sheriff. Sheriff Ash has been very diligent about looking at every aspect of jail operations to see how it can become more efficient because it is a large part of the county budget. It is also a very high mill levy that the tax payers pay with regard to the county side of the budget. This is one of the items that they have found to take people that do not necessarily need to be booked into jail and find an alternative route for them. It is probably better for them in the long run and better for the city/county. It gets them to a place where they can get help and if they have a dire issue to get the help they need and not become an offender over a mental health issue. They are only changing one stipulation. When they went through the change of zone before they said that they would not have anyone staying overnight at the facility and he thought that this hearing should be held for public record to change the stipulation so everything is above board and the applicant agreed. The staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 1:20:40:

On motion by Dr. Serda, seconded by Ms. Rank, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3150:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. Per the applicant, RSI will provide 24 hour assessment with sobering beds and crisis observation units. RSI will provide non-medical resident board and care with a licensed short-term crisis stabilization unit for 10 persons maximum, for stays for up to 10 days. KCKPD will be on site from 6:00 PM to 6:00 AM to monitor the 24 hour access to the facility. Residents staying overnight will not be allowed to leave the site and will be under staff supervision for outdoor activity on the fenced in patio on the back side of the facility.
3. What is the staff-to-resident ratio?

Applicant Response: The ratio depends on the number of patients on each unit. Each shift at RSI consists of a minimum of one (1) registered nurse, a triage specialist, a recovery specialist, and four (4) mental health technicians. In addition, there is an off-duty law enforcement officer present from 6:00 PM to 6:00 AM. At a minimum during the overnight hours, there is 1:5 ratio. However, additional staff may be called in if any patient needs a 1:1 ratio.

- 4. Please provide a narrative on how RSI will operate within the building?**

Applicant Response: Patients will enter through the crisis clinic entrance. A triage specialist will complete an assessment of the current crisis to determine what level of care that is needed and which unit may be the most appropriate for the individual. A registered nurse then completes a nursing assessment to assure the patient is stable enough to be served at RSI.

Individuals who are brought because of being intoxicated are moved to the sobering unit where the individual is kept safe and allowed to become sober. A substance abuse staff member then completes a substance abuse assessment to determine if the person needs to be moved to a social detox facility or is safe to return home. If the person is released to go home, Heartland RADAC assigns an intensive care manager to follow up with the person in the community.

A person may be placed in the 23 hour observation unit for further assessment. Nursing and mental health staff will continue to observe and assist the person achieve resolution of their psychiatric crisis. Psychiatric staff, psychiatrist or a nurse practitioner will also assess for medication needs. If additional time is needed to resolve the crisis, the person is placed on the stabilization unit where they may remain for up to 10 days. Once the person becomes stable and is safe to be discharged back into the community, a mental health case manager helps prepare a crisis plan and discharge plan, and provides after care until the person is linked with ongoing community based services.

- 5. Please describe a typical 24 hour shift within the 3,427 square foot non-medical resident care unit interior addition?**

Applicant Response: Patients begin the day with breakfast. Various groups throughout the day are provided to help individuals develop coping skills and crisis management skills to help become ready for discharge. Patients also will see the psychiatric provider for medication management as needed. A social worker will meet 1:1 ratio with patients to resolve their crisis and begin discharge planning. A case worker will also assist with identifying the needed services following discharge. Patients will also be provided lunch, dinner, and some time for rest.

- 6. Who is paying for KCKPD services? Are the officers on or off duty?**

Applicant Response: The officers at RSI are off-duty Kansas City Kansas Police Officers or Wyandotte County Sheriff Deputies, and they are paid by RSI for their time and services.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None****
- B) Items that are conditions of approval (stipulations):
 - 1) Construction 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 and organization, Wyandot, Inc. has provided a service that is needed in the community. Expanding the facility's operation to include overnight stays and 24 hour care will provide those that need this critical attention and care a stable, safe environment to obtain the help they need.

Urban Planning and Land Use Comments:

1. Per the applicant, RSI will provide 24 hour assessment with sobering beds and crisis observation units. RSI will provide non-medical resident board and care with a licensed short-term crisis stabilization unit for 10 persons maximum, for stays for up to 10 days. KCKPD will be on site from 6:00 PM to 6:00 AM to monitor the 24 hour access to the facility. Residents staying overnight will not be allowed to leave the site and will be under staff supervision for outdoor activity on the fenced in patio on the back side of the facility.

2. What is the staff-to-resident ratio? The ratio depends on the number of patients on each unit. Each shift at RSI consists of a minimum of 1 registered nurse, a triage specialist, a recovery specialist, and 4 mental health techs. In addition, there is an off duty law enforcement officer present from 6pm to 6am. At minimum during the overnight hours, there is a 1:5 ratio. However, additional staff may be called in if any patients need a 1:1.

3. Please provide a narrative on how RSI will operate within the building?

Patients will enter the through the crisis clinic entrance. A triage specialist will complete an assessment of the current crisis to determine what level of care that is needed and which unit may be the most appropriate for the individual. A registered nurse then completes a nursing assessment to assure the patient is stable enough to be served at RSI.

Individuals who brought because of being intoxicated are moved to the sobering unit where the individual is kept safe and allowed to become sober. A substance abuse staff then completes a substance abuse assessment to determine if the person needs to be moved to a social detox facility or is safe to return home. If the person is released to go home, Heartland RADAC assigns an intensive case manager to follow up with the person in the community.

A person may placed in the 23 hour observation unit for further assessment. Nursing and mental health staff continue to observe and assist the person achieve resolution of their psychiatric crisis. Psychiatric staff, psychiatrist or a nurse practitioner will also assess for medication needs. If additional time is needed to resolve the crisis, the person is placed on the stabilization unit where they may remain for up to 10 days. Once the person becomes stable and is safe to be discharged back into the community, a mental health case manager helps prepare a crisis plan and discharge plan, and provides after care until the person is linked with ongoing community based services.

4. Please describe a typical 24 hour shift within the 3,427 square foot non-medical resident care unit interior addition?

Patients begin the day with breakfast. Various groups throughout the day are provided to help individuals develop coping skills and crisis management skills to help become ready for discharge. Patients also will see the psychiatric provider for medication management as needed. A social worker will meet 1:1 with patients to resolve their crisis and begin discharge planning. And a case manager will also assist with identifying the needed services following discharge. Patients will also be provided lunch, dinner, and some time for rest.

5. Who is paying for KCKPD services? Are the officers on or off duty?

The officers at RSI are off duty Kansas City Kansas Police Officers or Wyandotte County Sheriff Deputies, and they are paid by RSI for their time and services.

Application Number: CZ-17401-00019
Date : October 30, 2017
Location: Wyandot Center
1301 N. 47th Street Kanas City, Kansas 66102

Meeting called to order at: Meeting was not called to order due to non-attendance of neighborhood members

Names of people in attendance

Deputy Chief, Tyrone Gardner
Sgt. Ernesto Terrazas
Brad Oliver

None of the neighborhood members attended the meeting.
Representative of the police and sheriff departments were there in support of the project.

Introductions:

A copy of the presentation by applicant and/or team is attached to these minutes

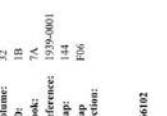
Questions and answers (include the following):

- Questions were not asked due to non-attendance of neighborhood members

Meeting adjourned at: Those in attendance were dismissed at 6:40pm

Minutes taken by:





Parcel: 914403

KLPN: 06300819100080001

Status: EXEMPT

Tax Unit: 10

Volume: 32

TD: 15

Books: 7639-0001

Reference: 144

Map: P36

Sections: 1

1050630603010008000 05/08/2013

PROPERTY ADDRESS

Property Address: 1301 N 47TH ST KANSAS CITY KS 66102

Subdivision:

Assessed With Parcel:

Assessed Here Parcel:

Sec-Top Range:

Description:

Block Page: 4910-0349

Frontage: 0.00 Left: 0.00 Right: 0.00 Rear: 0.00

Maped Acres: 12.078 Mapped SQFT: 52613.439

NAME & ADDRESS

Owner Name: WY CTM COMM BEHAVIORAL HEALTHCARE

Mailing Address: PO BOX 171578 KANSAS CITY KS 66117

Lesnor:

PARCEL INFORMATION

Parcel: 914403 (See Parcel Map)

KLPN: 06300819100080001

Status: EXEMPT

Tax Unit: 10

Volume: 32

TD: 15

Books: 7639-0001

Reference: 144

Map: P36

Map Section: P36

PROPERTY DESCRIPTION

Property Address: 4511 EVERETT AVE KANSAS CITY KS 66102

Subdivision:

Assessed With Parcel:

Assessed Here Parcel:

Sec-Top Range:

Description:

Block Page: 4910-0352

Frontage: 0.00 Left: 0.00 Right: 0.00 Rear: 0.00

Maped Acres: 4.285 Mapped SQFT: 185697.917

NAME & ADDRESS

Owner Name: WY CTM COMM BEHAVIORAL HEALTHCARE

Mailing Address: PO BOX 171578 KANSAS CITY KS 66117

Lesnor:

PARCEL INFORMATION

Parcel: 914403 (See Parcel Map)

KLPN: 06300819100080001

Status: EXEMPT

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TD: 15

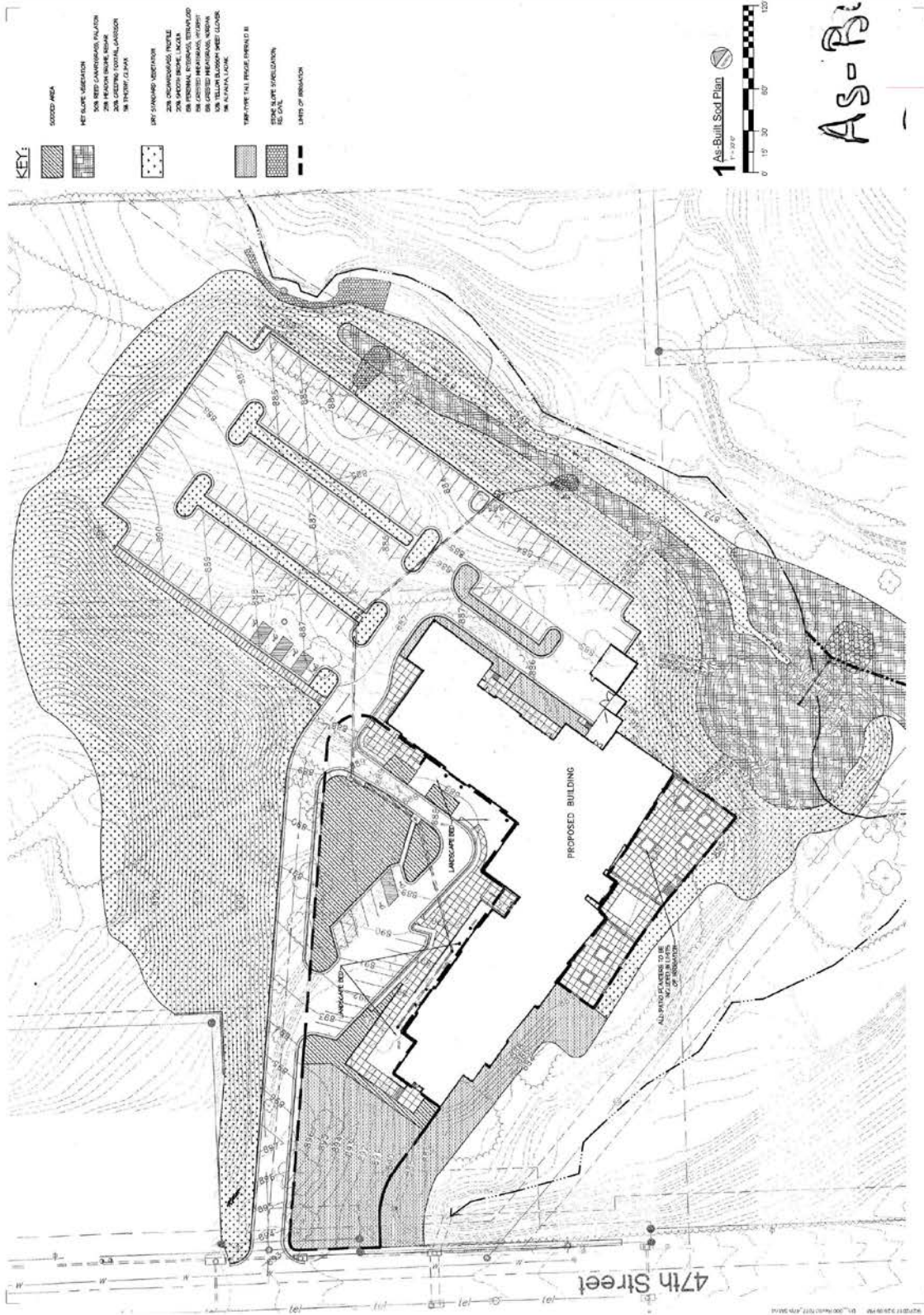
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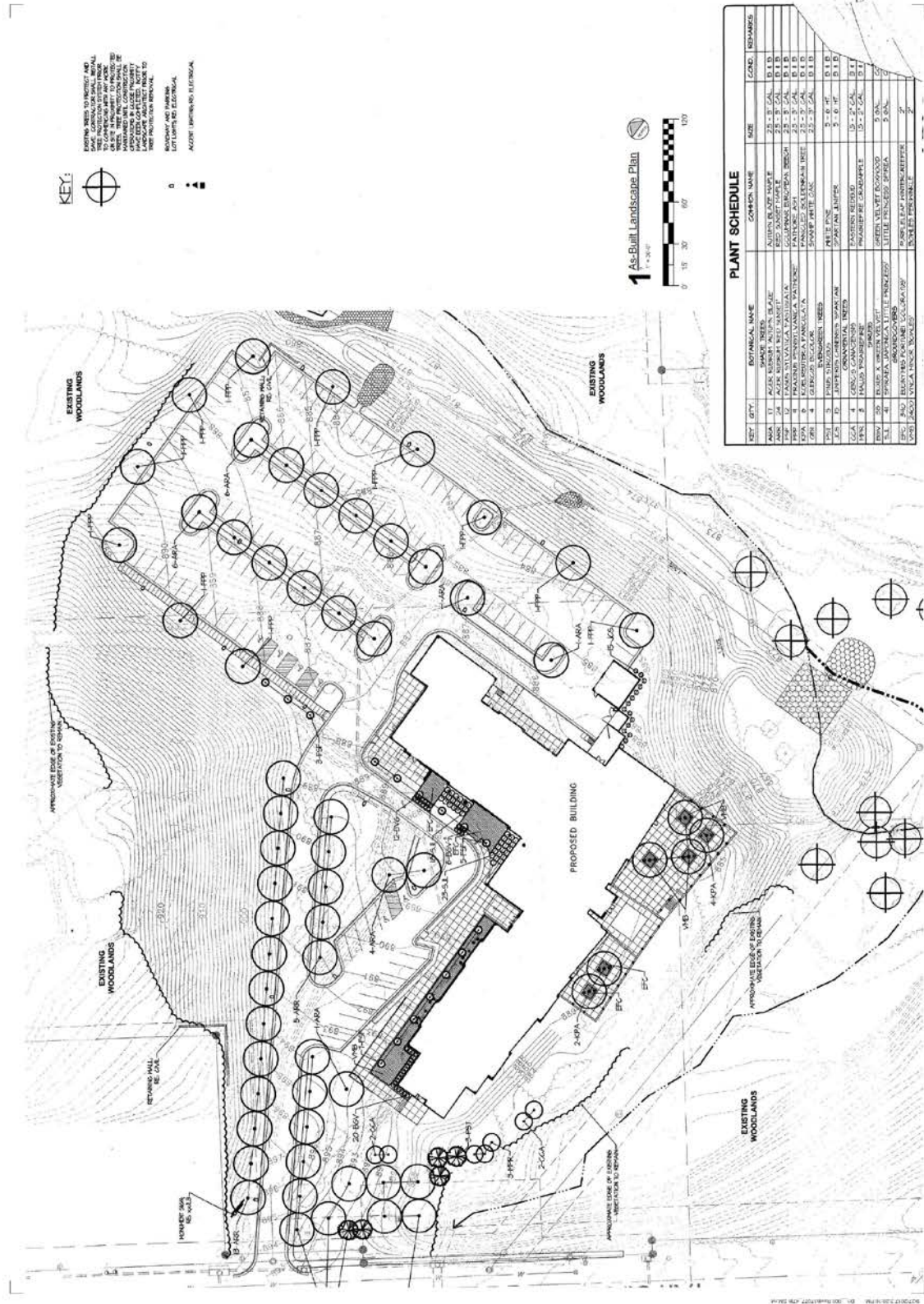
Reference: 144

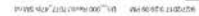
Map: P36

Map Section: P36

[illegible]









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

To: Unified Government Board of Commissioners

From: City Staff

Date: November 30, 2017

Re: **Petition #SP-2017-36**

Applicant:
Frederick Avery

Status of Applicant:
Representative
Avery's Village
6261 Leavenworth Road
Kansas City, KS

Requested Action:
A special use permit to operate
a youth residential facility

Date of Application:
April 26, 2017

Purpose:
The applicant seeks a special use permit to operate a youth residential facility

Property Location:
6261 Leavenworth Road

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 Residences
South: Single Family Residences
East: Single Family Residences
West: Single Family Residences

Total Tract Size: 0.82 acre

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

Major Street Plan: The City-Wide Master Plan designates Leavenworth Road as a Class C Thoroughfare and 63rd Street as a Collector Street.

Advertisement: The Wyandotte Echo – May 18, 2017
Letters to Property Owner – May 18, 2017, July 17, 2017 and July 21, 2017, September 12, 2017, October 25, 2017 and November 22, 2017

Public Hearings: July 10, 2017, August 31, 2017, October 9, 2017, November 13, 2017 and November 30, 2017

Public Opposition: There were ten (10) people present in opposition/questions at the July 10, 2017 City Planning Commission meeting. A valid 32.2% protest petition has been filed. However two (2) persons have submitted affidavits removing their opposition (attached). There were 16 people present in opposition at the November 13, 2017 City Planning Commission meeting.

It should be noted that the protest petition has been ruled invalid (see attached Information from Senior Counsel Patrick Waters.)

PROPOSAL

Detailed Outline of Requested Action: The applicant, Frederick Avery, is requesting approval of a special use permit to operate a youth residential facility at 6261 Leavenworth Road. The facility is for youth that need housing due to extenuating circumstances. The building was previously licensed as a nursing home from 1967 until 2014. The proposed facility would be licensed with the state of Kansas to work with 35 or more children between 5 and 17 years of age. The applicant states that the facility has the capacity to house 70 youth, but the current requests approval for 50 youth. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, youth support personnel, and case managers. See the attached business plan for more information about the operation of the proposed facility.

City Ordinance Requirements:

Chapter 27 – Planning and Development

Article VI – Administration and Review Procedures

Special Use Permit, Section 27-214

Article VIII – Zoning

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

Division 6 – Special Use Permits, Sections 27-592 – 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This building is located adjacent to a predominantly single family neighborhood. There are also existing apartments on Leavenworth Road adjacent to the facility.

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

The building has existed in the neighborhood since the 1960s and is not likely to create any compatibility issues with the nearby properties. It was previously used as a nursing home; the proposed use is a youth residential facility. One significant difference between the prior use and this use is the length of stay. Residents at the youth residential facility will likely have a much shorter stay than residents at the previous use, which was an assisted living/skilled nursing facility. The youth will also attend schools in the area.

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

Because this building has existed and operated as a similar use in the past, removal of restrictions will not detrimentally affect nearby property. However, concerns have been expressed regarding youth being able to “roam the neighborhood.”

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

The license for the nursing home that previously occupied this building expired in 2014.

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

The City-Wide Master Plan designates this property as a public/semi-public use. The proposed use conforms to the Master Plan.

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

The proposed use would not likely 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 provides a needed social service for the community and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property due to the length of the time that the facility has existed in the neighborhood.

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.

These factors will not be an issue with the proposed use.

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 an issue with the proposed use.

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

This use would benefit the public by provided a necessary service. It would not impose a hardship on neighboring property owners because the facility has existed in the neighborhood since the 1960s and has operated as a similar use.

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

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

PREVIOUS ACTIONS

This application was scheduled for the July 27, 2017 Board of Commissioners hearing; however, the applicant contacted staff approximately one week prior to the meeting to request a continuance until the August 31, 2017 meeting as his representative could not be present. The Board of Commissioners referred this application back to the Planning Commission for the October 9, 2017 City Planning Commission meeting. The reason the Board of Commissioners referred this back to the City Planning Commission is for

more discussion, more understanding, and more clarification around the first and second factors to be considered in the report.

At the October 9, 2017 City Planning Commission meeting the applicant's attorney requested that this application be held over for one month. On November 8, 2017 the applicant's attorney submitted additional information (some of which is under separate cover.)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 16, 2017. One neighboring resident was in attendance. See the attached meeting minutes for questions and answers from the neighborhood meeting.

KEY ISSUES

1. Number of children/youth residing at facility
2. Number of staff members at facility
3. Use of adjacent property
4. Recreation, common, and outdoor space
5. Transportation
6. Future expansion

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to uphold its previous decision and recommends **APPROVAL** of Special Use Permit Application #SP-2017-36 subject to:

Urban Planning and Land Use Comments:

1. **How many children/youth will reside at the property? The business plan states 35+ and also states that there is capacity for 70 youth.**

Applicant Response: Our capacity is 70 children in the facility.

Staff Response: The city planning commission and board of commissioners will set a maximum number of children that may reside at the facility as a stipulation of the special use permit.

Planning Commission Recommendation: Commission recommended 50 children maximum. After year one the applicant can request the additional 20 children.

2. **How many staff members will be on-site during different times of the day/night?**

Applicant Response: There will be three shifts, 10 people on the first and second shift and 7 on the third shift.

3. Are there any plans to use the adjacent property to the east in conjunction with the youth residential facility?

Applicant Response: Yes it will serve as our staff house.

4. What types of recreation and common spaces are available on-site? Is there outdoor space for children to play?

Applicant Response: Yes there is a facility garden and gazebo; also we plan on designating a play area.

5. Please provide an updated floor plan that is specific to the proposed use.

Staff Response: see attached floor plan.

6. How do you plan to provide transportation? Will there be vans stored on site?

Applicant Response: We will have three company vehicles, a 12 passenger van and two sedans.

7. Any future expansion will require an amendment to the existing special use permit by going back through the special use permit process.

Applicant Response: At the moment there is no plan of expansion that may change as the need for the service changes.

8. This facility is for good kids from bad homes that have been removed for their safety. (Cinc kids if they meet the criteria.)
9. When it comes back for renewal, the Commission/Staff will review that this building does not look like a hangout for kids; the kids are not out in the community involved in any type of crime or vandalism.

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 continues to concur 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-2017-36 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

July 10, 2017 City Planning Commission Minutes
October 9, 2017 City Planning Commission Minutes
November 13, 2017 City Planning Commission Meeting
Legal Opinion from Senior Counsel Patrick M. Waters
Original Petition in Support
Original Protest Petition
Affidavit from Kathleen Litke Concerning Protest Petition
Facility Floor Plan
Avery Village Business Plan
Site Photos
Neighborhood Meeting Minutes
KVC Letter
KCKPS Letter

The following attachments have been added since the August 31, 2017 Unified Government Commission Meeting. These attachments respond to requests of the commissioners and include additional information submitted by community members and the applicant.

Police Calls for Service at 3535 Wood Avenue
Email from Louetta Braswell, LRA
Letter from St. Francis Community Services
Affidavit from Kathleen Litke retracting her opposition
Affidavit from Ronald G. Seaton retracting his opposition
August 31, 2017 Board of Commissioners Minutes (under separate cover)
Provider Manual (under separate cover)

(The following items are under separate cover in one document)

- Staff Report Recommending Approval of Blue Door
- Minutes re LRA Meeting
- Correspondence to Magill
- Email to Henry Brown

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	July 10, 2017	August 31, 2017
Special Use	Approval	Referred Back
	October 9, 2017	November 30, 2017
	Held Over	
	November 13, 2017	
	Approval	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-36** 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-2017-36** 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.

JULY 10, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2017-36 – FREDERICK AVERY WITH AVERY’S VILLAGE – SYNOPSIS: Special Use Permit for a youth residential facility at 6261 Leavenworth Road. *Detailed Outline of Requested Action:* The applicant, Frederick Avery, is requesting approval of a special use permit to operate a youth residential facility at 6261 Leavenworth Road. The building was previously licensed as a nursing home from 1967 until 2014. The proposed facility would be licensed with the state of Kansas to work with 35 or more children between 5 and 17 years of age. The applicant states that the facility has the capacity to house 70 youth. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, youth support personnel, and case managers. See the attached business plan for more information about the operation of the proposed facility.

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 July 10, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 18, 2017; and

7. The Notices to property owners dated May 18, 2017.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Dr. Serda stated that Commissioner Bynum forwarded an email to him yesterday from Lou Braswell with questions.

Present in Support:

- ❖ Edward Scott, Jr., 2008 Oakland Avenue, Kansas City, Kansas 66102
- ❖ Mr. Frederick Avery, applicant, 7803 West 61st Terrace, Kansas City, Kansas 66202
- ❖ Mrs. Beverly Avery, applicant, 7803 West 61st Terrace, Kansas City, Kansas 66202

Present in Opposition:

- ❖ There were five persons present that did not speak
- ❖ Ms. Lou Braswell, 5202 Parkview Avenue, Kansas City, Kansas 66104 (not in favor or opposition but with questions)
- ❖ Ms. Kathy Litke, 6233 Leavenworth Road, Kansas City, Kansas 66104
- ❖ Mr. Donald Crawford, 6309 Roswell, Kansas City, Kansas 66104
- ❖ Gentleman at 2937 North 64th Street, Kansas City, Kansas 66104
- ❖ Mr. Stan Bartley, 6422 Cernech, Kansas City, Kansas 66104

Staff Recommendation: Director Richardson stated that the staff recommends approval subject to stipulations in the staff report. He stated that he would also let the applicant know that any electrical, plumbing, etc. work will require a building permit. The initial permit would be for two (2) years. He further stated that he could understand holding over this application for further discussion with the neighborhood association or the applicant could meet with the Leavenworth Road Association prior to the July 27, 2017 Board of Commissioners meeting to see if they have any further concerns.

Motion and Vote:

On motion by Ms. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-36 with the applicant meeting with the Leavenworth Road Association prior to the July 27, 2017 Board of Commissioners meeting to see if they have any further concerns and the first year would be for a maximum of 50 children. After one year they could seek an amendment for additional children:**

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

Rank Aye
Serda Aye
Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

1. How many children/youth will reside at the property? The business plan states 35+ and also states that there is capacity for 70 youth.

Applicant Response: Our capacity is 70 children in the facility.

Staff Response: The city planning commission and board of commissioners will set a maximum number of children that may reside at the facility as a stipulation of the special use permit.

Planning Commission Recommendation: Commission recommended 50 children maximum.

2. How many staff members will be on-site during different times of the day/night?

Applicant Response: There will be three shifts, 10 people on the first and second shift and 7 on the third shift.

3. Are there any plans to use the adjacent property to the east in conjunction with the youth residential facility?

Applicant Response: Yes it will serve as our staff house.

4. What types of recreation and common spaces are available on-site? Is there outdoor space for children to play?

Applicant Response: Yes there is a facility garden and gazebo; also we plan on designating a play area.

5. Please provide an updated floor plan that is specific to the proposed use.

Staff Response: see attached floor plan.

6. How do you plan to provide transportation? Will there be vans stored on site?

Applicant Response: We will have three company vehicles, a 12 passenger van and two sedans.

7. Any future expansion will require an amendment to the existing special use permit by going back through the special use permit process.

Applicant Response: At the moment there is no plan of expansion that may

change as the need for the service changes.

8. Staff researched the following special use permits for similar facilities (including youth residential facilities and group homes) within the last 10 years and the current status of these facilities.

#SP-2016-69 – DENIED

November 2016

2607 North Hallock Street

Applicant: Lisa Littlejohn and Chenika Bray

Special use permit to operate a foster home for up to seven children at 2607 North Hallock Street.

#SP-2016-62 – APPROVED (RENEWAL)

August, 2016

1634 South 292th Street

Applicant: Positive Role Models into Demanding Excellence

Special use permit to operate a group home for youth 12 to 17 years old at 1634 South 29th Street. The group home is for 5 youths. This is a renewal of #SP-2014-34 (April 1, 2014)

Current Status: To staff's knowledge this group home is still in operation.

#SP-2016-37 - APPROVED

April 2016

3535 Wood Avenue

Applicant: Blue Door Project

Special use permit approved to operate a group home for youth up to 18 years of age at 3535 Wood Avenue. The group home is up to 16 youths and 10 staff members and volunteers for a total of 28 persons on site.

Current Status: To staff's knowledge this group home is still under operation.

#SP-2009-51 – WITHDRAWN

October, 2009

1021 Armstrong Avenue

Applicant: Associated Youth Services

Special use permit to operate a shelter for homeless youth at 1021 Armstrong Avenue. The group home is for youth 16-18 years of age in a 5 bedroom house.

#SP-2008-52 – DENIED

December, 2008

9330 Georgia Avenue

Applicant: Boys to Men Residential Home Inc.

Special use permit to operate a residential center/emergency shelter at 9330 Georgia Ave. The proposed shelter had 14 beds.

#SP-2008-21 - APPROVED

May, 2008

Applicant: Boys to Men Residential Home Inc.

Special use permit to operate a boys' group home at 1317 Haskell Avenue. The group home would house up to 10 boys ages 11-21 in a 4 bedroom house.

Current Status: Special Use Permit was not renewed.

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

OCTOBER 9, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts: 1:02:38

SPECIAL USE PERMIT APPLICATION #SP-2017-36 – FREDERICK AVERY WITH AVERY'S VILLAGE – SYNOPSIS: Special Use Permit for a youth residential facility at 6261 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Frederick Avery, is requesting approval of a special use permit to operate a youth residential facility at 6261 Leavenworth Road. The facility is for youth that need housing due to extenuating circumstances. The building was previously licensed as a nursing home from 1967 until 2014. The proposed facility would be licensed with the state of Kansas to work with 35 or more children between 5 and 17 years of age. The applicant states that the facility has the capacity to house 70 youth, but the current requests approval for 50 youth. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, youth support personnel, and case managers. See the attached business plan for more information about the operation of the proposed facility.

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 May 18, 2017; and
7. The Notices to property owners dated May 18, July 17, July 21 and September 12, 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 (requesting a holdover):

- ❖ Mr. Court Kennedy, attorney representing the applicant, Gates Shields Ferguson Swall Hammond, P.A., 10990 Quivira, Suite 200, Overland Park, Kansas 66210

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts: 1:08:40 Director Richardson stated that the staff supports the request to hold over this application. (A question from the Commission arose about the meaning of the symbols by the names in the protest petition.) Director Richardson explained that the markings indicate those people that are in the 200' buffer area and which ones are outside the 200' buffer area. (He showed the Commission an example on the screen.) The opposition percentage is calculated by those within the 200' buffer area (minus the right-of-way area) that signed the petition to determine if it is valid, which this protest petition is valid.

Motion and Vote Starts: 1:10:23

On motion by Mr. Ernst, seconded by Ms. Jones, the Planning Commission voted as follows to **HOLD OVER Special Use Permit #SP-2017-36 until the November 13, 2017 City Planning Commission meeting:**

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 HOLD OVER Passed: 6 to 0

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES

Hearing Starts 1:21:20:

SPECIAL USE PERMIT APPLICATION #SP-2017-36 – FREDERICK AVERY WITH AVERY'S VILLAGE – SYNOPSIS: Special Use Permit for a youth residential facility at 6261 Leavenworth Road. *Detailed Outline of Requested Action:* The applicant, Frederick Avery, is requesting approval of a special use permit to operate a youth residential facility at 6261 Leavenworth Road. The facility is for youth that need housing due to extenuating circumstances. The building was previously licensed as a nursing home from 1967 until 2014. The proposed facility would be licensed with the state of

Kansas to work with 35 or more children between 5 and 17 years of age. The applicant states that the facility has the capacity to house 70 youth, but the current requests approval for 50 youth. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, youth support personnel, and case managers. See the attached business plan for more information about the operation of the proposed facility.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 18, 2017; and
7. The Notices to property owners dated May 18, July 17, July 21, September 12, and October 25, 2017

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Childress stated he knows Lou Braswell and they attend many meetings together.

Planning Director Richardson stated that this application was returned to the City Planning Commission to consider more discussion, clarification, and understanding around the first and second factors of the Factors to be Considered, which are the character of the neighborhood and the zoning and uses of properties nearby and the proposed use's expected compatibility with them. These are the items that will be considered this evening as per the direction of the Board of Commissioners.

Chairman Huey stated that this application has been heard by the City Planning Commission previously and it was sent to the full Board of Commissioners and they returned it for further clarification and that is what will be addressed tonight. There will not be anything heard that has been repeated in the past.

Present in Support:

- ❖ There were 30 persons present in support including the following that spoke
- ❖ Court Kennedy, attorney representing the applicant, Gates Shields Ferguson Swall Hammond, P.A., 10990 Quivira, Suite 200, Overland Park, Kansas 66210
- ❖ Frederick Avery, applicant
- ❖ Kathy Litke, 6233 Leavenworth Road, Kansas City, Kansas
- ❖ Christopher Miller, 606 North 86th Street, Kansas City, Kansas
- ❖ Jasmine, 6020 Tauromee Avenue, Kansas City, Kansas
- ❖ Deon Whitten, 2419 North 73rd Street, Kansas City, Kansas 66109
- ❖ Dominique Whitten, 2419 North 73rd Street, Kansas City, Kansas 66109
- ❖ Matt Brandmeyer, 11215 South Homestead, Olathe, Kansas
- ❖ Pastor Adrian Roberson, 2400 North 20th Street, Kansas City, Kansas
- ❖ Curtis Smart, 2043 North 33rd Terrace, Kansas City, Kansas

- ❖ Broderick Crawford, 824 State Avenue, Kansas City, Kansas
- ❖ Christal E. Watson, President/CEO of Heartland Black Chamber of Commerce, 8532 Spring Avenue, Kansas City, Kansas 66109
- ❖ Desiree Monize, Executive Director of Avenue Life at 7th and Sandusky and resident of Wyandotte County

The Planning Commission took a 5 minute break at 9:05 p.m.

Present in Opposition:

- ❖ There were 16 people present in opposition including the following that spoke
- ❖ Timothy Magill, 12200 Donahoo, Kansas City, Kansas and owner of 6310 Leavenworth Road
- ❖ Larry Murray, 3505 North 62nd Street, Kansas City, Kansas 66104
- ❖ Benjamin Murray, 6325 Sloan Avenue, Kansas City, Kansas 66104
- ❖ Loretta Braswell, 5202 Parkview, Kansas City, Kansas, Director of Leavenworth Road Association
- ❖ Stan Bartley on Cernech Road, Kansas City, Kansas
- ❖ Deniese Davis, 3314 North 53rd Street, Kansas City, Kansas 66104
- ❖ Dwayne Beth, 2937 North 64th Street, Kansas City, Kansas 66104
- ❖ Joe Dragush, 6415 Leavenworth Road, Kansas City, Kansas 66104
- ❖ Bill Murray, 6325 Sloan, Kansas City, Kansas 66104
- ❖ Gail McGill, owner of property at 6310 Leavenworth Road, Kansas City, Kansas 66104
- ❖ Henry Brown, 6240 Leavenworth Road, Kansas City, Kansas 66104
- ❖ Richard Sheahan, 9320 Georgia Avenue, Kansas City, Kansas

Staff Recommendation Starts at 4:23: Director Richardson stated that the request for business plans are operational and not financial because the staff wants to understand how it operates in relationship to the neighborhood and community and not in terms of whether or not they are going to make money. The Commission's decision should be based on how that plan would impact the community and not on the financial part of that plan. He further stated that these are good kids that have been removed from bad homes for their safety and that will be part of the stipulation for this special use permit and the state will have that as part of their record when they make their approval. He further stated that the operator will transport kids to and from school and their activities. Mr. Avery is working to make sure that the kids do not have to be out on the road without sidewalks. Leavenworth Road will be improved in this area to 63rd Street so the improvements planned and approved go to the corner and there will be sidewalks going east on both sides of the street. SOAR was mentioned and there are items in SOAR that the UG knows that can be dealt with directly and direct action is taken to deal with those. Sometimes the UG takes a long-term view of SOAR. Mrs. Sieben stated that we know that we are going to get more properties into the Landbank. While reducing Landbank properties is the goal initially there have to be more put in the Landmark to deal with them more effectively. When looking at the situation with the kids in Wyandotte County, the best thing is for them to be in a home with mom and dad and then there are gradients that go down from there. There are a lot of kids that are homeless and they need to be in the first gradient better than homeless. It is better than being homeless or in the home with mom and dad and being abused. Director

Richardson stated that if this special use permit is approved it would be for a finite period of time. It is important for Mr. Avery to do everything that he can to alleviate the two concerns in the Factors to be Considered which impact real estate values (as stated this evening), increasing crime due to the kids or the appearance of a hangout. He stated that those were the only two things related to property values in the documentation provided tonight to the Planning Commission. If a play space needs to be added the applicant should talk to staff to figure out a way to make that happen so it does not look like a hangout. There will not be a kid walking down to Dollar General to buy a soda (confirmed by applicant.) The Commission and staff tell applicants many times the issues that will be reviewed when they come back for renewal approval and these are the two issues on this case that he would speak to directly.

Mr. John Menkhus, Public Works Department, stated that the Leavenworth Road improvement project is under contract right now with KDOT for the first phase which goes from 38th Street to 63rd Street and there is another phase that the Unified Government is requesting funding and will get started on the design that goes from 63rd Street to 72nd Street. He stated that the traffic signal at this intersection will be part of one of those projects but he does not know if it is on the first or second phase. There will be sidewalks on both sides of the road and there may be some minor widening (bike lane) at the signals but it would still be a two-lane road. There would be some safety measures in the improvements for pedestrians, bicycles, stripping, signaling and signage.

Director Richardson stated that the staff recommends approval with the following stipulations:

- This facility is for good kids from bad homes that have been removed for their safety (Cinc kids if they meet the criteria.)
- When it comes back for renewal, the Commission/Staff will review that this building does not look like a hangout for kids; the kids are not in the community involved in any type of crime or vandalism.

He stated that the remaining stipulations would stay in place. It is for 50 children for one year and then they can seek an amendment for an additional 20 children after year one.

Motion and Vote Starts at 4:32:30:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-36:**

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

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

Urban Planning and Land Use Comments:

1. How many children/youth will reside at the property? The business plan states 35+ and also states that there is capacity for 70 youth.

Applicant Response: Our capacity is 70 children in the facility.

Staff Response: The city planning commission and board of commissioners will set a maximum number of children that may reside at the facility as a stipulation of the special use permit.

Planning Commission Recommendation: Commission recommended 50 children maximum. After year one the applicant can request the additional 20 children.

2. How many staff members will be on-site during different times of the day/night?

Applicant Response: There will be three shifts, 10 people on the first and second shift and 7 on the third shift.

3. Are there any plans to use the adjacent property to the east in conjunction with the youth residential facility?

Applicant Response: Yes it will serve as our staff house.

4. What types of recreation and common spaces are available on-site? Is there outdoor space for children to play?

Applicant Response: Yes there is a facility garden and gazebo; also we plan on designating a play area.

5. Please provide an updated floor plan that is specific to the proposed use.

Staff Response: see attached floor plan.

6. How do you plan to provide transportation? Will there be vans stored on site?

Applicant Response: We will have three company vehicles, a 12 passenger van and two sedans.

7. Any future expansion will require an amendment to the existing special use permit by going back through the special use permit process.

Applicant Response: At the moment there is no plan of expansion that may change as the need for the service changes.

8. This facility is for good kids from bad homes that have been removed for their safety. (Cinc kids if they meet the criteria.)
9. When it comes back for renewal, the Commission/Staff will review that this building does not look like a hangout for kids; the kids are not out in the community involved in any type of crime or vandalism.

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



**LEGAL DEPARTMENT of the UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

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Jane A. Wilson
Susan Q. Alig
Grant W. Williams
Wendy M. Green
Alyssa M. Sediqzad**

**Prosecutors
Meaghan Shultz
Victoria Meyer**

Legal Opinion on the Validity of Protest Petition for #SP-2017-36

Summary: The Protest Petition for #SP-2017-36 filed with the Unified Government Clerk on July 24, 2017 is invalid for failure to meet the statutory requirements under Kansas law; specifically K.S.A. 12-757(f)(1), K.S.A. 25-3602(b)(4) and K.S.A. 53-503(a).

Facts: On April 26, 2017, Frederick Avery filed #SP-2017-36, seeking a special use permit to operate a youth residential facility at 6261 Leavenworth Road, Kansas City, Kansas. A public hearing was held before the Unified Government Planning Commission on July 10, 2017. After the public hearing and receiving staff comments, the Planning Commission unanimously recommended approval of the application. On July 24, 2017, a Protest Petition which stated that it had been acknowledged and verified by Kathleen Litke and notarized by Louetta Braswell was filed with the Unified Government Clerk. (attached as Exhibit A).

On August 31, 2017, the Unified Government Board of Commissioners heard additional testimony on the application. Upon closing the public hearing, the Board remanded the application back to the Planning Commission for further consideration. The application was continued from the October 9, 2017 Planning Commission hearing and put on the November agenda. On November 13, 2017 the Planning Commission heard additional public testimony on the application. After closing the public hearing and receiving staff comment, the Planning Commission again voted unanimously to recommend approval to the Board of Commissioners.

On November 20, 2017 the Unified Government received an affidavit (attached as Exhibit B) from Ms. Litke in which she swore to several factual statements, including the following which are relevant to this opinion:

1. Ms. Litke cannot attest to the authenticity of any of the signatures on the Protest Petition because she did not collect them.
2. The notary public who notarized the Protest Petition did not witness Ms. Litke sign it. Rather, it was notarized after the fact.

In a phone call with Ms Litke on November 21, 2017, Chief Counsel Kenneth Moore was able to independently verify that Statement # 1 was accurate. In a phone call with Ms. Braswell on November 20, 2017, Planning Director Rob Richardson was able to independently verify that Statement #2 above was accurate.

Analysis: The requirements for a valid protest petition are set forth in Kansas state law. As an initial matter, the procedure to file a protest petition is set forth in the zoning statutes at K.S.A. 12-757(f)(1), which provides:

“(f)(1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) of this subsection, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all of the members of the governing body.”

On its face, the Protest Petition initially appeared to be valid. However, in addition to the requirements set forth in the zoning statutes, to the extent that they do not conflict with other laws, additional requirements pertaining to zoning protest petitions can be found in K.S.A. 25-3602. See *Kan. Att’y. Gen. Op. No. 03-18*. K.S.A. 25-3602(b)(4) provides:

“The recital of the circulator of each petition shall be verified upon oath or affirmation before a notarial officer in the manner prescribed by K.S.A. 53-501 et seq., and amendments thereto.”

In the present case, the circulator of the petition, Ms. Litke, has now acknowledged that her recital – in which she stated that she personally knew and witnessed all of the signers – was not accurate. Additionally, Ms. Litke stated that her signature was not witnessed by the notary, and the notary has acknowledged that Ms. Litke’s statement is correct. This in turn violates the personal appearance requirement for notarial acts found in K.S.A. 53-503(a), which states:

“(a) In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.”

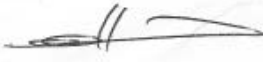
For the reasons set forth above, the Protest Petition filed for #SP-2017-36 is hereby found to be invalid and will have no effect on the vote for #SP-2017-36 when it comes before the Board of Commissioners on November 30, 2017. Because the application was remanded back down to the Planning Commission, pursuant to K.S.A. 12-757(d) the Board of Commissioners may either adopt,

revise or amend the Planning Commission's recommendation by a majority vote of six members.

/s Patrick Waters
Senior Counsel

Petition

Name	Address
Brunda J. Masley	5120 Leavenworth Rd. Apt. D
Linda Hartoin	5120 Leavenworth Apt C
Floyd Freeman	1737 N 58th Street
Johnell Williams	2426 N 57th Street
Kenny Platt	5132 Leavenworth
Cindy Hall	5132 Leavenworth Rd.
Emilia Avery	2114 Nth 43rd St
Lakisha Walton	6333 Longwood Ct
Math by	2310 Birch
Ch Caldwell	2310 Birch
Joseph Caldwell	1322 Cleveland
Gene Caldwell	1706 Haskell
Joseph A. Caldwell Jr.	
Edward Halliburton	8741 Cleveland Ave KCKS 66109
Latussa Halliburton	2125 N. 45th KCKS 66104
D. Boyle	1858 Edith Ave KCKS 66109

S 

Rachel Carter

~~Forster~~
Jimmie Moore

Tangra Jackson
Jimmie Jackson

Carlisa Lewis

Sheryl Lewis

Maya Smith

Donetta Stuart

Brenda Stuart

Donna Stuart

4743 Parallel Pkwy
Kansas City, KS 66107

1425 N. 78th Pl #9
Kansas City, KS 66112

3003 N 77th
Kansas City, KS
66112

6126 Cleveland Ave
KC, KS 66104

9857 Cherry St
KCMO 64155

6100 Leavenworth Rd
KCKS 66104

9857 Cherry St
KCMO 64155

3347 Garfield Ave
KCMO 64109

Avery's Village Petition

Name	Address
Carolyn Wyatt	359 Troup Ave KCK
Andrea Washington	3844 S. Benton KC MO 64128
Theresa O. Price	
Nailah Mubas	2012 N. 27th St
Sherry A. Steen	8351 Leavenworth Rd Apt. 11
Crystal Ash	1729 meadowlark ct (APT 105)
CARLEN DAVIS	2324 N 57 TERR KCK KS
Troy L. David	2524 N 57th ter KCK
Yvonne WARREN	1616 N 59 PL KCK.
Talisha Robins	3305 N. 33rd Terr KCK 66104
Raven Morris	1478 Saint Andrews Dr. KCMO
Tiana Hall	6314 rockwell ave KCK 66104
Ashley Irvin	6565 State Ave KCK 66102
Dan medear	
Amelia	913.709.0465
Tony Reed	1721 meadowlark ct #105 KCK
EDWARD D.W.	(913) 265-6600
Randall Allgood	
Kim Gullab	913 832-2650
Cheryl Myers	913-544-7021
Rosalind Rogers	913-944-9020
Shirley Thompson	(913) 299-9036
Tiana Malone	333 N. 69th St. KCK KS

Avery's Village Petition

Name	Address
Jourdaine Smallwood	1300 N 129th St Apt 201
Bridgett Bradley	1300 N 129th St. Apt 201
Michele Franklin	2504 N. 74th KCK 66109
Dean Holiday	905 Cherokee St LU/KS 66048
Lwensia Cook	KCKS
Melissa Castleberry	1326 Quindaro Blvd KCK 66104
Marquida Johnson	1501 N. 79th KCKS 66112
Krystal Coppage	1221 N 76th terr KCKS 66112
June malone	934 1/2 Othland Ave kck 66101
Tiquana Ryster	6411 Freeman Ave K.C. Ks 66102
Frank Ryster	6411 Freeman Ave. KCK 66102
Michelle Maddox	1400 n. 65th St. KCK 66102
Charles Townsend	3914 N. Lansing Pl
Claneshia Sullivan	5419 Haskell Ave KCKS 66104
Paul Jones	3400 N. 128th St KCK 66109
Billy English	1733 North 58th Ter KCKS 66102
Melba Kennedy	5954 Wood KCK 66102
Katie McLean	4128 W. 72nd Ter. Prairie Village KS 66132
Sherrince Marion	1530 N. 78th Place. KCKS 66102
Katie Harris	2405 N 57th St
Marquita Walker	1813 N. 46th St. KCKS
Shulyn Dantyle	3724 Washington Ave KCK
DJ Patton	23825 W 47th St Shawnee KS 66226

Avery's Village Petition

Name	Address
Debra Richards	2514 N. 100th St
Debra S. Smith	2414 N. 20th St KCK 66104
Joyce Smith	1815 Oakland 66102
John H. Smith	3025 North 75th KCK 66109
Alex Kunkle	8520 Freeman Ave K.C.K 66112
Dalmatiana Avery	2414 N. 20th St KCK 66104
Erica Dean	412 E 105th Ave KCK 66131
Cortez Green	2719 Parallel KCK 66104
Lanita Pearl	7324 Coker Ave KCK 66109
Mike Dominguez	220 N. Main KCK 66101
Valerie M. Zander	6108 Dalba St Shawnee KS 66205
Shirley D. Smith	3020 N. 62nd St KCK 66109
Alex M. Smith	1411 N. 64th KCK 66102
Alvin M. Smith	1411 N. 64th KCK 66102
Jamille Roland	1217 N. 77th Kansas City, KS 66124
Edward Carter	1971 Troop Ave Kansas City
Maria Taylor	4101 Wagonwheel Rd KCK 66109
Sharon Nichols	629 S. 73rd St. 66111 KCK
Mark Tamm	5725 Charlotte KCK 66110
Katy Surpen	1407 N. 63rd Pl KCK 66111
Savannah Ross	1334 N. 78th St KCK 66112

Avery's Village Petition

Name	Address
Justin Loris	6121 Furrow Ave
Roger Suggs	7543 Lathrop.
Stephanie Shamm	7700 Greenwood Ave
Kelly Duncanson	6340 Hullet St Shawnee KS 66216
Dykes Carter	1555 Rowland Ave
ROBBIE AVERY	3206 FARRON KCK
Daniel Townsend	1045 Roeland
Cory Poff	3125 N 59 th
Danielle Brownlee	6333 Parnell Street
Cornelius Washington	3844 S Benton Ave KCMO
William Jefferson	3802 N 68 th St KCK 66109
Tracy Davis	7324 N 57 th ter. KCK
	1407 N. 81 st K.C.K 66116
Billy N. Jr.	8608 E 93 rd Plce
De'Andre Ingram	2227 Russell Ave.
Robert Henderson	771 E 76 th ter Kcmo 64133
Donnell Preston	6339 Rowland Ave

Avery's Village Petition

Name	Address
Roshanda Baker	1221 N. 62 nd Dr.
Gary Baker	437 W 22 nd St
Vernita Pambos	1415 S 34 th St
John Jefferson	1239 Haskell Ave. KCK
Agnes McElroy	3311 N. 36 th KCK 66112 66109
Wiley Pitts	2125 N 57 th KCK 66109
Jaron Banks	3125 N 38 th KCK 66109
Hez' Ron Huntley	2737 Walker Ave. KCK 66102
Eryn Long	3325 N. 110 th Street KCK 66109
Roshonda Chapman	1224 N. 76 th Terr KCK 66112
Jacqueline Kratic	1138 Splitlog Ave. KCK 66102
Rebecca Orr	1903 W. 77 th KCK 66112
Craig Johnson	3301 Stewart Ave. KCK 66109
Latasha Jones	2942 N. 73 rd Pl KCK 66109
Kris Childs	2812 Metcalf KCK 66112
Arianna Pacheco	1116 Cleveland Ave KCK
Orlando Newton	1116 Cleveland Ave KCK

①

28

Avery's Village Petition

Name	Address
Renita Johnson	3123 Lafayette Ave. KCK 66104
Michael Garlin	5724 Parkview Ave, KCK 66104
Deon Whitten	2419 N 73rd St KCK KS 66109
Marcus Young	1460 N. E. Parnell Rd. KC MO 64116
Rosette Scurer	1918 N. 69th Terr. KCK 66102
Denise Carter	4833 Brownridge Dr Shawnee KS 66203
Victor A. Harris	2546 N. 17th St. KCK 66101
Shawn Derritt	7105 Millbrook Shawnee, KS 66211
Deborah Gashin	1512 N. 63rd Ter - 66102
Quentin Brooks	1936 Tennyson St, KCK 66104
Jamesha Brooks	1936 Tennyson St KCK 66104
Lawrence Meeks	629 N 62nd Pl KCK 66102
Sean Carter	325 N. 25th LK 66102

62

30

Avery's Village Petition

[illegible]

ACKNOWLEDGEMENT AND VERIFICATION

(Please carefully read the verification statement before signing)

STATE OF KANSAS

COUNTY OF WYANDOTTE

} SS SP - 17402 - 00030

I, Kathleen R. Litke, 6233 Leavenworth Rd, being
(Name) (Address)

first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest Petition and own property within the statutory area of notification related to the area for which a rezoning is sought, and that to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this rezoning application. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning is sought.

Kathleen R. Litke
(Signature)

FILED
JUL 24 2017 *cg*
UNIFIED GOVERNMENT CLERK

Subscribed and sworn to before me this 22 day of July,
2017, by Kathleen Litke, who is personally known to me to be the
same person whose name is subscribed to in the foregoing instrument.

Louetta M. Braswell
Notary Public

My Commission Expires:

8-29-2018





	Protest	Neutral
	9,208	5,821
	21,120	18,720
	2,800	15,344
	3,250	13,000
	12,000	31,350
	10,400	41,060
	38,241	41,538
Total:	<u>97,019</u>	<u>37,343</u>
		Total: 204,176

97,019
204,176
 Total Area: 301,195

% 32.2

PETITION NUMBER: _____

LEGAL SIGNATURE OF OWNER
(All owners of property must sign)

PROPERTY DESCRIPTION
(Address and/or lot and block number)

DATE

Ronald G. Seaton 6218 LEAV. RD. 7-22-17

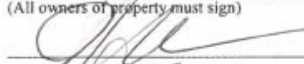
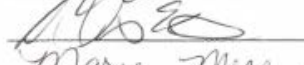
This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

PETITION NUMBER: _____

LEGAL SIGNATURE OF OWNER
(All owners of property must sign)

PROPERTY DESCRIPTION
(Address and/or lot and block number)

DATE

	3253 N 1st St	7/18/17 out
	6269 May Ln	7/18/17 out
Maria Mesa	3209 N 63rd Ave	7/18/17 out
Dorothy Johnson	3105 N 63rd St KCKS	7/18/17 Not Owner
Mary Burdette	3115 N 63rd St KCK	7/18/17 -
Michael Burdette	3115 N 63rd KCK	7/18/17 -
Therese	6210 Leavenworth Rd KCK	7/18/17 Not Owner
Swift Jacobie	6220 Leavenworth Rd KCK	7-18-17 Not Owner
	3314 N 53rd St KCKS	66104 7-18-17 out
	5202 Parkview KCK	6604 7/19/17 OK

PETITION NUMBER: _____

	<u>LEGAL SIGNATURE OF OWNER</u> (All owners of property must sign)	<u>PROPERTY DESCRIPTION</u> (Address and/or lot and block number)	<u>DATE</u>
out	Karen + Craig Leese	6410 Oak Dr. KC KS 66104	7/18/17
out	Kimberly + Eric Pinner	6417 Oak Dr. KC KS 66104	7/18/17
out	Eddie + Maricla	6 3260 N 63rd St KC KS 66104	7/18/17
out	Jane Isakovs	3331 N 66th St KC KS 66104	7/18/17
out	Donna Johnson	3236 N 63rd St. KC KS 66104	7/18/17
out	Shonda Burdick	3218 N 63rd St KC KS 66104	7-18-17
out	Roy + Joyce Wadge	3125 N 63rd St KC KS 66104	7-18-17
-	Paul Redmond	3042 N 63rd St KC KS 66104	7-18-17
-	Kathy Fitch	6233 Leavenworth R	66104 7-18-17
-	Henry Brown	6240 Leavenworth Rd	66104 7/18/17

PETITION NUMBER: SP 17402-00036

LEGAL SIGNATURE OF OWNER
(All owners of property must sign)

PROPERTY DESCRIPTION
(Address and/or lot and block number)

DATE

Out	Enj Bick	6336 Roswell Kansas City KS	7/23/17
Out	Virginia Farris	2935 No 64 th K.C.Ks	7-23-17
Out	Barbara Shivers	2935 No 64 th K.C.K.	7-23-17

9

PETITION NUMBER: SP 17402-00030

LEGAL SIGNATURE OF OWNER
(All owners of property must sign)

PROPERTY DESCRIPTION
(Address and/or lot and block number)

DATE

 Tim Magill	6310 Leavenworth	7/23/17
 Dan Magill	6310 Leavenworth RD.	7-23-17
	2948 N 67th	
 Thomas Arent	3020 N 63 st	7-23-17
Valerie Ponzio	3020 N 63 st	7-23-17

PETITION NUMBER: _____

LEGAL SIGNATURE OF OWNER
(All owners of property must sign)

PROPERTY DESCRIPTION
(Address and/or lot and block number)

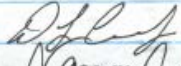
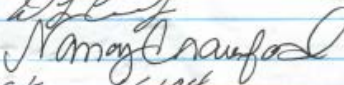
DATE

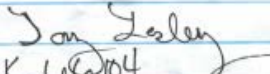
Address and/or lot and block number	Out
3131 N. 51 st ST.	7-18-17 out
3135 N. 51 st street	7/18/17 out
5665 Sawell	7-18-2017 out
3044 N. 51 st	7-20-2017 out
3044 N. 51 st	7-20-17 out
2630 N 64 th West	7/20/17 out
6115 Longwood Ave	7/20/17 out

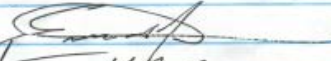
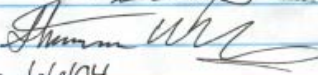
9

NO Land Use case# SP-2017-36

SP17402-00030

Donal Crawford 
Nancy Crawford 
6309 Roswell Ave KCK 66104

Donny Lesley 
6333 Roswell KCK 66104

Erik Mender 
Shannon Mender 
6317 Roswell Ave KCKs 66104

Wash McCray & Monah
6301 Roswell Ave KCK 66104

DAVID CHAFFIN 6328 Roswell AVE KCK 66104
Delores Chaffin 6328 Roswell Ave KCK, Ltrm.

Sean Phelps 6341 Roswell Ave. KCK 66104 ✓

Duane Beth 2937 No 64th Street KCK
Gayle Beth 2937 N 64 St
Bill Buoy 2945 N 64th St. KCK

LaShanda Mitchell 2940 N 64th St KCK
Matthew E. Blum 6310 Roswell Ave.

#53 Res

SP17402-00030

X
2/1

Phil Morris Phil Morris 6526 Farrow Ave
Corrine Riley Corrine Riley 6526 Farrow Ave kick

Not Owner
Not Owner

SP 17402-00030

Vincent Cooper 3032 N. 63rd St. KCKS 66104

Emory Ruffin & SERIAL Ruffin 3025 N 63RD ST KC KS 66104

gnt Betty Shannon 2946 N. 63rd St KCKS 66104

MICHAEL & MARY BURDETTE

3115 N. 63RD ST.

KANSAS CITY, KS 66104

Kathleen Litke

6233 Leavenworth Rd

KCK 66104 620-412-6696

Henry Brown

6240 Leavenworth Rd

Kansas City, KS 66104

Dorothy Johnson

3105 N 63rd St

Kansas City, KS 66104

Not
OWNER

Alfred King

6300 Lv. Rd

K.C. KS 66104

2

SP17402-00030

John J. Bolden 6421 Roswell Ave

GARY A. PAGE 6431 ROSWELL AVE.

JASON HOLST 2920 N. 64th TERRACE

Rev. Madeline C. Cownell, Jr. 2930 N. 64th Terr.

Delmaria Wagner 6412 Spring Ave

Angie J. 6412 Spring Ave.

Shirley G. 6417 Spring Ave.

Don J. 6417 Spring Ave. KCKS

Shirley 6401 Roswell - KCKS

Uma: Stephan Strada 2936 N. 638 KCKS

RAYMOND FREEMAN 6249 LATHROP

Jerome Bunker 6233 LATHROP AVE.

Mr. & Mrs. Nathan Johnson SR. 6225 Lathrop Ave

MIKE POPE 6219 LATHROP

Mandi Hensley 6220 Lathrop Ave

Lidia Oslin 6215 Lathrop Ave

Tatiana Cheaton 6232 Lathrop Ave

Ilya Polovin 6140 Leavenworth Rd

Jean Cai 6245 May Lane

Kimberly 6259 May Lane

May Ln 6213 May Ln

Georgia 6133 Georgia

Lindsay S. 6228 May Lane

Mark P. 6228 May Lane

James Johnson 6215 May Ln

Lach Teejo 6218 May Ln

SP 17402-00030

OK
Roy Hodge
3125 N 63 St
Kansas City, MO 66104

Jim Chestnut
6345 Farrow Ave
KCK 66104

Jesse Williams
6452 Farrow Ave
KCK 66104

OK
Ashley Gregerson
6521 Farrow Ave
KCK 66104

Deb; Stroud-Vider
6501 Farrow Ave
Kansas City, KS 66104

Heather DeWitt
6511 Farrow Ave
Kansas City, KS 66104

John P Holland
6520 Farrow Ave
Kansas City, KS 66104

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
AND KANSAS CITY, KANSAS
Urban Planning and Land Use

RE: Protest Petition Filed Regarding #SP-2017-36 and Avery's Village LLC

SUPPLEMENTAL/AMENDED RETRACTION AFFIDAVIT OF KATHLEEN LITKE

I, KATHLEEN LITKE, attest as follows under the penalty of perjury.

1. I am over 18 years of age, have personal knowledge of the facts stated herein and am otherwise competent to make this affidavit.

2. I reside at and own 6233 Leavenworth Road, Kansas City, Kansas 66104, and I have so resided at and owned that property for approximately 3 years.

3. On or about July 18, 2017, I signed a document called an "Acknowledgement and Verification" relating to the Special Use Permit application filed by Avery's Village LLC for the operation of a youth residential facility at 6261 Leavenworth Road, Kansas City, Kansas. This document was later filed with the Unified Government Clerk on or about July 24, 2017, and is currently public record for #SP-2017-36. It appears on page 52 of the November 13, 2017, Kansas City, Kansas, Staff Report relating to Avery Village's application ("Staff Report").

4. I came to sign the Acknowledgement and Verification after being approached by a member of the Leavenworth Road Association ("LRA"), whose name I believe was Denise.

5. The LRA representative, who did not live within 200 feet of Avery's Village LLC's property, told me she wanted me to sign the Acknowledgement and Verification because the LRA needed someone who lived within 200 feet of Avery's Village LLC's property to be "the lead" on the LRA's attempt to slow down the process in order to get some questions answered.

6. The LRA representative did not explain to me, and I did not know, that the purpose of the document was to support a Protest Petition against Avery Village LLC's application.

7. I signed the Acknowledge and Verification without reading its contents, as I believed what the LRA representative told me about the document's purpose.

8. At the time I signed the Acknowledgment and Verification, the purported Notary Public appearing on page 53 of the Staff Report, Louetta Braswell, was not present and did not notarize my signature. At the time, I did not even know and had never met Ms. Braswell. Also, most of the lists of signatures appearing on the subsequent pages of the Staff Report were not present for me to review, and nothing called a "Protest Petition" was given to me or available for review.

9. When I signed the Acknowledgment and Verification, I did not intend to Protest the application such that the governing body would not be allowed to approve the application without a $\frac{3}{4}$ vote under KSA 12-757(f). In fact, I did not Protest the application at all and just had questions, which I believed could only get answered by signing the Acknowledgment and Verification. I had this belief based on what the LRA representative told me.

10. In reality, despite what the Acknowledgment and Verification states, the following is not true and was never true: (a) That "I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition;" (b) that "the signatures and legal description and/or addresses thereon are genuine;" (c) that "I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am

one of the signs of the Protest Petition. . . .” and (d) that “to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this rezoning application.”

11. I do not and have never attested to the authenticity of any of the signatures on any Protest Petition relating to Avery Village LLC’s application. I also cannot attest that the people whose names appear behind the Verification in the Staff Report protest the petition or not.

12. On November 1, 2017, Frederick Avery, Beverly Avery and Court Kennedy met with me at my home to discuss my concerns that prompted me to sign the Acknowledgement and Verification.

13. After having my questions answered, and after it was explained to me that the document I signed indicated I was protesting Avery Village’s application and that I was attesting to the facts stated in the document, I decided to sign a form “Retraction Affidavit” that Mr. Kennedy had available with him at that meeting. I signed the Retraction Affidavit on November 1, 2017, and such affidavit has been made part of the public record and was placed in the Staff Report.

14. Upon further reflection, the Retraction Affidavit leaves the wrong impression that I initially protested the application, which I never did. I wish with this Supplemental/Retraction Affidavit to correct that incorrect information.

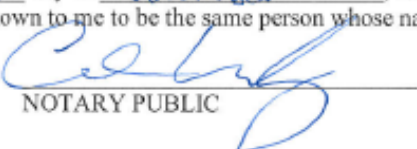
15. I do not protest the Avery’s Village LLC’s application for a special use permit and have never protested the application.

AFFIANT FURTHER SAYETH NOT.


KATHLEEN LITKE

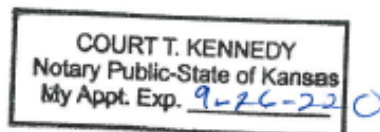
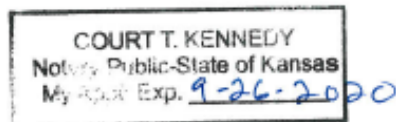
In the State of KS, Wyandotte County

Subscribed and sworn to before me this 17th day of November, 2017,
by Kathleen Litke, who is personally known to me to be the same person whose name
is subscribed to in the foregoing instrument.

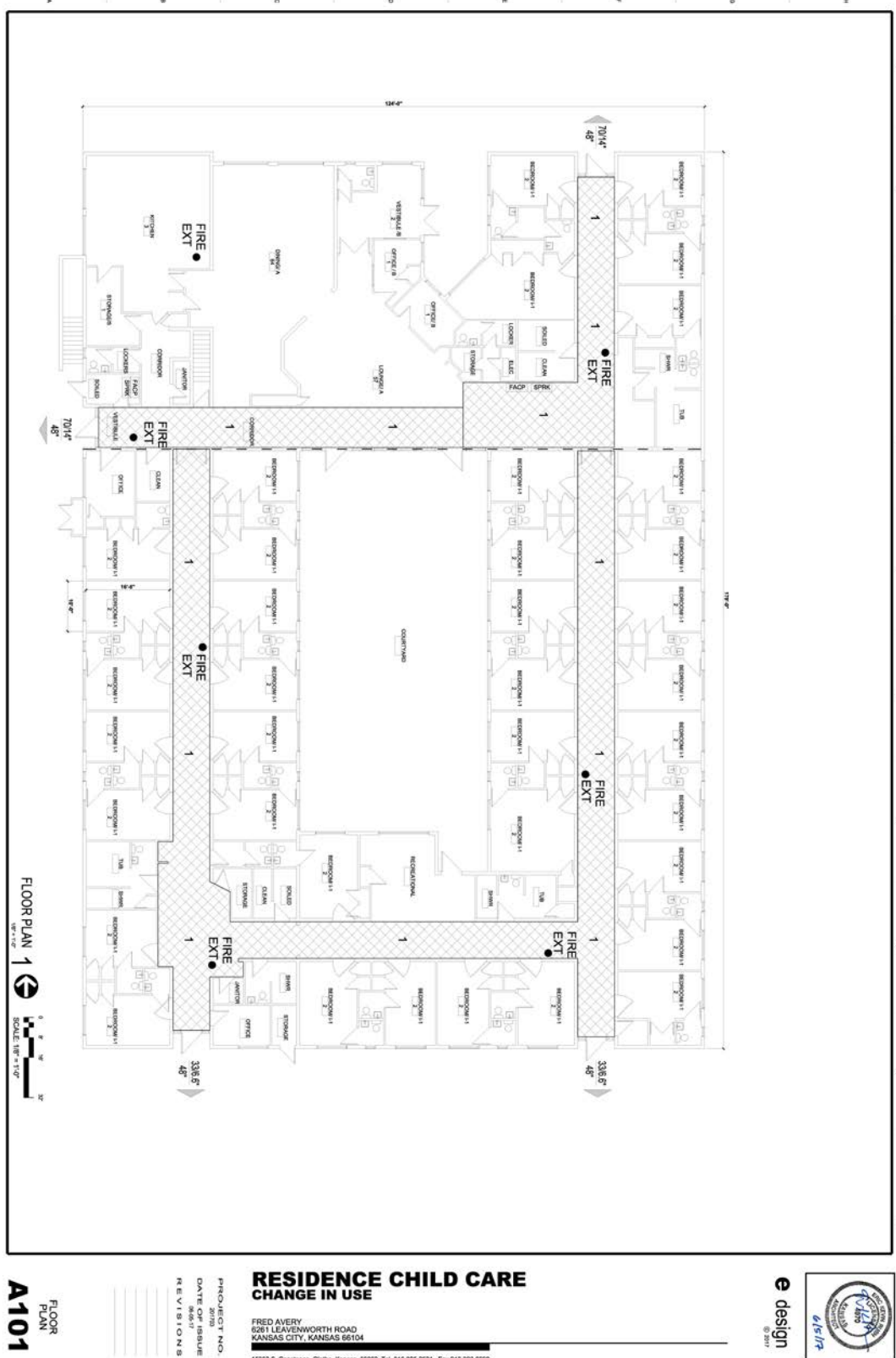

NOTARY PUBLIC

My commission expires:

9-26-2020



Attachment A – Facility Floorplan



AVERY’S VILLAGE

*“It is easier to build strong children than to repair broken men.”
–Frederick Douglass*

3. Legal Description

BRUNE, CHRISTINE ESTATES SUB, S34, T10, R24, ACRES
0.830000, W 190FT OF N 262.4FT OF L1 CONTG 1.14 ACRES M/L

6. Please view plan below

Purpose

At Avery’s Village, we are committed to providing a safe, nurturing, and stimulating home environment where children begin their journeys towards brighter futures.

What We Do

Avery’s Village is a youth facility, pending licensing with the state of Kansas to work with 35+ children between 5 and 17 years of age.

Our aim is to provide young people with planned, whole year care and tailored skills-based programs.

Our admission procedures are sufficiently flexible to take account of urgent situations, which allows the opportunity for same-day placement.

Upon placement within our youth facility, young people will experience a safe, nurturing and valuing environment, boundaries and structured care, delivered by qualified, skilled practitioners who are able to provide close supervision.

Our Commitment to Youth

Our primary commitments to youth are to: (1) create a healthy home environment, (2) promote youth maintaining positive connections with their siblings, and (3) provide opportunities for youth to develop valuable skills and relationships.

Core Values

- Safety (Social, Emotional, Physical, Moral)
- Self-Confidence
- Cultural Pride

Admission Criteria

We have a number of criteria that we consider in determining whether or not applicants will be a good fit for our program.

They must be between the ages of 5 and 17 years old

For safety reasons, they must not pose physical harm to self or others. They must also be ambulatory and able to exit the residential facility under their own locomotion, including stairs if necessary, in response to emergency situations.

We also expect residents to have such basic self-help skills as toileting, bathing, dressing, and eating.

They must be eligible for Medicaid, Medicare, or some other third party insurance for medical expenses.

Avery's Village complies with applicable Federal civil rights laws and prohibits discrimination on the basis of race, color, national origin, age, disability, or sex. Avery's Village does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

Leadership

Beverly Avery

Director of Youth Services and Programs

Beverly Avery is a professional child care provider who began her career in 1994 when she became a licensed childcare provider. In 2007, Beverly received additional training in the Partner for Safety and Permanence-Model Approach to Partnerships in Parenting (PS-MAPP) and ultimately became a state-certified foster parent. As a mother of seven children and grandparent to seven grandchildren, she has had tremendous experience raising healthy, well-educated, and productive community members. She is passionate about ensuring that siblings who enter the foster system remain united while they await their forever families.

Frederick M.X. Avery*Executive Director and COO*

Frederick Avery is a finance and business development professional with a B.S. in business administration from the Bloch School of Management at the University of Missouri-Kansas City. Frederick has extensive professional experience in the financial services and real estate industries. He is a part of several community development organizations and committed to promoting economic growth and prosperity for urban communities and families.

Operations**Our Commitment to Staff**

Avery's Village is committed not only to developing the youth in our home, but our staff as well. We will actively promote staff wellness and retention by providing competitive pay, quality leadership, continuous professional development, and opportunities for innovative intrapreneurship.

Staffing*Office Manager*

Responsible for coordinating all internal administrative processes and establishing a system for organizing records and documentation; Monitors building entry records and serves as public

Food Services Personnel

Performs a wide range of duties involved with preparing and/or serving foods and beverages in one or more of a variety of food service environments. May perform such duties as preparing salad items, hot foods, and/or cold foods, and/or assisting in the preparation of bakery items, as appropriate to the position. Assist in cleaning work areas, equipment, utensils. May assist in the set up, and service; and collection of garbage/trash; as appropriate to the area of operation.

Maintenance and Grounds Personnel

The Buildings and Grounds Maintenance Personnel maintains building and grounds in top condition to ensure full and productive use of facilities. To accomplish these tasks the Buildings and Grounds Maintenance Worker must work closely with the staff and administration of Avery's Village

Youth Support Personnel

Will be responsible for the overall implementation of policies and procedures while providing quality, effective, and efficient therapeutic interventions and for the direct oversight and sound supervision of the clients while in care.

Case Managers

Accomplishes clients' care by assessing treatment needs; developing, monitoring, and evaluating treatment plans and progress; facilitating interdisciplinary approaches; monitoring staff performance

Programming & Supportive Service Objectives*

Through the supportive programs and environment provided by Avery's Village, youth will:

- Strengthen their commitment to self, family, and community
- Develop healthy and productive relationships with community members
- Learn developmentally appropriate skills for living

We fundamentally believe that children are more than capable of overcoming any circumstances and obstacles to lead successful lives. Youth naturally grow with the right support, with our support, our youth will thrive. Our home has several programmatic components, each design to address a too-often neglected aspect of positive youth development:

Community Mentors ("Friends of the Family Program")

Healthy Living (Diet, Hygiene, Wellness, and Self-Care) ("R.E.A.D.Y, Sit, Grow")

Purpose-Driven & Skilled Living (Culture, Community, Career, and Commerce)

Community Mentors ("Friends of the Family Program")

Too often, we see children who have role models who are not productive citizens in our communities. The "Friends of the Family" program aims to find stable and reliable mentors and allow them to cultivate healthy, growth-focused relationships with Avery's Village youth. Through this program, we believe we will bridge the gap between positive role models and kids who desire additional support and guidance.

Healthy Living (Diet, Hygiene, Wellness, and Self-Care) ("R.E.A.D.Y, Sit, Grow")

The "R.E.A.D.Y, Sit, Grow" program focuses on four key pillars: Diet, Hygiene, Wellness, and Self-Care. This program is designed to promote holistic health where our youth learn how to care properly for their minds, bodies, spirits, homes, and one another. In addition to the athletics and physical activities, this program will create space for Avery's Village youth to learn the benefits of mindfulness-based activities and responsibly interact with nature.

Purpose-Driven & Skilled Living (Culture, Community, Career, and Commerce)

The Purpose-Drive & Skilled Living (PDSL) program is designed to support the development of older adolescents as they prepare to age out of Avery's Village.

PDSL includes personalized career counseling as well as a series of seminars and action-learning opportunities that improve our youths' financial literacy, cultural awareness and humility, and commitment to service and social uplift. Through the PDSL program our youth will establish and act on their plans for exploring and achieving their academic and vocational goals.

Target Population

Avery's Village provides supportive services and healthy homes to all youth, regardless of their demographics or social standing. The location of our children's home was intentionally selected with Wyandotte County youth in mind.

Capacity

Our children's home is constructed to ADA compliant standards, and the children's home is furnished and equipped to house 70 youth, safely and comfortably.

Training

All of the support staff at Avery's Village will complete a comprehensive induction training package as per the State Minimum Standards.

The induction-training package includes:

- o • Child Protection
- o • Food Hygiene
- o • First Aid
- o • Report Writing
- o • Communicating with Children
- o • Administration of Medication
- o • Control and Restraint
- o • Dealing with Violent and Aggressive Behavior
- o • Fire Safety

Daily Schedule

- o School Day
 - o Weekday (Monday-Friday)

6:15am-6:45am	High school children prep to leave for school
6:45am-7:15am	Middle School children prep to leave for school

7:15am-7:45am	Elementary school children prep to leave for school
8:00am-8:30am	All remaining wake up and prep for breakfast
8:30am-9:15am	Breakfast is served
9:15am-11:00am	Study time/reading
11:00am-12:00pm	Recreational activities
12:00pm- 1:00pm	Lunch
1:00pm- 3:00pm	Creativity time
3:00pm- 4:00pm	Snack time
4:00pm- 5:00pm	Homework/ Study
5:00pm- 6:00pm	Recreational activities
6:00pm- 7:00pm	Dinner
7:00pm- 9:00pm	Free Time
9:00pm	Bedtime

- o Weekend (Saturday-Sunday)
- o Special Events

ORG. Chart



Attachment B – Site Photos































MINUTES:

Application Number #SP-17402-00030

Date and Location: June 16, 2017 at 1420 s 78th street Kansas City, Kansas 66111

Meeting called to order at: 4:30pm

Names of people in attendance: Ronald G. Seaton, Beverly Avery, Frederick Avery

Introductions: Fred and Beverly Avery introduced themselves and gave background info to Ronald. Ronald then introduced himself and gave us background info as well.

Presentation by Frederick Avery who discussed key points that included the leadership of the organization, purpose, what we do, and capacity of the facility. We kicked the meeting off by talking about our experience working with kids and how we are we qualified to run the facility. We then proceeded to discuss the purpose of the facility, we informed him that we plan on providing a safe, nurturing and stimulating home environment t where children begin their journey towards a brighter future. We also explained that we are youth residential facility pending a license to serve 70 children at our facility. We then explained that we plan on providing programs for the kids that include a mentorship program as well as health and wellness programs. At the meeting, we explained our admissions criteria. Finally we discussed the capacity, our children's home is constructed to ADA complaint standards to safely house 70 children safely and comfortably.

Questions and answers (include the following):

Ronald Seaton asked where will the children play?

Frederick Avery answered the question by explaining that we are planning on allowing the kids to play in the courtyard in the middle of the facility, as well as the basketball court we plan on having in the backyard of the facility next door with the older children that will be supervised by staff.

Ronald Seaton then mentioned that he was adopted as a child and talked to us about his upbringing as a child.

Ronald also asked the question where will we get our children from? Frederick responded by informing him that we will have contracts with different placement agencies such as KVC and DCF.

Ronald Seaton also commented that he expected more people from the neighborhood to show up and he was surprised with the low attendance. Ronald also talked to us about where he lived and his relationship with his neighbors.

Ronald asked how many staff members we planned on having? Frederick Avery told Ronald that there is a 1 to 7 staff to child ratio and we expected to bring 25 to 30 jobs to area at the facilities capacity.

Meeting adjourned at: 5:15pm

Minutes taken by: Beverly Avery

C Blue Dogs Sports Ministry
1300 Meadowlark Lane
Kansas City, KS 66102
<http://www.kcbluedogs.org> | www.facebook.com/kcbluedogs
(913) 401-5563



I am writing this letter to express my support for Mr. Frederick Avery. We the KC Bluedogs support Mr. Avery's work with the kids in the community.

We look forward to working alongside Mr. Avery in his future endeavors.

Respectfully Submitted,
Derrick Estelle

KC Blue Dog Academy – "Building boys into better men"

The KC Blue Dogs is dedicated to providing a stable support system for the community through the active engagement of our city's young men from disadvantage circumstances ages 11 to 18 by establishing a commitment to youth development, community service, and leadership enhancement.



The KC Blue Dog Academy is dedicated to involving all youth in the KC Metro Area in our Skills Academy programming. Our Community Outreach Project, will consist of providing services to designated housing development areas for young men between the ages 10 to 18. The young men will take part in our Skills Academy programs that consist of physical fitness activities, life skill workshops, and Christian education classes. This service will be beneficial to the young men, because it will allow them the opportunity to be mentored and guided by positive coaches within our community and provide them with an ongoing relationship with our staff. We encourage all parents to be involved in the program to ensure that there is a consistent line of communication between the family and the program.



*Play Together
Pray Together*

**KC BLUE DOG
COMMUNITY
OUTREACH PROJECT**

**1ST & 3RD
SATURDAYS
10AM TO NOON**

**YOUNG MEN
AGES 10 TO 18**

**SKILLS ACADEMY
"FITNESS & FUN"
"PLAY & PRAYER"**

**PICK UP IS
AVAILABLE JUST
CONTACT
KC BLUE DOGS
913-499-9135**

KC BLUE DOGS

1300 Meadowlark Lane
Kansas City, Kansas
66102
913-499-9135

www.kcbluedogacademy.com

Sr. _____



21350 West 153rd Street
Olathe, Kansas 66061
(913) 322-4900

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Chief of Staff

Renny Christian Arensberg, M.A.
Executive Vice President

June 16, 2017

RE: KVC placement contracts

To Whom It May Concern,

KVC Behavioral Healthcare, Inc. is responsible for the care of all children served by the Kansas Department for Children and Families' Kansas City Metro and Eastern Regions, which includes 30 counties and more than half of all children in the Kansas child welfare system. In 2016, 6,319 children were cared for by KVC foster families and 3,492 youth and adults were treated at our psychiatric hospitals.

There is a shortage of licensed placements nationwide, including Kansas. KVC is always searching for safe, appropriate, and caring placements for children. All Kansas licensed providers would be strong candidates for consideration to contract for placement of children referred to KVC.

Please let me know if I can be of further assistance.

Regards,

Danielle Bartelli
President
KVC Kansas





2010 N. 59th Street, Kansas City, KS 66104
(913) 551-3200 FAX: (913) 551-3217

WWW.KCKPS.ORG

Frederick and Beverly Avery
2618 N. 51st Street
Kansas City, Kansas 66104

Dear Mr. and Mrs. Avery,

Thank you for sharing with us your intention to open Avery Village. Your letter indicates that the center will provide residential services for up to 60 children and youth.

Educational services for the children and youth will be provided in accordance with Board of Education Policy (JBC). I have included an excerpt from the policy for your review.

Assignment to a School Building, Grade Level or Classes

Unless otherwise provided herein, the superintendent shall assign students to the appropriate building. Any student desiring to attend a school outside the attendance area in which the student resides may do so only with the prior written permission of the superintendent.

If required by law, students placed in foster care or students who are homeless may be educated in their "school of origin" instead of the building corresponding to the assigned attendance area. (For definition of "school of origin", see regulations for JBCA and JBCB.)

Assignment to a particular grade level or particular classes shall be determined by the building principal based on the educational abilities of the student. If the parents disagree, the principal's decision may be appealed to the superintendent.

Please work with Lisa Garcia-Stewart, Director of Student Services, to review the specific educational needs and services of each child, and to enroll the children and youth. Mrs. Stewart's office is located at 2010 N. 59th Street, Kansas City, Kansas, 66104, 913. 551.3200.

We look forward to working with you.

Sincerely,

Dr. Cynthia Lane
Superintendent of Schools

INSPIRING EXCELLENCE: EVERY GROWNUP, EVERY CHILD, EVERY DAY

Important Note: The following list of calls for service at 3535 Wood Avenue (The Blue Door Project) was prepared at the Board of Commissioners' request. The special use permit for this property did not place any requirements or criteria limiting the youth placed at this facility, other than placing a maximum of 16 youths and 10 staff members for a total of 28 persons on site. In the neighborhood meeting notes, the applicant did state that they would be receiving placements from KVC and that they would not be accepting juvenile offenders.

CALLS FOR SERVICE AT 3535 WOOD AVE SINCE APRIL 2016

CALL FOR SERVICE				CASE CREATED - REPORT TAKEN			
Call For Service Incident Number	Call For Service Date & Time	Call For Service Incident Type	Offense Occurred "From" Date	Case Occurred Incident Type	Case Offense Statute	Case Offense Statute Description	Incident CFS Disposition
2016-00002524	04-11-2016 21:36	Juvenile Needing Care					No Report
2016-00039711	07-18-2016 15:22	Traffic Stop					No Report
2016-00055648	08-30-2016 14:05	Suspicious Crowd/Activity					No Report
2016-00097013	12-21-2016 21:33	Missing/Runaway					Report Taken
2016-00097166	12-22-2016 12:28	Follow Up					No Report
2016-00097168	12-22-2016 12:55	New Call					No Report
2016-00097587	12-23-2016 18:19	Juvenile Needing Care	12-23-2016 18:18	Disturbance - Non Domestic	39-0002	Juvenile Contact	No Report
2016-00097611	12-24-2016 09:45	Disturbance - Non Domestic	12-24-2016 09:30	Assault Simple	22-34 (a)(2)	Battery - Knowingly causing physical contact with another person when done in a rude, insulting or angry manner	Report Taken
2016-00097953	12-24-2016 23:04	Disturbance - Non Domestic					No Report
2016-00098140	12-25-2016 18:06	Disturbance - Non Domestic	12-25-2016 18:00	Damage to Property	21-5813(a1B3)	Criminal damage to property; Without consent value < \$1000	Report Taken
2016-00098444	12-26-2016 22:09	Juvenile Needing Care	12-26-2016 22:00	Juvenile Investigation	39-0002	Juvenile Contact	Report Taken
2016-00099282	12-29-2016 14:59	Disturbance - Non Domestic					No Report
2016-00099406	12-29-2016 20:13	Disturbance - Non Domestic	12-29-2016 20:13	Disturbance - Non Domestic	22-34 (a)(2)	Battery - Knowingly causing physical contact with another person when done in a rude, insulting or angry manner	Report Taken
2016-00099735	12-30-2016 17:54	Juvenile Needing Care	12-30-2016 17:54	All Other Offense	39-0002	Juvenile Contact	No Report
2016-00099839	12-30-2016 22:15	Disturbance - Non Domestic					No Report
2017-00000740	01-03-2017 09:54	Domestic Disturbance					No Report
2017-00000764	01-03-2017 10:55	Juvenile Needing Care					Report Taken
2017-00001187	01-04-2017 15:50	Narcotics					Patient Transport
2017-00001685	01-06-2017 10:18	Other					No Report
2017-00001806	01-06-2017 16:30	Disturbance - Non Domestic	01-06-2017 14:30	Disturbance - Non Domestic	22-34 (a)(1)	Battery - Knowingly or recklessly causing bodily harm to another person	Report Taken
2017-00002524	01-08-2017 20:24	Juvenile Needing Care	01-08-2016 20:20	Disturbance - Non Domestic	39-0002	Juvenile Contact	Arrest
2017-00003082	01-10-2017 13:56	Disturbance - Non Domestic	01-10-2017 13:20	Disturbance - Non Domestic	21-5413	Battery	Report Taken
2017-00003388	01-11-2017 09:49	Juvenile Needing Care	01-11-2017 09:00	All Other Offense	21-5413(a2)	Battery; Causing rude physical contact	Arrest
2017-00004233	01-13-2017 17:49	Suicide Investigation					Patient Transport
2017-00004287	01-13-2017 19:27	Disturbance - Non Domestic	01-13-2017 19:27	Disturbance - Non Domestic	22-34 (a)(1)	Battery - Knowingly or recklessly causing bodily harm to another person	Report Taken
2017-00004476	01-14-2017 17:07	Disturbance - Non Domestic	01-14-2017 17:00	Disorderly Conduct	22-115(a3)	Disorderly conduct; Fighting words or noisy conduct to cause resentment	Report Taken
2017-00004655	01-15-2017 09:26	Juvenile Abuse	01-15-2017 09:20	Damage to Property	79-3321(n) 21-5813(a1B3)	Tobacco, Unlawful For Persons < 18 To Purchase Or Attempt To Purchase Cigarettes, Tobacco Criminal damage to property; Without consent value < \$1000	Arrest

2017-00004749	01-15-2017 20:01	Assist Fire/EMS					No EMS Needed
2017-00006226	01-19-2017 18:17	Juvenile Needing Care					No Report
2017-00007157	01-22-2017 15:06	Disturbance - Non Domestic					No Report
2017-00007916	01-24-2017 17:40	Disturbance Mental	01-24-2017 17:40	Juvenile Investigation	39-0002	Juvenile Contact	Report Taken
2017-00008629	01-26-2017 18:06	Other					No Report
2017-00008842	01-27-2017 10:09	Follow Up					Report Taken
2017-00010223	01-31-2017 09:37	Follow Up					No Report
2017-00011004	02-02-2017 10:25	Other					No Report
2017-00011388	02-03-2017 13:08	Juvenile Runaway					Report Taken
2017-00011430	02-03-2017 15:49	Juvenile Apprehension					Report Taken
2017-00011696	02-04-2017 10:19	Other					No Report
2017-00012177	02-05-2017 22:43	Missing/Runaway					No Report
2017-00012384	02-06-2017 14:10	Missing/Runaway	02-06-2017 11:52	Juvenile Investigation	38-2202(d9)	Runaway	Report Taken
2017-00013403	02-09-2017 10:49	Missing/Runaway	02-09-2017 06:40	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00013505	02-09-2017 15:38	Juvenile Apprehension					Arrest
2017-00014543	02-12-2017 14:43	Disturbance - Non Domestic					Report Taken
2017-00015868	02-16-2017 10:14	Other					No Report
2017-00016487	02-17-2017 20:49	Juvenile Needing Care					Patient Transport
2017-00018330	02-22-2017 21:42	Disturbance - Non Domestic	02-22-2017 21:35	Runaway	39-0002	Juvenile Contact	Report Taken
2017-00018802	02-24-2017 08:35	Other				Battery - Knowingly or recklessly causing bodily harm to another person	No Report
2017-00020261	02-28-2017 19:05	Disturbance - Non Domestic	02-28-2017 19:05	Disturbance - Non Domestic	22-34 (a)(1)		Report Taken
2017-00021790	03-04-2017 21:01	Missing/Runaway	03-04-2017 20:50	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00022477	03-06-2017 18:07	Missing/Runaway	03-06-2017 18:00	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00022531	03-06-2017 19:18	Assist Fire/EMS	03-06-2017 19:18	Juvenile Investigation	39-0002	Juvenile Contact	Patient Refusal
2017-00023571	03-09-2017 14:20	Missing/Runaway					Report Taken
2017-00023616	03-09-2017 17:12	Missing/Runaway	03-09-2017 17:00	Runaway	38-2202(d9)	Runaway	No Report
2017-00024009	03-10-2017 20:30	Disturbance - Non Domestic					Report Taken
2017-00024043	03-10-2017 22:43	Disturbance Mental	03-10-2017 22:43	Disturbance - Non Domestic	39-0003	Casualty	No Report
2017-00024581	03-12-2017 20:02	Missing/Runaway	03-12-2017 20:00	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00024743	03-13-2017 08:31	Juvenile Apprehension					Report Taken
2017-00025162	03-14-2017 11:29	Follow Up					Arrest, Report Taken
2017-00025341	03-14-2017 21:26	Suicide Investigation					No Report
2017-00025602	03-15-2017 15:08	Disturbance - Non Domestic					Patient Transport
2017-00025617	03-15-2017 15:43	Missing/Runaway					Report Taken
2017-00027334	03-20-2017 02:11	Suspicious Crowd/Activity					Cancelled
2017-00027911	03-21-2017 17:21	Missing/Runaway					Unfounded
2017-00027977	03-21-2017 19:58	Juvenile Apprehension					Cancelled
2017-00029053	03-24-2017 16:32	Suspicious Crowd/Activity					Report Taken
2017-00029400	03-25-2017 15:48	Criminal Investigation					Report Taken
2017-00029483	03-25-2017 19:01	Disturbance - Non Domestic	03-25-2017 18:57	Disorderly Conduct	21-5413(a1)	Battery; Causing bodily harm	Report Taken
2017-00029688	03-26-2017 13:19	Disturbance - Non Domestic	03-26-2017 13:18	Juvenile Investigation	39-0002	Juvenile Contact	Report Taken
2017-00029784	03-26-2017 19:27	Disturbance - Non Domestic	03-26-2017 19:27	Juvenile Investigation	39-0002	Juvenile Contact	Patient Transport
2017-00031218	03-30-2017 19:47	Disturbance - Non Domestic	03-30-2017 19:45	Disturbance - Non Domestic	21-5813(a1B3)	Criminal damage to property; Without consent value < \$1000	Arrest
2017-00031520	03-31-2017 15:15	Disturbance - Non Domestic					No Report
2017-00031719	04-03-2017 20:41	Missing/Runaway					No Report
2017-00034193	04-07-2017 21:17	Missing/Runaway	04-07-2017 21:10	Runaway	38-2202(d9)	Runaway	Report Taken

2017-00034355	04-08-2017 11:04	Juvenile Apprehension	04-08-2017 11:04	Juvenile Investigation	39-0002	Juvenile Contact	Report Taken
2017-00035028	04-10-2017 03:56	Assist Other Agency				No Report	No Report
2017-00035077	04-10-2017 08:52	Juvenile Apprehension				Arrest	Arrest
2017-00036921	04-14-2017 16:40	Missing/Runaway				No Report	Patient Transport
2017-00038114	04-17-2017 20:20	Disturbance - Non Domestic	04-17-2017 20:20	Juvenile Investigation	39-0002	Juvenile Contact	Report Taken
2017-00044087	05-03-2017 12:16	Missing/Runaway	05-03-2017 06:50	Juvenile Investigation	38-2202(d9)	Runaway	Report Taken
2017-00044244	05-03-2017 21:46	Harassing Telephone Calls					No Report
2017-00047266	05-11-2017 20:34	Other					No Report
2017-00052054	05-24-2017 11:19	Suspicious Vehicle					No Report
2017-00053219	05-26-2017 20:42	Public Assist					No Report
2017-00053340	05-26-2017 20:58	Public Assist	05-29-2017 22:15	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00054378	05-29-2017 23:46	Missing/Runaway	05-31-2017 19:30	Disturbance - Non Domestic	21-5813(C3)	Criminal Damage to property, Without consent value <\$1000	Report Taken
2017-00055157	05-31-2017 19:53	Disturbance - Non Domestic					Report Taken
2017-00055223	05-31-2017 23:37	Missing/Runaway	05-31-2017 23:20	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00056573	06-03-2017 22:00	Disturbance - Non Domestic					No Report
2017-00058089	06-07-2017 17:34	Disturbance - Non Domestic	06-07-2017 17:30	Damage to Property	21-5813(a1B3)	Criminal damage to property, Without consent value < \$1000	Arrest
2017-00058915	06-09-2017 17:00	Disturbance - Non Domestic	06-09-2017 16:55	Disturbance - Non Domestic	39-0002	Juvenile Contact	Report Taken
2017-00059303	06-10-2017 18:31	Domestic Disturbance					No Report
2017-00059332	06-10-2017 20:27	Disturbance - Non Domestic	06-10-2017 20:25	Disturbance - Non Domestic	39-0002	Juvenile Contact	Report Taken
2017-00059658	06-11-2017 20:16	Disturbance - Non Domestic					No Report
2017-00060122	06-12-2017 22:25	Assist Fire/EMS	06-12-2017 22:24	Juvenile Investigation	39-0002	Juvenile Contact	Patient Refusal
2017-00060720	06-14-2017 10:31	Disturbance - Non Domestic					No Report
2017-00060910	06-21-2017 20:57	Missing/Runaway					No Report
2017-00064411	06-25-2017 13:07	Missing/Runaway					No Report
2017-00065437	06-25-2017 15:15	Suicide Investigation					Patient Transport
2017-00065491	06-25-2017 18:23	Disturbance - Non Domestic	06-25-2017 18:00	Assault Simple	21-5413(a1)	Battery, Causing bodily harm	Patient Refusal
2017-00065544	06-25-2017 21:35	Disturbance - Non Domestic	06-25-2017 21:35	Juvenile Investigation	39-0002	Juvenile Contact	Report Taken
2017-00065898	06-26-2017 19:23	Assist Fire/EMS					No EMS Needed
2017-00066582	06-28-2017 18:47	Disturbance - Non Domestic					Arrest
2017-00067162	06-29-2017 21:10	Follow Up					Unfounded
2017-00068737	07-03-2017 19:01	Missing/Runaway	07-03-2017 19:00	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00068758	07-03-2017 19:55	Disturbance - Non Domestic					No Report
2017-00068795	07-03-2017 22:02	Juvenile Apprehension					No Report
2017-00068831	07-03-2017 23:14	Suspicious Crowd/Activity					No Report
2017-00070070	07-06-2017 20:17	Disturbance - Non Domestic	07-06-2017 20:00	Disturbance - Non Domestic	22-34 (a)(1)	Battery - Knowingly or recklessly causing bodily harm to another person	No EMS Needed
2017-00070111	07-06-2017 20:17	Disturbance - Non Domestic	07-06-2017 20:10	Disturbance - Non Domestic	21-5413(a2)	Battery, Causing rude physical contact	No EMS Needed
2017-00073311	07-14-2017 23:03	Disturbance Mental	07-14-2017 22:50	Juvenile Investigation	39-0002	Juvenile Contact	No EMS Needed
2017-00074091	07-17-2017 08:23	Criminal Damage	07-14-2017 22:00	Damage to Property	22-79 (a1)	Criminal Damage <\$1000 - Damage / Destroy without consent	Report Taken
2017-00074628	07-18-2017 15:02	Missing/Runaway					No Report
2017-00075107	07-19-2017 18:16	Disturbance - Non Domestic					No Report
2017-00075424	07-20-2017 14:56	Other					No Report
2017-00076085	07-22-2017 01:25	Disturbance - Non Domestic					Arrest
2017-00076316	07-22-2017 20:11	XVice Activity					No Report

2017-00076612	07-23-2017 13:03	Suicide Investigation	07-22-2017 19:00	All Other Offense	22-34 (a)(2)	Battery - Knowingly causing physical contact with another person when done in a rude, insulting or angry manner	No EMS Needed Report Taken
2017-00076979	07-24-2017 13:15	Disturbance - Non Domestic	07-24-2017 13:10	Assault Simple	21-5413(a2)	Battery: Causing rude physical contact	Arrest Report Taken
2017-00077480	07-25-2017 19:23	Disturbance - Non Domestic	07-25-2017 19:00	Disturbance - Non Domestic	22-79 (a1)	Criminal Damage <\$1000 - Damage / Destroy without consent	Report Taken
2017-00077818	07-26-2017 15:53	Disturbance - Non Domestic	07-26-2017 15:52	Juvenile Investigation	39-0002	Juvenile Contact	No EMS Needed Report Taken
2017-00078394	07-27-2017 22:59	Missing/Runaway	07-27-2017 22:50	Runaway	38-2202(d9)	Battery - Knowingly causing physical contact with another person when done in a rude, insulting or angry manner	Report Taken No EMS Needed
2017-00079160	07-29-2017 19:59	Disturbance - Non Domestic	07-29-2017 19:45	Assault	22-34 (a)(2)		
2017-00079595	07-31-2017 00:53	Missing/Runaway	07-31-2017 00:01	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00079874	07-31-2017 18:49	Disturbance - Non Domestic	07-31-2017 18:47	Damage to Property	39-0002 21-5813(C3)	Juvenile Contact Criminal Damage to property, Without consent value <\$1000	No EMS Needed Report Taken
2017-00082013	08-05-2017 17:37	Other					No Report
2017-00082067	08-06-2017 20:22	Missing/Runaway					No Report
2017-00082193	08-07-2017 22:44	Missing/Runaway	08-07-2017 22:40	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00082488	08-07-2017 22:44	Missing/Runaway	08-07-2017 22:42	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00082491	08-07-2017 22:44	Missing/Runaway	08-07-2017 22:42	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00082492	08-07-2017 22:44	Missing/Runaway	08-07-2017 22:42	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00082737	08-08-2017 16:21	Missing/Runaway					No Report
2017-00083241	08-09-2017 22:37	Disturbance Mental	08-09-2017 22:30	Damage to Property	21-5813(a1B3)	Criminal damage to property, Without consent value <\$1000	Patent Refusal
2017-00084076	08-11-2017 22:23	Missing/Runaway	08-11-2017 22:00	Runaway	38-2202(d9)	Runaway	Report Taken
2017-00084205	08-12-2017 10:23	Juvenile Apprehension					Arrest
2017-00084403	08-12-2017 21:10	Disturbance - Non Domestic	08-12-2017 21:00	Juvenile Investigation	39-0002	Juvenile Contact	Arrest
2017-00084748	08-13-2017 21:17	Disturbance - Non Domestic	08-13-2017 21:10	Damage to Property	39-0002 21-5813(a1B3)	Juvenile Contact Criminal damage to property, Without consent value <\$1000	No Report Report Taken
2017-00085088	08-14-2017 19:03	Disturbance - Non Domestic					No Report
2017-00085115	08-14-2017 20:34	Disturbance - Non Domestic	08-14-2017 20:33	Damage to Property	39-0002 21-5813(C3)	Juvenile Contact Criminal damage to property, Without consent value <\$1000	Report Taken
2017-00085130	08-14-2017 20:34	Information	08-14-2017 20:20	Disturbance - Non Domestic	21-5413(a1)	Battery: Causing bodily harm	Report Taken
2017-00085410	08-15-2017 16:21	Other					No Report
2017-00085807	08-16-2017 15:53	Missing/Runaway	08-16-2017 15:00	Juvenile Investigation	38-2202(d9)	Runaway	Report Taken
2017-00087707	08-21-2017 17:05	Other					No Report
2017-00097843	09-15-2017 20:29	Disturbance - Non Domestic					Patent Refusal



Saint Francis Community Services*

Serving Children and Families Since 1945

October 6, 2017

Re: Avery's Village LLC
7803 W. 63rd Terrace
Overland Park, KS 66202

To Whom It May Concern,

Saint Francis Community Service (SFCS) is an established child welfare agency for over 70 years providing healing and hope for children and families. We are one of two child welfare contractors for the State of Kansas Department for Children and Family Services. The contracts allow SFCS the opportunity to provide foster care and adoption case management services to children who have been removed from their biological homes due in part to abuse and neglect. Removal from the child's home, coupled with the reasons for the removal, have a traumatic impact on the child.

Saint Francis Community Service serves over 3,300 children in foster care. At any given time, numerous youth need a more structured environment, like that which Avery Village hopes to provide. The structure these youth need would require trained staff to create a safe place to promote healing. Through an admissions process, SFCS would refer a child to Avery Village. This process would include a referral reflecting all known behaviors that challenge the youth. Avery Village professionals have the opportunity to accept or deny any referral.

There is a shortage of Kansas foster families able to commit to meeting the needs of youth in the child welfare system. The child welfare system is in need of caring and committed people with a passion to provide a safe, structured atmosphere for youth.

Thank you for the opportunity to share this testimony.

Sincerely,

Diane Carver
Vice President
Children and Family Services
Saint Francis Community Services
4155 East Harry St
Wichita, KS 67218

AYS - KC
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GARDEN CITY
(620) 276-4482

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FP (620) 793-3164

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OHIO ST. (785) 852-9804
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PIONEER CHURCH (785) 822-0901
WEST CLOUD (785) 825-0562

WELLINGTON
(620) 326-6373

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(316) 831-0330

Family Preservation
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Adoption
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Outpatient Mental
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Short response to the below, there may be facts that you have been given that are not totally up front, but hopefully you are getting clearer answers than we have received in the past. FYI a couple different views than reported in your mentioned facts.

.No. 1 There were only 3 members at that facility visit, far from MANY when our membership is 200+ and growing and
11 Board members....3 is far from MANY.

No. 2 Avery's were given a list of all residents within a 200 yard of the facility, THEY were required to contact those residents before their 1st P&Z hearing, therefore they SHOULD be able to supply that info to you. It was their requirement. Now it seems to falling in our laps (???) NOT gonna' happen .

No. 3 We have listened, we have researched, one last request we asked for others to have a visual of the facility, not happening, so we feel our ducks are in a row.

We will see you at the Nov. 13th P&Z meeting.

Lou

Friday, October 27, 2017 12:18 PM, Court T. Kennedy <CKennedy@kanmolegal.com> wrote:

Lou,

I hope you can appreciate all the work we have done to this point in trying to answer all of LRA's questions. I agree we appear to have discussed all points LRA wants to discuss, as is born out in the minutes from our last meeting. However, to the extent there are additional interested landowners we have not spoken with yet, we would like to meet with them if possible.

Monday is not going to work for the reasons already discussed, and also note that we are preparing some supplemental materials that we will not have ready by Monday. Therefore, we are holding open Wednesday, Thursday and Friday of next week for meetings. Today we are reaching out directly to some of the adjoining landowners that we may have not been able to speak with yet, and any help the LRA can provide in this endeavor would be appreciated.

As for a site visit being the only thing left that LRA wants to discuss, my understanding is that many LRA members have already toured the facility prior to the August 31

meeting and contested the permit nonetheless. And as explained by my clients many times, the facility will be undergoing major remodeling once the special use permit is obtained. The building will be in a much different condition the day it is opened. Therefore, I believe having additional people tour the building in its present condition would only serve to confuse people and be a waste of time.

I'm sure you can appreciate we have a lot of work to do and that my clients are incurring thousands in attorneys' fees because of the opposition to this permit. While we are more than willing to meet with the opposition, as we have done many times already, we want to make sure the time spent makes sense.

Thank you,

Court

Together WE Can, Together WE Will

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
AND KANSAS CITY, KANSAS
Urban Planning and Land Use

RE: Protest Petition Filed Regarding #SP-2017-36 and Avery's Village LLC

RETRACTION AFFIDAVIT OF KATHLEEN LITKE

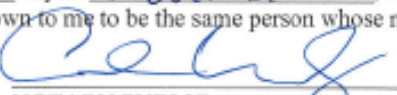
I, KATHLEEN LITKE, attest as follows under the penalty of perjury.

1. I am over 18 years of age, have personal knowledge of the facts stated herein and am otherwise competent to make this affidavit.
2. I reside at and own 6233 Leavenworth Road, Kansas City, Kansas 66104, and I have so resided at and owned that property for 3 years.
3. On or about July 18, 2017, I signed a Protest Petition relating to the Special Use Permit application filed by Avery's Village LLC for the operation of a youth residential facility at 6261 Leavenworth Road, Kansas City, Kansas.
4. On November 1, 2017, Frederick Avery, Beverly Avery and Court Kennedy met with me at my home to discuss my concerns that prompted me to sign the protest petition.
5. After having my questions answered, I decided I no longer protest the Petition and wish to retract my protest.
6. I do not protest the Avery's Village LLC's application for a special use permit.

AFFIANT FURTHER SAYETH NOT.

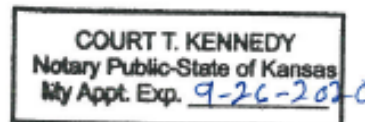

KATHLEEN LITKE

Subscribed and sworn to before me this 1st day of November, 2017, by Kathleen R. Litke, who is personally known to me to be the same person whose name is subscribed to in the foregoing instrument.


NOTARY PUBLIC

My commission expires:

9-26-2020



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
AND KANSAS CITY, KANSAS
Urban Planning and Land Use

RE: Protest Petition Filed Regarding #SP-2017-36 and Avery's Village LLC

RETRACTION AFFIDAVIT OF RONALD G. SEATON

I, Ronald G. Seaton, attest as follows under the penalty of perjury.

1. I am over 18 years of age, have personal knowledge of the facts stated herein and am otherwise competent to make this affidavit.

2. I reside at and own 6218 Leavenworth Road, Kansas City, Kansas 66104, and I have so resided at and owned that property for ~~at least the last five years~~ approx. 40 years.

3. On or about July 22, 2017, I was approached by a person asking if I would sign a document relating to the Special Use Permit application filed by Avery's Village LLC for the operation of a youth residential facility at 6261 Leavenworth Road, Kansas City, Kansas.

4. I had already attended the Neighborhood Meeting held by Mr. Frederick Avery and Beverly Avery on June 16, 2017, and did not have any protests to their application.

5. However, I signed the document that the person wanted me to sign on July 22, 2017, and later discovered upon being contacted by Avery Village LLC's attorney that I had signed the protest petition that was filed in this matter on July 24, 2017.

6. It was not explained to me what I was being asked to sign on July 22, 2017, and I did not have any intention of signing a protest petition against Avery's Village LLC's Application for a special use permit.

7. I do not protest the Avery's Village LLC's application for a special use permit.

AFFIANT FURTHER SAYETH NOT.

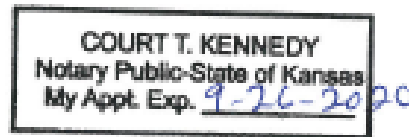
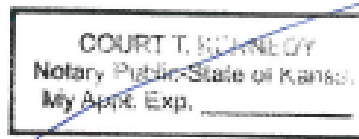

RONALD G. SEATON

In The State of KS, County of Wyandotte;

Subscribed and sworn to before me this 30th day of October, 2017,
by Ronald G. Seaton who is personally known to me to be the same person whose name
is subscribed to in the foregoing instrument.


NOTARY PUBLIC

My commission expires: 9-26-2020



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

PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, AUGUST 31, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, August 31, 2017, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Rob Richardson, Director of Planning; Janet Parker, Administrative Assistant, Planning; Jamie Hickey, Planner; Zach Flanders, Planner; Chris Slaughter, Land Bank Manager; Joe Stephens, Director of Economic Development; Shaya Patrick, Engineering; and Captain John Grosko, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend Bryan W. Mann, Bethel Seventh Day Adventist Church.

Mayor Holland said before we get started we have two announcements. My first announcement is to wish my wife Julie Solomon a Happy 21st Wedding Anniversary tonight. I invited her to come tonight so that we could spend the evening together, but she decided that wouldn't count as a date so she's at a little league baseball game with our son and I'm here. So Saturday night we'll get our dinner, but anyway Happy Anniversary.

Also, our Administrator has an announcement.

ADMINISTRATOR'S AGENDA**ITEM NO. 1 – 171288...INDIAN SPRINGS MEETING PROCESS**

Synopsis: There will be a public meeting for input regarding the future development of the former Indian Springs Mall site September 19, from 5:30 – 8:00 PM. The meeting will take place at the USD 500 Community Building, located at 59th and Parallel (2010 N. 59th Street).

Doug Bach, County Administrator, said we wanted to announce tonight that we finalized our date for our first community meeting regarding the former Indian Springs Mall area. We're inviting members of the public to come and offer input as we look at about different development opportunities we'll have for that site. That meeting will be September 19 from 5:30 to 8:30 PM. It will be at the community building where USD 500 is. We appreciate you letting us use that building located at 59th & Parallel and to get the word out about this because we've heard from a lot of people that area around Indian Springs, the midtown site, is one that is a community asset that we hear from people from Bonner Springs, Edwardsville come in to all the eastern parts of the city. We're going to send out a postcard notice to people telling them about this activity so if people want to come to it, that'll also note other things we have there about how we may broadcast that meeting as we finalize how we'll make that happen.

We'll also have a survey if people just want to go online and fill out information from that perspective and offer their input to us.

Mayor Holland said and it is serendipitous tonight that we have Superintendent Lane and members of the school board here. We can thank you personally for making your space available for this community meeting. Thank you.

Action: For information only

August 31, 2017

MAYOR'S AGENDA

Item No. 1 – 171251...RECOGNITION: NEW STANLEY ELEMENTARY STREET SWEEPER CONTEST WINNERS

Synopsis: Recognition of the New Stanley Elementary Street Sweeper Contest winners, by Jeff Miles, Vice President, Key Equipment & Supply Company, submitted by Tim Nick, Public Works.

Mayor Holland said we have Key Equipment here. Key Equipment had an opportunity for the kids to make the design on the street sweeper and I'll let the folks from Key Equipment, Jeff Miles, to make the presentation.

Jeff Miles, Key Equipment, said, Mayor, did you tell your wife that a street sweeper was going to be here tonight. **Mayor Holland** said that might have sealed the deal. She might have come. **Mr. Miles** said seriously thank you for this opportunity. I'm going to try to be short to give these three young men sitting back there to get the recognition that they deserve. I'm going to give you a little bit of background on how we ended up here tonight and give these three gentlemen a plaque.

I first would like to explain a little background to what brought me here. My name is Jeff Miles. I'm the Vice President of Key Equipment and Supply Co. We're a key of Kansas City, Kansas company that's been in business since 1987 in Kansas City and 1963 in St. Louis. We cover four states. We cover the state of Kansas, Missouri, Illinois, and Oklahoma from two locations. I can proudly say one of those locations, as I mentioned, is here in Kansas City, Kansas and it will make sense to you here in a minute of why. I was born and raised in Argentine, Kansas. My mom owned a business in Argentine for 39 years and raised me on the streets of Strong Avenue and Stanley playground. I continue to live in Wyandotte County and I'm proud of our community. I want to take this opportunity to thank everyone here tonight, all previous Commission members, all Mayor's; the doors that's been opened for some of us KCK businesses. That door that was opened a long time ago for the Kansas Speedway opened a door for our company to design a street sweeper that is now used at every NASCAR track around the country so anytime you see that on TV that comes right here from KCK so I'm proud of that.

Our company has worked with many municipalities on theme sweepers. In each situation we've donated our time and cost to cover the designs and the wraps. At the UG we currently have cleaning machines of a Kansas Speedway sweeper, at T-Bones, Sporting Kansas City, United States Soccer Association, that's another new one; I'm proud of that one, and now an environmentally themed street sweeper. Not that you can expect, you can imagine calling Sporting Kansas City and asking them, hey, I got this great idea. I want to wrap a street sweeper with your branding all over it. You learn very quickly to speak quickly on that phone call and sell your idea that it is showing off how proud we are of all of our local tourism, but on this particular one we wanted to do it a different direction. The goal for us was to change the perception of the job being done out in the public. Instead of a dirty, giving dirty looks to a street sweeper, a slow street sweeper that drives around town; people seem to give them thumbs up and a smile and saying thank you for at least coming to our community. As an example, the Kansas City Royals themed machine we did for the city of Kansas City, Missouri was one of their biggest social media hits in their city's history, a street sweeper and of course winning the World Series that same year didn't hurt either. I think it was the street sweeper myself.

When the UG ordered two replacement sweepers I suggested a different approach on one of the machines that we were delivering to the UG team. I wanted to use this opportunity to help educate our youth on the importance of clean streets, storm systems, clean creeks, lakes, rivers and ultimately our oceans. I asked for permission to choose a school and as you can probably guess I picked Stanley Elementary where I went as well as my mother. The staff at New Stanley was very receptive to the idea. Principal Most and Principal Robertson and a whole team of New Stanley was very helpful and excited for this project. We came in and gave an hour class on the importance of street sweeping, preventing litter, and challenged the 60 fifth graders to come up with a design that included a slogan of a new sweeper. The designs that came up were outstanding. It was a big challenge for us because they were all great. The top six designs were sent to the team at the UG and they made the final decision. I'm happy to say a combination of two designs and slogans were chosen. The machines were wrapped and unveiled with the help of the Mayor and Commissioner Markley to the children at New Stanley and their families that were in attendance. Tonight, we're here to show recognition to these three children, their families and New Stanley for supporting this cool project. In no particular order, I'd like to present appreciation plaques to these three guys; Julian Bush, Alex Rincon, and Diego Dessens.

We also took the liberty to make two additional plaques out of our appreciation for this opportunity. One we are presenting to the Unified Government of Wyandotte County, and then second, in appreciation to New Stanley.

Action: Presentation.

Mayor Holland asked how much does one of these street sweepers cost. **Mr. Miles** said about \$220,000. **Mayor Holland** said I would like to point out that my grandfather and father also went to Stanley Elementary, it was not new yet. Congratulations and thank you to our friends at the school district as well for being here tonight.

Mayor Holland said we now have our Planning and Zoning meeting before us and I'll turn it over to the Clerk to announce the remainder of the meeting. Everyone is welcome to stay for the remainder of our meeting. If you chose not to, that's fine; we just ask you to leave quietly while we proceed with our meeting. Thank you.

Bridgette Cobbins, UG Clerk, read the statement and stated a protest petition has been filed regarding Item B-2 on the agenda.

Ms. Cobbins asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Bynum** said I've had contact with opponents and proponents of Item B2-Special Use Permit #SP-2017-36. **Commissioner Philbrook** said I've had contact on Special Use Permit #SP-2017-31 with proponents, #SP-2017-36 pro and con and in between, and on #PR-2017-33 pro. **Commissioner Johnson** said I've had contact with proponents of #SP-2017-36. **Commissioner Kane** said I've had contact both pro and con for #SP-2017-36. **Commissioner Murguia** said I've had contact pro and con for #SP-2017-36. **Commissioner Markley** said I've had contact pro and con for #SP-2017-36. **Commissioner Walker** said well I've had contact with proponents of #SP-2017-36. I don't recall any opponents reaching out. **Commissioner McKiernan** said I've had contact with proponents and opponents of #SP-2017-36. **Commissioner Walters** said I've had contact with proponents and opponents of #SP-2017-36.

Commissioner Townsend said I'm going to err on the side of caution and I vaguely recall speaking not directly to a proponent, the proponent, someone who asked for information about it and making a recommendation that they would call one of the associations in District One Leavenworth Road. I'm going to err on the side of caution, its proponent only. **Mayor Holland** said I have had contact with proponents of #SP-2017-24 and #SP-2017-33.

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

Mayor Holland said before I ask for removals I'm going to start with County Administrator Bach and then I'll ask for others who would like to remove an item. **County Administrator Bach** said I'd like to set-aside Special Permit Application No. 2, Special Use Permit #SP-2017-36. It has a valid protest petition filed on it. **Mayor Holland** said I would like to invite anyone in the audience, any Commissioner, or staff member who would like to remove an item to step forward to the microphone at this time to have an item removed from the Consent Agenda. Any item not removed from the Consent Agenda will be voted on by a single vote. **Brian Hill with MKEC Engineering, Overland Park, KS** said I would like to set-aside Item C1 #PR-2017-24.

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda, excluding the set-asides.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 171254...CHANGE OF ZONE APPLICATION #3145 - ROBERT WESSEL

Synopsis: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District for an employee parking lot in conjunction with a doctor's office at 8932 State Avenue, submitted by Robert H. Richardson, Director of Planning. The representative, Robert Wessel on behalf of the owners, PSB Investments, LLC, has submitted a change of zone to build a parking lot addition on a portion of 8932 State Avenue for a medical office building at 8940 State

Avenue. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3145, subject to:

Urban Planning and Land Use Comments

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. Only decorative lighting may be used on the façade of the office building.
 - a. Any site or building lighting shall have 90 cutoff fixtures.

Applicant Response: Lighting is not proposed.
3. The ends of parking stalls shall be curbed and landscaped islands installed.

Applicant Response: The entire proposed parking lot is to be curbed.
4. The CP-1 Planned Limited Business District landscaping requirement is one tree for every 7,000 square feet of site area. The Commercial Design Guidelines requires that landscape exceed the district requirement by at least 75 percent.

Based on the site area, .75 acre (32,831 square feet), 8 (8.20) trees are required based on the guidelines. Please submit a landscape plan that meets this requirement. Please show required screening as well. (See #7 below)

Applicant Response: In order to meet the screening for the proposed parking lot, we have added 13 – 6’ foot evergreen trees along the north and east line of the proposed parking lot. We are providing 6 – 2” deciduous hardwood trees along State Avenue.

5. Landscaping shall be irrigated.

Applicant Response: Irrigated landscaping will be provided in islands and around the parking lot exterior.
6. All shade trees shall be at least 2” caliper when planted. All evergreen trees shall be at least 6’ in height when planted.

Applicant Response: Acknowledged.
7. The northern landscape screen will be installed with the north building.

Public Works Comments

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

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve Change of Zone #3145, subject to the stipulations.**
 Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171256...SPECIAL USE PERMIT APPLICATION #SP-2017-31 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Special use permit for the temporary use of land for a security office trailer at 8130 Kaw Drive, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking approval for the use of a temporary trailer as a security office for the site at 8130 Kaw Drive. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2017-31, subject to:

Urban Planning and Land Use Comments

- 1. Could you provide photographs and diagrams of the structure?
 Applicant Response: The trailer has not been ordered yet, but will be comparable to the diagrams below and will be bracketed to the ground similarly to the third picture.



August 31, 2017



2. How long are you planning to utilize this trailer on the site? Are there plans to build a permanent structure for this use?

Applicant Response: The trailer will be utilized for a term of 5 years and there are no plans to build a permanent structure at this time.

3. Please explain and provide any relevant documentation regarding your use of the land?

Applicant Response: The trailer is going to be used as temporary office space and will provide a way for the occupants to ensure security of the site by allowing them to occupy the site.

4. Please provide a site plan with building, sewer and floodplain elevations.

Applicant Response: Based on the site contours the elevation of the proposed temporary structure is out of the floodplain. FEMA maps show the property being in Flood Zone AE

August 31, 2017

with a base flood elevation of 766'. The elevation of the temporary structure is at an elevation of roughly 773.5' which is 7.5' above BFE.

5. The trailer must be skirted.
6. Approval is for two years.

Public Works Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None
- B) Items that are conditions of approval (stipulations):
 - 1) The A/E shall coordinate with Wyandotte County Health Department regarding the proposed temporary holding tank and show applicable information on plans, calculations, and specifications for review and approval by the Health Department.
 - 2) The proposed temporary holding tank shall be a state certified septic tank, and shall be installed underground in accordance with the manufacturer's recommendations and the Wyandotte County Health Department approval.
 - 3) The proposed temporary holding tank shall be equipped with audible and visual alarms with high water floats, and indicated on plans and specifications for Health Department approval.
 - 4) All electrical wiring for the temporary holding tank shall be done by a licensed and insured electrician.
 - 5) Obtain an on-site wastewater permit from Wyandotte County Health Department, and provide a copy to Planning Engineering prior to construction permit acquisition.
 - 6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - 7) The proposed septic holding tank shall be temporary for two years. At the end of two years or when a permanent building structure is constructed, whichever occurs first, a public sanitary sewer main extension and service line connection shall be constructed to serve this property.

- 8) The future/public sanitary sewer main extension will require a separate public improvement plan set that meets UG standards and criteria, and shall be reviewed and approved by the UG.
 - 9) The future/public sanitary sewer main extension may require an easement across the adjacent property. A signed, executed, and recorded copy of the sanitary sewer easement shall be provided with the sewer main extension plans.
 - 10) When the future/public sanitary sewer system is installed, the proposed temporary holding tank shall be removed/abandoned per UG and KDHE specifications and requirements.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Business License Comments

Our office finds no record of any business associated with this address. If this location is to be occupied by a business enterprise, they will need to file and maintain the annual occupation tax application with this office. In addition, since this permit would be for a security trailer, any third party security company that would be providing service to the associated business would need to file with our office as a security company. If security would be provided by employees of the occupying business, security company license would not be applicable.

Action: Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2017-31 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 171282...SPECIAL USE PERMIT #SP-2017-36 – FREDERICK AVERY

Synopsis: Special use permit for a youth residential facility at 6561 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting approval of a special use permit to operate a youth residential facility at 6261 Leavenworth Road. The building was previously licensed as a nursing home from 1967 until 2014. The proposed facility

would be licensed with the state of Kansas to work with 35 or more children between 5 and 17 years of age. The applicant states that the facility has the capacity to house 70 youth. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, youth support personnel, and case managers. See the attached business plan for more information about the operation of the proposed facility. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2017-36 with the applicant meeting with the Leavenworth Road Association prior to the July 27, 2017 Board of Commissioners meeting to see if they have any further concerns and the first year would be for a maximum of 50 children. After one year they could seek an amendment for additional children, subject to:

Urban Planning and Land Use Comments

1. How many children/youth will reside at the property? The business plan states 35+ and also states that there is capacity for 70 youth.

Applicant Response: Our capacity is 70 children in the facility.

Staff Response: The City Planning Commission and Board of Commissioners will set a maximum number of children that may reside at the facility as a stipulation of the special use permit.

Planning Commission Recommendation: Commission recommended 50 children maximum.

2. How many staff members will be on-site during different times of the day/night?

Applicant Response: There will be three shifts, 10 people on the first and second shift and 7 on the third shift.

3. Are there any plans to use the adjacent property to the east in conjunction with the youth residential facility?

Applicant Response: Yes, it will serve as our staff house.

4. What types of recreation and common spaces are available on-site? Is there outdoor space for children to play?

Applicant Response: Yes, there is a facility garden and gazebo; also we plan on designating a play area.

5. Please provide an updated floor plan that is specific to the proposed use.

Staff Response: See attached floor plan.

6. How do you plan to provide transportation? Will there be vans stored on site?

Applicant Response: We will have three company vehicles, a 12 passenger van and two sedans.

7. Any future expansion will require an amendment to the existing special use permit by going back through the special use permit process.

Applicant Response: At the moment there is no plan of expansion. That may change as the need for the service changes.

Public Works Comments: None

Mayor Holland said this was pulled because there is a valid protest petition on it so that pulls it off of the Consent Agenda. I'm going to ask our attorney to explain the voting on this item.

Ken Moore, Chief Legal Counsel, said Mayor, since there is a valid protest petition, it will now take nine votes to approve as its submitted or with any modifications. Anything that approves this application requires nine votes. To deny the application, since that is contrary with what the Planning Commission recommended, it would take eight votes. To send it back to the Planning Commission for additional information or questions would take six votes.

Mayor Holland said to send it back it would take six votes. To deny it, it would take eight votes. To approve it, it would take nine votes. Is that correct? If the applicant is here, I'd invite the applicant to please come forward and make presentation.

Edward Scott asked just to be clear is there a particular time boundary on this? **Mayor Holland** said we'd ask you to state your name and address for the record and then you can make presentation. Less is more, but you are the applicant and so if you think five to eight minutes would be good, if you needed more time, you could ask Commission for more time than that. In a public hearing people who have comment are limited to three minutes and then after the public hearing you can take notes while people are talking and if you would like to make a summative comment after the public hearing in response to some of the comments, you're welcome to do that as well.

Mr. Scott said we will give introductions and addresses and then I will begin. Fred Avery, 7803 W. 61st Terr., Beverly Avery, 2618 N. 51st St., Edward Scott, 2008 Brooklyn Avenue.

Edward Scott, 2008 Brooklyn Avenue, said essentially what we're going to do for you today is we're going to give you a little bit of background on Avery's Village and then we'll talk about a high level overview of the organizational operations, programming and so forth. We'll be presenting a little bit of data and then we'll move into hearing concerns and answering questions.

Beverly Avery, 2618 N. 51st St., said I've been doing daycare since 1993. I've been licensed with the state. In 2007, I took a MAPP Class and became a foster parent where I'm still a foster parent. I've been married for 24 years. I've got seven children and seven grandchildren. This came about because I am a foster parent and I don't have enough room in my house and when I would do day respite some of the kids they asked if they could stay. I don't have enough room for them so I asked my son if he would help me to open up a youth center for the kids so we can try and help as many kids as we can and that's why we're here now.

Fred Avery, 7803 W. 61st Terr., said she called me in so I'm acting as her Vice President to help her sustain ability in the business aspect of it. This has been her dream for a while. She's been a foster parent, like she said, since 2007 so right around 10 years now so what we're doing is just trying to expand what she's doing. She's been trained. We have people in the crowd who were one of her first kids in her daycare since 1993. What we're just doing is trying to make a positive impact. What we'll do is we'll kick it off with some stats and let you guys know. According to Department of Children and Family Services and AdoptUsKids.org there are probably about 7,000 in need. At least 7,000 kids are currently in custody of the state of Kansas. Right now there are about 900 kids waiting on the adoption list. There is a serious need out there and in Wyandotte County there's not a place. There are also about 1,400 homeless youth in the Kansas City, Kansas School District alone. As we think about it and we really look at what we have to support the youth, there's nothing but houses right now. For example, my mom is a foster parent. There are not a lot of places for kids to go. I'll let Ed take it from here and go into the next part.

Mr. Scott said I am a consultant to the project, to Avery's Village. My background is clinical/mental health and organizational development. I actually have a Master's Degree in clinical social work from the University of Pennsylvania and additional graduate education from Rockhurst University in organizational development and leadership. Avery's Village, quite simply, is an organization that was started to meet a need. The purpose and mission boils down to creating a safe, stable and supportive residential or living environment for young people. You've been given the numbers, the 7,000 in custody, the 900 that are wait listed, and the 1,400 that are homeless that will be the estimated in this area.

We're looking to create a home life environment to replace, if only for a short period of time, the homes that these young people were removed from. The demographic of youth that we're serving will be between the ages of 6 and 17. The classification of Avery's Village, for those of you that aren't familiar, there are various classification levels to youth residential centers as actually, technically WRC-2 which means that it's the lowest level. The colloquial term, it would be for a large group home, even if we don't study that language anymore, but the idea is that we create a space for young people to live safe and uniquely designed to make it feel less like an institution which often times is a concern.

In terms of the staffing and supervision the state very heavily regulates the way that youth serving organizations run particularly youth residential centers. In terms of the state, our supervision standard is actually above that of the state. We're looking for 1 to 7 ratio.

Staffing, you've met the leadership here. We have numerous years of experience in child care, experience in finance, a consulting team that consists of numerous individuals, volunteers from the community including myself with extensive background in program design and intervention in youth and youth empowerment in leadership, an organizational culture. Our staffing will include also clinical mental health professionals to provide support of services to youth. Although we are not a treatment agency, we want to make sure that the social, emotional and behavioral needs of our youth are being met. We'll also have direct residential support staff to provide the day-to-day support services to the young people supervised by our residential support supervisors. Ideally, these will be people with Master's Degrees in some form of human services profession, some mental health background, and extensive experience in working with young people who have some pretty troubling or challenging backgrounds.

Safety is paramount in operating a youth residential center. The facility in question is actually perfectly designed for it because of its location, the fact that it has enclosed recreational areas as well as open recreational areas that will be enclosed externally by fencing. The fact that it has enough spacing to support 50 young people comfortably, the fact that it has an industrial sized kitchen to allow for us to feed them adequately, adequate seating space, enough for us to place studying rooms, enough for us to place recreational areas inside the physical facility. All of that being monitored regularly by cameras, by specialized doors, and monitors on windows, it's a pretty extensively outfitted building that's continually under renovation and updates.

Mr. Avery said I just want to chime in on security as well. We'll have a security system within the facility that monitors each time a window is open or any sort of activity towards the windows whatsoever. We're also going to have the window locks on them as well. They only let them go up a certain length so the community wouldn't have to worry about children hopping out of the windows and different things like that and all that's approved through the Fire Marshall as well so we've already looked at that information.

The next thing I want to talk about was the number of employees. We'll be bringing 25 jobs at minimum, 25 jobs to the community. I did a little research. I'm a numbers guy. I looked at the unemployment rate in Wyandotte County. I noticed it was about 5.7% versus 4.2% for the state of Kansas. Also one good thing about us, I noticed that the 2017 federal poverty level was about \$12,060 and with that being said, none of our employees will fall below the poverty line. Anybody that works for Avery's Village that works a minimum of 20 hours a week will be above the poverty line so we'll be helping to increase that stat as well. According to the Census Bureau, Wyandotte County has 21.8% below poverty line level. I just wanted to hit that economics part of it as well.

Mr. Scott said the programming and community engagement, so programming and community engagement, we also had numerous meetings with community partners and constituents and together both for concerns and to give the opportunity for individuals to voice their concerns so that we can clarify any of those. We have numerous community members that are looking to engage and support our operation. The idea is that Avery's Village becomes a space for adults and young people to establish healthy relationships. One of the programs that we're actually

looking at to facilitate this is a mentorship program partner. The idea is that we'll find community partners that are willing to come in. We have folks with churches, we have YMCA partners, and we've looked at people who have community centers. A variety of folks with services and skills that are needed by the young people so that way we can make sure that they develop skills to become productive citizens later on.

As a side from the mentorship program we've developed a list or scuffled programming related to personal hygiene and personal care, health and wellness, and then of course because we're a home for children recreational programming which include the arts, music. We have people who are prepared to teach dance. We're filling up with opportunities to keep the youth positively engaged and to keep them from also becoming, which is a concern that was voiced, sort of a nuisance to the community. The facility is outfitted in order to make sure that the youth are consistently organized inside our supervised residential center.

Finally, Mr. Avery has already touched on it, our inspections and regulations. Everything that involves young people is regulated by somebody. We've gone through all of the processes up to this point to make sure that we've secured every approval and hopefully we'll be receiving this one today. In turn, we just want to be mindful as we ask questions and be reminded that we're here because we're trying to meet a need. We're here because we're trying to meet a need and we have a location that we know, we know, is prepared to do that.

Mr. Avery said that concludes our presentation.

Mayor Holland said thank you very much. I'd invited you to have a seat there at the front and again, you're welcome to take notes during the public hearing and you will have an opportunity to make a summative comment at the end of the presentation.

Mayor Holland opened the public hearing.

The following appeared in support of:

Christopher Miller, 606 N. 82nd St., KCK, said I am a volunteer here with Avery's Village. I have a background in the mental health field, a bachelor's in business with an emphasis in sociology. I'm currently in a graduates program to be a licensed practical counselor. I am

heavily in support of this project not just because I'm one of the volunteers, but because I'm very, very impressed by the program these guys have come up with. The mentor program is something very unique. It's not something that other facilities have. They would like to create a home away from home environment and try to step away from the institutionalizing kids and stepping away from just being labeled as a facility. They're not just putting up another facility right there, these guys are presenting a brand new home.

Something that I was reading when I was researching about this is DCF doesn't actually keep the statistics for how many children actually spend the night right downtown in KVC with the caseworkers. They don't have to keep the statistics on that. If you google that, it talks about, it's not an uncommon thing. They have toys, they blankets, they have the things for the kids to actually spend the night inside of the case management building. That's not a home. That statistic alone tells me that there is a need that needs to be met. If we shoot that down, we definitely are taking away that one home that's able to be the drop in the bucket, taking 50 kids away from spending the night right down the street from here and they don't have to spend the night in any type of case management and that's not the only case management we have here in this area. We have CornerStones of Care, KVC, St. Francis, we've got plenty of case management so who knows how many kids are spending the night inside of these places. Let's open up and allow that one home to meet that need.

Terrace Avery, 5319 Foxridge Dr., said I am second year medical student at the University Of Kansas School Of Medicine which is located here in Wyandotte County. I am in full support of Avery's residential facility. As a future healthcare physician I see the need of healthcare and that starts at the residential level as where you live your social determinates of health basically tell me what kind of person you're going to be based on where you live. Are you going to be a healthy person, you have to be a certain age; it all comes off of the environment you were raised in. It does have something to do with genetics as we learn in school, but a lot of it has to do with your day-to-day life; what foods you eat, what kind of care you receive. I feel like Avery's residential facility would be the kind of place to take these kids who have unfortunate situation to be able to get them into places. I spoke with many of my classmates and students a year ahead of me and a year behind me and they are excited to speak and interact with the children that will be living at Avery's residential facility. The school itself has been very supplemental in the

Wyandotte County area. We have JayDoc Health Clinic and Bullock Health Clinic and we're going out and seeing children at the school, seeing people underserved, people that don't have insurance making sure they get quality healthcare. We can try to do things where we take physicians out to Avery's residential facility where we can do like school screenings, other things like that to make sure that kids are able to go to school and able to participate in sports. That's all I have for today.

Dion Witten, 2419 N. 73rd St., said I am a lifelong resident of Wyandotte County. I was gone for about four years. I recently moved back a couple weeks ago. I'm currently an instructor at FL Schlagle High School. My background is I have a Masters in Conflict Management and Dispute Resolution. I lived in Wichita for five years. While I was down there I worked at a YRC-2 Facility. I was a supervisor. My wife actually ran YRC-2 Girls Home. We did foster ourselves. We moved back to Kansas City, Kansas with the intent to make a positive change in the community in which I grew up and I reside in. I was actually kind of surprised at the fact that there was opposition to Mr. Avery's residential facility from the standpoint that these kids live in this community, they reside in this community. At the end of the day we're going to deal with them. Now we are either going to deal with them on the good side or the bad side and how we treat them now is really going to dictate our interactions with them in the future. One of the things that impressed me about Fred when I first met him was the organizational structure. When I was in Wichita my father was a Commissioner under Sam Brownback for the JJA. My stepmother ran a group home. My aunt has a group home in Wichita. I supervise four houses.

One thing I see in the YRC-2 and the DCF community is a lot of people use kids as a hustle, as a means to an end which is unfortunate. My interaction with Mr. Avery, the organizational structure, the background, it supports positivity and it supports success in his venture. Everything including the location, the people that they have in place, I don't see any reason why we shouldn't move forward with this. I'm a lifelong person. My life is dedicated towards helping kids. Right now at Schlagle I teach professional life skills to a selected group of at-risk kids as well as coach youth football. I have full intention of continuing to do that and helping Mr. Avery in whatever capacity that is. I hope that you guys vote in favor of this.

Mayor Holland said I do offer at public hearings because not everyone cares to speak at the microphone, but maybe came to show their support. I'll do this for the same for folks who are not in support. If you came in support tonight and you would just like to stand to show your support, if you would please stand at this time.

The following appeared in opposition:

Tim McGill said I have a home at 6310 Leavenworth Rd. and I flip homes for my occupation and I'm also a plumber. As a plumber I work for the Associated Youth Home. I'm a little bit familiar with the youth home that Wyandotte County has currently. First off, what I really want to say is since I flip homes and I'm trying to make the community better, building homes up, I'm finding out that this project is going to cost me about \$20,000 because I'm going to have to disclose in a real estate transaction that this property is just a stone throw away from my house. My real estate agent tells me that I can expect a \$20,000 difference in the price of what I'm working on and now what I'm going to get in return so that has me very concerned. Here's somebody that's going to make some money in the community and then it's going to affect everybody else in the community because their home values are going to drop. If you're planning on retiring, if you're planning on moving, if you're planning on—whatever you're planning on just know that there is a possibility that you too are going to have a \$20,000 drop. As I know this project it was told to me that it was going to be a foster home. I have no problem with foster kids, foster kids would be fine, but these are not foster kids. These are kids that have been in trouble and you look at the facility, if you've seen the facility, you have to know that it's not designed, even though they say it is, it's not designed for security, it has large pane glass windows. Knowing the youth association the way I do, they're talking about having these kids secured in these buildings, but they're also talking about having a patio unit, a gazebo. There is no security for these kids that some of them, not all of them, but some of them, if it wasn't for their age they'd probably be locked up. We're possibly releasing these kids in the neighborhood, 50 of these kids, in the neighborhood. Right now we already have problems in the neighborhood; we got a huge building down there that houses the high-rise. Police Department and Fire Department, Police Department are always down there.

Louetta Braswell, 5202 Parkview, said I'm also the Director of the Leavenworth Road Association, that's at 6100 Leavenworth Rd., so I'm representing myself as an individual and the Leavenworth Road Association. Our concern is directly with 50 kids, are they really going to get the care that they would get elsewhere if they were in a single home with three or four foster kids. As you know Leavenworth Road Association has nothing against kids. We have programs directed directly to our kids. We have a program that we offer the kids their chance to do their community service to pay for their computers. We have a free fishing derby. We have a summer youth program where they get on-the-job training and they are paid while they work so they can then get a better job when they become of age because they start at 14 to 18 in our program.

We just started a new program that I call Triangle that we got a grant and what our plans are is a lot of parents work so they don't have time to really make it to these parent/teacher meetings. We will serve light refreshments so the parent can meet with the teacher and the teacher can meet with the parent and the triangle is the kid is up here on top so the parent and teachers are both working together for that child. In July we also have what we call Team Work. We have kids come from a lot of different states and do work with our community.

The other thing that kind of concerns me is I can remember being here before this Commission when the casinos were here. I also remember a time when Phil Ruffin wanted to open Woodlands and this same Commission said they didn't have a good business plan to present to them. We've talked with them and the business plan that they tell us changes almost each meeting. We did a tour of the building. They said the schedule and they had it printed out in this very nice manual, operating manual, and it listed the boys from 2 to 4:30 would be able to go out in the community with supervisors. I said, what about girls, they neglected to even put that in their operating manuals. Our concern is are they really going to operate for the kids or are they going to operate for the dollar signs. I'm going to lose my voice now so we have other LRA members that would like to speak.

Denise Davis, 3314 N. 53rd St., said for the last 12 years I've been a member of LRA and a Neighborhood Watch President for North Welborn. The proposed Avery's Village at 6261 Leavenworth Road is a mile and a half from my home. My first concern is quality of life and care for our most vulnerable children in foster care. It hurts my heart to think of them being

warehoused in a 1965 facility that was built as a senior care home. Space requirements for the aging is a lot different than what would be provided for kids 5 to 17 years old.

My second concern, frustration and pet peeve frankly, is the amount of unpaid taxes of some Kansas City, Kansas property owners. Avery's being one of them. As of Tuesday, August 29, 2017, they own four properties in Kansas City, Kansas. 103 Rowland is an empty lot. They owe \$202.25 taxes that have not been paid since 2007, 10 years. Lot is unkempt and needs mowing. I just went by there today. 1041 Rowland is a house. They owe \$544.83. The taxes haven't been paid on that since 2010. 2726 Kimball empty lot. They owe \$157.51. The taxes haven't been paid since 2011 and lot is unkempt and needs mowing. The home of the residents and foster/daycare taxes are up to date at 2618 N. 51st. Since Avery's are behind on current property taxes totaling \$904.59 dating back to 2007, what assurances do we have of them being able to cover an annual tax bill of \$26,313 for this proposed site. Based on Avery's track record I feel that it would become another of their properties that remain unkempt and taxes unpaid.

Stan Bartley, KCK, also Co-Chairman of the Cernech Area Neighborhood Group Association, said there were two petitions that were filed; one by the Avery's and one by the Cernech Area Neighborhood in conjunction with the Leavenworth Road Association. I just want to go over the petition numbers that were submitted. Of those two petitions filed, one from the Avery's, one from the Leavenworth Road Association, that was signed from the citizens that were directly impacted within areas of this facility. I will first review Avery's petition containing 171 signatures. Nine of the signatures were unreadable or had no address attached to the signature. Six of the signatures only had phone numbers attached to them of which only two of them could be reached to confirm validity. Of the two that were contacted by phone, one of them denied ever signing the petition and the other said they did not know and never have heard about Avery's Village or the proposed facility at 63rd & Leavenworth Rd. Ten of the signatures had an address listed for an apartment building. Of the petition we presented anyone who rented at the time could not be included in the final counting of the signatures. Twenty of the signatures were under 1.5 miles from the proposed facility. This statistic was used—we had Leavenworth Road members that also lived within this 1.5 mile radius and their signatures were removed from our list because it was not within the 200 ft. requirement of notification of impact as set forth by the Planning and Zoning Commission. Of these 20 signatures there are not any signatures within

that 200 ft. impact area that Avery's had presented. Why would the Avery's not focus on contacting and communicating with the community directly associated with the impacted area? One hundred of their signatures were within a mile and a half to five miles away from this facility and would appear that the majority of the residents that signed the Avery petition were quite a distance from the proposed facility. Would it not be better for Avery's to locate the youth center in an area that is obviously much more welcoming, nurturing, supportive and in favor of this type of facility than an area which appears to be quite the opposite. The Avery's have obviously not wanted to become an integral part of the existing community at 63rd & Leavenworth Rd. Twenty-one of those signatures were outside of the KCK area, mostly from KCMO and one from the state of Georgia. One of the signatures they presented was also a duplicate.

To the other petition that we submitted within the impact facility—we just wish relief on this issue from the Commission.

Kathy Litke, 6233 Leavenworth Rd., said right next to the property. From my perspective there seems to be little interaction between the local property owners and the petitioners. At our last meeting here they specified that they would be having face-to-face encounters with the nearby property owners and I have not been at this point been contacted by them at all. There seems to be a lack of respect for us as the property owners nearby. That's what I perceive it to be. Education is a strong deterrent to negativity. Eighty-eight percent of people have a negative response to the mention of foster children. They tend to think of juvenile delinquents. I would like to know is this a CINC Child In Need of Care Facility or for juvenile offenders or for both. That's one question I have that could have been simply answered if they would have had their face-to-face with me. As for the surrounding properties, is there a plan to have a fence put—with 50 to 70 children a fence is a good idea because along the street the younger children, they could get into traffic, toys could accidentally roll down the hill because there is a steep hill there and otherwise cause accidents or a child go running after it, it would just be a good safeguard. The outline fence of the property for the children to let them know the room that they have available to play. I'm not saying that just because it is a facility for foster kids that it needs a fence, I'm saying it needs a fence because there are 50 to 70 children on a busy street and intersection and it is hard to keep an eye on them at all times.

The part about future expansion not being in the plans as of now, but may change as the need for service changes has me wondering. Would the petitioners need to file another permit? Where would they expand on this property and still have outdoor space for 70 or more children? I feel that if the petitioners have not and do not want to do as recommended by the Board of Commissioners at the last meeting and have a face-to-face contact with local property owners and residents to clear up any concerns or questions in this petition should be denied in full. This is not based on not wanting to help children in need, but based on the lack of cooperation by the petitioners. You start building a good neighborhood when you yourself decide that you will be a good neighbor.

Duane Beth, 2937 N. 64th St., KCK, said I take a special interest in this because being I spent 30 years on the Police Department here and dealt with group homes, dealt with crime, dealt with all kinds of difficulties in that area. One of my expertise actually was in CPTED which means Crime Prevention Through Environmental Design where I actually not only was certified to implement it, but to also teach it. This facility does not conducive to a youth facility. It was designed as a nursing home, which the zoning commission says it's a similar use. A nursing home with people that are non-ambulatory is not anywhere remotely similar to a group home with 50 energetic kids.

With that being said this is not a non-profit organization, this is a for-profit facility. They only make money if it's full. If they foster kids out as they pass through or transition through this facility, they don't make money, they make money by housing as many kids in there as they can. My question is what is the real motivation of opening a facility with that big of group. It's hard to defend since my family and I have owned property in that area since 1956 before the nursing home was built. Obviously, that wasn't really a good special use permit either because the surrounding area is mostly rental property now around the nursing home. There has to be some kind of impact there because the other areas are not. We fought really hard in our neighborhood to keep it a single-family residence which actually that's what it's zoned at now for the nursing home. That's why they need the special use permit.

The property value negative impact at best is going to be neutral. There are some studies that show it's an impact as much as 44%. The area does not fit in, the bussing area, the kids that go there, the middle school, high school ages kids will walk to school. I went down 63rd St.

today, there was 20 kids walking from Coronado, four abreast in the middle lane and I had to drive on the wrong side of the road because they wouldn't move. There are no sidewalks. I don't know whose fault that is. It's not mine. I have pictures if you want to see. No sidewalks. 63rd & Rowland there's a cross there. You can't walk down the side of the road there without walking in the pavement.

Donna Hoyt, President of the Cernech Area Neighborhood Association, said I'm going to follow-up on Stan and talk about the petition against this facility. We had less than a week to canvass our area and get out to our neighbors and talk to them about what this facility was going to be. The majority of the people that we spoke to within that 200 ft. radius had no clue, had not received any communication. We had one person who attended their meeting and maybe three who had received any type of notification or knew what was going on. We ended up collecting in less than a week 109 signatures against this facility. Our community, this is not what we want in our backyard, and we are asking you as a Commissioner to put this back as a vote to the Planning and Zoning.

Brad Isnard, 3329 N. 70th St., said I applaud the Avery's for their support of children in need. We need more people that are willing to take in kids in need. I'm not disputing the need of children. I'm not questioning the Avery's character or their motives. I question the qualifications and frankly their ability to do what so few other groups are able to do. I'm holding a listing from the state of Kansas of residential group homes in the state. It's 13 pages long and includes 63 group homes. The average capacity is 13. You take out one large outlier in Wichita and it drops to 11. The Avery's are asking for a capacity of 70. Only four of these houses more than 20 and only one house more than 40. There's a reason large for-profit group homes like this proposal don't exist. It's because even large non-profit groups can't keep them operating. Their unsustainable and unmanageable, don't understand how they could possibly be profitable. There's simply too many questions and too many ways for this to go wrong. What happens when money inevitably runs short? They can't control the money coming in, can't control what the state pays, they can't control how many kids they have in their care at the moment. The only things they can control, they only control expenses would be to cut they're staffing or to cut amenities or the level of care. How will these kids be getting to school as Duane has said. I can tell you there is

no plan because I sat down with the Executive Director over transportation for the district yesterday and no one from Avery's group has ever reached out to them to talk about plans. Do they understand that the only children who would qualify for district transportation at that location are elementary aged kids? That means middle school and high school kids will be walking down 63rd St., middle schoolers will be crossing Parallel every morning.

I know this is the first step. I know there's a long ways to go for them to get their state licensure, but this is our chance to put this on hold asking some questions and get a better understanding about the capabilities and resources in this group. There's two things I know. One, just because I buy a building doesn't mean I can run a business and two, kids are not inventory in a warehouse to be profited from. If this is to be approved we must absolutely be sure this is the right decision because if this goes bad, we're all going to share in the responsibility for it.

Rick Shaehan, 9320 Georgia, Kansas City, KS, said I do tax and accounting. I'm also the owner of Animal Crackers up here with my wife and a member of the Leavenworth Road Association. I spend every day, all day, helping people put together business plans and trying to understand how to be profitable so they can pay taxes which isn't usually the situation they want, but they want to be profitable. Using the information that was in the business plan, the number of people, what I could find on how the state pays this is a no win situation. I've got spreadsheets for you if you want. I used the average foster care paid which is about \$640 per month. You get less if the child has less needs; if you have a special needs child, you can get a little bit more. I used a national food average of \$157 a month per child. I know kids eat a lot more than that. I used a pay rate of only \$10 an hour and I know that KVC and others in the area pay \$14 an hour. I factored in the food rate, one management person, one caseworker and their one to 1 to 7 ratio of employees staffed 24 hours a day because they have to have somebody with those kids all day long. A kitchen and maintenance person, payroll taxes, worker's comp, insurance, \$100 a month on repairs, \$1,500 a month on utilities; I know these are very low numbers and property taxes of \$2,200. The best I can come up with is that if they don't borrow any funds, if they are 100% occupied starting day one, they don't provide any clothing, no medical care, even basic hygiene supplies, they do no repairs, there's no security, and no laundry expenses and they pay \$10 an hour; they will lose roughly a half million dollars a year. If they

pay \$7.25 an hour, minimum wage, they will lose roughly \$300,000 a year. I will admit my numbers come from the state of Kansas and from the resources I could find over the last week, but I don't see anybody paying any taxes in a for-profit situation for them.

Bill Murray, 6325 Sloan, said I just wanted say that no one here in opposition of this facility is against foster children, against foster home, we all care about the children, but we just don't feel that this is a fit place for them to live. I drive by that area every day and it was a nursing home at least 30 to 35 years. I've got some pictures here that reflects how the retaining walls are starting to collapse. It's just gotten kind of rundown. I'm not sure if that's why the nursing home actually closed because of the building, but they've been out of there, it's been sitting for two, maybe three years empty, and I just don't think that's conducive of a place for children, especially teenagers to be living. The Leavenworth Road Association has been really supportive of Kaw Valley throughout the years because that's another children homeless down further down closer by the Missouri River, where every year we have been sponsoring them for Christmas presents and gifts and parties and things. It's like were not against supporting the youth. We're all for that. We think this is just the wrong place for this to be and the facility is inadequate. There's really nothing there or even a play area. There is a small center court that really—I don't think it's adequate to house however many children that they've got going on there. I do have some pictures here that I accidentally scribbled on that shows some of the structural problems. You'll have to ignore my chicken scratch.

Gayle Beth, 2937 N. 64th St., said I keep hearing this referred to as a facility. Children don't belong in a facility. They belong in homes where it's a nurturing situation with parents, not with healthcare workers to take care of them. I would hope that the Commission would look at the people that live in the area. The number of people that took they're time to come here to oppose this and realize that we are the ones that are living in this neighborhood, we are stable in this neighborhood and we'd like to keep it that way so I would hope that you would at least respect our desires and support us in what we want.

Emily Beth, 6336 Roswell, said I just want to point out that at 35th & Wood the Blue Door Group Home had 100 calls for service since February, February, that's a short amount of time. What are we looking at with this?

Mayor Holland said as I did with those who are in favor, I would ask for those who came and are in opposition who would like to stand to show their opposition, to be please do so at this time.

Mayor Holland closed the public hearing. The applicant will have an opportunity to make some summative comments if you would like to respond to the comments made.

Mr. Scott said I took the time to listen and the concerns were brought up in four main areas, kids, facility, operations, and community so I'm going to start with kids first because that's what this is about. I'm sure we can all agree. The concern that I have is I hear comments like our community, this is not what we want in our backyard and that somehow lines up against comments like children belong in homes. We agree that's what we're trying to provide. To provide a point of clarification our number is 50, not 70, not 130, it's 50. I want to make sure that we also understand because there was a question that came up about whether or not this would truly be the best place for our youth to be and we must understand that this is the only place that our youth can be once it is created. There's this idea of throwing out narratives of juvenile delinquents running around and terrorizing communities and we're not talking about that. We're talking about youth who have been removed from their homes because their original homes were not safe and we're looking to provide safety. Their original homes were not supportive and we're looking to provide that support. Their original homes were not stable and the question of qualifications and credentials came out. I can tell you as a master social worker specializing in both school based practice and child welfare that we are prepared to be adequately supportive and provide a stable environment. We're here to talk about kids, providing a home for kids which leads us to the actual home itself, the facility. The facility has been inspected. It has been reviewed by every constituency up until this point that is needed in order for us to open doors, all of them.

I want to also be clear because there was a question raised around taxes that Avery's Village fact statement owns one property and that's the property that we're here to discuss today. Avery's Village, the organization, owns one children's home, one property, and that's what we're reviewing today. Let's be clear, we're not the only ones who reviewed it. We've spoken with KVC, one of our dominant community partners; we've had them walk through as well as the LRA. KVC is waiting for the doors to open. Literally waiting, what is your timeline? When can we begin to provide you students?

I also want to go to this question of operations because there are lots of nuance operations going up, people throwing out information about financial models. The only person who's seen the financial models are Mr. Avery. One of the things that we have to keep in mind, and I can also speak to this because I do have a Master's Degree from Rockhurst University in business, scale is everything. We're not talking about opening up day one and dropping 50 kids in a facility that is recently renovated, let's be clear, recently renovated, day one, we're talking about scale. Maybe we start with 10, maybe we start with 15 and our staff grows with scale, it grows over time to 50. There's a lot of disparities and discrepancies out there that I want to make sure that we clarify because at the end of the day this is about kids in need. We're moving to answer that need.

I just find it to be interesting. I'm thinking about this idea that the community has not been contacted. I remember standing up at an LRA meeting. I also remember having LRA members in my boardroom. The community has been contacted. We've created ample space for questions to be answered. I'm glad that they were represented today. I'm glad that through some of their statements we're able to provide a bit of clarification. There is no issue with our business model as was mentioned by a proponent of our organization. There is no issue with the operations of our facility in terms of programming and the level of support and quality care that we can provide to young people. There is no issue with the actual facility itself as verified by all of the necessary constituencies and authorized agencies that are responsible for certifying us. The only issue at hand is 7,000 young people in service, in the state of Kansas, and we're trying to support as many of them as we possibly can. Let's remember that.

Commissioner Walker said I think it must be clear to everyone in this room that we're not talking about the state of Kansas; we're talking about Wyandotte County. From the numbers

I've been given we probably need 10 or 12 of these kinds of facilities. I forget how many the number was that were presented of homeless students in USD 500, which did not include the other three districts. I'm not opposed to the need of it. I guess looking through what's been presented, hearing your presentation, also listening to the gentlemen that at least appears to have some ability at business planning; I don't think you've convinced me about your sustainability. I have no question about your good intentions. I certainly don't have any—not to be tripe, but you have not tonight or in these documents shown me the money. How are you going to sustain yourself? I don't see any dollars. I don't see any big contributor saying we're guaranteeing you \$1M for this to operate. I realize the state is going to pay you a certain amount of money per child and you referenced you've got these generalized community partners. It's hard for me to ask a neighborhood to accept this when—I don't even think you can get the financial resources to do the job. That's the opinion I'm left with. It's not unalterable, but I don't see any business model in here. Is it confidential, top secret, the donors want to be anonymous or what because you can't sustain this thing economically, how are you going to make it work? I guess you can address that or that can be my statement. I'm sure other Commissioners are going to ask you questions. You don't have anything in here that convinces me you can do the financial end of this deal. I'm not addressing whether you can provide the care, the nurturing, the various other aspects of this. I've asked the question. Show me the money. Where's the money?

Mr. Avery said that's something that I didn't bring tonight. I didn't expect that we were going to disclose our financials. I had no idea on that, but I can tell you we have a \$2M operating budget. I've ran all the numbers. I can send it to you guys immediately after we step out of this presentation tonight. My background is in finance. I'm actually a Financial Planner at Morgan Stanley so I have extensive background in finance as well. I've ran all the models and I have all of those numbers. I didn't know we were going to have to disclose all of the financials at the meeting, but we do have all those numbers. We have all the different models showing the 24 hours of workers. That's how I was able to let you guys know that nobody would be below the poverty line that works with Avery's Village. This will be a \$2M operation. The funding number that he gave was actually inaccurate. That number is actually higher. We will get \$115 a day per child. So far we funded everything privately to get to this point. I have someone coming out to look at that retaining wall next week. We're getting our sep tank test done. The

financials are there, we have the money to move this project forward. I would like to assure all of you of that. If you guys give us the opportunity, we're asking for a temporary permit. We have the financials. Give us a chance to show you guys and two years later you guys can come back, you'll see. We have the money to get this project off to the next point. We've already changed all the HVAC system. We've done a lot of work on that building already. The buildings been updated. It's been updated interior only at this point. We do plan on moving to the exterior, but that's in the next 30 or 45 days. We are planning on making changes and we do have the finance to support it. That was on me. I didn't know that we had to disclose all of the financials before the meeting. I can assure you that we can get this project off the ground, we're almost there. The president of KVC was walking through our facility last night. We're this close to getting there. We just need you guys to give us a chance to prove to everyone that we can make this happen and we want to be a good community partner and do so.

Commissioner Philbrook said first off I'll tell you I'm very much a proponent of children being cared for and we definitely don't have enough homes in Wyandotte County and we just ship them off all over the state. That sucks, don't like it. Having said that, I also care that the facilities that we have be maintained appropriately. Somebody already mentioned that the Blue Door has been closed down. That means somebody's paying attention at the state level. So they've been closed down now that's all I know, I don't know why, anything else, but I do know that. There are certain factors that we can consider and there are certain things that are out of our purview. We have our factors all listed for us on what we can entertain and what we can't. Having said that, I do have a couple of questions for you. How do you intend to get the kids to and from school because this walking thing is a concern of mine as well, if somebody would like to step forward and answer that?

Mr. Scott said one of the things that I did not mention—thank you for your question Dr. Philbrook. One of the things that I did not state earlier is that in addition to studying child welfare I'm a School Based Practice Specialist. I actually work for the Kansas City, Missouri Public School District but I also know law across the board. When we talk about things like transportation for students and the continuity of educational services and the continuity of educational services, the McKinney-Vento Act requires that school districts provide

transportation for youth, which is how you end up youth in caps going from the doors of their homes to schools or buses in the cases of large groups. We also know about Avery's Village specifically is that a part of our financial model and design or operational design is that we're preparing to purchase a vehicle to transport youth that don't necessarily follow under the purview of provisions of McKinney-Vento. We've also contacted, while we have not specifically contacted transportation, we have contacted the Kansas City, Kansas Public School District and they've communicated being fully prepared to make sure that our youth are provided services inside school as well as being transported safely to and from school from the Avery's Village facility.

Mr. Avery said I have a letter from the school district as well.

Commissioner Philbrook said that is one of my concerns and yes, I wish we had the sidewalks. I apologize for that issue. Even if we did have the sidewalks, and I would still not want these kids having to walk to school because they're under your care and there's a lot of them and we need to be able to take care of them and see where they are. **Mr. Avery** said I agree. **Commissioner Philbrook** said because they don't have mom and dad to check on them, they have you. I know that's not my responsibility, but I care about that.

The issues around, some physical issues, which are also not in purview, but I still want to know; is that when you start talking about safe places for the kids to play. I know you have the center area and I know you have plans to keep the older kids away from the younger kids, you have all that planned out, but what about the fence around the property so you can create some outdoor activity, is that in the plan? **Mr. Avery** said I want to talk about the recreational. We actually had a partnership with the KC Blue Dogs as well. I sent you guys that letter. They're ready to work as a partner with us to let us use their gym as a recreational facility for the kids as well.

Mr. Scott said the organization, Avery's Village, as a part of our safety protocol is going to be enclosing that outside area, but in addition to the outside area that will be creating the enclosure there's also a pre-fabricated enclosure that's already built into the building by design and that's aside from the internal recreational areas that we will also have.

Commissioner Philbrook said is not necessarily a question, it's kind of a statement saying that I have talked to some other folks that work with foster homes and both KVC folks and some homeless people—deal with homeless and also Wyandotte, Inc. and they have expressed to me that we're in dire need of this sort of facility and hope that you can be able to do this, but they are the first to say they don't know because none of us can tell and I know I'm not God, I can't tell the future about how successful you're going to be. I will tell you that is probably going to be between you and God how successful you're going to be.

The other thing is that I do also realize that we have to rely on other people that have jobs like for the state to do their job or our police to do our job, for the community to keep reminding us if you're not doing your job. Those neighbors, they need to feel free to complain if there's stuff going on that they don't think is right so those things can be answered.

I'm really disappointed in the lack of communication and I'm not blaming anybody on this. I'm telling you I'm really concerned about the lack of communication between the two groups. I'm not saying either side didn't reach out. I'm not, because I was there during one of them, and there were a lot of good questions and answers, but still more questions to be answered. Right now that's where I'm coming from and I'm still contemplating on this and thinking about it and I want to hear what a couple of the other commissioners have to say.

Commissioner Johnson said do you know how many youth residential facilities there are in Wyandotte County right now? I heard someone mention AYS, Associated Youth Services. Are there others or is that the only youth residential facility in Wyandotte County? **Mr. Scott** said I actually contacted Associated Youth Services and they said they are no long doing it. I contacted them directly. **Commissioner Johnson** said so just KVC. **Mr. Scott** said it's just KVC at the moment. KVC doesn't have youth residential center. Right now Blue Door is gone so there is nobody taking the kids. Zero. **Commissioner Johnson** said zero for 14,000 homeless youth in Wyandotte County. Who ultimately determines the number of youth that will stay at this resident? Who will make that determination? **Mr. Avery** said DCF. When DCF does their walkthrough. They're the ones that's regulating, the Department of Children Family Services. They do all the regulations. When they do their walkthrough our building they'll be the ones that determine the exact number. **Commissioner Johnson** said I heard the word scale. How long do you think it will take? The assumption was that it was obvious we won't have 50

day one, how long do you think it will take to get to scale or to the maximum capacity, which I understand is 50. **Mr. Avery** said the reality is month one they could—we could, assuming this goes through we would be able to do 50. We want to say you know what, let's get our staff get acclimated with everything; let's not bring in 50 kids day one. Our plan was to do maybe about 10 to 15 youth month one and gradually go up, maybe a couple youth every month from there. We're not just going to come in and do 50 youth.

Mr. Scott said the one thing that I don't want to miss in response to the question is the reason why you can't give a real timeline is because when you talk about organizational culture and the fact that Avery's Village is uniquely trying to create a home like environment. That requires for us not only to monitor the number of beds that we have in place and the number of youth that we're bringing in. It also requires for us to monitor staff young person interaction. What are the organizational dynamics looking like and when are we able to bring in youth. There is an entire screening process that comes into play when a referral agency sends a child to a place like Avery's Village and that allows for us to maintain a healthy home like environment. That scaling upward is dependent on a peripheral of factors from the financial model to the number of youth that are available that meet the criteria for our particular YRC2, whether or not our staff is prepared to support additional youth.

Commissioner Johnson said I'm glad to hear that you all have prepared some numbers and I'm very interested in seeing those only because I like to look at numbers for some crazy reason. I'm assuming that within those numbers there are assumptions that you are going to start year one with so many youth and then by year two there will be so many youth in there, by year three there will be so many. **Mr. Avery** said absolutely. Within the first year we do—towards the end of the year we do plan on hitting that 50 mark. The reality is that there is enough kids to easily hit the 50 mark. We just want to gradually grow our number of youth that we have in our facility. **Commissioner Johnson** said DCF will determine how many number of youth? **Mr. Avery** said absolutely. **Commissioner Johnson** asked will all of those youth be from Wyandotte County or will they be from all over the state, but where will they be coming from? **Mr. Scott** said technical answer, they could come hypothetically from anywhere; practical answer, based off of the partnerships that we form they'll likely be coming from Wyandotte County. **Commissioner Johnson** asked do you have a sense of what the average age might be.

Mr. Scott said we'll be serving youth. No average age. We know that we'll be serving youth between the ages of 6 and 17. **Commissioner Johnson** asked how long do you think the average stay will be and how is that determined? **Mr. Scott** said that's a tougher question as well. The average may be around 60 days, but we can't give an exact date based on it all varies. **Mr. Scott** said it depends on the circumstances of the youth. If you're talking about a young person awaiting adoption, that depends on their case manager from their referral agency that was assigned them a home that it is willing to adopt. If you're talking about a youth that is experiencing homelessness, that depends largely on whether or not we're able to assess, well we will assess them but, whether or not we'll able to sustain them being here or if we're able to find them a lower level of care. We could be trying to transition them into independent living or based off of the issues they present, they might end up needing to go to a higher level of care. It really depends on each individual young person's needs.

Commissioner Johnson said I will just make a quick summative comment. I think it's unfortunate with as many youth as we have in our community that it's come to this. I think there's a lot at stake with regards to the youth of our community. There's no doubt that there are a lot of challenges facing our youth and I think that overall everyone has stated in some form or fashion that we are concerned about our youth. The fact that we've come to this intersection of thoughts and philosophies and ideas, it's interesting because at the end of the day the youth are not here really to speak themselves. Just doing a little bit of precursor preparation I understand that the YRCs are very challenged just because of the very nature of the work that you all do. It's a very challenging environment, but I will say we need as many proponents and particularly—I keep looking at this 1,400 number of youth. We certainly need as many proponents that are willing to day-by-day engage our youth. At the same time I hear the voices of the neighbors that are there as well. I would be a proponent of continued dialogue to see if we can get some of these questions answered. The concerns addressed in a way that will help us to try to find some common ground because we have too much at stake to lose. Our youth, we are seeing them being murdered, the incarceration numbers are way too high for our community. We need people and agencies and organizations and families that are going to be willing to engage them and intercept them particularly at the younger ages so that we can prevent loss of life later on. I would be a proponent of continued dialogue on this matter.

Commissioner Bynum said I have a couple of questions that are actually for staff, a couple of clarifying statements and then a couple of comments. Mr. Richardson, starting with you; the existing zoning is R-1, how is that even possible? **Rob Richardson, Director of Planning**, said this facility was developed in the county and I believe that's probably county zoning that came over with it. **Commissioner Bynum** said R-1 even as a nursing home? It was never an R-1. **Mr. Richardson** said I'm not an expert in the old county zoning so. **Commissioner Bynum** said second question, with regard to what was put forward from the Planning and Zoning, I didn't see any timeframe associated with this recommendation from the Planning Board. **Mr. Richardson** said it's an initial special use permit so that would be two years. **Commissioner Bynum** said automatically two years. **Mr. Richardson** said that's the maximum. **Commissioner Bynum** said alright. Thanks on those. I want to clarify and, Mayor, you've been engaged in this I think at a deeper level than I have, but I've been engaged with it to a degree. 1,400 kids in KCK schools and McKinney-Vento is not the same thing as children who need foster care. Would you say that's correct? **Mayor Holland** said that's right. **Commissioner Bynum** said just to clarify that. **Mayor Holland** said we had 1,400 children four years ago who were homeless in District 500 under McKinney-Vento. We've actually had success with some partners doing wraparound services to reduce that number to 800. We've had about 40% reduction in the number of McKinney-Vento kids. That doesn't include necessarily kids who are eligible for foster care. There is some overlap between McKinney-Vento and foster, but you can have foster that are not McKinney-Vento and vice versa. There are a number of kids; there are too many kids in our community who are in need of this.

Commissioner Bynum said I just really needed to get that clarified. For me, it's kind of the first two factors to be considered when we look at the report from Planning and Zoning and the work of the Planning Board that moved it forward to us. I'm going to say before I make these two comments that my inclination is to ask this board to send this item back to the Planning and Zoning Board in the hopes that something could be brokered there. Before I make a motion to that affect, I will point out that Item 1 speaks to the character of the neighborhood and it says the building is located adjacent to a predominantly single-family neighborhood so to me that sets this building apart, particularly with its proposed future use by this action. The second item says zoning and uses of properties nearby and the proposed uses expected compatibility. I would disagree with the finding of what's in our report. I think the difference between a nursing home

and a youth residential facility starts with what I call length of stay. When this building was a nursing home the length of stay was more than likely for the rest of my life. This is much different. We heard a potential of up to 60 days for the length of stay and I think that changes, I think that is a big difference. For me when I look at that factor to be considered those are two completely different things.

We heard one of the gentlemen speaking in opposition state very clearly that it was his understanding that these are not foster kids, these are kids that have been in trouble. That to me is a question that we don't really have an answer to. I'd like clarification. That is one reason that I would be a proponent of sending this back to Planning and Zoning for more information and more discussion. Lastly, we heard a figure of 100 calls for service to another location that is a youth foster home in this community that keeps about half the number of kids proposed at this building. That facility is also in a predominately residential area and that is deeply, deeply disturbing to me. I would like actual clarification from our law enforcement community that that's a fact and with that I am making a motion that this be returned back to Planning and Zoning for more discussion, more understanding and more clarification around the first and second factors to be considered in this report.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to send Special Use Permit #SP-2017-36, back to Planning and Zoning Commission for more discussion, more understanding and more clarification around the first and second factors to be considered in the report.**

Commissioner Philbrook said but I also want to say beyond the second real quick, is that I want these groups, our community and the folks that are going to do this hard work to be able to work as a community. I want you guys to get together and I want to see some smiles and handshakes at the end of this somehow. We really need these kinds of facilities and that's just an expectation I have for my community and I know they can do it.

Mayor Holland asked, Commissioner, did you want to hear from the applicant about the children being in foster care vis-a-vis juvenile offenders. **Commissioner Bynum** asked are you

asking me. **Mayor Holland** said do you want that answer today or do you want that answer to go back to Planning and Zoning? **Commissioner Bynum** said I would like it clarified through the Planning and Zoning process. I would like it in writing so I can see it. I need someone who is in a position of authority about what that is to tell us. **Mayor Holland** said okay, so you're not asking the applicant. **Commissioner Bynum** said correct.

Commissioner Murguia said, Mr. Avery, this letter that you got from the school district, is this the letter? Did you submit this or did someone else submit this? **Mr. Avery** said I submitted it. **Commissioner Murguia** said there is a little bit of inconsistency. The school district says your letter indicates that the center will provide residential services for up to 60 children and youth. **Mr. Avery** said that was initially and then we when it went to Planning and Zoning and we brought it down. **Commissioner Murguia** said to 50. **Mr. Avery** said yes. **Commissioner Murguia** said and that happens. I just echo some of the concerns that my fellow commissioners have had. I think the idea is great. Obviously, you've proven there is an incredible demand for a product like this. What concerns me is your capacity.

I'm also concerned about an entity like yours operating as a for-profit versus a not-for-profit. **Mr. Avery** said that's another thing that we have to clear up. **Commissioner Murguia** said that's alright, just let me finish. It sounds like you're coming back anyway. I am concerned about a for-profit entity regulating a facility that cares for children. I know that there are—you should do a Google search at the number of facilities that were for-profit that have had difficulties with meeting the state guidelines and the care for children that is required. I will just tell you, these kids from what I've heard you say tonight, are high-risk kids. Some of them might have made some bad choices, some of them might just be in a bad situation, but either/or those kinds of kids need a lot of attention. I'm concerned about the lack of attention to the details of the structure of the organization might fall over onto maybe the lack of attention to detail with the care of the children. I'm not saying this is a bad idea so don't get frustrated. I saw you hang your head. You shouldn't hang your head. You should be very proud of yourself that you're stepping up to fix a terrible situation that we have here with the number of homeless kids and kids that are in bad situations. It's our job though to make sure that when we make those kind of decisions that it's in the best interest of the children. We have to make sure that there's a lot of attention to detail and that everything has been thought out and the agency

running an operation like this has the capacity to actually deliver that quality service. Your presentation was good though.

Commissioner McKiernan said I may repeat a couple of questions that you've been asked before because I was writing and making some notes. I have several questions I don't necessarily need answered tonight, but I would like to have answered. One of my first questions is, does DCF have recommendations for the number of children total who would be housed in a facility like this because I run across figures that say four to 12 and you've got 50, originally 70. Does DCF have guidelines on that? My second question that I would like to see an answer to eventually would be, what are the qualifications going to be for your staff? Sir, I've heard you're qualifications, but what are going to be the qualifications of those staff who are on-site 24 hours a day. You list out here you're going to have 10 people on your first and second shift and seven on the third shift. That's a total of 27. I would assume that would be in addition to any administrative team that might be in that facility. What will the qualifications be for those people who are going to interact with the children on a daily and hourly basis? You said that the average age is about 6 to 17 years old when they arrive at the facility and the average length of stay will be about 60 days. I would love to know who is your referral source. Who would refer children to this facility and then from your facility where are they going to go. If the average length of stay is only 60 days, what resources are in place to have a destination secured when those children leave that facility? Are there currently any other youth foster homes in Kansas City, Kansas and that is actually something I'd like to hear your answer tonight?

Mr. Scott said I actually can answer all of these questions for you tonight if you would like. In terms of does DCF have a recommended number? The general answer to that question is no, there is not a recommended number. It is largely based off of a capacity of the building. Because we know the number of units that we have in play and we know the allocations of space, we know that we can comfortably house 50 young people. What they do regulate; however, are the ages in terms of how the youth that can be in the same room at the same time, the genders that can share an occupied space, the groupings in terms of age, as well as the difference in age between our oldest youth and our staff. That addresses the question of the number I hope.

In terms of what are the qualifications of the staff, that's also something that's actually state regulated and audited usually on an annual basis? We know that for all of our direct staff they generally have to have at least a high school diploma and we're calling and the state also calls for them to have a minimum list of training. We're talking CPR, mandate reporting, we'll be adding trauma informed care, we're doing medication and administration, the series of training that they'll be responsible for going through in order to make contact and then of course, background checks.

In terms of all of our supervisory and clinical staff, we're talking about college educations. Clinical staff members that we have medical profession, clinical staff members are licensed by states. That means all of our therapists will be licensed by the state of Kansas depending on whether or not they're counselors or social workers. Then the residential staff would need to have a comparable background.

Commissioner McKiernan said you're licensed staff are above and beyond the 27 who will be on site? **Mr. Scott** said I'm sorry. **Commissioner McKiernan** said you make the distinction between staff and then licensed staff. **Mr. Scott** said yes, yes. **Commissioner McKiernan** said so in addition to the 27 that are going to be on your three shifts, you're going to have additional licensed staff or within that 27 you'll have some who are licensed and some are not. **Mr. Scott** said it's 27 at minimum. That's based off of the 1 to 6 ratio that were shooting for around the clock care for our young people. That actually doesn't factor in also employing the licensed counselors, the clinical case managers which usually are licensed. State doesn't require for a clinical case manager to be licensed, but the best practice is for you to have a licensed Master Social Worker as your clinical case manager. For your residential directors you still have to add on to that your food services staff. There are a few additional leadership positions that won't take it up astronomically, but that will be added on again based off of the scale and the needs of the young people.

In terms of the length of stay; 60 days was thrown out as an approximate because that's usually the number that's referenced when we start talking about higher levels of care, but in theory to reference the point that was made earlier about it being a nursing home, we could have a young person who if they come in at say 7 or 8, and isn't able to find another placement for

whatever reason could age out of care in our facility. It could for some young people be a forever home so that addresses that question.

Where will the kids go after; that's largely dependent upon need. The phrase that was used was "do these kids have problems" yes, yes, they have a problem, they don't have a place to live. That's kind of a big deal. The idea is that we make sure that we impose that beyond the state minimum and state regulated standards that are prepared to meet all of those needs, to address all of those problems, and to find sustainable solutions. Where do they go after? If a kid needs a higher level of care, then we send them to a higher level of care, maybe it's a PRFT, which is a Psychiatric Residential Treatment Facility, PRTF excuse me, maybe it's a Secured Care Facility, that would be the place that you send youth that actually have these histories of juvenile delinquency so that type of kid that everyone is afraid of being in their community wouldn't even be placed in our agency because of our licensing status. If they age out of care, the Clinical Case Managers on staff will be responsible for transitioning them into independent living, which means perhaps finding them a supported independent living program that teaches them even more about being an adult who operates all the time in the community or maybe because we've done such a darn good job because our model is appropriate and meets the needs of our young people, they're able to go and walk into life prepared and equipped to be contributing citizens, that's what happens.

Commissioner McKiernan said for those who aren't, have you already made the connections with those facilities and organizations that would be the destinations for the children? **Mr. Scott** said yes. The way that Social Services works is that you have referral agencies and you have placement agencies. Because we both send and receive kids we operate in both capacities being dominantly a placement agency. That means that the youth who will be sent to us they will know meet our needs on the basis of the fact that we're the lowest level of care. All the kids that will be referred to us, the people who are sending them to us, the Case Managers that are sending them to us will know they can fit here. If they can't, they will have Case Managers from referral agencies that will help provide alternative placement because that's how they got to us in the first place. In addition to that, saying the President of one of the KVC sites there was not high proverbially, like literally we just had a conversation with KVC which is a higher level of care if they need to go there, we've already formed those relationships. **Commissioner McKiernan** said I'll speak to that. You said that the person from KVC is highly

supportive. I would suggest that it would be to your benefit if you had some letter of support or some testimonial support from that person to this Commission to actually demonstrate. **Mr. Avery** said we have a letter of support from KVC right here. **Commissioner McKiernan** said once again, that's not evidence that I've previously seen. **Mr. Avery** said we submitted at the Planning and Zoning meeting as well. **Mr. Scott** said we're receiving unanimous approval.

Commissioner McKiernan said is there another facility like yours currently operating in Kansas City, Kansas? **Mr. Scott** said to date, no. **Commissioner McKiernan** said why not? **Mr. Scott** said the reference that's commonly used is Blue Door. While I cannot speak to the nuances of Blue Door situation simply because I don't work for Blue Door, what I can say is that it probably has to do with the fact that these types of organizations are heavily regulated. When we start talking about the concern, globally about an organization like ours not operating effectively; if it doesn't operate effectively, there are multiple ways in which it will be shutdown. It will be shutdown either through community protest, through state oversight and auditing or the referral agencies will stop placement which will financially strangle the operation.

Commissioner McKiernan said for the Planning Staff, I'd like to somehow find a history of organizations similar to this that have existed in Kansas City, Kansas and they're no longer in existence why, what reasons for them no longer be in existence. Will you have any other sources of financial revenue support other than state support for the children? **Mr. Avery** said the majority of the revenue will come from the state. The way it breaks down is we'll be a self-contractor of a contractor. The state pays the KVC, the St. Francis, and then the St. Francis trickle down to us and we'll act as the sub-contractor to the St. Francis and KVC's of the world. **Mr. Scott** said I also want to make sure that I add that the organization is currently, let's be clear, currently structured as a for-profit operation. There's been a lot of pushback against that but, you don't make money, since we're talking about the status of our operations and economics, you don't make money off of just having kids, you make money off of having a good agency, a good organization, a organization that meets the needs of kids, that's how you get people to refer and that's what we're anchoring ourselves as being high quality. **Commissioner McKiernan** said I still have not been convinced that this financial model is—I'm through with my questions. **Mr. Avery** said I want to touch on the current use as well.

Commissioner Bynum said I only wanted to comment that I've scrolled through everything in the packet and I don't see a letter of support here from KVC. If it was submitted, just make sure we have it. If it was presented during Planning and Zoning it didn't make its way into our packet. **Mr. Avery** said I believe there were some technology issues or something during that meeting. **Commissioner Bynum** said that's all I needed.

Commissioner Philbrook said just one more clarification. I know you mentioned that you're going to use volunteers and that sort of thing. Will you be very clear in how those volunteers are going to be used and for what?

Mayor Holland said we have exhausted the questions from the Commission. Thank you all for your presentation. We have a motion and a second to send it back to Planning and Zoning.

Mr. Richardson said if this is sent back to the Planning Commission, the date of that meeting will be October 9.

Mayor Holland said October 9th is the Planning and Zoning meeting to which this would be sent. I accept that as part of the motion and the second.

Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 171257...SPECIAL USE PERMIT #SP-2017-46 – BRIAN ARBELAEZ WITH NORTHLAND IMAGING LLC

Synopsis: Special use permit for a mobile MRI unit at 9201 Parallel Parkway, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking approval for the use of a temporary trailer MRI unit. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2017-46, subject to:

Urban Planning and Land Use Comments

1. How long are you planning to utilize this trailer on the site?

Applicant Response: 12 months

Planning Commission Approval: 2 years

Public Works Comments: None

Action: Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2017-46 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 4 – 171276...SPECIAL USE PERMIT #SP-2017-47 DARYL EVERS

Synopsis: Special use permit to relocate existing liquor store in the same shopping center (Northwood Shopping Center) at 2862 West 47th Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant filed this special use permit application to relocate an existing liquor store from one tenant space to another within an existing shopping mall. The existing business has been at the current location since May, 2014. A different liquor store was located at the same location prior to the existing business. This application has been submitted in conjunction with a zoning variance (Petition #2255) for a zoning variance to the spacing requirements between a liquor store and a church and school. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2017-47, subject to:

Subject to:

Urban Planning and Land Use Comments

1. Approval is for two years

Public Works Comments: None

Action: Commissioner Walker made a motion, seconded by Commissioner McKiernan, for approval of Special Use Permit #SP-2017-47 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 5 – 171278...SPECIAL USE PERMIT #SP-2017-49 – KIMBERLY WISENER

Synopsis: Special use permit for a bed and breakfast at 3228 and 3230 Hutton Road, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a special use permit in order to operate a bed and breakfast out of the four bedroom home. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2017-49, subject to: Urban Planning and Land Use Comments

1. How do you plan to advertise your business?
 Applicant Response: Internet, word of mouth, partnerships/relationships with local businesses, and sign in front.
 Staff Response: No signage will be allowed on the property
2. In your estimation, how many nights do you anticipate to be booked each year?
 Applicant Response: 175+ nights
3. The application states that 16 guests can be accommodated, is that individual guests or assuming some are families traveling together? Will unrelated guests be sharing bathrooms?
 Applicant Response: 16 individual guests, no unrelated sharing of bathrooms
4. Aerial images show that there are two homes on the property, please describe the configuration of bedrooms and bathrooms and number of guests for each house and for each bedroom/bathroom.
 Applicant Response: The west house has 3 bedrooms and 2 bathrooms (1 on-suite) that will sleep 6 adults with 2 living spaces and a kitchen. The east house has 3 bedrooms and 2 bathrooms (1 on-suite) that will sleep 8 adults with a grand living room/kitchen addition to a second living room with a sleeper sofa that will sleep 2 additional adults.
5. What time will check in and check out be?
 Applicant Response: We are flexible but anticipate check-in early evening and check-out mid-morning.
6. Will you be hiring outside help for housekeeping, cooking, yard maintenance, etc.?
 Applicant Response: No, but maybe in the future.
7. Will meals be provided to the guests?
 Applicant Response: Yes
8. Will guests be allowed to bring pets?

Applicant Response: To be determined on an individual basis, most likely not.

9. Please provide a more detailed overview of your daily operations

Applicant Response: This will be a typical B&B... we will be providing lodging and breakfast. We do have a relaxing environment that our guest may want to explore such as our miniature farm, fishing hole, fire pit, etc. When guest are on the premises we will manage the activity and be available if any issues may arise. When we do not have guest we will be maintaining the property by completing indoor cleaning from laundry to detailed dusting etc. and outdoor yard work never ends such as pruning, mowing, and tending to our livestock.

10. The driveway approach must be paved
11. Parking areas must be paved and landscaped

If approved the following will apply:

1. No signage will be permitted
2. No on-street parking will be permitted
3. Owners must maintain residence in the home
4. Approval for two years initially
5. All proper building permits must be obtained for any work to be done to the house
6. A Business License must be obtained.
7. The driveway approach must be paved prior to opening to guests
8. Parking areas must be paved and landscaped prior to opening to guests
9. Public Works requirements (below) must be met prior to opening to guests

Public Works Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None
- B) Items that are conditions of approval (stipulations):
 - 1) Provide complete final site engineering and construction level drawings prepared by a Professional Engineer (PE) registered in the state of Kansas. The site plan and construction drawings shall include dimensions, construction notes, details, and final engineering design.
 - 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

- 3) Provide a concrete driveway approach within Hutton Road right-of-way, in accordance with UG standards and criteria.
 - 4) The existing driveway is gravel and should be at least chip and sealed.
 - 5) On a site plan, show the existing septic tank and lateral field locations. Provide a PE sealed sanitary sewer memo addressing the existing tank size and if the existing system can handle additional wastewater flows or indicate applicable improvements.
 - 6) Obtain approval from Wyandotte County Health Department regarding the existing and/or proposed septic system.
 - 7) Provide an erosion control plan in accordance with UG criteria including erosion control notes, construction sequence; indicate when BMP's are to be placed and when they are to be removed, and reference applicable UG standard details.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2017-49 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 171279...PLAN REVIEW APPLICATION #PR-2017-24 – BRIAN HILL WITH MKEC ENGINEERING

Synopsis: Preliminary and Final Plan Review for a new school building (Welborn Elementary) at 5200 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. The applicant on behalf of Kansas City Kansas Public Schools wants to demolish Welborn Elementary School and build a new 42,204 square foot elementary school on the same grounds located at 5200 Leavenworth Road. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2017-24, subject to:

Urban Planning and Land Use Comments:

1. As part of the site plan, please include a site data table, listing the zoning regulations for setbacks, parking, landscaping, etc. and how the proposed development complies with each requirement.

Applicant Response: Information has been added to the cover sheet and sheet Ocs1. The information is listed in a table named site plan data, R-1 zoning requirements.

2. Staff has concerns about the lack of building articulation with the proposed concrete tilt-up panels. It should be noted that there are different material styles being used on the building with thin brick paneling and precast concrete panels. With the large, expansive sections of wall, especially on the east and west facades, staff does not want this building to appear overly dominant at the pedestrian scale. How do you intend on breaking up the façade through recesses, articulations and incorporating different building materials?

Applicant Response: As noted, the building will be constructed of precast concrete wall panels. This material is not inherently adept to create offsets in vertical plane. However, the architect has worked diligently to provide a good deal of articulation throughout the exterior facades. The main elevation to the public is the south façade, which contains elements of red brick, dark exposed aggregate, light sandblasted texture, dark brick, glass, and metal sunshades. Additionally, there is a sculptural element facing the street. Wall planes are pushed in and out significantly here to provide changes in scale and building massing. The east and west facades are primarily the classroom wings. As with any typical school building there are areas where classrooms are grouped together in five to six units. These classroom wings contain a unifying architectural language that, while not prone to major changes in height or plane, does provide articulation through the use of material changes, color changes, and a breakdown of scale around openings. There are approximately eight different finish materials proposed. It is the architect's professional opinion that the school design contains the appropriate amount of articulation, and in the absence of any arbitrary quantities assigned for such elements, is fitting for the application.

3. There are 88 parking spaces proposed. How many members are employed at the school? Additionally, the parking requirement for an assembly area is one space for every four seats, so please identify your assembly area with a floor plan and calculate the parking for such use.

Applicant Response: The school is anticipated to have around 50 staff. Parking will more than adequately provide for staff and visitors. The parking provided is consistent with Frank Rushton Elementary, a similar school recently built in KCK. In addition, the hard play will accommodate an additional 38 cars for overflow events. It is our understanding that there are no UG parking code requirements for schools. The parking provided is more than adequate for the building and site uses. The gym is the assembly space and is designed for 573 people. The parking provided meets nearly 90% of the 1:4 assembly space suggestions.

4. The fence that is proposed around the perimeter of the property, what is the proposed material? Fence details have not been provided. In previous applications, KCKPS has erected wrought-iron fences around the perimeter with masonry columns every 32' on center and vinyl coated, black chain link fence within the soft play area.

Applicant Response: The 6' tall black vinyl-coated chain link fence will be provided for the play area, as well as to secure the back of the building.

5. The trash enclosure shall be constructed from the same building materials as the school. The gate shall be closed at all times, except when in service.

Applicant Response: Comment acknowledged. Trash enclosure will be the same materials as the building, and gate will be closed at all time, except when in service.

6. All wall mounted lighting shall be decorative. Wall pack lighting is not permitted.

Applicant Response: Wall pack lighting is only utilized for security purposes (i.e. security camera viewing purposes) around perimeter of building that is not visible from the street. All wall packs are full cutoff fixtures.

7. All lighting, whether mounted on the wall or installed in the parking lot, shall have 90 degree cutoff fixtures.

Applicant Response: All exterior light fixtures will have full cutoff (90 degree) shielding. Refer to light fixture schedule's description on photometric plan E02, 'Full Cutoff' is listed as a requirement under every exterior fixture description.

8. Utility connections (including transformer boxes) shall be screened with landscaping or an architectural screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

Applicant Response: Comment acknowledged. All items will be screened, see landscape plan, sheet L01.

9. The landscape plan must be revised to include a legend indicating the quantity, size and species of the proposed trees and shrubs.

Applicant Response: The information has been added to landscape plan, sheet L01.

10. The district requirement for trees is one tree per 7,000 square feet of site area. The site is 6.31 acres, so 39 trees are required to be planted. The total does not include trees that are required to be planted in the parking lot islands.

Applicant Response: The information has been added to landscape plan, sheet L01. 39 trees are shown on the landscape sheet to meet UG minimum requirements.

11. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted and those that are interior to the site; adjacent to the building shall be 3 gallons when planted.

Applicant Response: Comment acknowledged. The information has been added to landscape plan, sheet L01.

12. All landscaping shall be irrigated.

Applicant Response: All areas to be irrigated. The information has been added to landscape plan, sheet L01. See note 31 & 32.

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

Applicant Response: Comment acknowledged.

14. Attached and detached signs must receive a sign permit prior to being installed. Staff will perform the review when a sign permit application is filed.

Applicant Response: Comment acknowledged.

Public Works Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None
- B) Items that are conditions of approval (stipulations):
 - 1) Provide PACP sewer inspection report for the existing sanitary sewer service line and indicate any required improvements on construction plans prior to construction permit acquisition.

- 2) Provide sidewalk that meets ADA requirements, north of the school property, connecting to Farrow Avenue. Further coordination with the UG may be required. The sidewalk and all associated details shall be indicated on construction plans prior to construction permit acquisition.
 - 3) Provide a copy of the signed, executed, and recorded sanitary sewer easement document prior to construction permit acquisition.
 - 4) Construction plans shall meet UG standards and criteria and shall be reviewed and approved prior to construction permit acquisition.
 - 5) Based on the current traffic study indicating that a traffic signal is not warranted, the school district shall provide appropriately trained crossing guard(s) for the proposed pedestrian crossing across Leavenworth Road. Further coordination with the UG may be needed.
 - 6) After the proposed Leavenworth Road improvements are constructed by the UG, and after the school is constructed and in operation, the school district shall provide traffic counts, pedestrian counts, queue observations, etc. with an updated traffic study regarding school pedestrian crossing, traffic signal warrants, turn lane warrants, etc. If the traffic study indicates that a traffic signal is warranted at the vehicle drive entrance & North 52nd Street with Leavenworth Road, the UG will install a traffic signal as discussed with the school district.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None
- The applicant has worked with staff to resolve a majority of engineering issues; however, there remain a few issues that will be rectified during building permitting at DRC.

Brian Hill, MKEC Engineering, said we would like to modify one of the stipulations from the Planning Commission. After further discussion with staff, Public Works stipulation B2, we would like to modify that stipulation to vacate existing right-of-way north of the school to Farrow Avenue.

Mayor Holland asked is staff in agreement to this. **Robin Richardson, Director of Planning**, said yes sir.

Mayor Holland said I'm going to need to open up a public hearing for this item. If anyone would like to speak in favor of this proposal that is before us now, will you please come forward and speak at this time. No one came forward.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Mayor Holland said we would need to add two votes, is that correct? It now takes eight votes to approve.

Action: **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Plan Review Petition #PR-2017-24 subject to the stipulations.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

Mayor Holland said I'd like to point out this is the beginning of the work that the school district is doing, a \$235M Bond issue to improve our schools. This is the Welborn School that is being rebuilt and if I'm correct, C3 will be the new Gloria Willis Middle School. Is that correct? It's a great honor for a great member of our community. Thank you very much. That concludes those items.

ITEM NO. 2 – 171280...PLAN REVIEW APPLICATION #PR-2017-31 – RON SHAFFER

Synopsis: Preliminary and final plan review for an office renovation with second floor living unit a 3120 Strong Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant has applied for a preliminary and final development plan to renovate an existing office building on Strong Avenue and add a private dwelling unit to the building. The renovation includes improvements to the building such as adding a ramp to access to the building. The renovation adds a partial second floor to the building for the dwelling unit and expands the footprint of the building. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2017-31, subject to:

Urban Planning and Land Use Comments

None

Public Works Comments

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

Action: Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve Plan Review Petition #PR-2017-31 subject to the stipulations. Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 171281...PLAN REVIEW PETITION #PR-2017-33 - BRIAN HILL WITH MKEC ENGINEERING, INC.

Synopsis: Preliminary Plan Review for a new school (old Coronado Middle School) at 1735 North 64th Terrace, submitted by Robin H. Richardson, Director of Planning. The applicant on behalf of Kansas City Kansas Public Schools wants to demolish Coronado Middle School and build a new 82,142 square foot middle school on the same grounds located at 1735 North 64th Terrace. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2017-33, subject to:

Urban Planning and Land Use

1. While the preliminary plat shows the existing conditions, the preliminary plat must also show the proposed development, per Sec. 27-215(e)(8). Revise the preliminary plat to include a second sheet.

Applicant Response: The information proposed development has been added to a second sheet. The information will be included in the PDP resubmittal.

2. As part of the site plan, please include a site data table, listing the zoning regulations for setbacks, parking, landscaping, etc. and how the proposed development complies with each requirement.

Applicant Response: The site plan table has been added to the cover sheet listing the required information, see sheet 0CS1.

3. There are 118 parking spaces proposed. How many staff members are employed at the school? Additionally, the parking requirement for an assembly area is one space for every four seats, so please identify your assembly area with a floor plan and calculate the parking for such use.

Applicant Response: The calculated assembly area in the school seats 470. $470 \text{ seats} / 4 \text{ seats} = 117.5 \text{ seats}$. 118 seats are provided. See attachment.

4. The fence that is proposed around the perimeter of the property, what is the proposed material? Fence details have not been provided.

Applicant Response: The proposed fence shall be galvanized chain link to match existing.

5. The trash enclosure shall be constructed from the same building materials as the school. The gate shall be closed at all times, except when in service.

Applicant Response: The trash enclosure shall be constructed to provide the same appearance as the materials on the school, with a gate system to remain closed when not in service.

6. All wall mounted lighting shall be decorative. Wall pack lighting is not permitted.

Applicant Response: Wall pack lighting is only utilized for security purposes (i.e. security camera viewing purposes) around perimeter of building is not visible from the street. All wall packs are full cutoff fixtures.

7. All lighting, whether mounted on the wall or installed in the parking lot shall have 90 degree cutoff fixtures.

Applicant Response: All exterior light fixtures will have full cutoff (90 degree) shielding. Refer to light fixture schedule's description on photometric plan E02, 'Full Cutoff' is listed as a requirement under every exterior fixture description.

8. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally screen wall. All utilities mounted on the wall shall be painted to match

the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

Applicant Response: Comment acknowledged. All items will be screened, see landscape plan, sheet L01.

9. All trees shall be at least 2" caliper when planted. Shrubs that are exterior to the site shall be 5 gallons when planted and those that are interior to the site; adjacent to the building shall be 3 gallons when planted.

Applicant Response: Comment acknowledged. The information has been added to landscape plan, sheet L01.

10. All parking lot islands shall be curbed and landscaped. Please revise the landscape plan to include trees in the three islands that do not have trees in them.

Applicant Response: Trees provided. See landscape plan, sheet L01.

11. All landscaping shall be irrigated.

Applicant Response: All areas to be irrigated. The information has been added to landscape plan, sheet L01. See note 31 & 32.

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

Applicant Response: Comment Acknowledged.

13. Attached and detached signs must receive a sign permit prior to being installed. Staff will perform the review when a sign permit application is filed.

Applicant Response: Comment acknowledged.

Public Works

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

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

- 1) N. 64th Terrace is classified as a collector street which requires sidewalks on both sides of the road. In lieu of a sidewalk along the west side of the road, crosswalks shall be shown on final plans and installed in accordance with a revised traffic study, MUTCD, ADA, and UG standards and criteria, and shall be reviewed and approved by UG.

- 2) Provide a revised traffic study to include an expanded scope area along N. 64th Terrace to address school/pedestrian traffic counts, safe route to school, and coordination with the UG. The traffic study shall be submitted prior to or with final development plans for review and approval by the UG.
 - 3) Provide a minimum of 3' green space buffer between the back of curb and proposed sidewalk along the east side of N. 64th Terrace. The sidewalk shall be a minimum of 5' width and can transition to a 6' wide sidewalk at the back of curb at each of the two proposed school entrances.
 - 4) In accordance with the above comment, provide an additional 12' of right-of-way for a total of 42' from the centerline of N. 64th Terrace to be dedicated on the final plat. The adjacent 20' Water One easement can be dedicated from the proposed right-of-way.
 - 5) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide preliminary and final plats in accordance with engineering and County Surveyor comments.
 - 6) 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.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

The applicant has worked with staff to resolve a majority of engineering issues; however, there remain a few issues that will be rectified during the final plan review.

Action: Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve Plan Review Petition #PR-2017-33 subject to the stipulations. Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

MISCELLANEOUS – ORDINANCES

ITEM NO. 1 – 040224...REZONING ORDINANCE #2792

Synopsis: An ordinance rezoning property at 929 and 923 South Coy, 922, 926, 928 and 930 South Pyle from R-2(B) Two Family and CP-3 Planned Commercial Districts to MP-2 Planned General Industrial District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-21-17**, “An ordinance rezoning property hereinafter described located at approximately 929 and 923 South Coy, 922, 926, 928, and 930 South Pyle in Kansas City, Kansas, by changing the same from its present zoning of R-2(B) Two Family and CP-3 Planned Commercial Districts to MP-2 Planned General Industrial District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 16838...REZONING ORDINANCE #3121

Synopsis: An ordinance rezoning property at 2001-2015 North 5th Street from RP-5 Planned Apartment District to TND Traditional Neighborhood Design District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-22-17**, “An ordinance rezoning property hereinafter described located at approximately 2001-2015 North 5th Street in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment District to TND Traditional Neighborhood Design District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 16660...REZONING ORDINANCE #3112

Synopsis: An ordinance rezoning property at 2931 South 78th Street from R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-23-17**, “An ordinance rezoning property hereinafter described located at approximately 2931 South 78th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 4 – 15219...REZONING ORDINANCE #3100

Synopsis: An ordinance rezoning property at 1205 North 90th Street from R-1 Single Family District to CP-O Planned Nonretail Business District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-24-17**, “An ordinance rezoning property hereinafter described located at approximately 1205 North 90th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-O Planned Nonretail Business District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 5 – 171182...REZONING ORDINANCE #3138

Synopsis: An ordinance rezoning property at 925 South 89th Street from A-G Agriculture District to R-1 Single Family District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-25-17**, “An ordinance rezoning property hereinafter described located at approximately 925 South 89th Street in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and

there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 6 – 171111...REZONING ORDINANCE #3140

Synopsis: An ordinance rezoning property at 13300 Donahoo Road from A-G Agriculture District to R-1 Single Family District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-26-17**, “An ordinance rezoning property hereinafter described located at approximately 13300 Donahoo Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 7 – 16840...REZONING ORDINANCE #3126

Synopsis: An ordinance rezoning property at 1601 North 98th Street from A-G Agriculture and CP-O Planned Non-Retail Business Districts to CP-2 Planned General Business District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-27-17**, “An ordinance rezoning property hereinafter described located at approximately 1601 North 98th Street in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and CP-O Planned Non-Retail Business Districts to CP-2 Planned General Business District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 8 – 16661...REZONING ORDINANCE #3144

Synopsis: An ordinance rezoning property at 350 S. 59th Lane from R-M Mobile Home Park District to MP-2 Planned General Industrial District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-28-17**, “An ordinance rezoning property hereinafter described located at approximately 350 South 59th Lane in Kansas City, Kansas, by changing the same from its present zoning of R-M Mobile Home Park District to MP-2 Planned General Industrial District.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 9 – 16799...REZONING ORDINANCE #3120

Synopsis: An ordinance rezoning property at 1111 North 98th Street from CP-1 Planned Limited Business District to CP-2 Planned General Business District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-29-17**, “An ordinance rezoning property hereinafter described located at approximately 1111 North 98th Street 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 Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 10 – 040224...VACATING ORDINANCE #A-2004-9

Synopsis: An ordinance vacating an alley at approximately 929 South Coy and 920 South Pyle, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-30-17**, “An ordinance vacating the North/South alley lying between Lots 12 through 23 and Lots 35 through 46, Block 63, Armourdale

Blocks 61-63 and 70-72, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 929 South Coy and 920 South Pyle, Kansas City, Kansas.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 11 – 150055...VACATING ORDINANCE #R/W-2015-5

Synopsis: An ordinance vacating right-of-way at approximately 1130 Ray Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-31-17**, “An ordinance vacating property located at approximately 1130 Ray Avenue, Kansas City, Kansas.” **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 12 – 171188...VACATING ORDINANCE #A-2017-5

Synopsis: An ordinance vacating an alley at approximately 17 South James Street, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-32-17**, “An ordinance vacating property located at approximately 17 South James Street, Kansas City, Kansas.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 13 – 171118...VACATING ORDINANCE #A-2017-2

Synopsis: An ordinance vacating an alley adjacent to 1110 Shawnee Avenue, between Custer Avenue and Shawnee Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-33-17**, “An ordinance vacating all of a 15 foot alley between Block 7, Lot 10 and Block 7 Lot 6 through 9, Pacific Place a subdivision in the City of Kansas City, Wyandotte County, Kansas, located at approximately 1110 Shawnee Avenue, Kansas City, Kansas.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 14 – 171189...VACATING ORDINANCE #S/A-2017-6

Synopsis: An ordinance vacating a street and alley right-of-way at approximately 1101 South 9th Street, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-34-17**, “An ordinance vacating property located at approximately 1101 South 9th Street, Kansas City, Kansas.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 15 – 171217...VACATING ORDINANCE #U/E-2017-9

Synopsis: An ordinance vacating a utility easement at approximately 5420 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-35-17**, “An ordinance vacating property located at approximately 5420 Leavenworth Road.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

REGULAR AGENDA

NON-PLANNING CONSENT AGENDA

Mayor Holland said we have a Non-Planning Consent Agenda. Any item that is not removed from the Consent Agenda will be voted on by a single vote. Anyone in the audience, a staff member, or a member of the Commission may remove any item from it for individual consideration. There were no set asides.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the Consent Agenda.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 1 – 171283...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. On July 6, 2017, the Commission unanimously adopted Resolution No. R-28-17 declaring the necessity and authorizing a survey of land for said project.

Action: **ORDINANCE NO. O-36-18,** “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 tract and parcel of land described in this ordinance.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 171253...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

John McTaggart for UG Park Board, 8/31/17 to 3/31/18, submitted by Commissioner Jim Walters

Maria C. Ysaac for Law Enforcement Advisory Board, 8/31/17 to 3/31/18, submitted by Commissioner Philbrook

Linda Johnson for Wyandotte/Leavenworth Advisory Council on Aging, 8/31/17 to 3/31/18, submitted by Commissioner Philbrook

Tom Cooley for Golf Board, 8/31/17 to 3/31/18, submitted by Commissioner Walker

Louise Crabble for Drug & Alcohol Advisory Board, 9/17/17 to 3/31/18, submitted by Commissioner Walker

Loren Taylor for Landmarks Commission, 9/1/17 to 3/31/18, submitted by Commissioner Walker

Eric Gonzales for Planning Commission, 9/1/17 to 3/31/18, submitted by Commissioner Walker

Jeffery Sachen for UG Park Board, 8/31/17 to 3/31/18, submitted by Commissioner Walker

Carol Diehl for Law Enforcement Advisory Board, 8/31/17 to 3/31/18, submitted by Commissioner Walker

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

ITEM NO. 3 – MINUTES

Synopsis: Minutes from special sessions of July 24, 2017 (budget workshop), and regular session of July 27, 2017.

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

ITEM NO. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 17 and 24, 2017.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to receive and file. Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 171284...GRANT: FY17 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Synopsis: Request approval to apply for and accept the FY17 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$106,511, submitted by Laura Cromwell, Management Analyst, Public Safety Business Office. The grant period runs October 1, 2017 through September 30, 2020. No match is required. It was requested that this item be fast tracked to the August 31, 2017 full commission meeting.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

COMMISSIONERS' AGENDA

ITEM NO. 1 – 171255...TRAVEL REQUEST: COMMISSIONER PHILBROOK

Synopsis: Request to travel to New York, NY, to attend the Summit on Financial Leadership hosted by Governing, submitted by Commissioner Philbrook.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

Mayor Holland adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

Mayor Holland said all the items are on the Consent Agenda. Anyone in the audience, staff member or Commissioner is welcome to set an item set-aside. Anything not set-aside will be voted on by a single vote. There were no set-asides.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 171231...COMMUNICATION: LAND BANK BUSINESS

Synopsis: Request consideration of the following Land Bank items, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On August 14, 2017, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Transfers to Land Bank

1714 S. 15th St. from Board of County Commissioners
 1720 S. 15th St. from Board of County Commissioners
 (Properties are part of BPU project)
 2016 W. 36th Ave. from City of Kansas City, KS
 (Neighbor has applied for yard extension)

Applications

1415 N. 26th St. - Adrain Pinela, yard extension
 1042 Walker Ave. - Rising Star Baptist Church, yard extension
 339 N. 32nd St. - Robert May, yard extension
 2711 N. 9th St. - Judy Sanders, yard extension
 930 Reynolds Ave. - Isaias Noriega Rodriguez, yard extension
 2016 W. 36th Ave. - Donna Martin, yard extension
 1222 Pennsylvania Ave.- Camelia Arriaga, property acquisition
 1224 Pennsylvania Ave.- Camelia Arriaga, property acquisition
 819 S. Valley St. - Camelia Arriaga, property acquisition
 819 S. Valley St. - Camelia Arriaga, property acquisition
 2719 N. 9th St. - Judy Sanders, property acquisition

Donations to Land Bank

1329 Washington Ave. from Alexis Barragan
 2219 S. Ferree St. from Dennis Cloughley

August 31, 2017

WCLB Hold Area
Reference attachment for the 77 depicted properties

Action: **Commissioner Kane made a motion, seconded by Commissioner to Bynum, to approve.** Roll call was taken and there were ten “Ayes”, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia.

MAYOR HOLLAND
ADJOURNED THE MEETING AT 9:07 P.M.
August 31, 2017

Bridgette D. Cobbins
Unified Government Clerk

tk

August 31, 2017



**Saint Francis
Community Services®**

Serving Children and Families Since 1945

SAINT FRANCIS COMMUNITY SERVICES PLACEMENT PROVIDER MANUAL

*Services provided in the home/facility will support
the healing process as a part of the permanency goal*

Updated 10/2015
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SFCS
509 East Elm
Salina, Kansas 67401
1-866-999-1599
www.st-francis.org



MISSION

Our mission is to be an instrument of healing for children, youth, and families in spirit, mind, and body, so they live responsibly and productively with purpose and hope.

VISION

To be the leading provider of a continuum of preventive, therapeutic, and educational services for children, youth, and families

Table of Contents

Service Provision	1
Placement	2
Expectations for Foster Care and Residential Care	2
Foster Care Level of Service.....	3
Residential Care Level of Service.....	8
Residential Service Descriptions	9
Safety Plan	11
Disruptions	11
Crisis Response	12
Critical/Significant/Unusual Incidents	12
Critical Incident	12
Significant Incident	12
Unusual Incident	13
Steps of Action	13
Monthly Reports	14
Placement Notebook	14
Performance Monitoring	15
Administrative Review of Child Placing Agency.....	15
Performance Improvement.....	15
Risk Assessment Reviews.....	15
Provider Relation Meetings	15
Financial Related Service Provision Policies and Procedures	15
Clothing.....	15
Daycare	16
Respite.....	20
Transportation	20
Claims Submission and Processing	21
Authorization	21
General Claims Guidelines	22

Filing Instructions for the HCFA 1500	22
HCFA 1500 Minimum Requirements.....	22
Claims Submission Timeline	22
Resubmissions and Adjustment	22
Incomplete or Incorrect Claims	23
Absenteeism	23
Missed Appointments	23
Multiple Services per Day	23
Payment.....	23
Direct Deposit	23
APPENDIX A: Safety Plan.....	
APPENDIX B: Monthly Report.....	
APPENDIX C: Critical/Significant/Unusual Incident Report.....	
APPENDIX D: SFCS Monitoring Tool.....	
APPENDIX E: Provider Service Agreement.....	
APPENDIX F: Daycare Request Form.....	
APPENDIX G: Daycare Timesheet Form.....	
APPENDIX H: Respite Care Request Form.....	
APPENDIX I: Mileage Reimbursement.....	
APPENDIX J: Dispute Resolution Form.....	
APPENDIX K: HCFA 1500 Form.....	
APPENDIX L: Request for Direct Deposit authorization.....	

Service Provision

Providers choosing to partner with Saint Francis Community Services (SFCS) in serving vulnerable, and valued children are one of the most critical supports a foster child can have.. Out of home placement can support the healing process at the same time assisting in the reunification process.

SFCS utilizes foster homes or facilities that comply with the Department for Children and Families (DCF) licensure requirements. A foster home must be sponsored by a licensed child placing agency. A foster home or facility is expected to provide 24-hour care to children who are in out of home placement to meet their needs, namely in the areas of safety, permanency and well-being. Services to be provided in the home/facility will support the healing process as a part of the permanency goal and will include but not be limited to: supervision, food, shelter, age appropriate daily living skills instruction, transportation, recreation and supporting parent/child interactions (when not prohibited by court order). The placement provider will also be expected to participate and support the implementation of case plan tasks and objectives that may include but not be limited to the following:

- **Accessing community services**

Foster families and providers are expected to develop a supportive relationship with each child entrusted to their care. The supports needed to care for a child are directly related to the assessed needs of each child and often will need to be accessed through naturally occurring community supports. In an effort to address the challenges present in the life of a child, placement providers are expected to partner with SFCS in accessing community services as recommended by the case manager, SFCS clinical staff and/or as identified in the case plan. These supports will directly promote and support goals directed at achieving permanency. These services include but are not limited to:

- Supporting **educational needs** and addressing challenges through partnerships developed with school districts (K.A.R. 28-4-813(d)).
- Scheduling any and all appointments, keeping appointments and ensuring all follow up appointments are scheduled and kept with regard to a child's **physical health** (K.A.R. 28-4-819(d)).
 - During the child's first Out of Home (OOH) placement, a health assessment will be completed within 30 days of placement.
 - The subcontracting agency (hereinafter referred to as provider) will assess all of the child's health care needs, included but not limited to, dental, vision, immunizations and medical needs, to ensure any recommended care is acquired.
 - The child's immunizations, dental records, vision records and any other medical records will be kept current and documented as requested.
- Accessing **mental health** services initiated and authorized by SFCS clinical staff. If an initial mental health appointment has been established by SFCS, it is expected that the provider will ensure the child maintains the first **available appointment** and keep all appointments, including follow-up appointments and services as recommend by the therapist.
- Cooperating and participating in **HCBS waiver services** (including Autism, IDD, SED, and TA) and concurrent case planning as assessed in addressing the needs of the child.
- Supporting the development of **independent living skills** to assist youth in achieving self-sufficiency as directed by their learning plan and/or transition plan.
- Cooperating and participating in **HCBS waiver services** (including Autism, IDD, SED, and TA) and concurrent case planning as assessed in addressing the needs of the child
- Supporting the development of **independent living skills** to assist youth in achieving self-sufficiency as directed by their learning plan and/or transition plan

- **Birth Family Interaction**

SFCS expects each placement provider to support the reunification of the child with their birth family as directed by the case management team (K.A.R. 28-4-813(a)(1)). Providers support the

reunification process by facilitating and encouraging authorized, consistent and frequent interactions and visits between children and their birth parents. Biological parents are to be treated with respect for their strengths in the care of their children.

- **Adoptive Resources**

Should a child's case plan change to adoption, SFCS expects providers shall support SFCS' decisions regarding the adoptive process and will support their foster families during the adoption of a child placed in their care. Permanency decisions are made in the best interest of the child. Providers will work with SFCS to implement the appropriate transition plan. All communications pertaining to permanency with potential adoptive families will be directed with the authorization of the SFCS case manager.

- **Sibling Interaction**

SFCS expects all providers to work diligently in the placement of siblings since separation is considered a last resort. When placement in the same home is not possible, a visitation plan is developed by SFCS, through the case planning document, to keep siblings connected until arrangements can be made to place all the siblings together. Providers are expected to support sibling interaction through encouragement, flexibility and provision of transportation for sibling visitation. Upon request, providers will be expected to participate in the 90 day sibling separation review.

Placement

SFCS prioritizes placing children close to their families, friends, relatives, school, and home community. Placements are made in the least restrictive environment appropriate to meeting the needs of the child and will not be delayed or denied based on race, color or national origin. In the best interest of the child, SFCS expects providers to respond to immediate placement needs with attempts and/or options within two hours of request. Providers will supply the SFCS Care Center with accurate contact information for placement services and be available for after-hour, weekend and holiday placement support.

SFCS supports all foster families regardless of the Child Placing Agency sponsor. Pursuant to KDHE requirements, SFCS provides all required documentation and known information to the provider and/or facility. All providers and facilities receive electronically complete placement referrals from SFCS with the child's current and historical behavior profile, a list of current medications, and information on preventative measures and interventions that have supported past challenging behaviors. SFCS is committed to working with all Child Placement Agencies placement departments for the successful coordination of services.

Prior to placement of an SFCS child, the sponsoring agency agrees to inform SFCS at providerrelations@st-francis.org, if the home or facility being considered is under investigation either internally, by DCF (Department of Children and Families) or by KDHE. Refer to Risk Assessment Reviews in this document.

If a known SFCS employee becomes licensed with a Child Placement Agency, notify CCadmissions@st-francis.org at time of licensure and prior to any placement or respite options being offered.

Expectations for Foster Care and Residential Care

Trauma Informed Practice

Decades of work in the field of trauma have heightened awareness of the need for those working in the child welfare to adopt trauma informed practices. Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life

threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional or spiritual well-being.

Saint Francis Community Services expects all sub-contractors caring for youth in the child welfare system to develop an understanding of trauma and develop trauma-specific practice. An agency that is trauma-informed realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff and others involved with the system; and responds by fully integrating knowledge about trauma policies, procedures and practices and seeks to actively resist re-traumatization.

During annual site visits, SFCS staff will review documentation that ensures all staff receives basic training on trauma, its impact and strategies for trauma-informed approaches.

Foster Care Level of Service

SFCS will place children in family-like settings at basic, moderate, intensive or therapeutic Levels of Service (LOS) as determined by objective information gathered and entered into a scoring tool based on the child's behavior and/or medical needs. SFCS will review all moderate, intensive and therapeutic LOS every 90 days. SFCS expects foster families to support the child in the stabilization of behaviors and be leveled down within the same foster home without disruption. Below are the expectations for each LOS that Provider shall follow.

Basic (also known by DCF as Satellite Family Foster Home) means 24-hour foster care provided in a family home to meet the safety and other needs of children requiring an out of home placement. The satellite family foster home must be licensed by KDHE or meet and comply with KDHE licensure requirements and must be sponsored by the Provider. The satellite foster family is an integral part of the team working with the child and birth family to achieve timely permanency for the child. Providers shall:

- ensure that foster parents or sponsoring agency staff will transport children to all of, but not limited to, the following:
 - case plan task implementation
 - court
 - daycare
 - education related supports and activities
 - employment
 - independent living activities
 - medical
 - mental health
 - parent and sibling visits
 - respite
- conduct a minimum of weekly contact visits for the first 30 days of placement and monthly thereafter, or more often to support placement stability;
- provide 30 day progress reports summarizing a child's specific behaviors no later than the 15th day of the month following the reporting month for children in placement more than 30 days to:
monthlyprogressreports@st-francis.org;
- maintain and update the child's life book and the child's placement book which will travel with the child while in DCF custody. If the child is new to custody or does not have a life book, the provider will be responsible for initiating the life book;
- meet outcomes established by SFCS.

Moderate/Intensive/Intensive Plus (without Therapeutic services)/Therapeutic (also known by DCF as Specialized Family Foster Home) means 24-hour foster care provided in a family home to meet the safety and other needs of children requiring an out of home placement. The home must be licensed by KDHE or meet and comply with KDHE licensure requirements, be sponsored by Provider, and meet the Provider's requirements for the minimum number of in-service training hours to be obtained annually. The specialized foster family is an integral part of the team working with the child and birth family to achieve timely permanency for the child. Specialized family foster parents are required to complete more annual in-service training than satellite family foster parents due to the specialized needs of the children whom SFCS will place in their homes. The purpose of in-service training is to provide the specialized family foster parents opportunities to increase their skills and parenting abilities to address the challenges they may encounter while raising children with developmental needs. Documentation of completion of the additional in-service training hours must be kept in the specialized family foster parent's file. Providers are expected to ensure the following:

Moderate

- ensure that Foster parents or providers will transport child, including but not limited to the following:
 - case plan task implementation
 - court
 - daycare
 - education related supports and activities
 - employment
 - independent living activities
 - medical
 - mental health
 - parent and sibling visits
 - respite
- conduct weekly face to face contact for the first 30 days of placement, then bi- weekly face to face visits or more often to support placement stability until the child discharges from the home
- 30 day progress reports shall summarize a child's specific behaviors and shall be sent no later than the 15th day of the month following the reporting month for children in placement more than 30 days to:
monthlyprogressreports@st-francis.org
- maintain and update the child's life book and the child's placement book which will travel with the child while in DCF custody. If the child is new to custody or does not have a life book, the provider will be responsible for initiating the life book
- meet all outcomes provided by SFCS

Intensive

- meet all KDHE requirements for licensing and general expectations for placement
- ensure that Foster parents or providers will transport child, including but not limited to the following:
 - case plan task implementation
 - court
 - daycare
 - education related supports and activities
 - employment
 - independent living activities
 - medical

- mental health
- parent and sibling visits
- respite
- conduct weekly face to face contact for the first 30 days of placement, then weekly face to face visits to support placement stability until the child discharges from the home
- 30 day progress reports shall summarize a child's specific behaviors and shall be sent no later than the 15th day of the month following the reporting month for children in placement more than 30 days to:
monthlyprogressreports@st-francis.org
- maintain and update the child's life book and the child's placement book which will travel with the child while in DCF custody. If the child is new to custody or does not have a life book, the provider will be responsible for initiating the life book
- meet all outcomes provided by SFCS

Intensive Plus (without Therapeutic services)

- meet all KDHE requirements for licensing and general expectations for placement
- ensure that Foster parents or providers will transport child, including but not limited to the following:
 - case plan task implementation
 - court
 - daycare
 - education related supports and activities
 - employment
 - independent living activities
 - medical
 - mental health
 - parent and sibling visits
 - respite
- conduct weekly face to face contact or more often if needed to support placement stability until the child discharges from this Level of Service
- meet all outcomes provided by SFCS
- maintain and update the child's life book and the child's placement book which will travel with the child while in DCF custody. If the child is new to custody or does not have a life book, the provider will be responsible for initiating the life book
- ensure foster family will have no more than two permanent placements. Respite or Police Protective Custody (PPC) would be allowable if they are seven days or less. Exceptions will be considered for extenuating circumstances. Contact the Care Center to inquire if an exception could be considered.
- Daycare will not be paid for a child at the Intensive Plus Level of Service.

Therapeutic

- meet all KDHE requirements for licensing and general expectations for placement
- ensure that Foster parents or providers will transport child, including but not limited to the following:
 - case plan task implementation
 - court
 - daycare
 - education related supports and activities
 - employment

- independent living activities
 - medical
 - mental health
 - parent and sibling visits
 - respite
 - conduct weekly face to face contact or more often if needed to support placement stability until the child discharges from this Level of Service
 - meet all outcomes provided by SFCS
 - maintain and update the child's life book and the child's placement book which will travel with the child while in DCF custody. If the child is new to custody or does not have a life book, the provider will be responsible for initiating the life book
 - ensure foster family will have no more than two permanent placements. Respite or Police Protective Custody (PPC) would be allowable if they are seven days or less. Exceptions will be considered for extenuating circumstances. Contact the Care Center to inquire if an exception could be considered.
 - adhere to FFTA (Foster Family-Based Treatment Association) Program Standards for Treatment Foster Care, or
 - If the Child Placing Agency does not have a program based on the FFTA Program Standards, SFCS will partner with the Child Placing Agency to create a plan to ensure the needs of the child will be met while the child is placed through this Child Placing Agency at this Level of Service
- ❖ A preliminary Master Treatment Plan will be:
- established by a licensed master's level clinician employed by the Child Placing Agency
 - reviewed and signed by a clinician with a clinical, independent license
 - within the first 14 days of admission to the Therapeutic Foster Care program
 - with goals and objectives that describe specific tasks to be completed by the treatment team during the first 90 days of placement, including:
 - strategies to ease the child's adjustment to the treatment home
 - assessment of the child's strengths, skills, interests, and needs for treatment within the home
 - initial mental health diagnoses consistent with the current edition of the DSM
 - identify potential problems likely to be encountered
 - specify how the treatment team will respond to potential problems
 - focus on the child's educational placement and adjustment to school
 - recommendations for use of at least weekly face to face visits to support treatment goals related to placement stability
- ❖ The preliminary Master Treatment Plan, with measureable goals and objectives, will be sent to clinicalreview@st-francis.org.
- ❖ A comprehensive Master Treatment Plan will be completed after the first 90 days of placement and will be submitted as the first 90-Day treatment plan review.
The comprehensive Master Treatment Plan and all 90-Day Master Treatment Plan reviews will be sent to clinicalreview@st-francis.org.
- ❖ The comprehensive Master Treatment Plan shall address the long-term goals of treatment, including criteria for discharge from Therapeutic Foster Care programs. This plan shall be:
- established by a licensed master's level clinician employed by the Child Placing Agency
 - reviewed and signed by a clinician with a clinical, independent license

- with goals and objectives that describe specific therapeutic activities and services recommended and to be provided in major developmental areas and life domains, including:
 - assessment of the child's strengths, skills, interests, and needs for treatment within the home
 - mental health diagnoses consistent with the current edition of the DSM
 - strategies necessary for promoting pro-social, adaptive behavior; emotional well-being; cognitive development; interpersonal relationship skills; community, family, and cultural connections; self-care; and daily living skills
 - recommendations for use of at least weekly face to face visits to support treatment goals related to placement stability
- ❖ The preliminary and comprehensive Master Treatment Plan, and all 90-Day Master Treatment Plan Reviews shall include:
 - at least one goal with a focus on interventions and strategies specific to the child's mental health diagnosis
 - at least one goal with a focus on interventions and strategies specific to the foster parent's treatment-driven support of the child's therapeutic progress (in other words: what will the in-home family therapy sessions be doing to better equip the foster parents to help meet the child's needs in the home at this level of service?)
- ❖ Review of Master Treatment Plans and 30-Day Progress Reports will also be looking for the following:
 - documentation of coordination of care plans and efforts with other treatment providers
 - name of the agency and clinician
 - frequency of visits
 - congruence between assessed level of functioning and impairment and planned frequency and intensity of treatment services
 - page Numbers and Client Names on each page of the clinical document
 - documented demonstrated need of in-home family therapy services or discharge planning
 - clinician signatures and credentials
 - connection between assessment of mental status and symptoms with the diagnoses and treatment plan
- ❖ 30-Day Progress Reports shall summarize a child's specific behaviors and progress toward goals set forth in the Master Treatment Plan. Progress reports shall be sent to SFCS no later than the 15th day of the month following the reporting month for children in placement more than 30 days to: monthlyprogressreports@st-francis.org.
- ❖ Daycare will not be paid for a child at the Therapeutic Level of Service.

Emergency Family Foster Home means up to seven days of foster care provided on an emergency basis in a family foster home to meet the safety and other needs of children requiring an out of home placement. The emergency family foster home must be licensed by KDHE or meet and comply with KDHE licensure requirements and be sponsored by Provider. The emergency foster family is an integral part of the team working with the child and birth family to achieve timely permanency for the child.

Respite Care means foster care provided on a short-term, temporary basis to meet the safety and other needs of children who have already been placed in a foster home while in need of out of home placement. Except for unforeseen emergencies, respite foster care services will be provided for a short-term period of time not to exceed seven consecutive nights while the child's current foster home is temporarily relieved of their foster care obligations. The respite foster home must be licensed by KDHE or meet and comply with

KDHE licensure requirements and be sponsored by Child Placing Agency. The respite foster family is an integral part of the team working with the child and birth family to achieve timely permanency for the child. The respite foster family must be qualified to provide the same level of service as the permanent placement provider. SFCS requires Provider to meet the respite needs of satellite and specialized foster families they sponsor, including payment for respite care home's services. See Respite Procedure on Page 20 and form on Appendix H.

Pre-Placement Visits (PPV) means foster care provided on a short-term, temporary basis in an effort to determine if long-term placement is appropriate. PPV foster care services will be provided for a short-term period of time not to exceed seven **consecutive nights**. PPV is used with the intent of returning to the placement to gather belongings and provide closure for the child. SFCS Care Center will arrange and coordinate the PPV with the Child Placing Agency. Any PPV home identified must be licensed by KDHE or meet and comply with KDHE licensure requirements and be sponsored by Child Placing Agency. The PPV foster family must be qualified to provide the level of service for which the child is currently evaluated. See Procedure on Page 20.

Home and Community Based Services Waiver Children's Residential Services (Supported Family Living) means supported family living residential services provided for a Child In Need of Care (CINC) who is receiving services through a person-centered service. This plan is managed by a Community Developmental Disability Organization ("CDDO") through the Kansas Medicaid HCBS Waiver Program in a family home that meets KDHE requirements for licensure as a family foster home and is sponsored by a KDHE-licensed child placing agency. Supported family living residential services for an HCBS Waiver child are provided to maintain the child in a home as a part of the child's person-centered plan and includes the child's supervision, support, daily care, shelter, food, clothing, personal hygiene and grooming assistance and expenses, education expenses and expenses related to attending school and participating in school events, transportation, recreation and entertainment, holiday and birthday gifts, a reasonable personal allowance customary for children of that age if sharing in household chores, personal liability insurance, and property and hazard insurance. (These services for maintenance are separate from any person-centered plan services reimbursable under the HCBS Waiver Program.) No more than two unrelated children are to be placed in the home in order for the child to be eligible to receive HCBS services.

Residential Care Level of Service

SFCS will place children in the environment of a residential facility to support a youth to achieve a higher level of functioning in an effort to avoid a highly structured treatment facility. SFCS will review the necessity for a child's continued placement in a residential facility at least every 90 days (with the exception of an Emergency Shelter to be reviewed at 30 days). SFCS expects all residential placements to adhere to DCF Placement Service Standards, as well as all KDHE standards pertaining to the regulations of a Child Placing license meeting the requirements of K.A.R. 28-4-268:280. At each Level of Service YRC I, YRC II, Maternity Care, Transitional Living Programs, Secure Care Facility and Emergency Shelters, SFCS placement providers shall:

- support case coordination efforts as directed by the SFCS Case Management team
- complete 30 day progress reports to summarize a child's specific behaviors and the progress toward their specific goals as specified in their initial assessment. Progress reports shall be sent no later than the 15th day of the month following the reporting month for all children in placement more than 30 days to: monthlyprogressreports@st-francis.org
- ensure that children be transported to activities to include but not limited to the following:
 - case plan task implementation
 - court
 - education related supports and activities
 - employment

- independent living activities
- medical
- mental health
- parent and sibling visits
- respite when directed by SFCS case management team
- complete and submit, upon request, a Stability Plan to SFCS clinical staff for review to: clinicalreview@st-francis.org
- maintain and update the child's life book. If the child is new to custody or does not have a life book, the provider will be responsible for initiating the life book
- meet all outcomes provided by SFCS

Residential Service Descriptions

Emergency Shelter Services means short-term services (not more than 30 days, unless the DCF conditions for an extension are met) provided on a 24-hour per day basis in a KDHE-licensed, non-secure group boarding home or residential facility (meeting the licensure requirements in K.A.R. 28-4-268 *et seq.*) to serve the individual needs of the child and keep the child safe until an appropriate longer-term placement can be located. Services include daily living and maintenance services, which may include, but are not limited to, supervision, room, board, meals, child care, personal spending money, school fees, transportation (for school, medical care, recreation, and visits), recreation, academic activities, personal hygiene, health care, independent living training, and socialization.

Residential Maternity Care Services means services provided on a 24-hour per day basis in a KDHE-licensed, non-secure group boarding home or residential facility (meeting the licensure requirements in K.A.R. 28-4-268 *et seq.* providing daily living, maintenance, and counseling services related to the child's pregnancy and to planning and caring for the unborn child through the pregnancy, labor, delivery, and postnatal care. Residential Maternity Care facilities providing care for pregnant children must meet the requirements in K.A.R. 28-4-279. Residential Maternity Care facilities providing care for post-partum children and their infants must meet the requirements in K.A.R. 28-4-280. These services are provided for children who are not receiving Temporary Assistance for Families (TAF) payments and who need more structure and supervision than provided in a family foster home due to behaviors such as difficulty with authority figures, minor criminal offenses, and difficulty in school. In addition to specialized services related to the pregnancy, labor, delivery, and post-partum care, these services will include supervision, room, board, meals, child care, personal spending money, school fees, transportation (for school, medical care, recreation, and visits), recreation, academic activities, personal hygiene, health care, independent living training, and socialization.

Transitional Living Program Services means services during a phase of care providing the child age 16 or older with an opportunity to practice basic independent living skills in a variety of settings in order to help the child transition to independent living. The child will be assisted by a Case Coordinator and a Life Coach. Provider's staff will develop, periodically review, and supervise a Service Access for the child. Provider's services will be coordinated with services provided by other community-based providers to help the child develop a stable, strong service and support base. Provider's services will be appropriate for the child's age, gender, sexual orientation, cultural heritage, developmental and functional level, and learning ability. Services will include a residence in an environmentally safe apartment (in a building or in a complex) with sufficient bedroom space for the child's privacy, safety, and security; assistance in obtaining the basic necessities of daily life; strength-based interventions to address crisis and daily living situations; and facilitation and development of the child's support system within the community.

Youth Residential Care I Services means services provided on a 24-hour per day basis in a DCF-licensed, non-secure group boarding home or residential facility (meeting the licensure requirements in

K.A.R. 28-4-268 *et seq.*) to serve the individual needs of the child and enhance the child's ability to achieve a higher level of functioning in order to avoid a future placement in a more highly structured treatment facility. Services are provided for children who need more structure and supervision than that provided by a family foster home, but less structure and supervision than that provided in a Youth Residential Center II or Psychiatric Residential Treatment Facility, because of the child's behavioral problems such as difficulty with authority figures, minor criminal offenses, and difficulty in school. Services include daily living and maintenance services, which may include, but are not limited to, supervision, room, board, meals, childcare, personal spending money, education and academic activities, school fees, transportation (for school, medical care, recreation, and visits), recreation, personal hygiene, health care, independent living training, and socialization.

Youth Residential Care II Services means services provided on a 24-hour per day basis in a DCF-licensed, non-secure group boarding home or residential facility (meeting the licensure requirements in K.A.R. 28-4-268 *et seq.*) to serve the individual needs of the child and enhance the child's ability to achieve a higher level of functioning in order to avoid a future placement in a more highly structured treatment facility. Services are provided for children who need more structure and supervision than that provided by a family foster home or Youth Residential Center I, but less structure and supervision than that provided in a Psychiatric Residential Treatment Facility, because of the child's established behavioral or conduct patterns which are antisocial, oppositional, defiant, aggressive, abuse, impulsive, or high risk in nature. Services include daily living and maintenance services, which may include, but are not limited to, supervision, room, board, meals, childcare, personal spending money, education and academic activities, school fees, transportation (for school, medical care, recreation, and visits), recreation, personal hygiene, health care, independent living training, and socialization.

Secure Care Services means 24-hour a day care provided in a controlled ingress and controlled egress facility meeting the definitions in K.S.A. 38-2202(ff) and K.A.R. 28-4-350(u) and licensed by DCF pursuant to K.A.R. 28-4-350 *et seq.* Services include daily living and maintenance services, which may include, but are not limited to, supervision, room, board, meals, childcare, personal spending money, school fees, transportation (for school, medical care, recreation, and visits), recreation, education and academic activities, personal hygiene, health care, independent living training, and socialization. Services will include training appropriate to meet a child's particular needs such as training on personal hygiene, choice of clothing, identifying health needs, nutrition, preventive and maintenance health care, sexually transmitted diseases, regular exercise, available health services, budgeting, comparative buying, risk avoidance, identity theft protection, credit and debt, taxes, home management, communication skills, coping with authority, dealing constructively with criticism, work attendance, accepting or delegating responsibility, and good work habits.

Psychiatric Residential Treatment Facility Services means a multidisciplinary, multi-modal treatment program provided under psychiatric supervision in a 24-hour a day secure residential facility licensed by Kansas Department for Aging and Disability Services (KDADS) pursuant to K.A.R. 28-4-1200 *et seq.* for children who, as determined by an independent screening by a Licensed Mental Health Professional, cannot be safely maintained and cared for in a less restrictive, less intrusive facility. Services provided in a PRTF include daily living and maintenance services, which may include, but are not limited to, supervision, room, board, meals, childcare, personal spending money, school fees, transportation (for school, medical care, recreation, and visits), recreation, education and academic activities, personal hygiene, health care, independent living training, and socialization.

Psychiatric Hospital Services means a multidisciplinary, multi-modal treatment program provided under psychiatric and medical supervision in a 24-hour a day secure hospital licensed by KDADS pursuant to K.A.R. 30-22-1 *et seq.* for children for whom, as determined by an independent evaluation by a Qualified Mental Health Professional, inpatient psychiatric hospitalization and treatment is appropriate and

potentially beneficial. Services available include an individual plan of active treatment; 24-hour nursing/medical supervision; a structured treatment milieu; medication administration and monitoring; suicidal/homicidal observation and precautions; individual, group, and family psychotherapy; education about mental illness; and relapse prevention.

Safety Plan

A safety plan will be completed by the provider when a child poses imminent danger to themselves or others. In coordination with the case team, the provider's licensed worker will complete and submit the safety plan to the Care Center prior to placement (Appendix A). If after hours, the plan must be submitted to and reviewed verbally with SFCS on call. The written plan is then to be sent electronically and expected to be received at SFCS Care Center by noon the following business day. Submit plan to:

clinicalreview@st-francis.org.

Upon SFCS request at time of admission or when a behavior triggers a critical incident, SFCS expects a safety plan to be completed as an immediate response to address the safety of the child and others.

Behaviors that would require that a safety plan be submitted would include but are not limited to:

- ✓ Alleged perpetrator of animal abuse
- ✓ Alleged victim of human trafficking (K.A.R. 28-4-807(d)(1)(J))
- ✓ Arrest of a child in foster care (K.A.R. 28-4-807 (d)(1)(G))
- ✓ Attempted suicide (K.A.R. 28-4-807(d)(1)(J))
- ✓ Child is an alleged perpetrator or victim of a criminal assault of any kind
- ✓ Criminal Behavior
- ✓ Drug/Alcohol Use/Abuse
- ✓ Fire Setting
- ✓ Frequent AWOL
- ✓ Physically aggressive
- ✓ Property Destruction
- ✓ Psychiatric emergency/screened for acute care
- ✓ Runaway or missing from placement(K.A.R. 28-4-807(d)(1)(C))
- ✓ Safety of environment
- ✓ Self-injury
- ✓ Sexual Acting Out/Offender
- ✓ Use of illegal drugs

Disruptions

A disruption is an unplanned change in a client's placement when the client will not be returning to the foster home or facility. SFCS believes stability of placement is paramount to a child's success. Once every effort is made to maintain stability of placement, SFCS will need the documented steps that have been taken to prevent disruption. Part of the documentation for the preservation of placement would include a stability plan and the efforts toward the implementation of the plan. In the event a child needs to be moved for non-emergent reasons, placement provider will provide the SFCS Care Center with at least a 14 day notice if the child has been in placement less than six months, and not with a relative; and a 30 day notice if the child has been in placement more than 6 months or placed with a relative.

Placement staffings are available to all families and workers supporting SFCS children. The purpose of a Placement Staffing is twofold:

- 1) Placement staffings work to prevent disruption and preserve the current placement of a child or sibling set
- 2) If a move is necessary, Placement staffings help to prepare the child, staff and families involved for a well-coordinated and orchestrated move. Placement staffings often occur as conference calls that have been requested by one of the parties of the case (social worker, supervisor, foster parent, foster care worker, director, placement coordinator, etc.). The conference call will be organized and

facilitated by an SFCS Clinical Care staff. Providers are expected to prioritize placement staffings, as they occur within 48 hours of the request.

Crisis Response

Providers are expected to have staff available, accessible and able to manage a crisis immediately in the manner needed to support the foster child. Any emergent concerns will need to be brought to the immediate attention of the Case Manager or after hours on call at **785-819-0187**. Emergencies are defined as follows:

- medical or mental health treatment
- placement is in substantial non-compliance with applicable placement standards and agreements such that the health, safety or welfare of the child is endangered
- involvement with law enforcement including the removal of the child for safety reasons
- pending investigation of an allegation of abuse or neglect of a child by the foster parent(s)/staff or any other person residing in the home of the foster parent(s)/facility

A Critical/Significant/Unusual Incident will need to be completed within the timeframes set below.

Critical/Significant/Unusual Incidents

Nothing in this Section shall be deemed or construed to replace or eliminate any obligation to report child abuse or neglect, sexual abuse or exploitation, or abandonment required of Provider or a Provider employee or other person by K.S.A.38-2223, by a contract with Provider, or by terms of employment by Provider.

SFCS requires all providers to report all critical/significant/unusual incidents as determined by the DCF criteria to the child's case manager during business hours or after hours on call at **785-819-0187**.

CRITICAL INCIDENT

- **Child Death**
- **Child Near Death**
- **Incident Which May Draw Public, Legislative or Media Attention**

SIGNIFICANT INCIDENT

- Alleged abuse or neglect
- Alleged perpetrator of animal abuse
- Alleged victim of human trafficking
- Arrested for a juvenile offense
- Attempted suicide
- Birth
- Child is an alleged perpetrator or victim of a criminal assault of any kind
- Death of a parent/primary caregiver (provide date of death)
- Emergency change in placement
- Pregnancy
- Provider staff or incidents in which staff safety was seriously compromised
- Psychiatric emergency/screened for acute care
- Runaway or missing from placement
- Safety of environment
- Serious physical illness
- Unanticipated medical attention that requires treatment beyond first aid

- Use of illegal drugs
- Work related serious staff injury or death
- Other (list in description)

UNUSUAL INCIDENT

- Aggressive or assaulting behavior
- Any sexual contact between children
- Breach of privacy or confidentiality
- Discharge against medical advice
- Law enforcement contacted
- Medication/Pharmacy concern (list medications involved in description)
- Minor injury of client
- PRN Injection
- Restraint
- Seclusion
- Unauthorized treatment
- Unprofessional conduct by staff or contract staff

Reporting Protocols

Provider or its employees will follow the verbal report with a written notification sent electronically within 12 hours of the critical/significant/unusual incident to the SFCS Case Manager at: ccadmissions@st-francis.org. Provider's written critical, significant, or unusual incident report is to be made using the SFCS Critical/Significant/Unusual Incident Report form (Appendix C).

STEPS OF ACTION

When a foster parent, placement staff, or provider observes, or is involved in, or is advised of a critical/significant/unusual incident or potential incident, proceed through the following steps:

1. Take immediate action as needed (i.e. safety, emergency procedures, first aid)
2. Decide if emergent assistance from anyone is needed
3. Contact appropriate people (e.g. Parents, SFCS, Police, Fire Department, On Call, Case Manager)
4. Complete the Critical/Significant/Unusual Incident Report (Appendix D) within 12 hours and email to SFCS case manager at ccadmissions@st-francis.org
5. Mandated reporters must report allegations of abuse and neglect to the Protection Reporting Center (PRC) as pursuant to DCF requirements.

Critical Incident Review

Understanding the behaviors of a child while in placement is essential to providing the best services to children and families. When a Critical Incident transpires placement providers (residential and foster care agencies) are expected to communicate efficiently and effectively with SFCS staff. All concerns and responses will need to be documented on either critical/significant/unusual incident reporting forms, as well as the child's monthly report as required.

Upon request, SFCS personnel may request a Critical Incident Review of events that have jeopardized the safety of youth in the care of SFCS. Key agency representatives are requested to complete a systematic review of the situation, planning and/or training minimizing the likelihood of similar incidents.

- I. Review date
- II. Date and time of incident
- III. Staff involved

- IV. Description of incident
- V. Identify harm or potential harm to the child(ren)
- VI. Precautions taken to minimize future incidents.

Critical incident reviews would include but not be limited to the following incidents:

- Medication Management concerns
- Behavior Management challenges resulting in harm to children
- Missed medical or mental health appointments

The intent of a Critical Incident Review is to evaluate and make corrections to the system when required.

Upon learning of investigations by DCF the child's placement agency, the provider will notify SFCS immediately by emailing ccadmissions@st-francis.org. If the allegation indicates a situation that threatens the wellbeing of a child, the foster family or facility may be placed "on hold" for placements.

SFCS will notify the child placement agency by email of the hold within 24 hours of the hold being placed. SFCS will not resume placement with the foster family or provider under investigation before receiving the following documentation

1. All DCF Findings (licensing violations or child abuse/neglect investigations)
2. Documentation that a Critical Incident Review has occurred
3. Steps sponsoring agency has taken to correct the situation that resulted in "on hold" status.

Each placement's sponsoring agency will be required to keep a file for each child in placement, and the file should include the documentation noted on the SFCS Monitoring Tool, attached as Appendix D.

Monthly Reports

Thirty day progress reports shall document the child's adjustment in the home or provider facility to include but not be limited to: school performance (when applicable), medical, dental, vision and mental health appointments, medication, critical incidents reported, employment progress, along with independent living documentation, interactions with parents, interventions, and any other significant events or issues related to the child and the placement. Documentation will be attached to the monthly report (Appendix B) when the child has experienced any of the following:

- ✓ Dental Exam
- ✓ Immunizations
- ✓ KBH
- ✓ Other Medical appointments
- ✓ Safety Plan with the Foster Parent regarding the Child
- ✓ School IEP
- ✓ School Reports/Grade Cards
- ✓ Vision Exam

The 30 day progress reports shall be submitted to the Care Center no later than the 15th of each month following the reporting month, for all children who are in placement more than 15 days. Submission will be accepted by e-mail to: monthlyprogressreports@st-francis.org.

Placement will document all behavior concerns and behavior management interventions.

Placement Notebook

SFCS utilizes a placement notebook that travels with the child in any placement change. All information in

this book is expected to be sent with the child when a placement change is required (K.A.R. 28-4-808(e)). It will be the placement provider's responsibility to maintain and update the notebook and ensure it travels with the child to the new placement.

Performance Monitoring

Administrative Review of Child Placing Agency

Quality assurance audits are conducted annually with subcontracting Child Placing Agencies and placement facilities, and the results are shared with DCF annually. The audit includes an on-site review of the program and a review of relevant documentation demonstrating the program is operating and in good standing. SFCS staff will tour the providers' facilities, monitor the environment of care, and review a sample of SFCS client files using the SFCS Monitoring Tool (Appendix D). Through the review of client files, SFCS will determine if providers are offering the services outlined in program descriptions. SFCS also reviews copies of licenses, accreditations, certifications, all recent KDHE/DCF survey results, and receives a copy of current liability insurance coverage.

Following the site audit, the provider receives a summary of the review. If concerns of non-compliance are cited during a site review, an Action Plan will be developed with a timeline and dates for resolution of the concerns. SFCS will work with the placement provider to complete the Action Plan and resolve any concerns. If necessary, Provider Relations will conduct a follow up review to insure unsatisfactory performance findings are corrected. If performance improvements have not been made following the second audit, a performance improvement plan will need to be submitted to the Care Center Director for consideration of further placements.

Performance Improvement

SFCS will monitor outcomes and trends monthly. The outcomes selected for monitoring will be directly related to the performance outcomes of the DCF contract and/or those that affect the safety/care of a child in provider homes/facilities or show indications of problems with the agency's standard of care. Each provider will be expected to participate in a monthly review of the outcomes and trends during individual monthly meetings as requested by the SFCS Director of Placement Services. SFCS may request a performance improvement plan to address concerns.

Provider Relation Meetings

SFCS will convene Provider Relation Meetings three times each year. These meetings are designed to serve as a communication tool between SFCS and providers in an effort to strengthen relationships in partnered service to the children in the child welfare system. All providers are expected to send at least one representative to each meeting.

Financial Related Service Provision Policies and Procedures

Clothing

Foster parents/placement providers are expected to purchase clothing from the child's daily reimbursement rate. If the child does not have ample clothing or if clothing becomes worn out or is outgrown, it is the responsibility of the foster parents/placement providers to address the clothing needs of the client.

Placement providers will be required to complete a clothing inventory for each child at the beginning and end of placement. Foster families and placement providers receiving payment for the care of children in the child welfare contract will ensure said child will have clothing that is appropriate for the current season, child's age and size, current style, activities and personal cultural taste. It is the expectation all children will have at least seven sets of seasonally appropriate clothing and undergarments and one pair of shoes. As per KDHE requirements these items will be considered the personal property of the child and move with the child when they leave. The sponsoring agency will be held accountable for assuring that all of the child's

possessions transfer with the child.

SFCS does not provide a clothing allowance or vouchers since these expenses are included in the daily rates paid. However, if there are circumstances addressing special clothing challenges, Foster Parents will work through their sponsoring agency to ensure the child's needs are met. An authorization for clothing will be considered once SFCS has the initial clothing inventory and an explanation of need. Any reimbursement for clothing expenses must be pre-authorized by the Care Center prior to purchase of clothing. Send authorization requests to:

REDataManagement@st-francis.org.

Daycare

All daycare providers must have a current KDHE Daycare license. If foster parent chooses to have daycare provided in their home, the daycare provider must pass background checks, be 18 years of age and must not currently reside in the foster home. The Child Placing Agency will be responsible for completing and paying for the KBI and CANIS checks for identified in-home daycare providers. SFCS does not pay daycare if the child is placed at Intensive Plus/Therapeutic level of service or is over the age of 12.

SFCS provides daycare assistance to foster parents when both parents are employed outside the home. The amount of assistance authorized is based upon the hours the foster family is employed outside the home and at the DCF Daycare Hourly Rate. The remaining balance due after SFCS provides assistance to the daycare will be the responsibility of the foster family. SFCS does not pay for any absences or fees (this includes late fees) incurred that are in addition to the authorized rate. If the foster parent accepts overtime or extra-curricular activities or the total number of service hours exceeds the hours authorized on the PSA, the foster parent is responsible for making payment arrangements with the daycare provider for these instances.

The foster home worker is responsible for the submission of the Daycare Request Form, copies of the completed KBI/CANIS background information (if utilizing an in-home provider or relative of the child) and monitoring the employment hours for foster parents. It is an expectation of the foster care home staff during monthly family visits to inquire about changes in employment and note on the monthly report forms. Employment verification must be submitted upon request. SFCS will only authorize daycare when both foster parents are employed outside of the home. Although SFCS staff initiates this process by contacting the Care Center, these workers do not have independent authority to authorize services verbally or otherwise on behalf of SFCS. Daycare services provided prior to SFCS authorization will not be paid.

Foster parents shall notify daycare providers if child no longer needs services or child is no longer responsibility of SFCS. Payment from SFCS will discontinue the date the last services were provided for the child. If there are written agreements between the foster family and daycare providers, it will be up to the foster family to ensure daycare is aware that there will be no notice given.

SFCS does not pay for daycare when the following occurs:

- Daycare providers already being paid through DCF for a child in the care of SFCS, SFCS does not reimburse for the same service.
- SFCS will not pay for daycare if only one foster parent is employed outside of the home.
- Foster Parents who operate an in-home daycare are not eligible for daycare reimbursement for the SFCS children in their home as placement.

Procedure

The foster home worker is responsible for submitting the following items to the Care Center in order to authorize payment for daycare:

- Daycare Request Form (Appendix G) – Completed by Foster Parents and signed by Foster home worker and foster parent(s).
- Copy of KBI/CANIS Background Check Results – Completed for the In- Home provider or relative of the child. (In-home providers or relatives must be 18 years of age or older to be paid by SFCS)

Information above can be mailed, emailed or faxed to the contact information below: Saint Francis

Community Services

Attn: Daycare

P.O. Box 1340

Salina, KS 67402-1340

Fax: 785-825-5584

Email: DayCare@st-francis.org

SFCS evaluates the need for daycare based upon information provided on the Daycare Request Form. If the child is of school age, then SFCS will consider the need for daycare before and after school hours. After evaluation and approval of submitted information, a Provider Service Agreement (PSA) (Appendix F) is generated and sent to the Daycare Provider. It is the Daycare Provider's responsibility to sign and return the PSA to SFCS. A new

Daycare Request Form and PSA are required each time there is a change in any of the following:

- Child's placement
- Child's Daycare Provider
- Child's School hours
- Foster Parent's employment and/or work hours
- Expiration of Daycare Provider's License (New License must be submitted when Daycare Provider receives it from KDHE, to ensure payment is uninterrupted).

Responsibilities of Foster Care Home Worker

1. Sign and submit completed Daycare Request Form after it is returned to you and signed by the foster parent (s).
2. If utilizing in-home or relative provider (they must be 18 years of age or older), please ensure KBI/CANIS background checks are completed and copies of results are submitted to the Care Center. Please submit by fax (785-825-5584) or email (DayCare@st-francis.org).
3. Inform Foster Parent of the responsibilities below.
4. If Foster Parent is utilizing an in-home provider, inform the in-home provider of the daycare responsibilities below.

Responsibilities of Foster Parents

1. Immediately notify your foster home worker when daycare services are required for youth in the care of SFCS. Daycare providers must be Licensed Daycare Providers, an approved (passed KBI/CANIS background checks) in- home provider or a relative of the child.
2. Complete one Daycare Request Form per child for whom you are requesting daycare payment assistance.
3. If the chosen Daycare Provider has provided services to SFCS children in the past, please contact the SFCS Care Center via email at DayCare@st-francis.org to verify SFCS has up to date information.
4. If utilizing In-home provider or relative of child for daycare and they are new to SFCS as well, please provide daycare provider the KBI/CANIS forms to complete and return to the foster care worker to run. Also provide daycare provider with an IRS W-9 Form to complete and return to your foster home worker.
5. Provide completed Daycare Request Form and KBI/CANIS (if applicable) to your foster home

worker to submit to the SFCS Care Center. After approval of the Daycare Request Form, a Provider Service Agreement (PSA) will be mailed or emailed to the daycare provider.

- a. PSA's issued for daycare during the school year have school breaks and vacations built in, so full time care will be authorized while children are on school breaks.
 - b. Authorized hours for payment are based on employment hours, and authorized rate is determined by the DCF hourly rate for daycare. Payment for any hours in excess of authorized hours is the responsibility of the Foster Parent. Payment arrangements for extra hours are to be made between you and your daycare provider.
6. Timesheet must be initialed daily by foster parent or signed by foster parent at the end of the month.
 7. Notify the foster home worker whenever there is change in placement of employment, hours of employment, change of daycare provider or a change of school hours.
 8. Daycare claims (timesheet submissions) to SFCS are the responsibility of the Daycare Provider. Payment for daycare is made directly from SFCS to the daycare provider. Any remaining balance due after SFCS payment is the responsibility of foster parent.
 9. For continuation of daycare services and to avoid delays in payment to your daycare provider, please submit Daycare Requests for continuing daycare services prior to the expiration of current PSA to the following:

Saint Francis Community Services
Attn: Care Center
P.O. Box 1340
Salina, KS 67402-1340
Phone: 1-800-423-1342
Fax: 785-825-5584
Email: DayCare@st-francis.org

In-home and Relative Daycare Provider Responsibilities

The Daycare Provider Timesheet (Appendix G) is your claim for payment and your responsibility to send in to SFCS. This form can be faxed, emailed, or mailed to the SFCS Claims Department by the daycare provider. If you choose to mail your timesheets, please make copies for your records. SFCS is not responsible for lost or misdirected mail. Payment is made upon receipt and processing of claims.

Daycare Providers are responsible for making their own copies of forms needed for submission to SFCS. It is imperative that foster parents sign these timesheets at the end of the month and/or initial daily for child's time in daycare. Instructions on filling out Timesheet:

- Enter time in and time out on appropriate date. Please use actual times (do not round the time).
- Timesheet must be initialed daily by foster parent or signed by foster parent at the end of the month.
- All requested information on the Daycare Provider Timesheets must be complete (this includes child's name on the top of the form).
- Please submit one time sheet per child. All claims must be complete and timely.
- If information is incomplete, SFCS will suspend claim processing. The daycare provider will be sent an explanation of the claim suspension. The claim needs to be corrected and returned within 30 days of claim suspension. Any service not resubmitted within 30 days of suspension will be denied payment.

SFCS providers are required to file claims within 90 days from the date the service was provided. SFCS will not pay for services billed more than 90 days after the service delivery date.

Claims must be received by 8:30 a.m. Monday, in order to be eligible for payment on Friday. Timesheets can be sent monthly or bi-weekly.

Please use the address below to mail, email or fax the time sheets to SFCS Claims Department for

payment.

Saint Francis Community Services
Attn: Claims Department
P.O. Box 1340
Salina, KS 67402-1340
Phone: 1-800-423-1342 Ext. 1142
Fax: 785-825-7867
Email: cspayables@st-francis.org

Provider Service Agreement

The Provider Service Agreement (PSA) is authorization for SFCS to pay for Daycare Services. Each PSA is specific in regard to child, placement, service provider and service dates. Any time there is a change to any of the above, a new PSA is required. Pre-authorization numbers change each time a PSA is generated. Please be sure to use the correct preauthorization number when submitting forms.

Provider Service Agreements designate the following:

- Client – Child
- Placement (foster family) Name and Address
- FACTS – Transfer this number to Time Sheet
- KAECSSES – Transfer this number to Time Sheet
- Provider - Daycare Provider (ensure name and address are correct)
- Service Dates – this is the time frame for which this agreement between SFCS and the daycare provider is in effect (refer to agreement requirements for more information).
- Rate – SFCS pays the standard DCF rate for daycare. This rate is determined by the age of the child, the county in which the daycare operates and the type of daycare facility.
- Units Authorized – Hourly, Daily, Weekly or Monthly
- Service Frequency – This lists the maximums that SFCS will pay. Any amount charged by the daycare in excess of this amount is the responsibility of the Foster Parent. It is the responsibility of the Foster Parent and Daycare Provider to make arrangements for payment in these instances. Children who receive after school care will have full-time daycare authorized for school breaks.
- Progress Report Due Dates – not applicable to daycare providers.
- Pre-Authorization Number – top right hand corner. This number is to be transferred to any forms submitted for this child for the authorized services dates.

Provider Service Agreements must be signed by the daycare provider and returned to Care Center in order to receive payment from SFCS.

The daycare provider should maintain a copy of each PSA.

Direct Deposit

SFCS understands the importance of receiving payments timely. We also know the frustration experienced with the mail service at times. Therefore, we are pleased to offer direct deposit of your payments into your bank account. Through this process you will no longer have to wait for the mail or make a trip to the bank to deposit your payment.

Please complete the form on (Appendix L) and return it, along with a voided check, at your earliest convenience. We encourage you to use this service but if we do not receive a completed form from you, your future payments will continue to be mailed. Once we receive your form, please allow 30 days for this service to go into effect. Direct deposits will be processed the Friday before the due date of the invoice. If you change banks, change accounts or choose to terminate your direct deposit, please email accountspayable@st-francis.org so that we may send you a new direct deposit authorization form to

complete. If we receive your direct deposit back from your bank with an “account closed” flag, we will mail you a check, but this will delay the time it takes for you to receive payment.

Please mail, email or fax your completed form and voided check to:

Saint Francis Community Services
Attn: Accounts Payable
509 E. Elm Street
Salina, KS 67401
Fax: 785-825-0062
Email: accountspayable@st-francis.org

Please contact Accounts Payable at 785-825-0541 ext. 1135 with any questions regarding your direct deposit. We hope you will take advantage of this service.

Respite

SFCS encourages the use of overnight respite to provide stability and support for the child and placement providers. Respite is for the family, not the child. SFCS does not pay providers for respite and expects placement providers to incorporate their own policies around payment to foster families. It is SFCS expectation that placement providers utilize natural supports to provide respite and exhaust all options to ensure respite occurs. It is the Child Placing Agency’s responsibility to locate respite for children placed within their foster care home program. SFCS Care Center will not be responsible for locating respite care services. If there is a lack of respite care resources this will not be considered a viable reason for a disruption.

Procedure – If placement providers arrange respite amongst themselves, notification of the respite must be given to the Case Manager at least 24 hours prior to respite occurring. If respite is planned to exceed seven nights, placement providers must notify Case Manager seven days prior to respite occurring to ensure DCF approval can be obtained. **SFCS will continue to pay the placement with the expectation that the placement agency will reimburse the respite agency for their services.** Approval for respite and submission of completed respite paperwork (See Appendix I) should be e-mailed to respite@st-francis.org within 24 hours of respite occurring.

Pre-Placement Visits (PPV)

SFCS will only pay one placement at a time during the time the PPV occurs and does not reimburse placement providers during the time the child is on a PPV. PPV is used with the intent of returning to the placement to **at least** gather belongings and provide closure for the child.

Procedure – When PPVs occur it will be the responsibility of the foster care home worker for the PPV foster home to complete and submit the respite care request form (Appendix I) by email to respite@st-francis.org within 24 hours of the PPV occurring. If PPV is planned to exceed six nights, placement providers must notify Case Manager seven days prior to PPV occurring to ensure DCF approval can be obtained.

Transportation

Except as provided herein, mileage for transporting a child is included in the service rates. Providers may be separately compensated for mileage involving the transportation of a child if the round trip is over 60 miles from placement and if said mileage is directly related to case plan tasks. In general this includes health-related appointments (medical, dental, mental and behavioral), family visits, court hearings, school, after-school but school-related activities, recreational activities, and religious services. **If a foster family cannot transport the child to the above activities, it will be the responsibility of the sponsoring agency to provide transportation.** If an exception to the policy is needed, pre-authorization from SFCS Care Center must be obtained for reimbursement. SFCS will not pay for mileage that is not pre-authorized. Mileage that is Medicaid reimbursable must be billed directly to Medicaid by the provider and will not be paid by SFCS.

Procedure – When mileage reimbursement is needed, authorization must be obtained from the Care Center prior to the service being rendered. A Request for Mileage Reimbursement Exception Form (Appendix I) must be completed and submitted to the Care Center.

CARE CENTER

ATTN: Data Management

P.O. Box 1340

Salina, KS 67402-1340

785-825-5584 – Fax

REDataManagement@st-francis.org

Level of Service Change (LOS) and Dispute Resolution Process

SFCS does not continuously review children at Basic LOS. If the placement provider would like to dispute a child at Basic LOS, a dispute resolution form must be turned into LOSReview@st-francis.org. Within two working days, the SFCS Care Center will respond to the placement provider with a date the child's LOS will be reviewed. Shortly after the date of review, SFCS Care Center will send out the completed dispute resolution form and any PSA's that are necessary.

SFCS will review all children placed at Moderate LOS and above approximately every 90 days. Placement providers will receive a placement agreement with no end date indicated and will utilize that placement agreement until notified of change of LOS or child is no longer placed with that placement provider. Upon discharge of child from placement provider, SFCS will send a final placement agreement to the placement provider with the appropriate dates of service and units.

If it is determined that a child's LOS needs to be changed due to the score on the SFCS internal scoring tool, placement providers will get a letter via email notifying them that within 14 calendar days the child's LOS will change.

SFCS will no longer level up and down in steps. After the 14 calendar days, the child's LOS will change directly to the new LOS. ****NOTE:** TFC clients will still be leveled down just one step initially, and then they can be leveled directly down.

If the placement provider determines it is appropriate to dispute the LOS change, they will have seven calendar days to provide SFCS Care Center with the following:

1. Completed dispute resolution form (SFCS will not accept the form unless all sections of the form have been completed)
2. Supporting documentation (EX: monthly progress reports, letter from other professionals, letter from foster parent)

If documentation is not submitted by the 7th calendar day, SFCS will continue with LOS change. SFCS will not accept late disputes. The LOS will not be available for dispute until 90 calendar days have passed from the original notification. All LOS dispute forms and documentation need to be submitted to LOSReview@st-francis.org by email.

SFCS Care Center will respond to the placement provider within seven days of receiving the dispute documentation with a final decision regarding the child's LOS change.

Claims Submission and Processing

Authorization

Saint Francis Community Services (SFCS) Provider Service Agreement (PSA) signed by a Care Center

Representative must support any and all services provided to children in the SFCS Contract area. It is the Provider's responsibility to return the signed PSA to the Care Center within three business days. Although SFCS staff initiates this process by contacting the Care Center, these workers do not have independent authority to authorize services verbally or otherwise on behalf of SFCS. Only Care Center personnel can authorize/approve services. A PSA will not be generated after the service has been provided. In emergency situations, such as after hours and weekends, the Provider should obtain verbal authorization for placement from a member of the Care Center staff via the on-call telephone number: (785) 819-0187. A backup telephone number is available at (877) 732-4673. The Provider must obtain a written PSA from the Care Center the next working day following the emergency.

General Claims Guidelines

To facilitate prompt and accurate reimbursement, providers are required to submit all claims using the HCFA 1500 form or an approved electronic format. In both options, the same information is required to process a claim for payment and most information can be obtained from the PSA (Appendix E).

If a provider opts to use the electronic format, claims can be e-mailed directly to the Claims Department at: sfcsclaims@st-francis.org using an approved format. To obtain a copy of the approved format and additional instructions, contact claims processing at 785-825-0541, ext. 1130.

Some services provided to clients are reimbursable by Medicaid. In these instances, providers should submit claims directly to Medicaid. SFCS is not responsible for the payment of these services.

Filing Instructions for the HCFA 1500

The following instructions for the HCFA 1500 form (Appendix K) are the **minimum** requirements in order to successfully process a claim. When necessary, additional fields should be completed.

HCFA 1500 Minimum Requirements

Box 1a	Client's KAECSES number from the Provider Service Agreement (PSA)
Box 2	Client's Name exactly as it appears on the PSA
Box 23	Pre-Authorization Number in the top right hand corner of the PSA
Box 24a	Dates of Service for actual reimbursement dates. Do not include the discharge date in the billing date range. (For example: If a child leaves on 01/15/13, the billable range would be 01/01/13 to 01/14/13 for 14 days.)
Box 24d	Procedure Code from the Service field on the PSA
Box 24f	Rate stated on the PSA multiplied by the number of units
Box 24g	Number of days or units to be paid
Box 25	Federal Tax ID Number of provider
Box 28	Total Charges to be paid
Box 31	Signature of Provider's Representative
Box 33	Provider's Name, Address & Phone where payments will be mailed

Claims Submission Timeline

We recommend that claims be submitted as soon as possible after services are rendered. Providers are required to submit claims according to the timeframes set out in their contracts (Section 4.2) or no later than 60 calendar days following the month of service. Any claims received after this deadline will not be paid. Providers are prohibited from billing the child or the child's family for such services.

Resubmissions and Adjustment

If a placement provider needs to make a correction or adjustment to a previously submitted claim, a revised

claim should be noted as “RESUBMISSION” in box 22 of the HCFA 1500 or in the Notes column of the electronic worksheet. Resubmissions should be filed as soon as possible. The Claims Department must receive all claim adjustments within 30 days subsequent to the payment or denial of the original claim, or payment will be denied.

Incomplete or Incorrect Claims

If information is incomplete or incorrect, the Claims Department will suspend or deny the claim. In either case, the provider will be notified explaining why the claim could not be processed. The original submission date will count as honoring SFCS’ requirement that all claims be submitted no later than 60 days following the month of service.

The suspended claim needs to be corrected and returned as soon as possible so payment can be made in a timely manner. Any service that has not been resubmitted within 30 days of being suspended will be denied payment. Resubmissions will not exceed the maximum of 120 days from the date of service.

Absenteeism

Medical &/or Acute Hospitalization – Hospitalization days will be paid if an authorization has been requested from the Care Center within 24 hours of removal, and if a Provider Service Agreement was issued to hold the bed. The PSA will only be issued if the plan is for the child to return to the placement when discharged. This does not include children who are admitted to State hospital facilities.

Visitation – Payment to placement providers will occur if the visitations have been authorized and the child returns to the placement. The frequency, duration, and location of the visits are to be part of the child’s case plan.

Runaway – Payment to placement providers will stop the date the child leaves the facility or the home. The placement provider must notify the Care Center as indicated in the Critical Incident Reporting section cited previously.

Missed Appointments

SFCS does not authorize payment to Providers for missed appointments. The Provider is prohibited from billing the child or the child’s family.

Multiple Services per Day

A Provider may render two separate and distinct services to the same client on the same day, but may not render the same service more than once a day on the same day. Refer to the DCF Handbook of Services for limitations on services.

Payment

If a claim is coded according to guidelines, and treatment has been authorized with a PSA, the Provider should receive payment within 45 business days of receipt of the original claim. All Providers will receive a remittance advice for processed claims.

CLAIMS MAILING ADDRESS:	CLAIMS SUBMISSION INQUIRIES: Saint Francis
Community Services	1-800-423-1342
Claims Department	
P.O. Box 1340	
Salina, KS 67402-1340	

Direct Deposit

SFCS understands the importance of receiving payments timely and thus affords providers the ability to have payments directly deposited into a bank account. This choice of remittance requires a Direct Deposit form to be completed (Appendix M). Providers are encouraged to use this service. This service will go into effect approximately 30 days following receipt of the form. Direct deposits will be processed the Friday before the due date of the invoice.

If there is a change in banks, change in accounts, or a choice to terminate direct deposit services, an e-mail notification should be sent to SFCS at accountspayable@st-francis.org. A new direct deposit authorization form will be sent for completion.

Mail or fax the completed Direct Deposit form and voided check to: Saint Francis Community Services
Attn: Accounts Payable
509 E. Elm Street
Salina, KS 67401
FAX Number: 785-825-0062

Direct Deposit questions should be addressed to: Accounts Payable
785-825-0541 ext. 1135

APPENDIX A: Safety Plan

FAMILY SAFETY PLAN



BEHAVIORS OF CONCERN:

RISKS IDENTIFIED:

PLAN OF ACTION: (including who's responsible and date of action)

Action Plan	Who's Responsible	Date of

DISCHARGE GOAL PLAN:

SIGNATURES:

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

APPENDIX B: Monthly Report

FOSTER CARE HOMES FOSTER FAMILY SERVICES MONTHLY REPORT



Child's Name: _____

Month/Year: _____

Child: _____ Case Manager: _____
 Date of Birth: _____ Contracting Agency: _____
 Date Placed: _____ and Office Location: _____
 CPA Worker: _____ Level of Care: _____

Placement Demographics:

Name of Licensee:	Address/City/State/Zip:		
Foster Parent #1:	Race:	Ethnicity:	Gender:
Foster Parent #2:	Race:	Ethnicity:	Gender:

I/DD/Social Services: Is the youth receiving I/DD Services? ☐ Yes ☐ No

I/DD Waiver Eligible: ☐ Yes ☐ No

Mental Health/Social Services: Is youth in counseling/therapy? ☐ Yes ☐ No

SED Waiver Eligible: ☐ Yes ☐ No

Date	Type Medication Management; Case Management; Attendant Care; ICS; Individual tx; Family tx; Group tx; Other	Agency Name of the agency where services are occurring (i.e. Prairie View).	Provider Name Name of the actual person/doctor.	Comments

Biological Family Interactions with child:

Name/Relationship (parent, sibling, relative)	Date of Contact	Type (overnight, day, supervised)	Comments (child's response/ participation to interaction)

Foster Family Worker contact with youth/Licensee:

Date of Contact	Type of Contact	With Whom	Location of contact	Length of Contact

Adoption Questions:				
If child has parental rights terminated (PRT), is the Foster family the identified resource?	☐ Yes ☐ No ☐ N/A			
If no, has the Foster Family Worker talked to the Foster Parents about adoption?	☐ Yes ☐ No			
Foster Parents Response:	☐ Interested ☐ Maybe ☐ Not Interested			
	Comments:			

Placement Information:				
Was Child Placement Book provided to foster parent:		☐ Yes ☐ No Items missing: Date given:		
List any safety issues or concerns for the child regarding this placement:				
Safety Plan was reviewed with foster parent: ☐ Yes ☐ No ☐ N/A				Date reviewed:
Did the foster parent have any needs in regards to safety and/or well-being for their home: ☐ Yes ☐ No				
If so, how did the agency address the foster parent's needs (ie, training, supervision, respite, etc.):				
List requested documentation from contract worker:				
Youth's adjustment to the foster home this month		☐ Very Well ☐ Satisfactorily ☐ Poorly Comments:		
Educational Services:				
School Name:		Address:		Phone:
Grade Enrolled:		Date Enrolled:		Comments:
Is this the child's home school: ☐ Yes ☐ No ☐ N/A Is there a current IEP? ☐ Yes ☐ No ☐ N/A Date of IEP:				
Describe child's progress in school (academically & behaviorally)?				
Describe child's educational concerns:				
If the child is not in school explain how their educational/developmental needs are being met:				
Does this child receive daycare services? ☐ Yes ☐ No				
Describe Progress/Changes in Daycare:				
Medical Services:				
Are immunizations current? ☐ Yes ☐ No				
Last KBH:			Next KBH due:	
Last dental exam:			Last vision exam:	

Other medical appointments this month:				
Is youth taking medication? ☐ Yes ☐ No				
Medication	Dose/Frequency (ex. 200mg/3x per day)	Route (ex. oral, injected, inhaled)	Purpose (ex. depression, birth control)	Side Effects (ex. nausea, headaches)

Medication Errors: Describe the error and document occurrence below. ☐ None this month	
Date:	Description:
Date:	Description:

Child Services:	
Describe any additions to life book this month:	
Describe life skills child worked on this month (for children 4 years and older):	
Describe recreational activities and hobbies the child participated in this month:	
Describe the child's strengths:	
Describe the child's needs and how they are met:	

List any community connections the child had this month (contact with extended family members, faith, tribe, siblings not in foster care, friends, home school, etc.):	
Is the child employed? ☐ Yes ☐ No	
Comments:	
If case plan goal is OPPLA and the placement is willing to be a permanent placement for the child until release of custody, has the placement signed a commitment agreement: ☐ Yes ☐ No ☐ NA	
For children 14 and over, an Independent Living Learning Plan is in place and being followed by the child and family.	☐ Yes ☐ No ☐ NA
For children 16 and over, an Independent Living Transition Plan is in place and being followed by the child and family.	☐ Yes ☐ No ☐ NA

Critical/Significant Incidents during the month:		
Date of incident	Incident Type	Result

--	--	--

Respite Care during the month:

Date	Respite Provider	Explain

Child's Voice (child wishes to share the following):

--

Child's Milestones:

--

Additional Comments:

--

Discharge Summary Information (include continued care, service recommendations, and discharge placement, if known):

☐ This report will serve as the discharge summary Date of discharge: _____

Worker Signature: _____

Supervisor Name

Printed: _____ Supervisor Signature: _____

Report Written: _____ Report Mailed: _____

**Placement Provider Addendum
MONTHLY REPORT**

For Reporting on SFCS Youth

Month/Year: _____

Please attach the following if these areas were updated during the reporting month:

- ☐ Safety Plan with the Foster Parent regarding the Youth
- ☐ Corrective Action Plans/Partnership Development Plans with the Foster Parent regarding the compliance of the home to KDHE Regulations
- ☐ School IEP
- ☐ School Reports/Grade Cards
- ☐ KBH
- ☐ Immunizations
- ☐ Dental Exam
- ☐ Vision Exam
- ☐ Other Medical Appointments

Licensing Information:	
Is the home currently in compliance with all KDHE licensing regulations?	☐ Yes ☐ No
If not, explain noncompliance regulations and how they are being addressed:	
Does the Foster home anticipate any changes to the status of the home's license within the next 90 days (change in licensee, moving, etc):	☐ Yes ☐ No
	If so, explain:
Please list other adults living in the home (in addition to those on the license, noting those approved to provide care for the children in the Foster home):	

APPENDIX C: Critical/Significant/Unusual Incident Report

CRITICAL/SIGNIFICANT/ UNUSUAL INCIDENT REPORT



Incident Report # (RM Only):	
Client Last Name:	
Client First Name:	
ID Number:	
Date of Birth:	
Court Case #:	
In DCF Custody?	☐ Yes ☐ No

Date of Incident: _____	Time: _____	Date of Discovery: _____	Time: _____
Name of Placement/Resource Home: _____			
SFCS Case Management Office/Referral Source: _____			
CRITICAL INCIDENT (check all that apply)			
☐ Child near death	☐ Child death	☐ Incident which may draw public, legislative, or media concern	
SIGNIFICANT INCIDENT (check all that apply)			
☐ Death of a parent/primary caregiver (provide date of death)	☐ Pregnancy		
☐ Runaway or missing from placement	☐ Birth		
☐ Arrested for a juvenile offense	☐ Emergency change in placement		
☐ Alleged abuse or neglect	☐ Use of illegal drugs		
☐ Child is an alleged perpetrator or victim of a criminal assault of any kind	☐ Alleged victim of human trafficking		
☐ Attempted suicide	☐ Alleged perpetrator of animal abuse		
☐ Serious physical illness	☐ Work related serious staff injury or death		
☐ Unanticipated medical attention that requires treatment beyond first aid	☐ Provider staff or incidents in which staff safety was seriously compromised		
☐ Psychiatric emergency/screened for acute care	☐ Safety of the environment		
☐ Other (list in description)			
UNUSUAL INCIDENT (check all that apply)			
☐ Any sexual contact between child	☐ Medication/Pharmacy concern (list medications involved in description)		
☐ Aggressive or assaulting behavior	☐ Breach of privacy or confidentiality		
☐ Restraint	☐ Unauthorized treatment		
☐ Seclusion	☐ Discharge against medical advice		
☐ PRN Injection	☐ Unprofessional conduct by staff or contract staff		
☐ Minor injury of client	☐ Law enforcement contacted		
DESCRIBE INCIDENT: (include location)			

Extent of Client Injury: ☐ None ☐ Low ☐ Moderate ☐ Severe **Staff Injury:** ☐ None ☐ Low ☐ Moderate ☐ Severe

All adults present or responsible for the client during the incident: _____

FP ONLY: Children living in the home: _____

Person Reporting (print): _____ **Date Completed:** _____ ☐ SFCS in-house report anonymity

For SFCS Use

Contact (If Applicable)	Contact Name	Date	Time	Fax/ Verbal/ Email	By whom?
Parent/Guardian					
Administration					
DCF/DHS/DHHS/DMH (Verbal) 12 hour					
DCF/DHS/DHHS/DMH (Written) 24 hour					
State Protection Reporting Center					
Risk Management (Written) 24 hour					
Contract Agency (Verbal) 12 hour					
Contract Agency (Written) 24 hour					
KDADS – AIR (PRTF Only)					
KDHE (RE/FCH) 24 Hour					
Police/Sheriff					
Court					
Guardian ad litem					
RFC Date & Time of Discovery					

Follow-up Needed: ☐ Yes ☐ No **Follow-up Completed by:** _____

Recommendations: _____

APPENDIX D: SFCS Monitoring Tool

RECIPROCAL PLACEMENT SERVICES SITE REVIEW

FACILITY/AGENCY INFORMATION

Facility/Agency Corporate Name	
DBA Name(s) if applicable	
Address	Street Address:
	City, State & Zip Code:
Mailing Address: (Routine mail)	Address:
	City, State & Zip Code:
CEO / CFO	Name:
	Title:
	Email:
	Phone #:
Program Administrator	Name:
	Title:
	Email:
	Phone #:
Agency Audit Contact	Name:
	Title:
	Email:
	Phone #:
	FAX #:

Facility Type (check all that apply):

Residential Facilities	Check Facility Type	Number of Beds
Community Integration Program (CIP)		
Emergency Shelter		
PRTF		
Residential Maternity		
Secure Care		
Transitional Living Program (TLP)		
YRC I		
YRC II		
Child Placing Agency		
Satellite / Emergency Family Resource Home		
Specialized / Diversion Family Resource Home		
Treatment Family Resource Home		
Therapeutic Family Resource Home		
Maternity Resource Home		

List other applicable site Locations:

Address	Street Address:
	City, State & Zip Code:
Address	Street Address:
	City, State & Zip Code:

FACILITY/AGENCY REVIEW**LICENSURE/ACCREDITATION/CERTIFICATION**

1. Is your facility licensed by the state?	☐ Yes ☐ No (If yes, include copies of all applicable licenses)
2. Has KDH&E performed an onsite licensing or other review in the last year?	☐ Yes, date of last survey _____ ☐ No (If yes, were any deficiencies or other improvement action required? Please attach a summary of the improvement action required and current status of these improvement activities. Or include a copy of the survey results.)
3. Does your facility have a current Provider Agreement with SRS?	☐ Yes ☐ No (If yes, include copy)
4. Has the state oversight department performed an onsite licensing or other review?	☐ Yes, date of last survey _____ ☐ No (If yes, were any deficiencies or other improvement action required? Please attach a summary of the improvement action required and current status of these improvement activities. Or include a copy of the survey results.)
5. Is your facility Medicaid certified?	☐ Yes ☐ No (If yes, list applicable Medicaid Provider #s)
6. Is your facility accredited	☐ Yes ☐ No (If yes, by which organization? _____)
7. Has your accrediting organization performed an onsite licensing or other review in the last year or within its survey cycle?	☐ Yes, date of last survey _____ ☐ No (If yes, were any deficiencies or other improvement action required? Please attach a summary of the improvement action required and current status of these improvement activities. Or include a copy of the survey results.)
8. Does your facility have current professional & general liability insurance coverage?	☐ Yes ☐ No (If yes, include copy)

AFFILIATIONS

Does your facility have an affiliate or other sub-contract relationship with other facilities/entities?	☐ Yes ☐ No (If yes, attach a document showing name, address, and telephone number of each affiliate, along with a brief description of the affiliate's relationship to facility.)
---	--

QUALITY REVIEW

1. Are the credentials and/or certifications of professional staff members verified If yes, by whom & how often:	☐ Yes ☐ No
2. Is there continuing education and/or recertification required of your staff?	☐ Yes ☐ No
**Please make available during the site review visit a list of training and in-service programs offered during the last calendar year.	
3. What is the staff ratio during waking hours / and sleeping hours /	
4. Is there a formal grievance/resolution procedure for your clients?	☐ Yes ☐ No
5. Is there a formal satisfaction program for your clients?	☐ Yes ☐ No

6. Does your facility complete an internal record review process?	☐ Yes ☐ No
7. Does your facility have a written quality assurance/quality improvement (QA/QI) plan?	☐ Yes ☐ No
HAS YOUR FACILITY HAD:	
1. Revocations or suspensions as a Medicaid Provider?	☐ Yes ☐ No
2. Agency license actions? (i.e. suspensions, revocations, sanctions, etc.)	☐ Yes ☐ No
3. Judgments or settlements against the facility that pertain to child welfare or behavioral health services in the past 5 years:	☐ Yes ☐ No
Please attach an explanation for any question(s) answered yes above.	

RESIDENTIAL SITE REVIEW ELEMENTS

Site Review Elements	Yes	No	Comments
RESIDENTIAL AREA			
Is Residential area accessible to the disabled (wheelchair accessible)?			
Are fire exits clearly marked?			
Are exits clear of all objects/items?			
Are smoke detectors present?			
Are fire alarms working?			
Are storm evacuation routes posted?			
Is behavior management system posted?			
LIVING ROOM			
Is Living Room neat/clean and well furnished?			
Is decor age appropriate?			
Are structured age appropriate activities available?			
BEDROOMS			
Are Bedrooms neat/clean?			
Are beds in good condition?			
Are dressers available and in good condition?			
Are desks available and in good condition?			
Are closets available and in good condition?			
BATHROOMS			
Are Bathrooms neat/clean?			
Are showers and bathtubs available?			
Are Bathrooms ADA compliant?			
KITCHEN AREA			
Is Kitchen area neat/clean?			
Are meals served 3 times per day?			
Are snacks available between meals?			
Does facility provide exception for cultural or religious diets?			
DINING ROOM			
Is Dining Room area neat/clean?			
Is appropriate seating available?			
STAFF OFFICE AREA			
Is Staff office available?			
Is office neat/clean?			
Are children's files and other client information out-of-view from public?			
Is appointment schedule not in public view?			
Is telephone available to residents?			
Are medications Locked and secured?			
OUTSIDE AREA			
Is outside appearance pleasant?			
Is the area free of potential safety hazards?			

Policy			
Discipline Policy			
Physical Restraint / Seclusion Policy			
-Policy ensures safety after restrain/seclusion			
-Policy specifies the required elements of an order for restraint			
-Policy identifies staff that is responsible for continual assessment during restraint as well as defining the minimal physical and psychological elements that must be addressed.			

PLACEMENT SERVICES TREATMENT AND/OR CASE RECORD REVIEW ELEMENTS

GROUP HOME OR OTHER NON-FAMILY SETTING (CHILD'S CASE RECORD)

Facility Type (check all that apply):

Community Integration Program (CIP)		PRTF		Secure Care		YRC I	
Emergency Shelter		Residential Maternity		Transitional Living Program (TLP)		YRC II	
					ID#	ID#	ID#
* = from CW/CBS Provider							
Medical Card*							
Medical Consent*							
Medical Release*							
Dental Records*							
Immunization Records*							
KanBeHealthy*							
Contractor Case Plan*							
Education Records*							
Journal Entry*							
Life Book*							
Placement Agreements*							
Recreation Programming							
Timely Critical Incident Reports (time frames met)							
Timely Notice of Moves (time frames met)							
Medical/Medication							
Medication Administration Record Completed & Signed							
Medication Effects Documented							
Reason for Medication Documented							
Prescriptions Include: Name, Dose, Strength, Frequency, Route of Medication							
Emergency Shelter							
Daily Log Notes							
Initial Assessment completed within 14 days							
Involved in Permanency Planning							
Weekly Progress Notes							
YRC I / YRC II / Secure Care							
Daily Log Notes							
Initial Assessment within - 7 days YRC I / 24 hrs YRC II – Secure Care							
Daily living, situational training, communication skills, home management, situational guidance and recreation activities provided.							
Involved in Permanency Planning							
Program Plan established 30 days YRC I / 14 days YRC II –							

Secure Care					
Plan includes Long/Short Goals-Timeline-Child Signature					
Program Plan is reviewed quarterly					
Weekly Progress Notes					
Monthly Progress Reports - YRC II – Secure Care					
Response to Care Documented					
PRTF					
Health & Safety Assessments					
Individual Plan of Care within 14 days of admission or 24 hours after returning from inpatient hospitalization or AWOL.					
Individual Plan of Care reviewed every 30 days					
Individual Plan of Care includes treatment objectives					
Individual Plan of Care Specifies criteria for discharge					
Active Treatment includes family involvement if applicable					
Monthly Provider Progress Reports					
Progress Notes include residents progress in meeting goals					
Progress Reports show child is receiving education in life skills, goal-setting skills, problem solving skills, social skills, self-management skills and independent living skills.					
Documentation of medication evaluations					
Orders & Follow Up for Restraint / Seclusion					
Clinical Documentation					
Response to Care Documented					
Discharge Summary					
Timely Discharge or Transfer Summary Present					
All Medication Prescribed & dispensed at Discharge					
Discharge Instructions					
Includes contact list					
Includes prevention plan					

PLACEMENT SERVICES CASE RECORD REVIEW ELEMENTS

FAMILY SETTING (CHILD'S CASE RECORD)

Check all that apply:

Satellite / Emergency Family Resource Home		Maternity Resource Home	
Specialized Family Resource Home		Therapeutic Family Resource Home	

Foster Parent Record and/or Daily Log Element	ID#	ID#	ID#	ID#	ID#	ID#
*= from CW/CBS Provider						
Medical Card*						
Medical Consent*						
Medical Release*						
Kan-Be-Healthy Screening*						
Dental Records*						
Immunization Records*						
Mental Health Records*						
Education Records*						
Placement Agreements*						
Contractor Case Plan*						
Journal Entry*						
Life Book*						
Timely Critical Incident Reports (time frames met)						
Timely Notice of Moves (time frames met)						
Provider makes timely assessments of current needs						
Medication						
Prescriptions Include: Name, Dose, Strength, Frequency, Route of Medication						
Reason for Medication Documented						
Medication Administration Record Completed & Signed						
Medication Effects Documented						
Satellite / Emergency Family Resource Home						
Documentation of Timely Home Visits						
Daily Living Skills and Recreation Activities are provided						
Monthly Progress Reports						
Specialized Family Resource Home						
Documentation of Timely Home Visits						
Daily Living Skills and Recreation Activities are provided						
Monthly Progress Reports						
Therapeutic Family Resource Home						
Initial Assessment						
Treatment Plan completed within 14 days of placement						

Treatment Plan is reviewed, revised every 90 days.						
Specifies Criteria for Discharge						
Weekly progress notes						
Monthly Progress Reports						
Weekly contact with resource parent(s)						
Discharge Summary						
Discharge or Transfer Summary Present						
Review Progress of Case Plan Objectives/Outcomes						
Services Received During Placement						
Current Medications and/or Medical Needs						
Reason for Change of Placement						
Ongoing Services Recommended or Referred						

PLACEMENT SERVICES CASE RECORD REVIEW ELEMENTS

RESOURCE HOME FILE

[illegible]

ON-SITE REVIEW SUMMARY

Facility/Agency Name	Corporate	
-----------------------------	------------------	--

Facility Type (check all that apply):

Child Placing Agency	☐	PRTF	☐	Secure Care	☐
Community Integration Program (CIP)	☐	Residential Maternity	☐	Transitional Living Program (TIP)	☐
Emergency Shelter	☐	YRC I	☐	YRC II	☐

Name of Reviewer & Date(s) of Review: _____

Facility/Program Strengths:

Facility/Program Improvement Areas:

Recommendations:	Date Due

Follow-Up Action Plan and Date:	
Reviewer: (print name)	Agency Audit Contact: (print name)
Reviewer Signature:	Agency Audit Contact Signature:
Title:	Title:
Date:	Date:

APPENDIX E: Provider Service Agreement



Pre-Authorization No. _____

PROVIDER SERVICE AGREEMENT SFCS PAYMENT AUTHORIZATION

Date: _____		SFCS Worker: _____ Telephone: _____	
Client: _____ DOB: _____ FACTS: _____ KAECSES: _____ SSN: _____	Provider: _____ Address: _____ _____ _____ Phone: _____ Fax: _____ Prov. Rate: _____ Medicaid ID: _____ TaxID: _____ Sponsor: _____		
Service: _____ Begin Date: _____ Rate: _____ Billable Unit: _____ Service Frequency: _____			
ADDITIONAL INFORMATION: (i.e. Client names if different from above, other info., etc.) FOR ALL SERVICES PURCHASED Either document the desired outcome here or attach a copy of the case plan which pertains to the outcome.			

RIGHTS and REQUIREMENTS:

- Agency:**
1. Plan with client.
 2. Share with provider.
 3. Services purchased must be consistent with the plan/goal.
 4. Transport client to and from case planning activities, school, work, mental health and medical appointments when foster home is unable to transport.
 5. Negotiate and monitor provider agreement.
 6. Notification of 48 hours for termination of this provider service agreement prior to proposed ending date unless a move occurs due to extenuating circumstances. Examples of extenuating circumstances may include but are not limited to court ordered moves, AWOLs, emergency situations and critical incidents.
- Mutual:**
1. Discuss any change in status or plan for client.
 2. Direct Care Provider shall maintain homeowners (liability) insurance through duration of agreement.

- Mutual:**
3. Services provided in conformation with standards contained herein.
 4. Services provided consistent with and supportive of the case plan.
 5. Abide by licensing standards and other regulations as applicable.
 6. Maintain up to date records documenting service
 7. Provide progress reports to the agency as specified.
 8. Maintain records to demonstrate cost.
 9. Submit claim forms as required.
 10. Services provided consistent with contractual agreement signed by both parties.
 11. Follow SFCS Agency Provider Manual.

AUTHORIZATION:

Provider: _____
Title: _____ **Date:** _____

Agency: Saint Francis Community Services: _____
Title: _____ **Date:** _____

SFCS Use Only

Cloe Hedlund

APPENDIX F: Daycare Request Form

Daycare Request Form									
Please fax to the Care Center at 785-825-5584 ATTN: Daycare									
Child Information									
Child's Name:				Child Attends:		Pre -School	Hours:		
Date of Birth:						Kindergarten	Hours:		
FAC TS:						Full Day School	Hours:		
KAEC SES:						School Days (Circle all that apply)			
Level of Care:						M	T	W	Th F
Daycare Information									
				daycare .					
Name on Daycare License:						Daycare Type (please check):			
Daycare Providers Full Name:						Licensed Home			
Address:						Registered Home			
City, State, Zip:						Licensed Center			
Phone :						Special Purpose			
Fax:						Relative of the Child			
County:						In-Home Provider			
Reason for Request:									
				Full Time Daycare		After School / School Breaks		Summer Daycare	
Begin Date:				Hours Per Day					
End Date:				Days Per Week					
Resource/Kinship Parent Information									
Parent's Names:						Sponsor:			
Address:						Phone:			
City, State, Zip						Email:			
Name of Employer:						Name of Employer:			
Employer's Phone:						Employer's Phone:			
Work Sch Sun						Work Schedule	Sun		
Mo n							Mon		
Tue							Tue		
Wed							Wed		
Thur							Thur		
Fri							Fri		
Sat							Sat		
*** I give my consent for St. Francis to contact my current employer to verify my work schedule .									
Resource /Kinship Parent Sign Date Resource Worker / Specialist, Kinship Worker									
Resource /Kinship Parent Sign Date Date									

APPENDIX G: Daycare Timesheet Form

DAYCARE PROVIDER TIME SHEET



Child Name: _____
Preauthorization #: _____
KAECSES#: _____
FACTS: _____
Age: _____

Foster Parent/Relative: _____ Sponsor: _____ Daycare

Daycare Contact: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Tax ID: _____ Rate: _____

Month & Year of Service Provided: _____

Date	Time In	Foster Parent Initials	Time Out	Poster Parent Initials	Hours
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					

Date	Time In	Foster Parent Initials	Time Out	Poster Parent Initials	Hours
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

Total Hours: _____

Total Due: _____

Daycare Provider Signature: _____

Foster Parent/Relative Signature: _____

Incomplete submissions may result in delay of payment

Timesheets must be turned in by 8:30am on Monday to be considered for payment that Friday. Timesheets may be turned in bi-weekly or monthly.

APPENDIX H: Respite Care Notification Form

RESPITE CARE NOTIFICATION



Date: _____

SECTION 1

Name of Child: _____

DOB: _____

Kaecs ID #:

SECTION 2:

Contractor Staff Assigned: _____

Phone Number: _____

Placing Agency:

SECTION 3:

Foster Care Worker
Requesting Respite:

Fax Number: _____

Phone Number: _____ Signature _____ Date _____

Sponsor:

SECTION 4:

Current Placement Name: _____

Level of Care: _____

Current Placement Address: _____

Sponsor: _____

Phone Number:

SECTION 5:

Respite Admission Date: _____

Respite Discharge Date: _____

Respite Placement Name: _____

Sponsor: _____

Address:

Phone #: _____

ADMISSIONS USE ONLY

☐ In House Respite

☐ Pay Current Placement Home

☐ Paid Respite

☐ Pay Respite Placement Home

☐ IHP

☐ eKidz

☐ MH Respite

Provider Rate: _____

FH Rate: _____

Person Approving Respite: _____

Date(s) of Contact: _____

1st Ack Sent: _____

2nd Ack Sent: _____

1. Foster Family's Foster Care Worker fills out Request for Respite.
2. Request for Respite to Admissions and the Case Manager by Fax or Email (zzrespite@st-francis.org)
3. Respite Requests longer than six nights must have prior DCF approval. Email approval to zzrespite@st-francis.org

APPENDIX I: Mileage Reimbursement

REINTEGRATION FOSTER CARE REQUEST FOR MILEAGE REIMBURSEMENT EXCEPTION



Resource Family: _____ Phone: _____

Address: _____

Child Name: _____ KAECSES: _____

Resource Worker Name: _____

Date Range		City		Description of Activity	Miles per Trip
Begin	End	From	To		

Reason for Exception:

*Mileage rate cannot exceed the SFCS rate

Resource Parent Signature

Date

Area Director Signature

Date

FOR SAINT FRANCIS CHILDREN PLACED IN SAINT FRANCIS HOMES

- The Resource Parent should complete this form prior to the transportation date(s). It should be submitted to the Resource Worker for review and the Area Director for approval. Please send the form to the Care Center. The authorization number should be noted on the Resource Parent Mileage Reimbursement form.
- Transportation needs such as school, work, and respite are not normally reimbursed. In rare extenuating circumstances, the Resource Parent can request this mileage be considered for payment. **Without an authorization number, this type of mileage will be denied.**

APPENDIX J: Dispute Resolution Form

**REINTEGRATION
FOSTER CARE
DISPUTE RESOLUTION
FORM**



**Saint
Francis**
Community Services®
Strengthening Families Since 1945

Child's Name: _____

KAESCES #: _____

Date: _____

Date Concern Occurred: _____

Reason for Dispute:

Actions already taken to resolve dispute:

Resolution Plan: (filled out by SFCS Care Center Only)

Signature of person filling out form

Date

Signature of SFCS Care Center Staff

Date

APPENDIX K: HCFA 1500 Form

PLEASE
DO NOT
STAPLE
IN THIS
AREA

APPROVED OMB-0938-0008

HEALTH INSURANCE CLAIM FORM											

APPENDIX L: Request for Direct Deposit authorization



REQUEST FOR DIRECT DEPOSIT AUTHORIZATION:

NAME: _____

ADDRESS: _____

PHONE # _____

I hereby authorize Saint Francis Community Services, herein called SFCS, to initiate CREDIT entries and/or correction entries into the account listed below. This authorization is to remain in full force until SFCS has received written notification from me of its termination in such manner as to afford SFCS reasonable opportunity to act upon it.

ACCOUNT INFORMATION

FINANCIAL
INSTITUTION _____

ADDRESS _____

PHONE # _____

TRANSIT/ABA NO _____

ACCOUNT NO. _____

ACCOUNT TYPE _____CHECKING _____SAVINGS

SIGNATURE DATE

PLEASE attach a photocopy of a voided check for verification.

REQUEST TO TERMINATE DIRECT DEPOSIT AUTHORIZATION

PLEASE DISCONTINUE THE DIRECT DEPOSIT AUTHORIZATION
ON THE ABOVE LISTED ACCOUNT.

Signature Date



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 28, 2016
Re: Petition #SP-2016-37

GENERAL INFORMATION

Applicant:
Carla Drescher

Status of Applicant:
Applicant
Blue Door Project
16051 West 163rd Terrace
Olathe, Kansas 66061

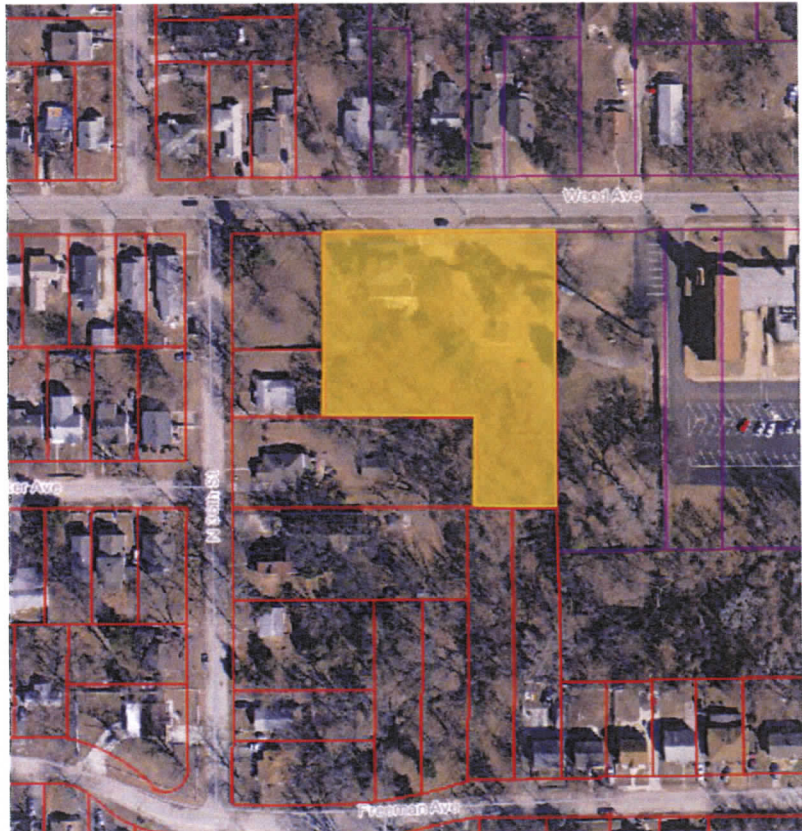
Requested Action:
Approve Special Use Permit

Date of Application:
February 26, 2016

Purpose:
To operate a group home
for youth up to 18 years of
age

Property Location:
3535 Wood Avenue

Existing Zoning:
R-1 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/RP-5 Apartment District
West: R-1(B) Single Family District

Existing Uses: **North:** Single family homes
South: Single family homes
East: Church/Single Family Homes/Apartments
West: Ruby Park

Total Tract Size: 1.36 acres

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

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

Advertisement: The Wyandotte Echo – March 17, 2014
Letters to Property Owners – March 15, 2016 and April 21, 2016

Public Hearings: April 11, 2016 and April 28, 2016

Public Opposition: No one appeared in opposition at the April 11, 2016 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Carla Drescher of the Blue Door Project is seeking approval to operate a group home for up to 16 youths, ages 18 and under. The facility would also include up to 10 staff members and volunteers for a total of 28 persons on-site.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised nearly entirely of single family homes; there are some apartments just to the east of this property.

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

The zoning and their uses are set out above. The proposed may not be compatible with the single family homes in the 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 youth group home may detrimentally affect nearby property. Property owners have objected to this use in the past, as their concerns are their property values and overall safety. However, if well maintained and secure, this could be a positive environment for the residents of the group home.

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

The home 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.***

Depending on the number of staff and clients at the residence vehicular traffic may increase but not to the point it exceeds the capacity of the street.

- 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 arguably necessary for the convenience and welfare of the public as there is a great need for foster care and housing in Kansas. However there is the chance that the proposed use may injure the 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.***

This should not be an issue so long as the children are supervised when outside.

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

N/A

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

N/A

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

There is a need for quality facilities for youths in the foster system in the state of Kansas. If this home could provide, safe, quality housing for children in need, it could be seen as a significant gain to the public health, safety and welfare of some of the most vulnerable children in the state. If denied, the applicant will have to find another location to provide these services.

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

The staff believes that overcrowding of the land will not be an issue but cannot make that determination until the information about the exact number of staff and clients staying on the property are submitted.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 28, 2016. Seven (7) people were in attendance. There was discussion about the operations of the Blue Door Project as well as security and staffing but no opposition was recorded.

KEY ISSUES

General Planning Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **approval** of Special Use Permit Application #SP-2016-37, subject to:

Staff Summary:

Staff feels that this organization could be a great asset to the community, serving a population of youth that is vulnerable and in need. The applicant seems to have a thorough and well-planned operation proposed, making the necessary upgrades to both the home and the site in general. Staff recommends approval for two (2) years.

Building Inspection Comments:

This project will be a change of occupancy; a sprinkler system will be required.

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

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2016-37 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 11, 2016 City Planning Commission Minutes
Aerial photo
Zoning map
Site plan
Floor plans
Property information provided by applicant
Neighborhood meeting minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 11, 2016	April 28, 2016
Special Use	Approval	

STAFF CONTACT: Jamie Ferris jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2016-37 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2016-37** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

APRIL 11, 2016 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2016-37 – CARLA DRESCHER WITH THE BLUE DOOR PROJECT - SYNOPSIS: Special Use Permit for a youth group home at 3535 Wood Avenue

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 11, 2016;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 17, 2016; and
7. The Notices to property owners dated March 15, 2016.

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

Ms. Carla Drescher, 7801 Terrace Street, Kansas City, Missouri, appeared in support of this application. She stated that she will move to 3535 Wood Avenue on April 18th. The Blue Door Project is a 501(C)3 to provide safe and supportive housing for young adults. She stated that they hope to open the home in August; it requires interior remodeling to meet codes and the capacity that they require. They will not make any major exterior revisions other than maintenance repairs and landscaping. The house will accommodate 16 youth between the ages of 12 and 18 that are in the custody of the state. There will be around the clock staffing along with a host family living on site which is herself and her husband. There will be support services provided with regard to education, mental health, substance abuse services, mentoring, tutoring, etc.

Chairman Huey asked if the children will primarily be from Wyandotte County. Ms. Drescher stated from Wyandotte County and Johnson County primarily. Chairman Huey stated that she read in the report that they will keep them in the school district they lived in but if they are coming from Johnson County are they going to keep them in the school districts in Johnson County or in the Wyandotte County schools. Ms. Drescher stated they will go to the Wyandotte County schools unless transportation can be provided to their school in Johnson County. She further stated that most of them will attend USD 500 and they have already discussed that with the school district.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the
#SP 2016-37 April 28, 2016

stipulations in the staff report.

On motion by Mr. Carson, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2016-37:**

Carson	Aye
Connelly	Aye
DeWitt	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Pauley	Aye
Schwartzman	Aye
Serda	Aye
Wing	Aye

Motion to recommend APPROVAL Passed: 10 to 0

Subject to:

Staff Summary:

Staff feels that this organization could be a great asset to the community, serving a population of youth that is vulnerable and in need. The applicant seems to have a thorough and well-planned operation proposed, making the necessary upgrades to both the home and the site in general. Staff recommends approval for two (2) years.

Building Inspection Comments:

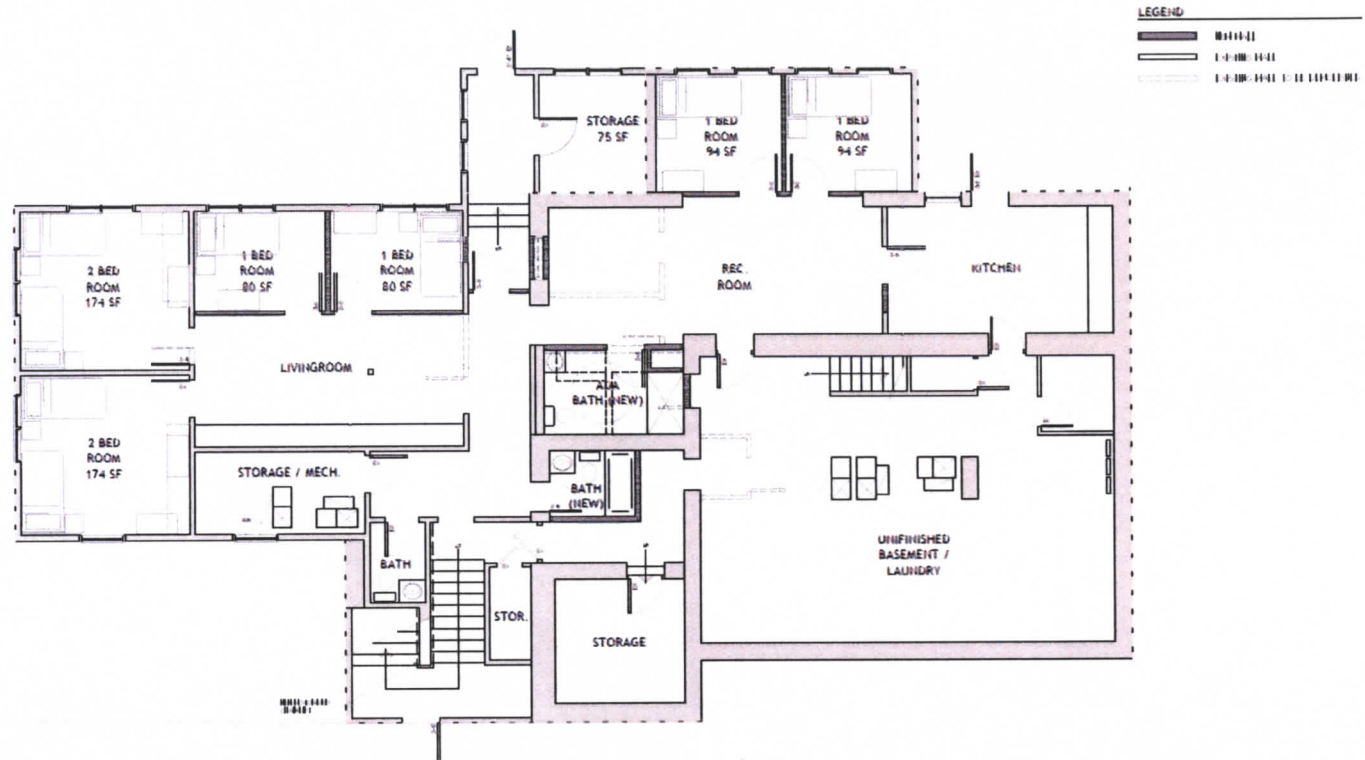
This project will be a change of occupancy; a sprinkler system will be required.

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





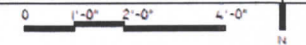


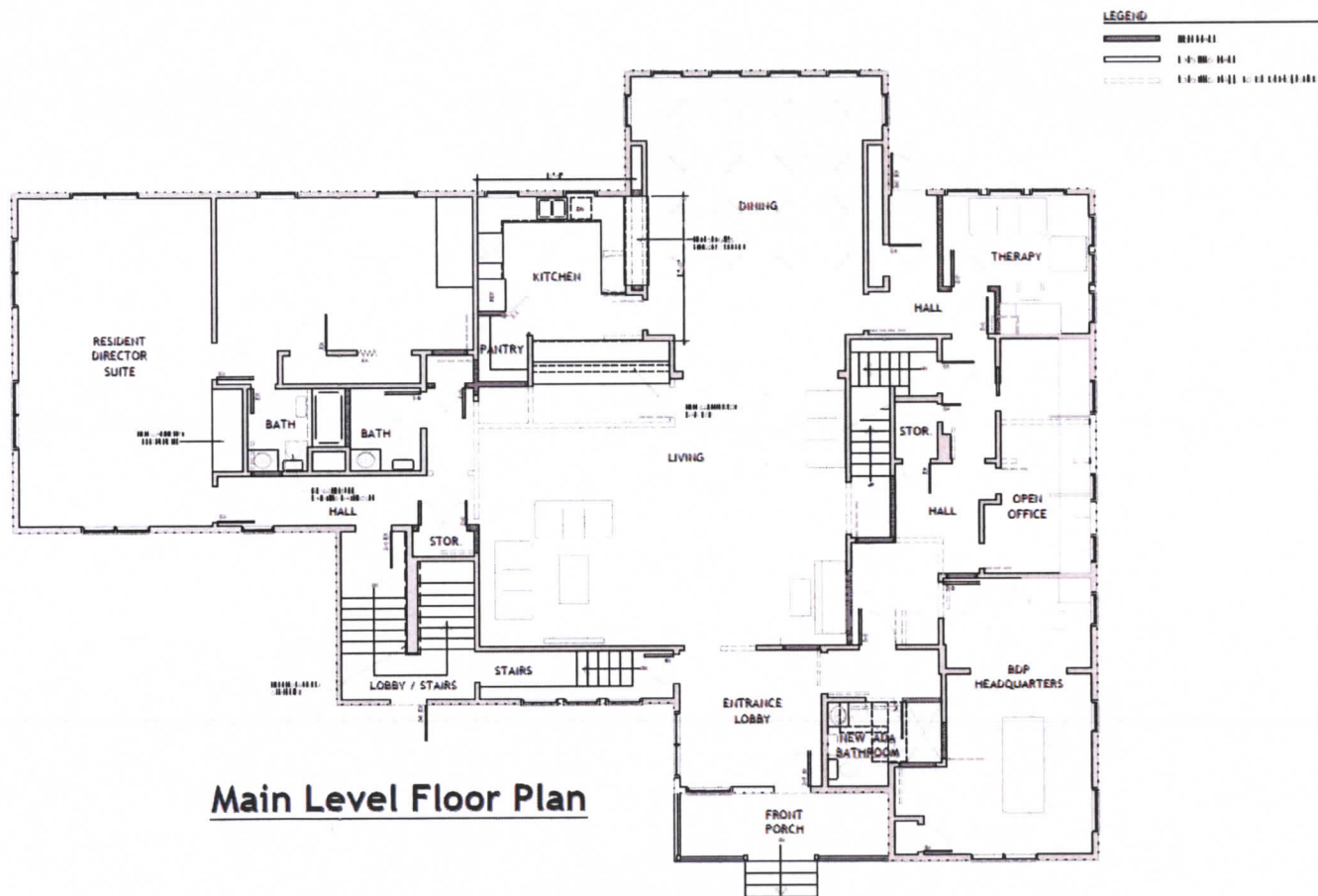
Lower Level Floor Plan - 8 Beds

THE BLUE DOOR PROJECT

3535 Wood Avenue Kansas City, Kansas 66102

Scale: 1/4"=1'-0"

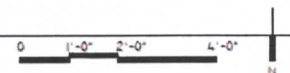


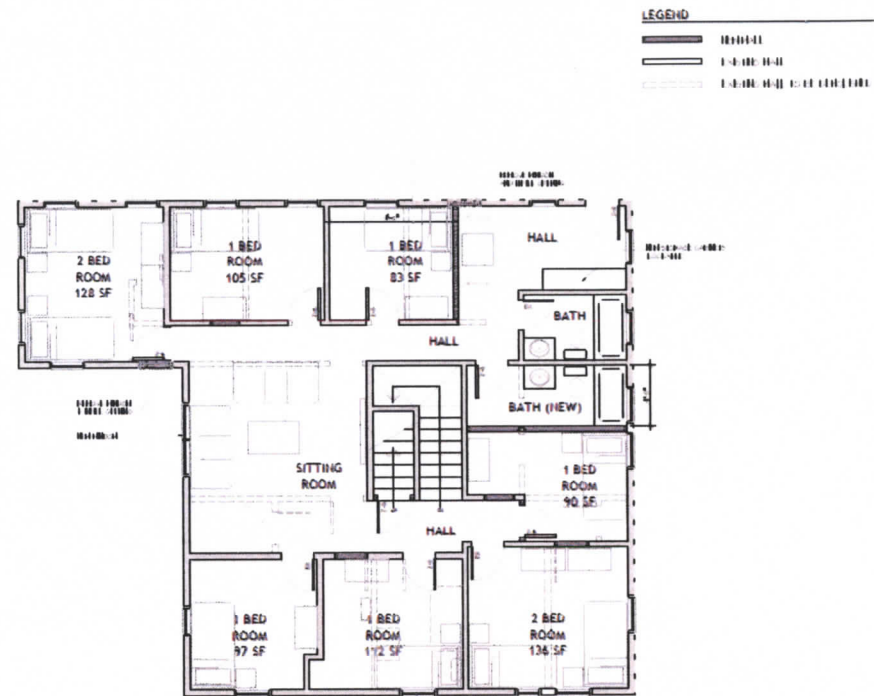


THE BLUE DOOR PROJECT

3535 Wood Avenue Kansas City, Kansas 66102

Scale: 1/4"=1'-0"



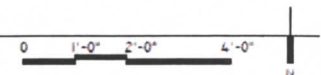


Upper Level Floor Plan - 9 Beds

THE BLUE DOOR PROJECT

3535 Wood Avenue Kansas City, Kansas 66102

Scale: 1/4"=1'-0"



WYCAMA2 Property Record Card

Parcel ID: 105-063-06-0-40-01-010.00-0

Quick Ref: R53289

Tax Year: 2015

Run Date: 2/11/2016 4:38:09 PM

OWNER NAME AND MAILING ADDRESS

COFIELD: CHARLES E & CAROLYN L

3535 WOOD AVE
KANSAS CITY, KS 66102

PROPERTY SITUS ADDRESS

03535 WOOD AVE
Kansas City, KS 66102

LAND BASED CLASSIFICATION SYSTEM

Function: 1101 Single family re: Sfx:
Activity: 1100 Household activities
Ownership: 1100 Private-fee simple
Site: 6000 Developed site - with building

1050630604001010000 05/10/2013

Image Date: 12/02/2013

GENERAL PROPERTY INFORMATION

Prop Class: R Residential - R
Living Units: 1
Zoning: R-1(B)
Neighborhood: 300 300
Economic Adj. Factor:
Map / Routing: 064002 13000
Tax Unit Group: 010

PROPERTY FACTORS

Topography: Level - 1
Utilities: All Public - 1
Access: Paved Road - 1, Sidewalk - 6
Fronting: Secondary Street - 3
Location: Secondary Strip - 5
Parking Type: On and Off Street - 3
Parking Quantity: Adequate - 2
Parking Proximity: On Site - 3
Parking Covered:
Parking Uncovered:

TRACT DESCRIPTION

WEST RIDGE, S5, T11, R25, ACRES 1.360000,
L58 TO L60

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
06/14/2013	8:00 AM	7	IOR	JLB		
06/25/2009	9:30 AM	9	Sale_OR	BEG	CAROLYN COFIELD	1
06/17/2009	9:00 AM		IOSV	BEG	CHARLES COFIELD	1

SALES INFORMATION

Date	Type	Sale Amount	Src	Validity	Inst Type	COV
03/18/2009	2	90,000		2	Warranty Deed - 1	272282

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
999999	9,999	Sketch Verification	09/02/2015	O	

2015 APPRAISED VALUE

Cls	Land	Building	Total
R	10,940	149,890	160,830

2014 APPRAISED VALUE

Cls	Land	Building	Total
R	10,940	143,700	154,640

Total	Land	Building	Total	Total	Land	Building	Total
	10,940	149,890	160,830		10,940	143,700	154,640

MARKET LAND INFORMATION

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	Value Est
Acre	1-Primary Site - 1	1.36								10,940.00			300	1.00	5,500.00	2,000.00	4,000.00	10,940

Total Market Land Value 10,940



APPLICATION NUMBER SP 2016-37

DATE AND LOCATION

Monday, March 28th 6:00 PM
Grace Lutheran Church
3333 Wood Avenue
Kansas City, Kansas 66102

MEETING CALLED TO ORDER AT 6:05 PM

NAMES OF PEOPLE IN ATTENDANCE

Carla Drescher, The Blue Door Project
Bryan Drescher, The Blue Door Project
Laura Drescher, The Blue Door Project
Donnie Thomas, Kensington Community Area Watch
Pat Brunner, Grace Lutheran Church
Wade Byers, Resident
Elaine Ward, Resident
Paul Bell, Resident
Caroline Cofield, Resident, Owner of 3535 Wood Avenue
Charles Cofield, Resident, Owner of 3535 Wood Avenue

INTRODUCTIONS

PRESENTATION

Carla Drescher presented information regarding the following topics:

- The need for supportive housing for youth in State custody, homeless, and unaccompanied youth;
- The history of The Blue Door Project;
- The experience of the staff/board of The Blue Door Project;
- The proposed number of youth and staff to reside at youth residential home;
- The programming of the youth residential home;
- The additional staffing located at the youth residential home;
- The renovations proposed at 3535 Wood Avenue;
- The safety precautions that will be taken at the youth residential home;
- The desire for The Blue Door Project to integrate into community.

QUESTIONS/CONCERNS

www.thebluedoorproject.org



Pat Brunner received information regarding the neighborhood meeting from Grace Lutheran Church (3333 Wood Ave) but would have liked to receive a letter as she lives within 5 blocks from 3535 Wood Avenue.

Laura Drescher explained that the notices for the meeting were sent to a list of residents prescribed by The Unified Government; however, we would be more than happy to meet with additional residents in the community if desired.

Pat Brunner asked definition of homeless.

Carla Drescher explained that homelessness can be defined in multiple ways; however, we as an organization consider it to be youth that do not have a stable place to stay on a regular basis. This can include youth couch surfing, living in cars, living in the streets, living in shelters.

Donnie Thomas asked what school the youth will attend and if they will be juvenile offenders.

Bryan Drescher explained that the youth will attend the USD #500 schools and that The Blue Door Project is working with the school district on details.

Carla Drescher responded that we will not be accepting juvenile offenders into the youth residential home.

Pat Brunner asked about questionable homes across the street where neighbors assume illegal activity may be occurring.

Carla Drescher discussed a desire for an increase in police presence in neighborhood with the location of the youth residential home. The Blue Door Project will be meeting with local patrol officers and inviting them over on a regular basis to promote healthy relationship between the youth and law enforcement.

The group discussed how an increase in police presence due to the youth residential home will alleviate some of the safety concerns they have had in the past.

Donnie Thomas encouraged The Blue Door Project to start attending community meetings and invited us to bring the youth as well if desired.

Carla Drescher requested that Donnie Thomas let The Blue Door Project know when meetings occur and we will attempt to attend.

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Pat Brunner expressed concerns about moving the crucifix in the back yard of 3535 Wood Avenue. She explained that it was donated by a local family in memory of their daughter's passing.

Bryan Drescher explained that the crucifix will be remaining on the property; however, it may be moved to another location in the backyard to develop a meditation area. The Blue Door Project will attempt to find the original donor of the crucifix and inform them of the move.

Donnie Thomas asked details about security.

Bryan and Carla Drescher discussed that no youth will be unsupervised by staff at any time, unless they are at school. All windows and exterior doors will have sensors and staff will have emergency response dialers and access to camera throughout the location.

Bryan, Laura, and Carla Drescher discussed future homes The Blue Door Project hopes to develop around the metro area in the future.

Pat Brunner asked how The Blue Door Project is funded.

Laura Drescher described the current capital campaign for the purchase and renovation of 3535 Wood Avenue. Carla Drescher explained that the State provides funding to KVC Kansas for the care of youth in foster care and The Blue Door Project will have a contract with KVC Kansas. A daily rate will be paid for each youth in the youth residential center.

Laura and Bryan discussed the meaning of Blue Doors – a symbol of a safe and supportive environment for at risk youth.

Donnie Thomas asked what services Kaw Valley (KVC Kansas) provides.

Carla Drescher explained that KVC has a hospital and PRTF in Wyandotte County. The also coordinate foster homes and help youth in biological homes who are at risk of being removed or have just returned.

Laura and Bryan Drescher discussed the importance of community involvement and the importance of them living at 3535 Wood Avenue with the youth.

Pat Brunner asked about how 3535 Wood Avenue was originally zoned and zoning history.

Charles Cofield explained that they previously had a special use permit but it has expired and that it is currently single family residential. Laura Drescher explained the need for rezoning.

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Elaine Ward asked where our referrals for the youth come from.

Carla Drescher explained that all referrals will come from KVC Kansas. The Blue Door Project may consider taking youth in police protective custody of the county at some point, but not initially.

Donnie Thomas asked how it compares to Hillcrest.

Bryan, Laura, and Carla commended Hillcrest's local program and explained the difference in demographics and programming.

Elaine Ward asked if Carla, Laura, and Bryan were the original founders of The Blue Door Project.

Carla explained that the Drescher Family – including Bryan, Laura, and Carla – are the founders of The Blue Door Project along with the help of Board members.

Carla Drescher discussed that The Blue Door Project will be adding people to the Advisory Board and recommended if there was someone in the neighborhood passionate about this topic to discuss with us.

Carolyn Cofield discussed the history of the ministry they have been running at 3535 Wood Avenue, housing pregnant teens, and the Cofield's support of The Blue Door Project and relationship moving forward.

Donnie Thomas expressed positive support for The Blue Door Project and impressed that Bryan and Laura Drescher will be living on site. Discussed that the youth residential home will be great for increasing safety and decreasing crime in the neighborhood. Invited The Blue Door Project to neighborhood meetings and expressed that neighbors would be interested volunteering. Group discussed diversity and the importance of the neighbor's visibility to the youth in the youth residential home.

Paul Bell asked if life skills would be taught at the youth residential home.

Bryan Drescher discussed partnership with Youthrive and the additional life skills training that will be available for youth while in the home.

Laura Drescher showed the renovation plans to those in attendance who were interested.

MEETING ADJOURNED AT 7:25 PM

www.thebluedoorproject.org

Avery Village & Leavenworth Road Association
Special Use Permit Application – 6261 Leavenworth Rd., Kansas City, Kansas 66104

Meeting Date: Wednesday, October 4, 2017
Meeting Time: 12:00 pm – 1:30 pm
Meeting Location: 6100 Leavenworth Rd.
Kansas City, Kansas 66104

Attendees:

Leavenworth Road Association Members:

Lou Braswell, Executive Director
John Zawacki
Kay Harris
Deniese Davis

Rick Sheahan (Taxes Plus also)
Sylvester Smith
Duane Beth

Avery Village Members:

Beverly Avery
Court Kennedy (Attorney – Gates, Shields, Ferguson, PA)

Fred Avery

Heartland Black Chamber of Commerce
Christal Watson, President/CEO

Hughes Walker Group, LLC/Heartland Black Chamber of Commerce
Rochelle Walker (recorder of the meeting minutes)

Minutes:

Lou Braswell opened the meeting indicating that she didn't believe there was a need for a mediator for the meeting. Mrs. Braswell further indicated the following:

1. Commissioner Philbrook suggested that LRA and Avery Village meet to work out issues surrounding the Special Use Permit application previously filed by Avery Village
2. She felt cornered after the last meeting by Ed Scott

***At the request of LRA, it was clarified that Christal Watson was not a mediator for the meeting.
(Change 10/06/2017)***

Christal Watson of Heartland BCC stated the purpose of the meeting was to arrive at consensus on the SUP for Avery Village between LRA and Avery; in other words what would work for both parties.

Court Kennedy explained that there was a miscommunication that resulted in the reason for the late notice and need for the meeting. Fred Avery apologized for the miscommunication at which time Mrs. Braswell stated that the purpose of emails was to ensure there was a paper trail for communications.

Mrs. Watson requested that we begin by establishing any concerns, questions or comments regarding the SUP.

Mr. Sheahan started with the viability of the facility using the financial model he utilized which included rates that were public information. There was concern expressed that the facility couldn't be viable utilizing the public information rate, the impact of potentially closing to the community and the children.

Fred Avery clarified the issue surrounding the rate:

- a) The rate that Avery Village would be paid is not public information and is \$126/day for each child placed at the facility. The rate that KS Division of Family Services (DFS) uses is based on the type of child placed at the residential center. The \$126/day rate is for the less challenging children.
- b) Not all children would be residents of Avery Village but some would be emergency placement children with a 1-3 day stay.
- c) Avery Village has reduced its total center occupancy from 70 to 50 children with a beginning number of 15 to start and adding 5/month until they reach capacity.
- d) The center is only licensed to accept children that would be residents that would be at the center for a maximum timeframe of 60 days or emergency stay (1-3 days).
- e) Avery Village does not have to accept every child; acceptance of the child is based on the needs of the child (prior issues surrounding the care of the child's home situation, medical history, etc.) and how the center understands believes the child would matriculate in the center's environment.
- f) Children would be primarily Child in Need of Care residents; that is, children reported to DCF by the Police or Mandatory Reporter.

Mr. Sheahan asked if Avery Village has a current contract to provide the residential center services to which Mr. Avery responded no. Mrs. Braswell indicated that this was a point of concern because prior to this meeting LRA had been informed that a contract for Avery Village was in pending status.

Mr. Sheahan also questioned how Avery Village intended to create a "home environment" when there were 50 children in the center. Mr. Avery and Mrs. Avery indicated that with staffing and staff training the environment could be established.

There was a lengthy discussion regarding the following and the child residents:

- 1) Staff Turnover – Kay Harris
- 2) Runaways – Kay Harris
- 3) Viability/sustainability of the facility with only 15 children to start – Mrs. Davis
- 4) No current track record for a center of this size – Mr. Beth
- 5) Closing of other facilities (Blue Door) – Mr. Beth
- 6) Information to indicate what type of center Avery Village would be – Mr. Beth

Mr. Avery responded to these issues in the following manner:

Item #2 – The center has a security system that notifies the resident staff members of children attempting to leave the facility without supervision or permission. They have been granted to put window stops on the windows to prevent the children from leaving through a window that is within fire marshal code requirements. The center will also have a camera system as part of its security system that will be monitored.

Item #3 – Mr. Avery assured the LRA members that they have a sufficient cash reserve that allows the center to be viable and sustainable until the center reaches full capacity.

Item #4, 5, and 6 – Mr. Avery indicated that Mr. Beth is correct in that there is not a facility that provides similar services that Avery Village is implementing within the Kansas City/Wyandotte County area which is why there is such a great need for Avery Village to open.

He further emphasized the following related to Item #5 & #6 the following:

- (i) Avery Village is not licensed by the state to handle the same type of children as Blue Door or Associated Youth Services; that is Avery Village's resident length of stay is a maximum of 60 days and are only handling Children in Need of Care which are temporary placements.
- (ii) While Blue Door had closed a few weeks ago, Mrs. Braswell and Mr. Avery both indicated that Blue Door has reopened. Blue Door, a residential center, again is not the same as Avery Village. Research after the meeting to clarify the type of services shows that Blue Door is a residential center that provides the following in addition to safe housing: (a) Substance Abuse Services, (b) transitional plan development, (c) education, and (d) life skills training for youth ages 12-18.
- (iii) Associated Youth Services, another residential center, again is not the same as Avery Village. Research after the meeting to clarify the type of services shows that AYS is strictly for adolescent boys in the Kansas City/Wyandotte area. The different services provided by AYS are juvenile justice foster care, drug and alcohol prevention and treatment services, and community mental health education and treatment.

Avery Village, again, will not provide these types of services as the children in Avery Village do not have the same needs as those of Blue Door or AYS.

Mr. Kennedy asked the LRA members what assurances Avery Village could offer them to gain their support on obtaining the SUP. LRA members indicated they would like to know the following information first:

- (a) The age of the youth to be at the residential center.
Response: ages 6-17.
- (b) What is in place for ongoing management and runaway issues?
Response: The security plan was identified earlier regarding the runaway issue. Ongoing management was not addressed specifically during the course of the meeting due to time limitations.
- (c) What type of youth that is high risk versus low risk?
Response: Avery Village responded that they would be handling low risk youth only and that DFS/KVC/St. Francis has to provide disclosure to Avery Village prior to Avery Village accepting a youth.
- (d) Would the youth be emergency placement versus respite youth?
Response: Avery Village indicated that both types of youth would be at the residential center.
- (e) Would the youth be youth that have some type of juvenile or criminal record?
Response: Avery Village indicated that it is not licensed to handle youth of this type. Youth are either emergency placement, homeless or other respite need youth.
- (f) LRA is concerned that Avery Village because it is a for profit facility begin to accept youth that have drug or juvenile issues to keep the facility filled.
Response: Avery Village indicated that it is not licensed to handle youth of this type. Youth are either emergency placement, homeless or other respite need youth.
- (g) LRA is concerned about the perception of the police constantly appearing at the center.
Response: No response given

- (h) LRA expressed concern that the property value will decrease as a result of the residential center.
Response: No response given

Ms. Walker made a suggestion at this point in an effort to provide assurances to LRA by Avery Village:

Ms. Walker indicated that since the majority of the concerns centered around the ages and length of stay for the youth, that a possible suggestion would be for Avery Village to limit the respite youth to two-thirds (2/3) of the facility and the emergency care residents to one-third (1/3). Ms. Walker also asked if it would be possible to meet prior to the Wyandotte County Planning & Zoning meeting on 10/9/2017 to discuss the suggested plan.

Mrs. Davis indicated no and Mrs. Braswell indicated that she had canceled another meeting to have the meeting on 10/4/2017.

Mr. Avery indicated that he was confused about the concerns of LRA since initially it was the type of youth that would be in the residential center and now the concern has switched to the viability of the facility. LRA members did not provide a specific response to this question.

Mr. Zawacki, asked Avery Village why this particular location in light of a major thoroughfare and with minimal area for the youth to have outdoor recreational activities. Mrs. Avery indicated that she believed that because of the prior use of the facility there was minimal need for remodeling as well as sufficient space for the youth to play in light of the limited time they would be at the facility. Mr. Zawacki indicated that he believed that the location was incorrectly selected.

Mr. Sheahan responded that limiting the age range brings up other issues, i.e., transportation to and from school, the need for vehicles to transport the youth, etc. Mr. Sheahan also asked if Avery Village had calculated the breakeven analysis using the \$126/day rate for the center.

Mr. Kennedy at this point asked LRA three (3) times what assurances they needed to gain acceptance and a willingness to partner with Avery Village. LRA members indicated that in the event the Wyandotte County Planning department indicated approval for the SUP, they would work with Avery Village.

The meeting adjourned at approximately 1:30 pm CDT.

GATES SHIELDS FERGUSON
SWALL HAMMOND, P.A.
KANSAS • MISSOURI • STATE • FEDERAL • APPELLATE



LAWRENCE C. GATES
ELDON J. SHIELDS
MARK A. FERGUSON*
LARRY V. SWALL II*
THOMAS E. HAMMOND II*
STEVEN R. SMITH*
JENNIFER L. ROBINSON*
COURT T. KENNEDY*
*ALSO ADMITTED TO PRACTICE IN MISSOURI

KANSAS OFFICE
P: 913-661-0222
F: 913-491-6398
MISSOURI OFFICE
P: 816-792-8700
F: 816-792-8746

Of Counsel
ROBERT J. VANCURUM

November 7, 2017

Tim and Gail MaGill
12200 Donahoo Rd
Kanas City, Kansas 66109

RE: Avery's Village LLC 6261 Leavenworth Road, Kansas City, Kansas; #SP-2017-36

Dear Mr. and Mrs. MaGill:

I am writing on behalf of Avery's Village LLC ("AVL") to thank you for your time in meeting with me last Thursday, November 2, 2017, to discuss your protest to my client's application for a special use permit. I understand that while you have not lived at 6310 Leavenworth Road, Kansas City, Kansas, for some time, and currently have the house on the market, you still have issues with the permit application that you were willing to talk with me about.

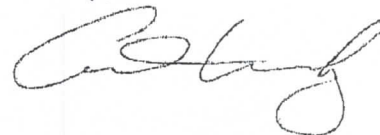
I regret that you were not willing to also talk with my clients, Frederick and Beverly Avery, who had come with me and were ready to answer any questions you have. I also regret that, at the end of our meeting, you indicated there was nothing my clients could do or say to change your minds about your protest. Although my clients were willing to talk directly with you, you indicated that no further discussion would serve any purpose because you do not trust my clients or the way they "came off" at the August 31 meeting before the Unified Government of Wyandotte County.

Despite your position, I do want to reiterate once again that AVL has no plans to provide residential services to what you have been referring to as "high risk" kids, i.e. youths with juvenile records. AVL desires to start this facility for purposes of providing the community with more temporary foster care resources for children who have been the victims of abuse or neglect and removed from their homes by the State. The facility and its operation will be licensed and heavily regulated by the State, including background checks, record keeping requirements and periodic audits. Neither my clients nor the State have any interest in referring children to AVL that AVL is not fully capable of caring for on a temporary or emergency basis.



2172. If you have any questions or concerns, please do not hesitate to contact me at 785-383-

Sincerely,

A handwritten signature in black ink, appearing to read 'Court T. Kennedy', with a stylized, flowing script.

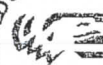
Court T. Kennedy
Attorney

GATES SHIELDS FERGUSON
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Tim and Gail McGill
12200 Donahoo Rd
Kanas City, Kansas 66109

From: Court T. Kennedy
To: "ee.hbrown@gmail.com"
Cc: Beverly Avery (bavery777@gmail.com); Frederick Avery (frederickavery913@gmail.com)
Subject: Avery's Village
Date: Wednesday, November 08, 2017 12:10:47 PM
Attachments: October 9, 2017 Staff Report.pdf

Mr. Brown,

Thank you again for meeting with my clients and I last week. Below are written answers to each of your questions, and this largely captures what we conveyed to you at the meeting. Also, I am attaching a copy of the October 9 staff report in which the City Planning Staff recommends approval of the special use permit. Within that report is a floor plan for the facility. Regarding your request for "as proposed" plans for remodeling, we indicated to you during the meeting that my client is understandably not investing any money for such plans until the special use permit is approved. As for the request for financial information, we provided you with some high level numbers during our meeting. My client will be discussing the financials in more detail with the commissioners. Also note that a requirement for State licensure is disclosure of our financial information to the State. For understandable business reasons, and because the law does not require it, my client is reluctant to provide everyone confidential financial information. All this being said, my client and I can assure you that the facility is and will be financially sustainable.

1. What is your business plan? What are your goals?

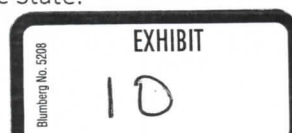
AVL submitted its written business plan to the Unified Government, and it is part of the public record. You were also provided with a copy of the plan when we met with you. AVL's goal is to provide the community with additional foster care resources by providing temporary or emergency foster care for children that have been removed from their homes by the State due to abuse or neglect.

2. Are you planning to house high risk children? Define "High Risk."

As AVL has told LRA and other individuals many times, AVL will be focused only on providing temporary and emergency residential services to children who have been removed from their homes due to abuse or neglect. These are not kids who are in trouble, and AVL will not be a detention or addiction treatment facility of any type. AVL will be a Youth Residential Center that will be equipped to provide a temporary residence to children who have been removed from home due to abuse or neglect. In this sense, these are not "High Risk" children. Rather, AVL is attempting to prevent these children from becoming "high risk."

3. Do you have any concerns about age range and gender?

AVL will obviously take the age and gender of the kids staying at the facility into account in everything. The facility has rooms along the entire inner perimeter, and girls' rooms are in one side of the facility while the boys' rooms are on the other side of the facility. Moreover, there will be 1 staff for every 5 or 6 children, which is more than is mandated by the State.



The children will be separate or be allowed to come together as is appropriate for the circumstance.

4. Child/Adult ratio – will you adjust as necessary? How will that affect your budget? Hire/on call based on population? Screening/licensing of caretakers?

Again, the State requires all staff and volunteers to undergo background checks administered by the State, and records of these checks must be maintained. The adult/child ratio AVL will employ is greater than that mandated by the State, which means we are reasonable in our expectation that the ratio will be sufficient for any reasonably foreseeable circumstance. In our meeting, you posed the question about what would happen if the children all conspired at once to rush the windows and make an escape. Obviously AVL cannot guarantee there will never be any surprises to which it has to react, but we do not believe the concern you raised is a reasonable concern. That being said, if the scenario you envisioned actually happened, AVL would call in any assistance reasonably necessary for any given circumstance, including calling the police if appropriate.

There will not be any significant impact on the budget, because it is not reasonable to expect AVL will often have to employ additional assistance beyond what is mandated by the State.

5. Food preparation facilities and activities is again something that is regulated by the State. See KAR 28-4-271; KAR 28-4-277; and KAR 28-4-278. AVL's building has a full service commercial sized kitchen. Food service staff will meet all qualifications mandated by the regulations, including having knowledge of nutritional needs of children.
6. Are you changing/upgrading the shower facilities?

Yes. There will be individual stalls, and a total of 10 showers.

7. What permits do you have so far? Pending?

Avery's village is waiting for conclusion of the special use permit proceedings before moving forward with the process to obtain building permits and State licensure to operate a Youth Residential Center

8. Security – upgrades to windows, fence, etc.? Do you have establish action plans?

AVL's building has controlled access doors. Also, as we discussed, there will be a state of the art security camera system, electronic door and window monitors, and devices on the windows that will alert staff when a window is opened and delay the complete opening of the window so that staff has time to respond. The glass on the windows will in the short term be treated with a material that makes them shatterproof. In the long term, AVL plans to replace all the windows with shatter proof glass.

9. What if a child goes missing?

As Mrs. Avery has done any time this has occurred in the last decade, the staff will immediately contact the referring agency. The staff will also contact the police if appropriate.

10. Are you aware of the impact this facility will have on the neighborhood? - traffic, crime, schools, property value, public perception. Have you researched this?

AVL strongly believes that any impact on the neighborhood will only be a positive impact. AVL has researched potential areas of impact and believes that the concerns about a "negative" impact are based on misinformation and incorrect perceptions about AVL and what it desires to do with this special use permit.

11. How does this provide a "home environment" for the children? Is this an "emergency home?" What is the average/maximum time for a kid to be there?

It is expected that the children will be at the facility for periods of 30-90 days. AVL will offer residential services in emergency situations when requested by the State and the child is otherwise appropriate for placement at the facility. AVL's goal is to provide as much of a home environment as possible under the unfortunate circumstances faced by the child. For many of these children, AVL will provide more of a home environment that they would otherwise have, albeit on a temporary basis.

12. Kids get bored easily. Bored kids cause problems. What are your plans for this?

This is addressed by the programs set forth in the business plan. AVL also has set up partnership with Blue Dogs, which has gymnasium very near to the facility that AVL will be allowed to use for recreation.

13. What programs will you have to help these kids other than giving them a roof over their heads? Mentoring?

See answer to question No. 12. Also, the State requires the facility to arrange for consultation by social workers, physicians, psychologists, psychiatrists, teachers, nurses, speech therapists and other consultants as required to meet the needs of the children.

14. How are you funded? Do you have provision for unexpected expenses?

As we discussed, AVL has received private funding and has a large cash reserve.

15. Are you insured? Am I covered if something happens to me or my property.

Of course. AVL is mandated by the State and good business practice to carry both property and liability insurance.

16. Is there accreditation?

If by this question you mean licensed, yes AVL is required to obtain a license from the State and will be heavily regulated as a result.

17. Are you following an established model that is proven to work? Have you reviewed case studies?

AVL has conducted a lot of research in this area and has consulted with very knowledgeable and qualified experts in this field, including Ed Scott who provided testimony at the August 31 meeting before the Unified Government. Moreover, Mrs. Avery has over a decade of experience as a foster parent and has raised her own children. The business model was prepared with the collective knowledge of Mrs. Avery and AVL's consultants, and it was designed to comply with all regulations and statutes governing the operation of Youth Residential Facilities in the state of Kansas.

Court T. Kennedy

Attorney

GATES SHIELDS FERGUSON SWALL HAMMOND, P.A.

10990 Quivira, Ste 200, Overland Park, KS 66210

105 E. Mill, Liberty, MO 64068

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(913) 661-0222 - Main

(913) 491-6398 - Fax

ckennedy@GSFlegal.com

Concerning Avery's Village (SP-2017-36) The definitions below explain Stipulation 8 as articulated by the Director of Planning and adopted by the Planning Commission:

8. This facility is for good kids from bad homes that have been removed for their safety. (Cinc kids if they meet the criteria.)

Children meet this criteria if they meet any of the following:

1. Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;
2. is without the care or control necessary for the child's physical, mental or emotional health;
3. has been physically, mentally or emotionally abused or neglected or sexually abused;
4. has been placed for care or adoption in violation of law;
5. has been abandoned or does not have a known living parent;
6. has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;
7. has had a permanent custodian appointed and the permanent custodian is no longer able to serve.



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: November 30, 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, October 18, 2017,
November 1, 2017 and November 21, 2017

Public Hearings: October 9, 2017, October 26, 2017, November 13, 2017 and
November 30, 2017

Public Opposition: No one has appeared in opposition at any of the meetings.

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

The Unified Government Board of Commissioners referred this application back to the City Planning Commission for rehearing on October 26, 2017. The Commission directed the Planning Commission to consider this application in light of the SOAR initiative. Assistant County Administrator Melissa Sieben made a presentation on the SOAR initiative at the November 13, 2017 City Planning Commission meeting.

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 uphold its previous decision and recommends **APPROVAL** of Special Use Permit Application #SP-2017-50 for one (1) year.

STAFF COMMENTS AND SUGGESTIONS

Staff does not agree with the recommendation of the City Planning Commission as staff believes that storage containers are not an appropriate use in residential neighborhoods.

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-2017-50 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 9, 2017 City Planning Commission Minutes
November 13, 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	Referred Back
	November 13, 2017	November 30, 2017
	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

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.

OR

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. _____.

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

November 13, 2017 City Planning Commission Minutes:

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 November 13, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated August 17, 2017; and
7. The Notices to property owners dated October 3, October 18, and November 1, 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. Juan Rangel, representing the applicant, 32 North 74th Street, Kansas City, Kansas 66111

Present in Opposition:

❖ No one appeared

Staff Recommendation Starts at 4:38:49: Director Richardson stated that there are two solutions; one is to give the applicant a certain amount of time to move the storage container off the site and then deal with building the new structure. The second solution is to give the applicant a longer period of time to build the structure that he wants that is code compliant and then move everything into it and remove the container. If the Commission chooses to tell the applicant to move everything out the staff would recommend until the end of the year. If the Commission would like to give him more time to build the structure and move everything six months would be approximately June 1, 2018. One of the SOAR initiatives is where there are sites that are non-compliant storage, etc. they are not conducive to the rest of the neighborhood. If you look at this parcel on the map it is very crowded compared to everything else around it. Those are the types of properties the staff sees that start a negativity trend in the neighborhood.

Motion and Vote Starts 4:52.05:

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

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

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

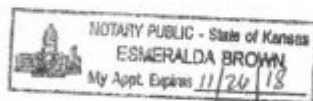
AFFIDAVIT - NEIGHBORHOOD MEETING

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: November 30, 2017

Re: **Petition #SP-2017-58**

GENERAL INFORMATION

Applicant:
Eric Bishop

Status of Applicant:
3552 North 47th Street
Kansas City, Kansas

Requested Action:
Special Use Permit for a maximum of 12 goats

Date of Application:
September 11, 2017

Purpose:
To have a maximum of 12 goats on
The property

Property Location:
3552 North 47th 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:** Residential homes
South: Residential homes
East: Residential homes
West: Residential homes

Total Tract Size: 1.924293 acre

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

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owner - October 17, 2017 and November 21, 2017

Public Hearings: November 13, 2017 and November 30, 2017

Public Opposition: No one appeared in opposition at the November 13, 2017 City Planning Commission

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is residential in nature.

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

The zoning of the area is completely residential (R-1 Single Family District). Staff does not consider these farm animals (goats) to be compatible with this type of 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.*

Staff believes the keeping of twelve goats would detrimentally affect nearby property. These effects include bleating (vocalization of goats), possibly climbing and butting their way through a neighbor's fence, and odor of goats.

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

The property is currently the home of the applicant.

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

Special Use Permits are not addressed in the Master Plan.

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

This application is not foreseen to create any issue with these points.

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 addition of goats to this property would only be a convenience to the applicant. The marketability of adjoining property once the animals are added is debatable, but you could make a strong argument that the bleating and possible smell may not help.

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

Noise, vibration, dust, or illumination will not create problems for nearby properties.

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

The proposed use will likely not pollute the air. A foreseen issue is surface water runoff polluted with animal waste due to overgrazed and trampled land, which can cause public health issues downstream. Additionally, if the goat waste is not disposed of in a timely manner, neighbors will be negatively affected by the odor.

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

Staff does not believe that this will be an issue.

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

Per the Conversation District comments, this project may negatively impact public health due to the soil and waste running into the drainageway, which can contaminate the drainageway, if animal waste is not properly disposed of. There are parts of the land that are overgrazed, which creates excessive surface water runoff polluted with animal waste. If this application is denied, the applicant will not be able to have livestock on their property.

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

The proposed use of 12 goats is likely too much for this tract.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

A neighborhood meeting is not required but is highly recommended.

KEY ISSUES

Increased surface water runoff
Animal waste
Acreage of grazing land

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-58, subject to:

Urban Planning and Land Use Comments:

1. How often will goat waste be disposed of and in what way?

Applicant Response: Goats waste will be used to fertilize other areas of the yard and the garden. It will be taken care of at very least bi weekly.

2. What is the goats' diet?

Applicant Response: They will eat a mixture of show goat pellets, cracked corn and hay.

3. Do you plan to have a fence for the twelve (12) goats that meets the R-1 Family District regulations?

Applicant Response: Yes

4. Do you plan to put in a rotational grazing plan to keep a sustainable pasture, per the Conservation District comments?

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

5. What is the square footage of the fenced area where the goats will graze?

Applicant Response: The pen is 78 ft. by 84 ft. for a total of 6552 SF. We plan to expand the existing fence to make the pen even bigger.

6. How often will you clean up the goats' waste?

Applicant Response: No more than bi-weekly and weekly if weather permits.

7. Where on the property will the twelve goats be held?

Applicant Response: The property is almost 2 acres and is in a long narrow rectangular shape. The goats will be kept entirely in the back two-thirds where there is significant stands of trees/brush on three sides to serve as a buffer between the neighbors and the goats.

8. How many structures are on your property? What are the dimensions of each structure?

Applicant Response: 1 House, 1 storage shed, 1 grain shed, 2 animal sheds. Each animal shed is approximately 10x12.

9. How will you ensure pastures are rotated so that there can be regrowth of grass, per Conservation District comments.

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

Public Works:

- 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

Conservation District Comments:

There are two major soil type identified: Ladoga silt loam 3 to 8 percent slopes and Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover. There are parts of the area that are overgrazed. This creates an erosion problem that can cause problems downstream. Pastures need to be rotated so that there can be regrowth of grass.

There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees. A waste management plan still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.

There are too many trees for the best pasture. Removal of trees would assist in increasing good grass established for feed. At least .15 acres of good grass is needed per goat.

Staff Conclusion:

Staff recommends approval subject to:

1. Approval would be for two (2) years
2. Property owners maintain daily disposal of goats' waste
3. The goats' diet remain as stated in applicant's response— pellets, cracked corn and hay—to ensure that the grass is not overgrazed
4. Animal Control Permit issued for twelve (12) goats

STAFF COMMENTS AND SUGGESTIONS

The staff has changed its recommendation since the Planning Commission meeting. At the meeting the applicant (owner of the property and landlord) was questioned about the complaints received by the staff:

"Director Richardson stated that the staff received two phone calls from neighbors that there was a Shetland pony, donkey, llama, etc. on the site. If the applicant is feeding cats even if they are wild technically they belong to him. Mr. Bishop stated that **there has been**; they are transient – keeping for friends."

An inspection by the Zoning Enforcement Officers and Animal Control Officer was conducted on Friday, November 17, 2017 and this is the report:

"The site inspection for this SUP application revealed: 20 Goats, 5 Ducks, 3 Chickens, 3 Roosters, 1 Dog, and 1 Llama. And 5 Accessory Structures related to the animals. Historical Aerial Photographs show 2 Accessory structures as of 1985, the westernmost structure collapsed within this year, the middle structure is dilapidated and missing half of the roof.

The detached carport was added sometime prior to 1995 and is being used to store hay. The main animal pen includes three buildings for sheltering animals and storing feed and supplies.

They are constructed of mismatched and non-conforming materials for a residential district, e.g. galvanized metal roof panels.

The tenant, a Mrs. Deborah Elder, stated that the Roosters, 3 of the goats, and the dog all belong to the neighbor to the north and frequently run loose onto her property. She stated that the Donkey and Miniature Horse had been rehomed after they had been told at the Planning Commission Meeting that they could not be kept on the property. She stated that the Llama has been listed on Craigslist in an attempt to rehome him. **A search of Craigslist for "Llama" on 11-17-17 showed NO listing for a Llama in Kansas City.**

Animal Services issued 4 Citations with a court appearance date of January 4, 2018. Planning and Zoning will issue Notice of Violation Letters for the Structures and the non-conforming use."

Animal Control Report: A citation was issued for the llama by Officer Edwards. She was advised to get documentation when she rehomes the illegal animals, she was also advised that she should take that information to court with her so the judge can review the rehoming information.

Staff recommends denial of this application or if the Board of Commissioners disagrees the staff would request that the application be sent back to the City Planning Commission for rehearing.

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-2017-58 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Zoning Map
Aerial Map
Site Pictures
Conservation District Comments
Neighborhood meeting information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	November 30, 2017
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-58** 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-2017-58** 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. _____.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts 4:52:55:

SPECIAL USE PERMIT APPLICATION #SP-2017-58 – ERIC BISHOP – SYNOPSIS:
Special Use Permit for a maximum of 12 goats at 3552 North 47th Street. Detailed Outline of Requested Action: The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property

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

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

7. The Notices to property owners dated October 17, 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. Eric Bishop, applicant, 1437 South 79th Street, Kansas City, Kansas

Present in Opposition:

❖ No one appeared

Staff Recommendation Starts at 4:57:50: Director Richardson stated that the staff received two phone calls from neighbors that there was a Shetland pony, donkey, llama, etc. on the site. If the applicant is feeding cats even if they are wild technically they belong to him. Mr. Bishop stated that there has been; they are transient – keeping for friends. Director Richardson stated that is not allowed under this special use permit. He stated that the applicant will need to reduce the number of cats on the site and the transient animals and livestock are not allowed on the property. The staff recommends approval subject to the stipulations.

Motion and Vote Starts at 4:59:40:

On motion by Dr. Serda seconded by Ms. Rank, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-58:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How often will goat waste be disposed of and in what way?

Applicant Response: Goats waste will be used to fertilize other areas of the yard and the garden. It will be taken care of at very least bi weekly.

2. What is the goats' diet?

Applicant Response: They will eat a mixture of show goat pellets, cracked corn and hay.

3. Do you plan to have a fence for the twelve (12) goats that meets the R-1 Family District regulations?

Applicant Response: Yes

4. Do you plan to put in a rotational grazing plan to keep a sustainable pasture, per the Conservation District comments?

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

5. What is the square footage of the fenced area where the goats will graze?

Applicant Response: The pen is 78 ft. by 84 ft. for a total of 6552 SF. We plan to expand the existing fence to make the pen even bigger.

6. How often will you clean up the goats' waste?

Applicant Response: No more than bi-weekly and weekly if weather permits.

7. Where on the property will the twelve goats be held?

Applicant Response: The property is almost 2 acres and is in a long narrow rectangular shape. The goats will be kept entirely in the back two-thirds where there is significant stands of trees/brush on three sides to serve as a buffer between the neighbors and the goats.

8. How many structures are on your property? What are the dimensions of each structure?

Applicant Response: 1 House, 1 storage shed, 1 grain shed, 2 animal sheds. Each animal shed is approximately 10x12.

9. How will you ensure pastures are rotated so that there can be regrowth of grass, per Conservation District comments.

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

Public Works:

- 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

Conservation District Comments:

There are two major soil type identified: Ladoga silt loam 3 to 8 percent slopes and Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover. There are parts of the area that are overgrazed. This creates an erosion problem that can cause problems downstream. Pastures need to be rotated so that there can be regrowth of grass.

There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees. A waste management plan still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

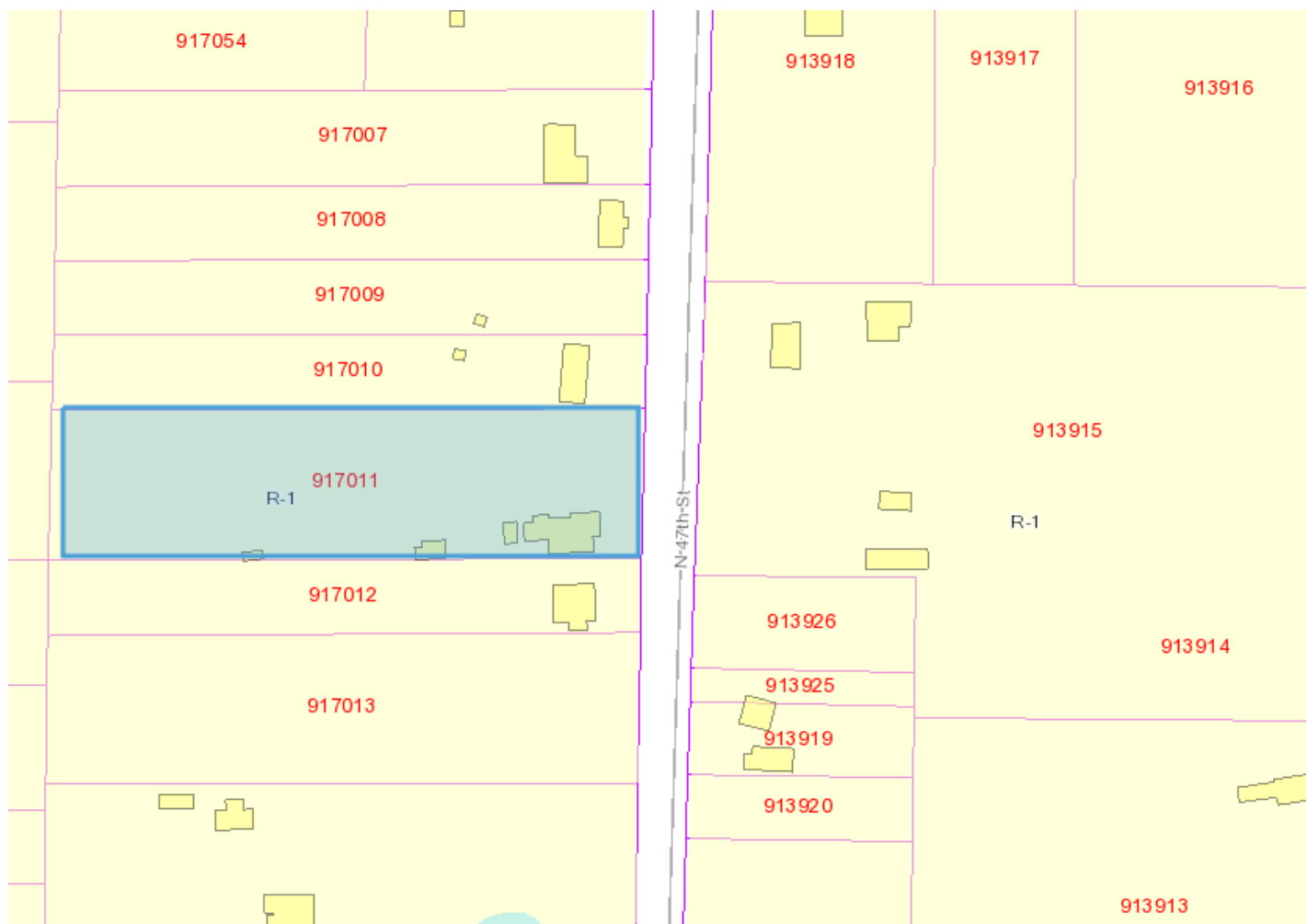
A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.

There are too many trees for the best pasture. Removal of trees would assist in increasing good grass established for feed. At least .15 acres of good grass is needed per goat.

Staff Conclusion:

Staff recommends approval subject to:

1. Approval would be for two (2) years
2. Property owners maintain daily disposal of goats' waste
3. The goats' diet remain as stated in applicant's response— pellets, cracked corn and hay—to ensure that the grass is not overgrazed
4. Animal Control Permit issued for twelve (12) goats







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

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

October 17, 2017

RE: SP-2017-58 Eric Bishop 12 goats 3552 North 47th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2017-58 Eric Bishop 12 goats 3552 North 47th Street.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Ladoga silt loam 3 to 8 percent slopes and Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- There are parts of the area that are overgrazed. This creates an erosion problem that can cause problems downstream. Pastures need to be rotated so that there can be regrowth of grass.
- There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees.
- A waste management plan, still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the

pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

- A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.
- There are too many trees for the best pasture. Removal of trees would assist in increasing good grass established for feed. At least .15 acres of good grass is needed per goat.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

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

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

Sincerely,

Cheri Miller
District Manager

Enclosures











AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)

) SS:

COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition #SP-2017-58 - 3552 North 47th Street.
2. That I conducted a neighborhood meeting on October 27, 2017.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list (also attached) provided by the Urban Planning and Land Use Department.

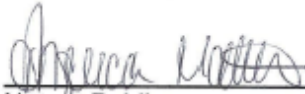
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of October, 2017.

My commission expires 29 of December, 2020



Notary Public



Application Number SP-2017-58 - 3552 North 47th Street
Date and Location: October 27, 2017 at 6:30 p.m. at 3552 N 47th St,
Kansas City, KS 66104

Meeting called to order at: 6:30 p.m.

Names of people in attendance: See attached sign-in sheet

Introductions:

- Eric Bishop, Permit Petitioner, Property owner
- Russell Vaca, current property resident

Presentation:

- Current site layout
- Future site layout of pens
- Numbers and types of livestock to be kept
- Animal care plan (feed, water, shelter, fencing)

Questions and answers (include the following):

- No questions or concerns were voiced.

Meeting adjourned at: 7:00 p.m.

Minutes taken by: Eric Bishop

Sign In Sheet

Application Number SP-2017-58 - 3552 North 47th Street

Date and Location: October 27, 2017 at 6:30 p.m. at 3552 N 47th St,
Kansas City, KS 66104

1. Bob Stroud
2. Harrell D. Voss
3. Robert D. Elfer
4. ERIC BISHOP
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
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29. _____
30. _____
31. _____
32. _____
33. _____
34. _____
35. _____

Date: October 16, 2017

Eric Bishop
1437 S. 79th St.
Kansas City, KS 66111

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP-2017-58 - 3552 North 47th Street. The purpose of this special use permit is for the right to keep and raise livestock at the following address: 3552 N 47th St, Kansas City, KS 66104.

I/We am having a neighborhood meeting on October 27, 2017 at 6:30 p.m. at the following address 3552 N 47th St, Kansas City, KS 66104.

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,



Eric Bishop
1437 S. 79th St.
Kansas City, KS 66111
913-890-3616
bishopprop@gmail.com



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: November 30, 2017
Re: Petition #SP-2017-59

GENERAL INFORMATION

Applicant:

Monica Cabrera

Status of Applicant:

1411 North 47th Street
Kansas City, Kansas

Requested Action:

Renewal of a Special Use Permit to keep one (1) horse

Date of Application:

September 11, 2017

Purpose:

To keep one (1) horse on property

Property Location:

1411 North 47th Street

Existing Zoning:

R-1 (B) Single-Family District



Existing Surrounding Zoning:

North:	R-1 (B) Single Family District
South:	R-1 Single Family District and CP-1 Planned General Business District (across Everett Avenue)
East:	R-1 (B) Single Family District
West:	R-1 (B) Single Family District

Existing Uses:

North:	Residential homes
South:	Residential homes
East:	Residential homes
West:	Residential homes

Total Tract Size: 1.089 acres

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

Major Street Plan: The City-Wide Master Plan designates 47th Street as a Minor Arterial.

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owner - October 17, 2017 and November 21, 2017

Public Hearings: November 13, 2017

Public Opposition: No one appeared in opposition at the November 13, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Monica Cabrera, wants to renew a special use permit to keep one (1) horse on their residential property.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is residential in nature.

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

The proposed use is not inherently compatible with the residential nature of 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.*

The removal of restrictions will not detrimentally affect nearby property if the horse's waste continues to be properly disposed of and the ground cover is maintained.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will not result in an increase of vehicular traffic to where it exceeds capacity.

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

Generally the proposal is only for the benefit of the applicant. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of adjoining property, although horses can create a significant odor and attract vermin.

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

Noise, vibration, dust, or illumination will not create problems for nearby properties.

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

The proposed use will likely not pollute the air. A foreseen issue is surface water runoff polluted with animal waste due to overgrazed and trampled land, which can cause public health issues downstream. Additionally, if the horse waste is not disposed of in a timely manner, neighbors will be negatively affected by the odor.

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

Staff does not believe this will be an issue.

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

This project may negatively impact public health due to overgrazed land, leading to increased surface water runoff polluted with animal waste. There is minimal gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowners.

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

Special Use Permit approved to keep a horse – #SP-2015-41

NEIGHBORHOOD MEETING

A neighborhood meeting is not required but highly recommended

KEY ISSUES

Accessory structures
Structure for horses
Overgrazing and ground protection
Disposal of animal waste
Documentation of Animal Permit and Building Permit

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-59, for two (2) years, subject to:

Urban Planning and Land Use Comments:

1. **Applicant must provide update on the property; please provide photos of the site showing stall and condition of the yard.**

Applicant Response: Photos attached to this staff report.

2. **Please provide current update on horse's diet and operation plan, including how and where food is being stored.**

Applicant Response: The horse's diet consists of grain (Vitality perform 14, Omolene 200 and Oats) and hay (alfalfa or brome). We give the horse 5 gallons of water first thing in the morning. The water is checked at noon and if it needs to be refilled it is. This always depends on the weather. We give the horse another 5 gallons every evening around 5pm. We also give the horse additional vitamins and supplements. They are usually in a liquid form that is mixed with the grain. We have a block of salt that is available for the horse too. All of the feed and hay will be stored inside the shed to avoid moisture.

3. Please provide current update on how animal waste is being disposed of and in what way.

Applicant Response: As in regards to the disposal of the horse manure, it will be removed from the stall on a daily basis and placed in a closed trash bin. We have two trash bins and when they are both filled up (about every 2 weeks), we take them to a friend of ours who has a small farm and can use the manure. As sort of a backup, we know that the landfill in Johnson County takes manure as a special waste.

4. Please provide proof of additional seed/sod to the area in an effort to establish better ground cover, per stipulations of 2015 approval.

Applicant Response: Applicant indicated a variation of horse seed was placed on the ground for the horse to eat and the grass to grow over.

5. Please provide proof of building permits obtained for horse's stall in compliance with R-1 Single Family District accessory structure regulations, per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a building permit, and is working to obtain a building permit before the City Planning Commission meeting on November 13, 2017.

6. Please provide copy of Animal Control permit for one (1) horse, per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a permit and is working to obtain an Animal Permit before City Planning Commission meeting on November 13, 2017.

Public Works:

- 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

Conservation District Comments:

There is one major soil type identified: Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.

This site is not well suited to a grazing operation. The tree cover is too thick for good grass growth. The horse traffic also destroys the leaf litter and causes erosion problem. The animal waste needs to be disposed of in a proper manner that protects the community from contamination.

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-2017-59 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Site Pictures
Conservation District Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	November 30, 2017
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2017-59 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-2017-59** 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

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2017-59 – MONICA CABRERA –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-41) to keep one (1) horse at 1411 North 47th Street. **Detailed Outline of Requested Action:** The applicant, Monica Cabrera, wants to renew a special use permit to keep one (1) horse on their residential property.

(Recording Secretary Parker stated that one of the stipulations in the staff report was that the applicant secured a building permit for the structure and a license for the horse from Animal Control and that has been done.)

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publications in The Echo for the special use permits.

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

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

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

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

Motion to APPROVE Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Applicant must provide update on the property; please provide photos of the site showing stall and condition of the yard.

Applicant Response: Photos attached to this staff report.

2. Please provide current update on horse's diet and operation plan, including how and where food is being stored.

Applicant Response: The horse's diet consists of grain (Vitality perform 14, Omolene 200 and Oats) and hay (alfalfa or brome). We give the horse 5 gallons of water first thing in the morning. The water is checked at noon and if it needs to be refilled it is. This always depends on the weather. We give the horse another 5 gallons every evening around 5pm. We also give the horse additional vitamins and supplements. They are usually in a liquid form that is mixed with the grain. We have a block of salt that is available for the horse too. All of the feed and hay will be stored inside the shed to avoid moisture.

3. Please provide current update on how animal waste is being disposed of and in what way.

Applicant Response: As in regards to the disposal of the horse manure, it will be removed from the stall on a daily basis and placed in a closed trash bin. We have two trash bins and when they are both filled up (about every 2 weeks), we take them to a friend of ours who has a small farm and can use the manure. As sort of a backup, we know that the landfill in Johnson County takes manure as a special waste.

4. Please provide proof of additional seed/sod to the area in an effort to establish better ground cover, per stipulations of 2015 approval.

Applicant Response: Applicant indicated a variation of horse seed was placed on the ground for the horse to eat and the grass to grow over.

5. Please provide proof of building permits obtained for horse's stall in compliance with R-1 Single Family District accessory structure regulations, per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a building permit, and is working to obtain a building permit before the City Planning Commission meeting on November 13, 2017.

6. Please provide copy of Animal Control permit for one (1) horse, per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a permit and is working to obtain an Animal Permit before City Planning Commission meeting on November 13, 2017.

Public Works:

- 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

Conservation District Comments:

There is one major soil type identified: Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.

This site is not well suited to a grazing operation. The tree cover is too thick for good grass growth. The horse traffic also destroys the leaf litter and causes erosion problem. The animal waste needs to be disposed of in a proper manner that protects the community from contamination.

Staff Conclusion:

Staff recommends approval for two years.







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

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

October 17, 2017

RE: SP-2017-59 Jose Corrales and Monica Cabrera, one Horse, 1411 North 47th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2017-59 Jose Corrales and Monica Cabrera, one Horse, 1411 North 47th Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- This site is not well suited to a grazing operation. The tree cover is too thick for good grass growth. The horse traffic also destroys the leaf litter and causes erosion problem. The animal waste needs to be disposed of in a proper manner that protects the community from contamination.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

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: November 30, 2017

Re: **Petition #SP-2017-61**

GENERAL INFORMATION

Applicant:
Ruby Martin

Status of Applicant:
Representative
Hilltop Saddle Club, Inc.
6918 Bales Ave
Kansas City, Missouri

Requested Action:
Approve special use permit
for continued use of office
trailer for their monthly meetings and
to keep supplies

Date of Application:
September 29, 2015

Purpose:
Continued use of office trailer to provide storage and a place for monthly meetings

**Property Location:** 5025 Muncie Drive

Existing Zoning: R-1 Single Family District

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

Existing Uses: **North:** Scattered residences on acreages
South: Vacant land
East: Scattered residences on acreages
West: Closed Forest View Landfill

Total Tract Size: 2.98 acres

Master Plan Designation: This property is designated as Medium Density Residential.

Major Street Plan: Muncie Drive is designated a Collector street.

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owner - October 17, 2017 and November 21, 2017

Public Hearings: November 13, 2017 and November 30, 2017

Public Opposition: No one appeared in opposition at the November 13, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: This is a request to continue to use a small office trailer on the site of the Hilltop Saddle Club at 5025 Muncie Drive. The members of the club have a ring for riding horses and there is a barn on the adjacent property for stabling the horses. The initial special use permit was approved in 1999. This is a renewal of the permit from 2015 (#SP-2015-12)

City Ordinance Requirements: Division 6, Sec. 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is largely rural residential area that falls away steeply to the south. The Forest View Landfill is adjacent on the west.

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

The zoning and uses of nearby properties are mainly R-1 Single Family District and A-G Agriculture District that are being used as scattered residences and vacant land. The proposed use should be compatible.

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

The property is suitable for the uses for which the application was submitted. The proposed use has not detrimentally affected nearby property.

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

The property is not vacant.

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

The Master Plan does not specifically address Special Use Permits.

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

This is not an issue.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public; however, it should not pose problems for nearby 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.*

No such issues have been experienced.

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

This is not a significant issue.

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

This is not an issue.

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

There is no relative gain to the public health, safety, and welfare. If this application is denied, the applicant will not be able to have their trailer on the property or conduct the meetings held on the site.

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

This is not an issue.

PREVIOUS ACTIONS

This was previously approved in 1999, 2002, 2005, 2008, 2010, 2013, and 2015.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 22, 2017. According to the applicant, no neighbors were in attendance at the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-61, subject to:

Urban Planning and Land Use Comments:

Please provide the following information:

1. Update on how many people are attending the meetings inside the trailer at a time.

Applicant Response: Applicant has indicated 15 to 20 people attending the meeting inside the trailer at a time.

2. What types of meetings are being held in the trailer?

Applicant Response: Meetings concerning operations of the organization and saddle club meetings.

3. Update of what type of materials will be placed inside the trailer.

Applicant Response: Applicant has indicated the materials inside the trailer are a file cabinet, office supplies, 30 chairs, folding tables, and saddles.

4. Please provide photographs of the trailer.

Applicant Response: Applicant has provided a photo that is attached to this staff report.

Public Works:

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

Staff Conclusion:

Staff recommends approval for two (2) years as this is a temporary use of land for commercial purposes subject to the continuing approval of the Building Inspection Division. The meetings need to continue to be kept quite small if this use is to remain safe and appropriate.

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-2017-61 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Aerial Image
Zoning Map
Picture of trailer
Neighborhood meeting information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	November 30, 2017
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jarobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-61** 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-2017-61** 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.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2017-61 – RUBY MARTIN WITH HILLTOP SADDLE CLUB – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-12) for a trailer for monthly meetings and to keep supplies at 5025 Muncie Drive.
Detailed Outline of Requested Action: This is a request to continue to use a small office trailer on the site of the Hilltop Saddle Club at 5025 Muncie Drive. The members of the club have a ring for riding horses and there is a barn on the adjacent property for stabling the horses. The initial special use permit was approved in 1999. This is a renewal of the permit from 2015 (#SP-2015-12)

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2017;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publications in The Echo for the special use permits.

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

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

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

Carson Not Present

Childress Aye

Connelly Aye

Ernst Aye

Gonzalez Aye

Huey Chairman

Jones Not Present

Mose Not Present

Pauley Not Present

Rank Aye

Serda Aye

Motion to APPROVE Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

Please provide the following information:

1. Update on how many people are attending the meetings inside the trailer at a time.

Applicant Response: Applicant has indicated 15 to 20 people attending the meeting inside the trailer at a time.

2. What types of meetings are being held in the trailer?

Applicant Response: Meetings concerning operations of the organization and saddle club meetings.

3. Update of what type of materials will be placed inside the trailer.

Applicant Response: Applicant has indicated the materials inside the trailer are a file cabinet, office supplies, 30 chairs, folding tables, and saddles.

4. Please provide photographs of the trailer.

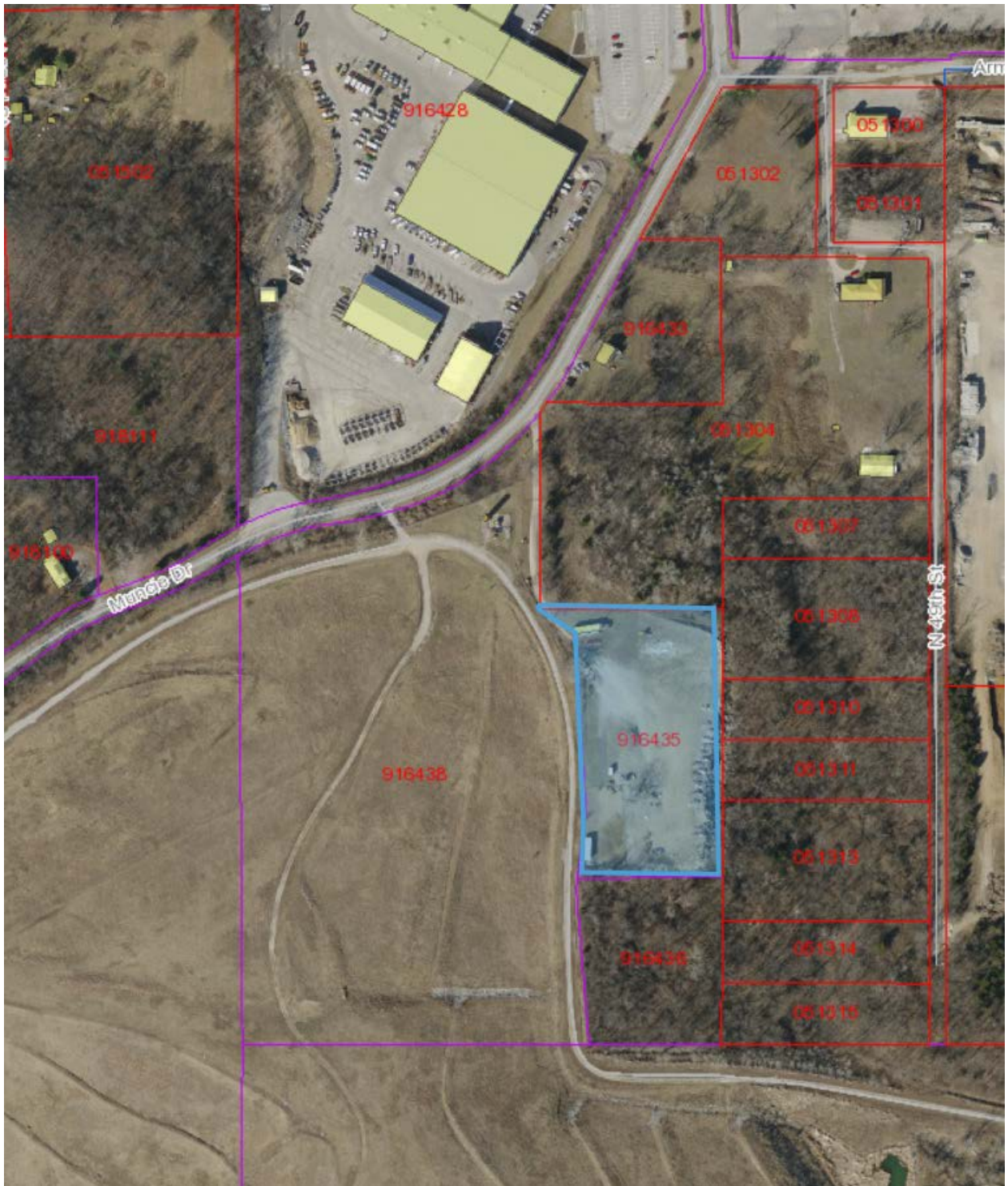
Applicant Response: Applicant has provided a photo that is attached to this staff report.

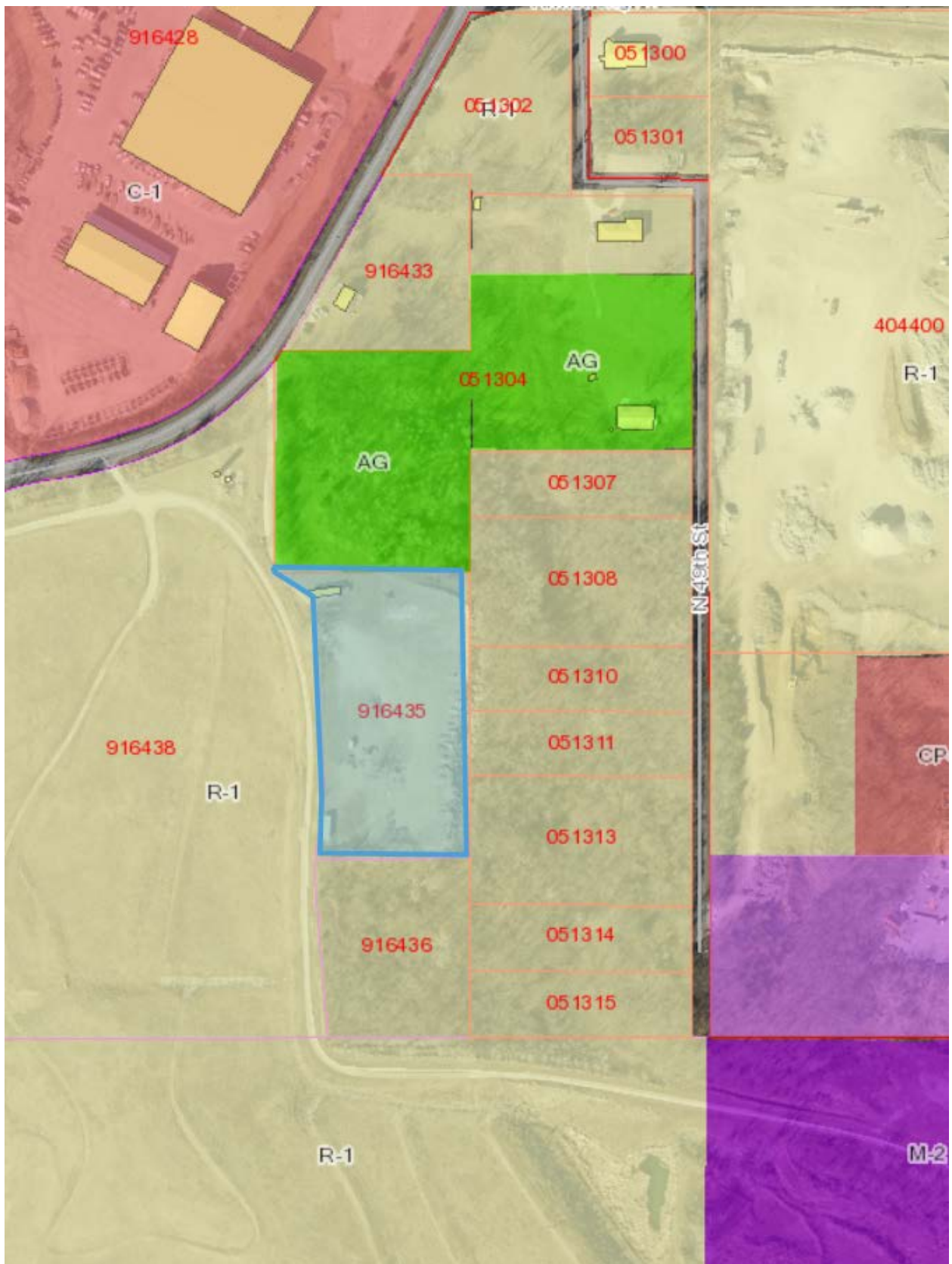
Public Works:

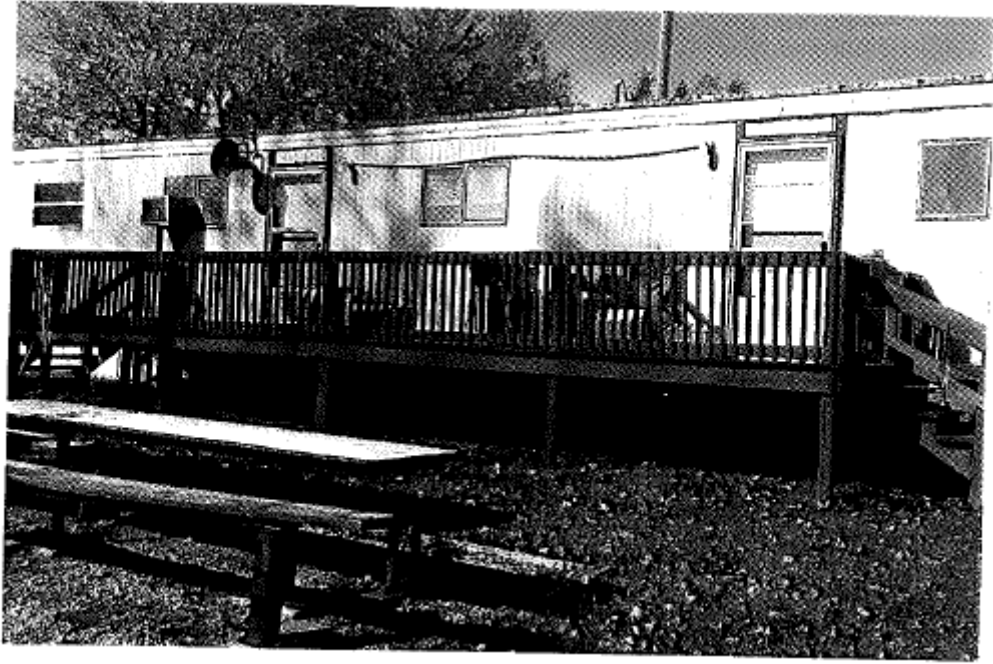
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful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

Staff Conclusion:

Staff recommends approval for two (2) years as this is a temporary use of land for commercial purposes subject to the continuing approval of the Building Inspection Division. The meetings need to continue to be kept quite small if this use is to remain safe and appropriate.







AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF JACKSON) SS:

Comes now Ruby Martin, of lawful age, sound mind and upon his/her oath states as follows.

1. That I am the petitioner for Petition # SP-2017-61
2. That I conducted a neighborhood meeting on 11-22-17.
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.

Ruby Martin
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of October, 20017.

My commission expires 23rd of October, 20017.

MARLON T. CAW
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires Jan 29, 2018
Commission # 14849368

Marlon T. Caw
Notary Public

Oct 22, 2017

3:00 P.M

Hilltop Saddle Club

Sign In Sheet

1. Ruby Martin
2. Thomas Hampton
3. CAROL J. Thompson
4. Mann P. [unclear]
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

10/22/17

3:05 PM

The meeting was called to order
by the president Carol Thompson.
There were 4 persons in attendance.

4:00 PM a motion was made and
second the meeting be adjourned.

None of the surrounding property
owners showed up.

Ruby Martin
Recording Secretary



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: November 30, 2017
Re: Petition #SP-2017-66

GENERAL INFORMATION

Applicant:
Randel VanBeber

Status of Applicant:
Owner
3415 North 63rd Street
Kansas City, Kansas

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

Date of Application:
September 30, 2017

Purpose:
To keep two goats on 1.4 acres

Property Location:
3415 North 63rd Street

Existing Zoning:
R-1 Single Family District



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

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

Total Tract Size: 1.4 acres

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

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

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owner - October 17, 2017 and November 21, 2017

Public Hearings: November 13, 2017 and November 30, 2017

Public Opposition: No one appeared at the November 13, 2017 City Planning Commission meeting.

PROPOSAL

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

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This neighborhood is residential in nature.

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

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

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

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

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

The property is not vacant.

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

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

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

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

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

The proposal is only for the benefit of the applicant.

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

This is not foreseen to be an issue.

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

The foreseen issue with the proposed use will be excessive surface water runoff polluted with animal waste due to overgrazed and trampled land, which can cause public health issues downstream. The Shrink Swell potential has been identified as a limiting factor for the development of dwellings. The shrinking and swelling can cause damage to buildings, roads and other structures, and to plant roots.

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

Staff does not believe that this will be an issue.

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

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

Damage to buildings, roads and other structures can occur because of the shrinking and swelling to the development of dwellings.

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

Staff does not believe that this will be an issue.

PREVIOUS ACTIONS

Special Use Permit to keep two goats – #SP-2015-16, approved

NEIGHBORHOOD MEETING

A neighborhood meeting is not required.

KEY ISSUES

Increased surface water runoff
Animal waste
Acreage of grazing land

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-66, subject to:

Urban Planning and Land Use Comments:

1. Please provide photos of the completed fence addition on property; per stipulations of the 2015 approval as well as the current condition of the land (grass cover in area where animals are kept, etc.).

Applicant Response: Applicant has indicated the fence is completed and it is enclosed.

2. Please provide current operation plan including how and where goat food is kept, current diet of goats, and when and how waste is removed, etc.

Applicant Response: Applicant has indicated goat food is kept on the porch. Goats are feed molasses, corn, oats, hay, carrots and cabbage, and drink warm water for their gums. Goat waste is mixed in with compost and thrown into the garden.

3. Please provide copy of Animal Control permit for two (2) goats, per stipulations of the 2015 approval.

Applicant Response: Applicant has not obtained an Animal Permit for their two goats. However, the applicant is working to obtain the animal permit before their case is heard by the City Planning Commission on November 13, 2017.

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

Conservation District Comments:

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

This site is not being managed well. The seeding is not in the best shape. It is over grazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste, which can cause health issues downstream. The yard area is too small for these animals. This size of goat needs to have at least one acre of well managed pasture per goat. If it is poorly managed then you will need two to three acres of pasture. Goats also like a larger percent of browse material in the pasture mix.

There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed to spend a lot of time in the yard area. Loafing in this area causes more runoff from this site that goes directly into the drainage way to the south.

Animal waste needs to be cleaned up on a daily bases and disposed of properly. This site will cause excessive runoff and carry animal waste with it. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Staff Conclusion:

Staff recommends approval for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-66 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Aerial Map
Zoning Map
Conservation District Comments
Site Pictures

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	November 30, 2017
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2017-66 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-2017-66 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.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT #SP-2017-66 – RANDEL VANBEBER – SYNOPSIS:

Renewal of a Special Use Permit (#SP-2015-16) for two (2) goats. Detailed Outline of Requested Action: Randel VanBeber is requesting renewal of a special use permit to continue to keep two goats on 1.4 acres of property.

Recording Secretary Parker stated that one of the stipulations in the staff report was for the applicant to secure a license for the two (2) goats from Animal Control and that has been done.

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publications in The Echo for the special use permits.

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

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

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

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

Serda Aye
Motion to APPROVE Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Please provide photos of the completed fence addition on property; per stipulations of the 2015 approval as well as the current condition of the land (grass cover in area where animals are kept, etc.).

Applicant Response: Applicant has indicated the fence is completed and it is enclosed.

2. Please provide current operation plan including how and where goat food is kept, current diet of goats, and when and how waste is removed, etc.

Applicant Response: Applicant has indicated goat food is kept on the porch. Goats are feed molasses, corn, oats, hay, carrots and cabbage, and drink warm water for their gums. Goat waste is mixed in with compost and thrown into the garden.

3. Please provide copy of Animal Control permit for two (2) goats, per stipulations of the 2015 approval.

Applicant Response: Applicant has not obtained an Animal Permit for their two goats. However, the applicant is working to obtain the animal permit before their case is heard by the City Planning Commission on November 13, 2017.

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

Conservation District Comments:

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

This site is not being managed well. The seeding is not in the best shape. It is over grazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste, which can cause health issues

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

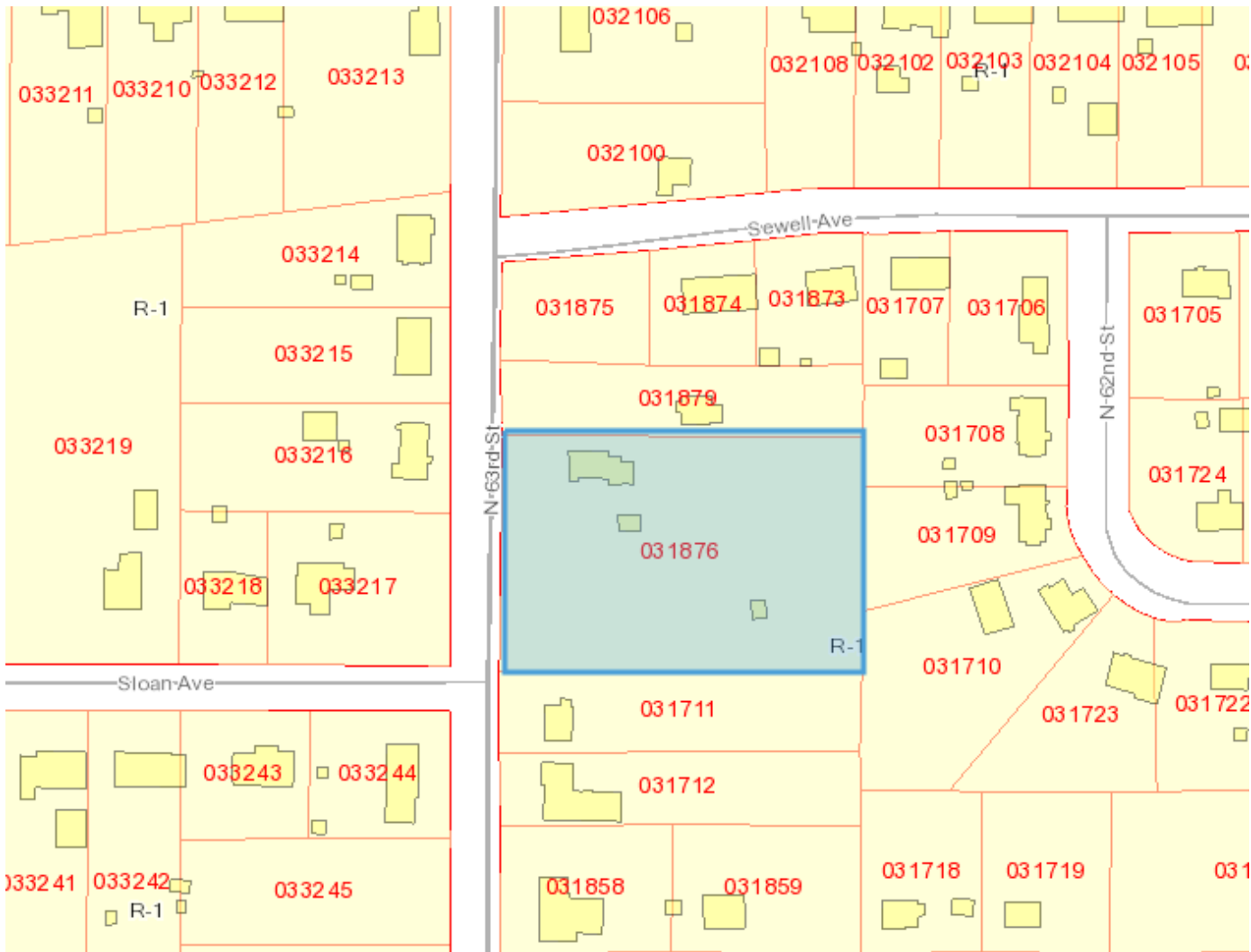
There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed to spend a lot of time in the yard area. Loafing in this area causes more runoff from this site that goes directly into the drainage way to the south.

Animal waste needs to be cleaned up on a daily bases and disposed of properly. This site will cause excessive runoff and carry animal waste with it. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Staff Conclusion:

Staff recommends approval for two (2) years.







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

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

October 17, 2017

RE: SP-2017-66 Randel and Barbara Van Beber 2 goats 3415 North 63rd Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2017-66 Randel and Barbara Van Beber 2 goats 3415 North 63rd Street.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Ladoga silt loam, 3 to 8 percent slopes silt loam and Knox silt loam 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site is not being managed well. The seeding is not in the best shape. It is over grazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste which can cause health issues downstream. The yard area is too small for these animals. This size of goat needs to have at least one acre of well managed pasture per goat. If it is poorly managed then you will need two to three acres of pasture. Goats also like a larger percent of browse material in the pasture mix.
- There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed to spend a lot of time

in the yard area. Loafing in this area causes more runoff from this site that goes directly into the drainage way to the south.

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

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

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

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

Sincerely,

Cheri Miller
District Manager

enclosures







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: November 30, 2017

Re: **Vacation Petition #R/W-2017-11**

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Kansas City, KS 66101

Requested Action:
Approval of Vacation of Right-of-Way

Date of Applications:
August 25, 2017

Purpose:
To vacate right-of-way to close access on South Bethany Street to build three (3) BPU buildings

Property Location:
342 South Bethany Street

Existing Zoning: R-1(B) Single Family and M-2 General Industrial Districts



Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: None (Interstate 70)
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: **North:** Single family homes
South: Interstate 70
East: Single family homes
West: Undeveloped land

Neighborhood Characteristics: The character of the neighborhood is dominated by the Board of Public Utilities buildings and facilities. Their compound is bordered by single family homes to the north and Interstate 70 to the south.

Total Tract Size: .54 acre

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

Major Street Plan: South Bethany Street is classified as a local street.

Advertisement: Wyandotte Echo – September 14, 2017
Letters to Property Owners – September 14, 2017, September 27 2017 and November 21, 2017

Public Hearings: November 13, 2017 and November 30, 2017

Public Opposition: Two people appeared with questions at the November 13, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC Rhodes on behalf of the operator, Board of Public Utilities has submitted this application. Mr. Anderson wants to vacate a portion of South Bethany Street in order to build a guard house, establishing a control checkpoint for the BPU facility.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b and Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is dominated by the Board of Public Utilities buildings and facilities. Their compound is bordered by single family homes to the north and Interstate 70 to the south.

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

The proposed use should not increase the traffic or parking demand. By vacating a portion of South Bethany and constructing a guard house and new buildings, the flow of vehicles in and out of the property will be controlled and monitored.

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

The proposed use conforms to the Master Plan.

4. ***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.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To be designed to meet City Code

- d. ***Police***

Police service provided by the East Patrol, District #114

- e. ***Fire***

Fire service provided by Station #9

- f. ***Transit***

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

g. Schools

Kansas City, Kansas USD 500

- 6. *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 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.

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

Buildings and lots 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.

- 8. *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.

- 9. *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.

- 10. *Vacation will not create utility conflicts.***

The vacation will not create any utility conflicts.

- 11. *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.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Vacation Application #R/W-2017-11, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. With the proposed building addition and site expansion, what is the intended use of this BPU facility compound?

Applicant Response: The use of the property is unchanged. The improvements will provide better storage capabilities and site access.

3. Will the three buildings be constructed in phases, or will all of them be built at the same time?

Applicant Response: The project is anticipated to be built within one year period in two phases.

4. Since the guard house is adjacent to a single family residence, what are the hours of operation of the facility and will the guard shack be manned during those hours? Will there be speakers for site communication?

Applicant Response: The guard house will have 24 hour operation. Speakers should not be required as guards are to greet visitors and deliveries.

5. Are the majority of the parking stalls between the three buildings for employees or for fleet vehicles? Based on the 57 parking spaces between the two park areas, 3 accessible stalls are required.

Applicant Response: The overall number of employees remains unchanged. Parking will be a mix of employee and fleet vehicles.

6. The 6' privacy fence between the single family homes to the north and the BPU facility shall have masonry columns every 32'.

Applicant Response: A masonry encased column is anticipated.

7. A light cut sheet was provided, but a photometric plan was not. All lighting, whether installed in the parking lot or mounted on a building shall have 90 degree cutoff fixtures. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one footcandle as measured from said property line.

Applicant Response: A photometric plan for the only proposed outdoor light has been provided in the latest resubmittal dated September 20, 2017. Footcandle measurements are given and meet the above criteria.

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 storm line upstream of MH 059-098 shall be a private line and maintained by BPU. Plans submitted for construction permit shall show this line as a private line.
 - 2) The County Surveyor may make separate technical review of right-of-way vacation exhibit, and submits comments directly to the preparer of the vacation documents. If approved, provide revised right-of-way vacation and exhibit(s) in accordance with County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - 4) From field investigations and meetings, there are private sanitary sewer lines combined with storm drainage lines on the BPU site. These are considered “illicit discharges”, and BPU shall separate storm drainage and sanitary sewer lines and coordinate with Public Works and Water Pollution Control departments for review, inspection, and approvals.
- 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 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 #RW-2017-11 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Applicant Response Letter
Vacation Exhibit
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	November 30, 2017
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #RW-2017-11 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 #RW-2017-11, 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.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 6:05:55:

RIGHT-OF-WAY VACATION APPLICATION #R/W-2017-11 – WIL ANDERSON WITH BHC RHODES FOR THE BOARD OF PUBLIC UTILITIES - SYNOPSIS: Vacation of right-of-way at 342 South Bethany Street

PLAN REVIEW APPLICATION #PR-2017-37 – WIL ANDERSON AND DANIEL SNEAD WITH BHC RHODES – SYNOPSIS: Final Plan Review for the construction of 3 buildings at BPU Muncie Water Operations facility at 342 South Bethany Street

Detailed Outline of Requested Action: The applicants, Wil Anderson and Daniel Snead with BHC Rhodes on behalf of the operator, Board of Public Utilities have submitted two applications. Mr. Anderson wants to vacate a portion of South Bethany Street in order to build a guard house, establishing a control checkpoint for the BPU facility. Mr. Snead filed a plan review to construct three (3) buildings, a guard house for site access, a hydrant building to repair and maintain fire hydrants and a pipe supply building to protect PVC pipes from solar degradation.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017 for the vacation application; and
7. The Notices to property owners dated September 14 and September 27, 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:

- ❖ Wil Anderson, applicant, BHC Rhodes, 710 State Avenue, Kansas City, Kansas 66101
- ❖ Daniel Snead, BHC Rhodes, 7101 College Boulevard, Olathe, Kansas

Present in Opposition/Question:

- ❖ Irene Ramirez, 358 South 11th Street, Kansas City, Kansas

Staff Recommendation Starts at 6:14:05: Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 6:14:19:

On motion by Dr. Serda, seconded by Ms. Rank, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application #R/W-2017-11:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. With the proposed building addition and site expansion, what is the intended use of this BPU facility compound?

Applicant Response: The use of the property is unchanged. The improvements will provide better storage capabilities and site access.

3. Will the three buildings be constructed in phases, or will all of them be built at the same time?

Applicant Response: The project is anticipated to be built within one year period in two phases.

4. Since the guard house is adjacent to a single family residence, what are the hours of operation of the facility and will the guard shack be manned during those hours? Will there be speakers for site communication?

Applicant Response: The guard house will have 24 hour operation. Speakers should not be required as guards are to greet visitors and deliveries.

5. Are the majority of the parking stalls between the three buildings for employees or for fleet vehicles? Based on the 57 parking spaces between the two park areas, 3 accessible stalls are required.

Applicant Response: The overall number of employees remains unchanged. Parking will be a mix of employee and fleet vehicles.

6. The 6' privacy fence between the single family homes to the north and the BPU facility shall have masonry columns every 32'.

Applicant Response: A masonry encased column is anticipated.

7. A light cut sheet was provided, but a photometric plan was not. All lighting, whether installed in the parking lot or mounted on a building shall have 90 degree cutoff fixtures. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one footcandle as measured from said property line.

Applicant Response: A photometric plan for the only proposed outdoor light has been provided in the latest resubmittal dated September 20, 2017. Footcandle measurements are given and meet the above criteria.

Public Works Comments:

Vacation:

- 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 storm line upstream of MH 059-098 shall be a private line and maintained by BPU. Plans submitted for construction permit shall show this line as a private line.
 - 2) The County Surveyor may make separate technical review of right-of-way vacation exhibit, and submits comments directly to the preparer of the vacation documents. If approved, provide revised right-of-way vacation and exhibit(s) in accordance with County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - 4) From field investigations and meetings, there are private sanitary sewer lines combined with storm drainage lines on the BPU site. These are considered "illicit discharges", and BPU shall separate storm drainage and sanitary sewer lines and coordinate with Public Works and Water Pollution Control departments for review, inspection, and approvals.
- 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) None

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

- 1) The storm drainage lines and manholes upstream of MH 059-098 shall be a private line and maintained by BPU. Plans submitted for construction permit shall remove the note regarding a utility easement dedication and shall show the storm drainage system as a private line.**
- 2) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.**
- 3) From field investigations and meetings, there are private sanitary sewer lines combined with storm drainage lines on the BPU site. These are considered “illicit discharges”, and BPU shall separate storm drainage and sanitary sewer lines and coordinate with Public Works and Water Pollution Control departments for review, inspection, and approvals.**

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

- 1) None**

On motion by Dr. Serda, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE Plan Review Application #PR-2017-37:**

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

Motion to APPROVE Passed: 6 to 0

Subject to the above stipulations

This is not applicable.

10. Vacation will not create utility conflicts.

The vacation will not create any utility conflicts.

11. 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.

KEY ISSUES

None

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. With the proposed building addition and site expansion, what is the intended use of this BPU facility compound?
The use of the property is unchanged. The improvements will provide better storage capabilities and site access.
2. Will the three buildings be constructed in phases, or will all of them be built at the same time?
This project is anticipated to be built within a one year period in two phases.
3. Since the guard house is adjacent to a single family residence, what are the hours of operation of the facility and will the guard shack be manned during those hours? Will there be speakers for site communication?
The guard house will have 24 hour operation. Speakers should not be required as guards are to greet visitors and deliveries.
4. Are the majority of the parking stalls between the three buildings for employees or for fleet vehicles? Based on the 57 parking spaces between the two park areas, 3 accessible stalls are required.
The overall number of employees remains unchanged. Parking will be a mix of employee and fleet vehicles.
5. The 6' privacy fence between the single family homes to the north and the BPU facility shall have masonry columns every 32'.
A masonry encased column is anticipated.
6. A light cut sheet was provided, but a photometric plan was not. All lighting, whether installed in the parking lot or mounted on a building shall have 90 degree cutoff fixtures. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one footcandle as measured from said property line.

A photometric plan for the only proposed outdoor light has been provided in the latest resubmittal dated 09/20/2017. Footcandle measurements are given and meet the above criteria.

Public Works Comments:

Vacation:

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

1) On the right-of-way vacation exhibit, the surveyor's seal shall be signed and dated.

(2017-9-20 BHC Rhodes) The Exhibit and Legal for the vacation are not signed by the Professional Surveyor until it has gained approval at the Planning Commission and Board of Commissioners meetings.

Ref: Email comment to Wil Anderson from Kim Ingham regarding this item.

Wil,

Engineering made the comment similar to requirement of PE sealed plans.

If you do not typically sign it until approved by PC and BOC, then, you can sign it then.

I understand the reason for not signing due to document that can be recorded.

Just indicate in the response regarding sealing and signing after PC & BOC.

Let us know if you have any other questions.

Thank you,

Kim Ingham

Engineering Supervisor

2) At the pre-DRC meetings, there was discussion about providing a replat to include all the parcels for this property, and vacate the right-of-way by plat. Please provide explanation or reason why a replat has not been submitted.

#RW-2017-11 and #PR-2017-37

October 9, 2017

6

Also, part of the replat discussion included comments regarding a sanitary sewer main extension so that service line(s) do not cross property lines. Please discuss further with staff prior to a resubmittal.

The discussion was with Rob Richardson. The Replat was considered to be not essential for the project. All of the site is currently platted. What is proposed is that a consolidation of the existing Tax Parcels via GeoSpatial group could be handled via a formal letter request by the owners.

- 3) With the proposed vacation of Bethany street ,the UG recommends the storm sewer line running northwesterly from the combined sewer manhole # 059-098-MH be privately maintained by the owner. Please indicate on the plans as a "private storm sewer".

BPU would like this line to remain as public storm sewer because it collects stormwater that flows onto the site from areas to the north. Utility easement will be added after the Bethany Street ROW is vacated.

- 4) The County Surveyor may make separate technical review of right-of-way vacation exhibit, and submits comments directly to the preparer of the vacation. If approved, provide revised right-of-way vacation and exhibit(s) in accordance with County Surveyor comments.

We have received no comments from the County Surveyor at this time. If comments are made they will be handled prior to the Planning Commission Meeting.

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

Plan Review:

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

- 1) On the right-of-way vacation exhibit, the surveyor's seal shall be signed and dated.

(2017-9-20 BHC Rhodes) The Exhibit and Legal for the vacation are not signed by the Professional Surveyor until it has gained approval at the Planning Commission and Board of Commissioners meetings.

Ref: Email comment to Wil Anderson from Kim Ingham regarding this item.

Wil,

Engineering made the comment similar to requirement of PE sealed plans.

If you do not typically sign it until approved by PC and BOC, then, you can sign it then.

I understand the reason for not signing due to document that can be recorded.

Just indicate in the response regarding sealing and signing after PC & BOC.

Let us know if you have any other questions.

Thank you,

*Kim Ingham
Engineering Supervisor*

- 2) At the pre-DRC meetings, there was discussion about providing a replat to include all the parcels for this property, and vacate the right-of-way by plat. Please provide explanation or reason why a replat has not been submitted. Also, part of the replat discussion included comments regarding a sanitary sewer main extension so that service line(s) do not cross property lines. Please discuss further with staff prior to a resubmittal.
The discussion was with Rob Richardson. The Replat was considered to be not essential for the project. All of the site is currently platted. What is proposed is that a consolidation of the existing Tax Parcels via GeoSpatial group could be handled via a formal letter request by the owners.
- 3) With the proposed vacation of Bethany street ,the UG recommends the storm sewer line running northwesterly from the combined sewer manhole # 059-098-MH be privately maintained by the owner. Please indicate on the plans as a "private storm sewer".
BPU would like this line to remain as public storm sewer because it collects stormwater that flows onto the site from areas to the north. Utility easement will be added after the Bethany Street ROW is vacated.
- 4) The County Surveyor may make separate technical review of right-of-way vacation exhibit, and submits comments directly to the preparer of the vacation. If approved, provide revised right-of-way vacation and exhibit(s) in accordance with County Surveyor comments.
We have received no comments from the County Surveyor at this time. If comments are made they will be handled prior to the Planning Commission Meeting.
- 5) Revise the curb return radii from 30' to 25', and indicate the applicable street pavement section at the Bethany Street & Ray Avenue intersection, in accordance with UG standards and criteria. Please discuss with staff prior to a resubmittal.

The curb return radius is revised to 25' in accordance with UG standards and criteria. The change is noted on C02 – Site Plan. Truck turning was also reanalyzed based on this change, see C05 – Auto Turn Plan.

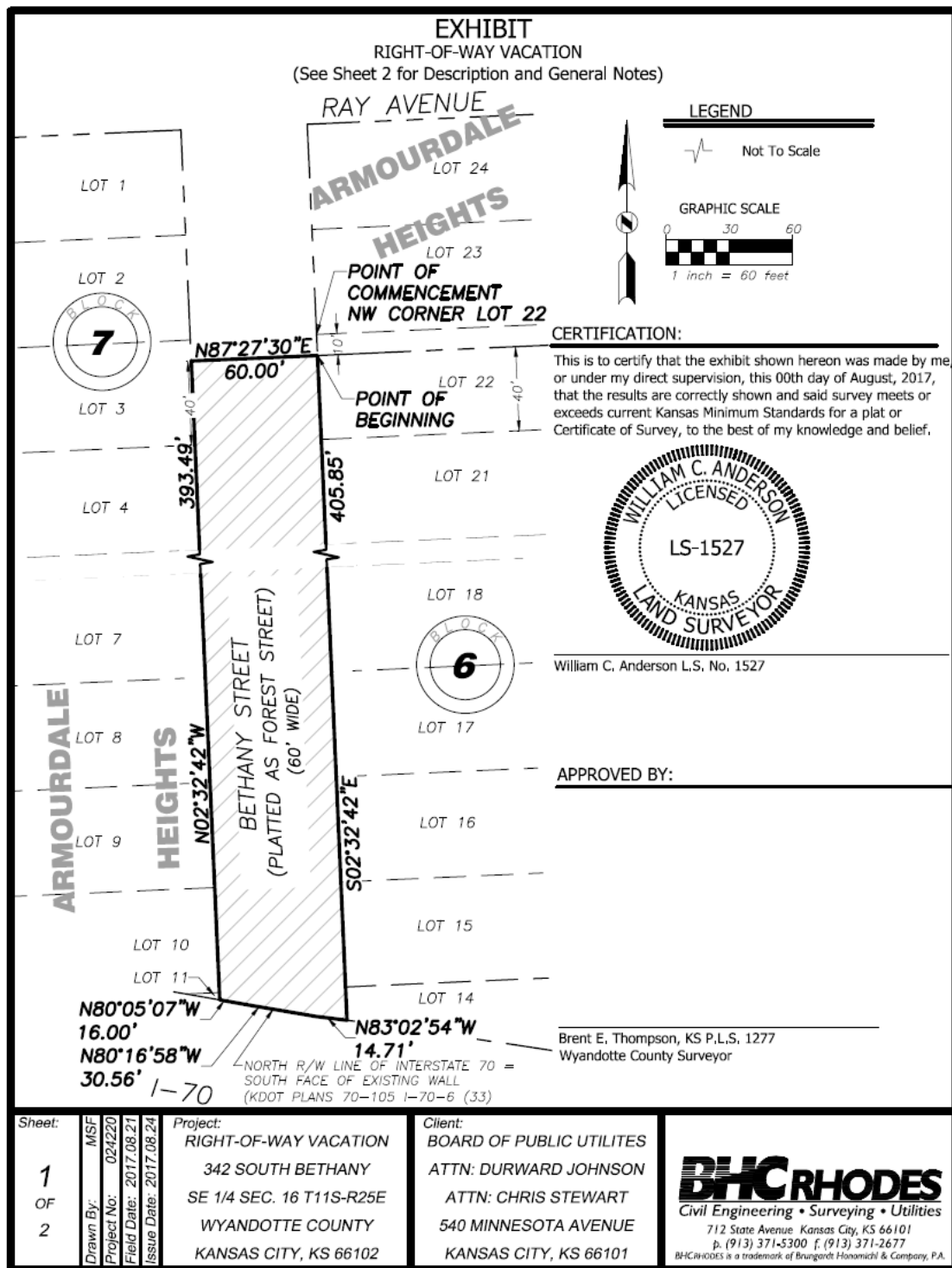
- 6) Indicate elevations of the service line from the guard shack that connects to the public main sewer line and indicate rim elevation of the cleanout. Flow line and rim elevations are added for the service line connections from the Guard House and from the Hydrant Building.
 - 7) The hydrant storage building has a waterline connection shown but no sanitary sewer service connection, please describe or illustrate how this building is to be used and where the water will go once used. Is there a restroom in the building?
A sanitary line is added for the Hydrant Building for floor drains in the building. There is no restroom in the Hydrant Building.
 - 8) On the grading plan/erosion control plan, please add reference regarding that dump trucks and construction trucks shall remain on existing paving for loading during demolition of existing pavement.
This is added as note 1 in the Notes section on C01 – Demolition Plan and C03 – Grading Plan.
 - 9) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
Construction plans will be shown accordingly.
- 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 RECOMMENDATIONS

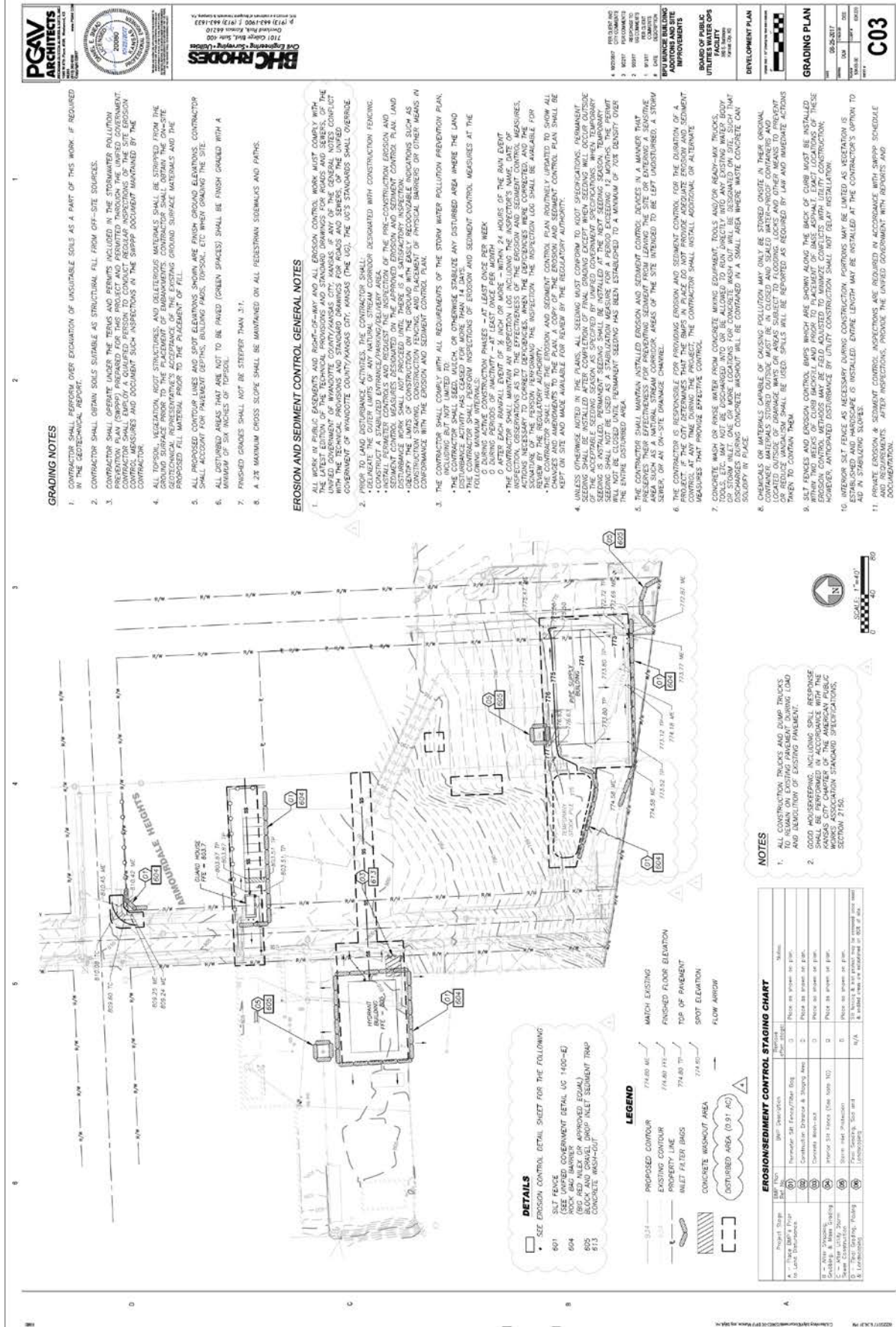
Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends of Vacation Petition #RW-2017-11 and Petition #PR-2017-37 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

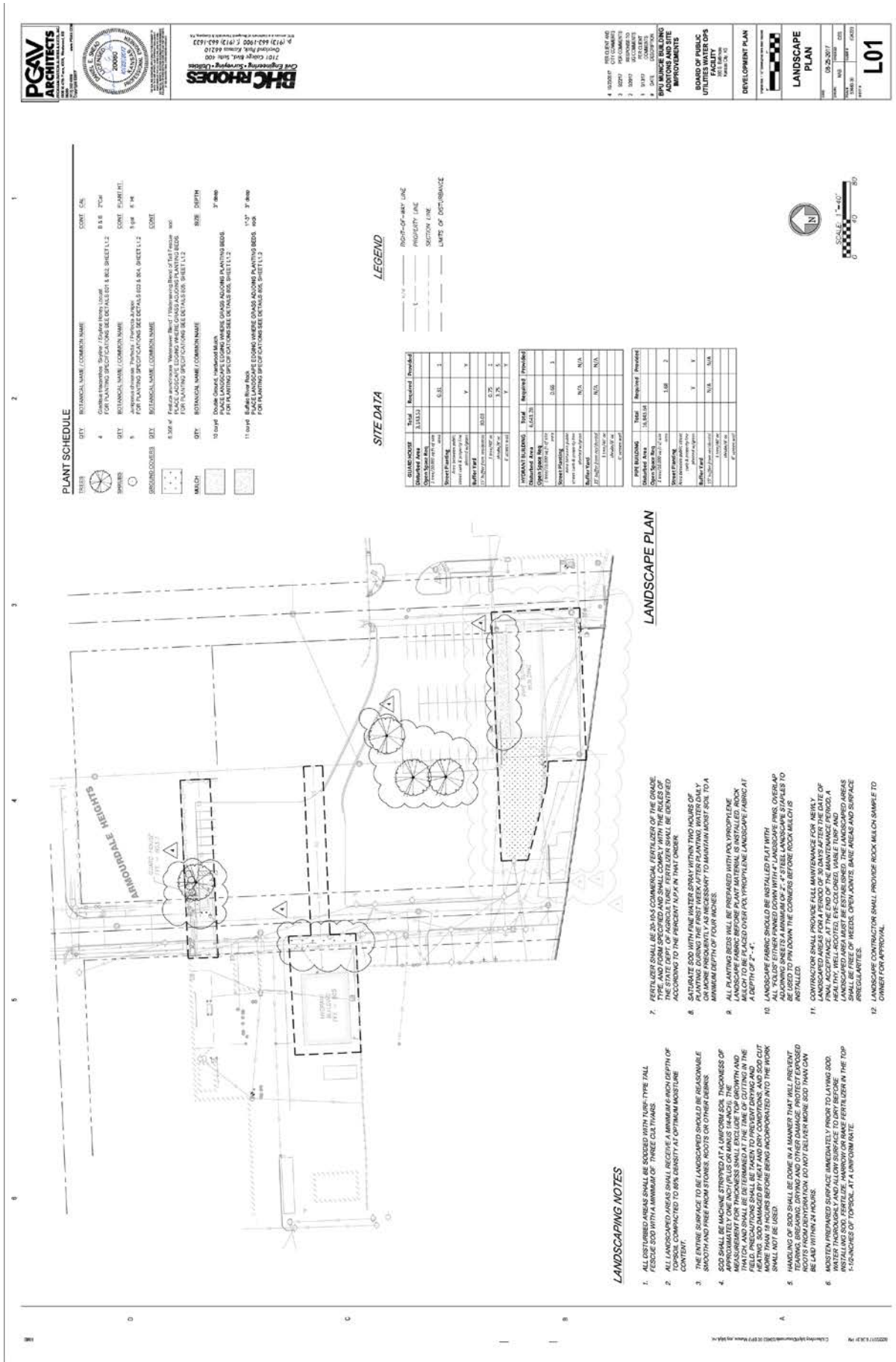
Vacation Exhibit
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations
Site Photographs











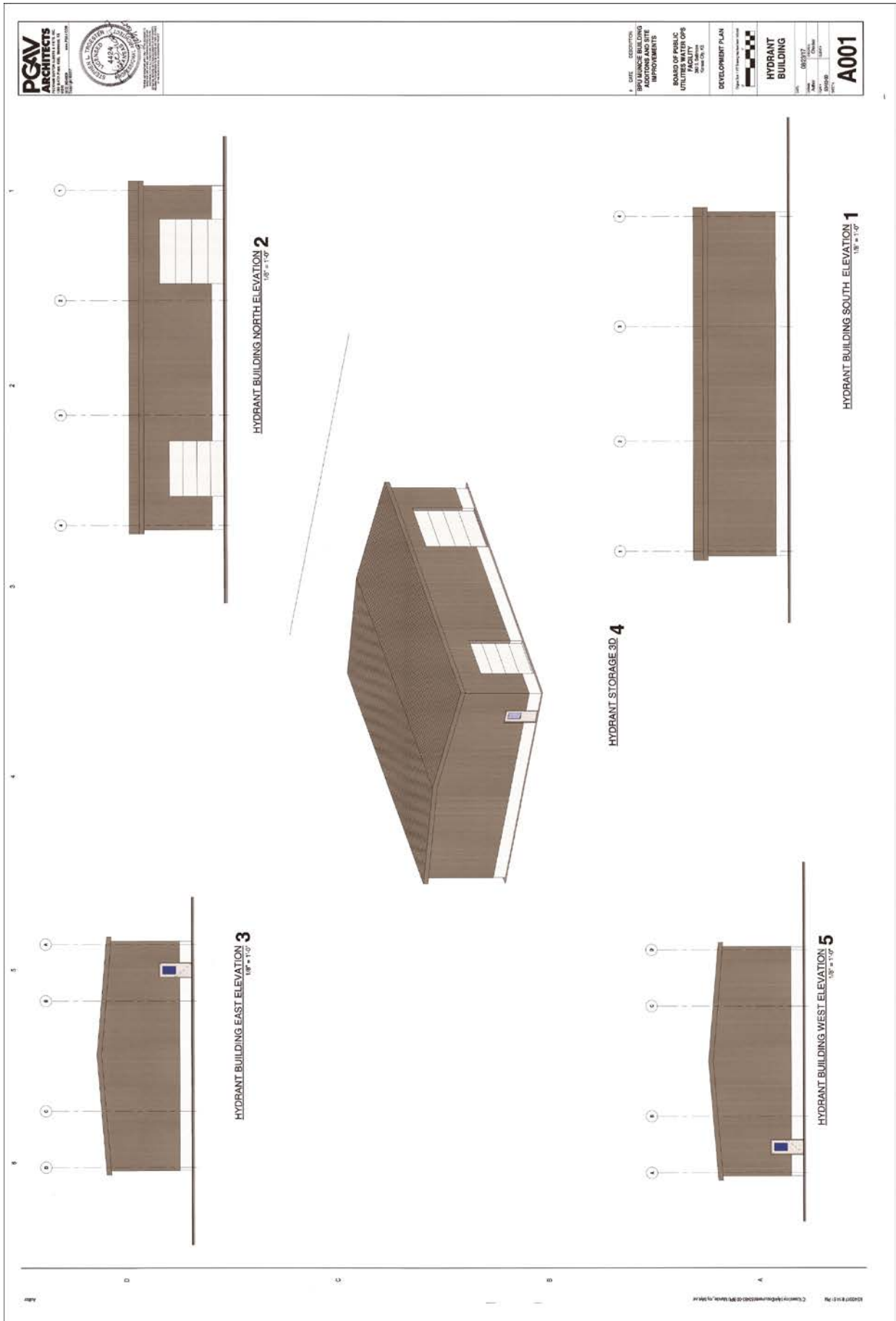




Figure 1. Photograph of South Bethany looking north (provided by the applicant).



Figure 2. Site photograph of South Bethany looking northeast (provided by the applicant).



Figure 3. Site photograph of the adjoining property to the north, looking west (provided by the applicant).

(First published _____)

#3147

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4229 Swartz Road in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited 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 August 24, 2017, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited 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:

A parcel of land being a part of Lot 2 "C.A. PROBST'S SUBDIVISION", a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point on the South line of said Lot 2, said being 85.00 feet West of the Southeast corner of said Lot 2; Thence North 89 degrees 44' 00" West 60.80 feet, along said South line, to the Easterly line of a heretofore described easement for ingress and egress as shown on a survey by Sandin Survey Company, Job Number 6011, dated September, 1979; Thence North 1 degree 53' 25" East 99.93 feet, along said Easterly line, Thence North 11 degrees 34' 00" West 119.26 Feet, along said Easterly line, to a point on the Southwesterly right-of-way line of Swartz Road as now established; Thence South 57 degrees 53' 00 West 39.65 feet, along said right-of-way line, to a point due North of the point of beginning; Thence South 195.91 feet to the point of beginning of parcel herein described. Subject to the restrictions, reservations, easements, and covenants, if any, of record, located at approximately 4229 Swartz Road, Kansas City, Kansas,

be changed from its present zoning of C-1 Limited 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

(Published _____)

#P/E-2017-10

ORDINANCE NO. _____

AN ORDINANCE vacating 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, Located at approximately 3928 Rainbow Boulevard, 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 pedestrian easement in Kansas City, Kansas be and the same is hereby vacated:

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, located at approximately 3928 Rainbow Boulevard, 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 _____)

#U/E-2017-8

ORDINANCE NO. _____

AN ORDINANCE vacating a utility easement described as (platted 10' wide Utility Easement to be vacated): Commencing at the Northeast corner of Lot 1A as shown on the Certificate of Survey – Lot Consolidation recorded 4-17-17 at the Wyandotte County Register of Deeds as Document No. 2017R-05359; thence South 88°22'03" West 40.00 feet to the Point of Beginning of the platted 10' wide easement; thence South 01°53'01" East 298.5 feet (more or less) to the South line of Lot 1A; thence South 88°20'43" West 10.0 feet along the South line of Lot 1A; thence North 01°53'01" West 298.5 feet (more or less) to the North line of Lot 1A; thence North 88°22'03" East 10.0 feet to the Point of Beginning, located at approximately 9000 Haskell Avenue, Kansas City, Kansas.

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

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

DESCRIPTION (platted 10' wide Utility Easement to be vacated): Commencing at the Northeast corner of Lot 1A as shown on the Certificate of Survey – Lot Consolidation recorded 4-17-17 at the Wyandotte County Register of Deeds as Document No. 2017R-05359; thence South 88°22'03" West 40.00 feet to the Point of Beginning of the platted 10' wide easement; thence South 01°53'01" East 298.5 feet (more or less) to the South line of Lot 1A; thence South 88°20'43" West 10.0 feet along the South line of Lot 1A; thence North 01°53'01" West 298.5 feet (more or less) to the North line of Lot 1A; thence North 88°22'03" East 10.0 feet to the Point of Beginning, located at approximately 9000 Haskell Avenue, 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. 171378

Full Commission Meeting Date: 11/30/17

Committee: Public Works & Safety

Date of Standing Committee Action: 11/13/17

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 11/15/2017	<u>Contact Name:</u> Ryan Haga	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Project Name: 31st & Kimball Sanitary Stream Crossing Improvements Project – CMIP #6301 This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Reso.31st Kimball St				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, and also tree clearing and access for rehab and repair of the sanitary sewer infrastructure North 31st – 34th South of Kimball, CMIP 6301, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, and also tree clearing and access for rehab and repair of the sanitary sewer infrastructure North 31st – 34th South of Kimball, CMIP 6301. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2017.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

RYAN P. HAGA
Assistant Counsel



Staff Request for Commission Action

Tracking No. 171379

Full Commission Meeting Date: 11/30/17

Committee: Public Works & Safety

Date of Standing Committee Action: 11/13/17

(If none, please explain):

Publication Required: Yes 12/07/2017

<u>Date:</u> 11/15/2017	<u>Contact Name:</u> Ryan Haga	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Project Name: Inland & Holliday Drive Sewer Main Extension Project – CMIP #6301 This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Reso.Inland & Holliday Drive				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the maintenance, operation, and construction of new sanitary sewer main extension at Inland & Holliday Drive, CMIP 6301, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for maintenance, operation, and construction of new sanitary sewer main extension at Inland & Holliday Drive, CMIP 6301. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2017.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

RYAN P. HAGA
Assistant Counsel



Staff Request for Commission Action

Tracking No. 171395

Full Commission Meeting Date: 11/30/17

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>
11/14/2017	Emerick Cross	x6784	ecross@wycokck.org	Commission Liaison

Item Description:

Nomination for Boards & Commissions:

Law Enforcement Advisory Board, Mary Hopkins, 11/30/2017 to 6/30/2018, submitted by Sheriff Ash

Action Requested:

Request approval

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
OCTOBER 26, 2017**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 26, 2017, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO. 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; Bridgette Cobbins, Unified Government Clerk; Ryan Haga, Assistant Counsel; Lindsay Behgam, Executive Coordinator to the Mayor; Emerick Cross, Commission Liaison; Janet Parker and Byron Toy, Planning; Rob Richardson, Director of Planning; Jon Stephens, Interim Economic Development Director; and Captain Osvaldo Navarro, Sergeant-at-Arms.

Mayor Holland called the meeting to order.

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

INVOCATION was given by Sister Therese Bangert, Our Lady and St. Rose Catholic Church.

Mayor Holland asked the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, a blue sheet has been distributed. Under the Administrator's Agenda, is revised information for Item No. 1 regarding the Northwest Speedway STAR Bond District.

Mayor Holland said tonight we have two distinct parts to our meeting. The first is Planning and Zoning followed by our regular Commission meeting. We have a required statement by state

law that needs to be read prior to our Planning and Zoning meeting. **Bridgette Cobbins, UG Clerk**, read the statement.

PLANNING AND ZONING CONSENT AGENDA

Bridgette Cobbins, UG Clerk, asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Townsend** said I've had contact with proponents of #SP-2017-54 regarding McNealey Trucking. **Mayor Holland** said I have had contact with C1 which is #PE-2017-10, for proponents. **Commissioner Murguia** said I've had contact with #SP-2017-20. **Mayor Holland** said let the record show no further contacts are being disclosed at this time.

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

Mayor Holland asked if anyone in attendance tonight, any staff member or any commissioner would like to remove an item from the agenda. Anything not removed will be voted on in a single vote. **Commissioner Townsend** asked to set-aside #SP-2017-54, regarding McNealey Trucking. **Mayor Holland** said that's Item B, as in boy, No. 5. It will be set aside. **Mayor Holland** set-aside B3, #SP-2017-50, for the storage container. No one else moved forward to remove an item.

Mayor Holland said I think both of these items have ramifications for our SOAR initiative.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve.** Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 171355...CHANGE OF ZONE APPLICATION #3133 – TODD ALLENBRAND WITH PAYNE & BROCKWAY, PA

Synopsis: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District for multifamily townhomes at 1342 North 126th Street, submitted by Robin Richardson, Director of Planning. The applicant is seeking approval for a change of zone in order to develop current vacant land into 14 four-unit townhome buildings on a 5.35 acre portion of a 76.44 acre parcel. 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. 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.
 - b. 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 stormwater 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.
 - c. Will the proposed four-plex townhomes be subdivided into separate lots?

- d. 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.
 - e. The cul-de-sac west of 126th Terrace is wider than UG standards. Provide an island to separate and delineate traffic flow and driveway access.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. 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).
 - j. Preliminary plans shall show location(s) of preliminary stormwater detention basin(s) and stormwater quality BMP's and types.
 - k. Any proposed work within the creek, pond or downstream channel will require a Corps of Engineers' permit.
 - l. 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.
 - m. Provide a preliminary erosion control plan, and show the proposed erosion control BMP types and preliminary locations in accordance with UG criteria.
 - n. Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.
2. Items that are conditions of approval (stipulations): None.
 3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

October 26, 2017

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Change of Zone Application #3133, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 2 – 171356...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, submitted by Robin Richardson, Director of Planning. 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 Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3147, subject to:

Urban Planning and Land Use Comments:

Subject to approval, a \$50 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Change of Zone Application #3147, subject to the stipulation. Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 3 – 171357...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,
and

MASTER PLAN AMENDMENT PETITION

ITEM NO. 1 – 171357...MASTER PLAN AMENDMENT PETITION #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 Richardson, Director of Planning. The applicant 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 Holiday 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 Axion 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 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:

Please provide a landscape plan that shows how the property will meet the following requirements:

1. All parking areas shall be screened from public roads with a continuous row of bushes not higher than 30 inches.
2. Street trees are required for every 30 feet of street right-of-way. (5 street trees)
3. Provide trees at 75% greater than 1 per 7,000 square feet. (5 trees)
4. Show how the site will be screened from the abutting property zoned or used for residential purposes.

Applicant Response:

1. Screening was added to the development plan.
2. Not enough room for 5 trees due to existing garage and new driveway apron to parking area.
3. There are at least 8 trees on site that will remain after construction.

October 26, 2017

4. 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. A cross-access easement/agreement for access to the two parking stalls on the east side of the site shall be submitted with final plans.

- b. 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.
 - c. 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.).
 - d. 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.
 - e. Provide geotechnical soil borings and report regarding proposed retaining walls including global stability analysis.
 - f. 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.
 - g. 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.
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 McKiernan made a motion, seconded by Commissioner Murguia, to approve Master Plan Amendment Petition #MP-2017-8, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Change of Zone Application#3148, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes,"

Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171358...SPECIAL USE PERMIT APPLICATION #SP-2017-20 – MICHAEL A. QUINN, SR.

Synopsis: Special Use Permit for a dirt fill at 4412 Gibbs Road, submitted by Robin Richardson, Director of Planning. The applicant 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. 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.

October 26, 2017

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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. Existing and proposed fill material shall meet typical soil classifications without any rubble, deleterious material, vegetation, etc., and shall be properly compacted.
 - b. Within 14 days after final grading has been established, topsoil shall be placed and the area shall be seeded to establish vegetation.

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 McKiernan made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2017-20, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 2 – 171359...SPECIAL USE PERMIT APPLICATION #SP-2017-32 – BEN STEPHENS WITH COPART

Synopsis: Special Use Permit for expansion of Copart parking facility at 6130 Kansas Avenue, and

PLAN REVIEW APPLICATION

ITEM NO. 1 – 171365... #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 Richardson, Director of Planning. The applicant wants to expand their automobile storage area across the street from their principal facility at 6221 Kansas Avenue. The applicant has applied for a special use permit to expand the Copart facility, a plat to create one industrial lot and a plan review for the expansion of storage area on 12.04 acres at 6130 Kansas Avenue. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-32, subject to the stipulations. The Planning Commission voted 6 to 0 to recommend approval of Preliminary and Final Plan Review #PR-2017-21, subject to:

Urban Planning and Land Use Comments:

1. Per Business Licensing Department:

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:

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 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.
 - 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 McKiernan made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2017-32, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Plan Review Application #PR-2017-21, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes,"

Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 3 – 171360...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, submitted by Robin Richardson, Director of Planning. The applicant seeks a special use permit for a personal storage unit for lawn items, bikes, winter clothes, etc. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-50 for one year.

Julie Ramirez, Applicant, said I would just like to keep that storage container for a year, just to have time to remove it, or maybe we might have to sell it. **Mayor Holland** asked your request is just for the one year. **Ms. Ramirez** said yes, just the one year.

Mayor Holland opened the public hearing and asked if there was anyone in attendance tonight who would like to speak in favor of this proposal. Let the record show no one is moving forward.

Mayor Holland asked if anyone would like to speak in opposition? Let the record show no one is coming forward.

Mayor Holland closed the public hearing.

Rob Richardson, Director of Planning, said the property in question is highlighted on the screen. The storage container is in the back corner along the fence. A storage container is typically not a neighborhood, residential facility that we see. It's much larger than a normal storage shed. It's not appropriately clad to match the house as required by the code. We're putting all the effort into the SOAR activities and cleaning up the neighborhoods. I'm not sure that's an appropriate use in a neighborhood.

Mayor Holland said my inclination is to send it back to Planning and Zoning just to consider it again. It looks like there are a number of issues perhaps on that property. Is that a recent photo? **Mr. Richardson** said 2016. **Mayor Holland** said so we don't know how accurate that photo is. **Mr. Richardson** said correct.

Mayor Holland said storage containers, metal storage containers in our neighborhoods, I don't think are in keeping with the character of what we are trying to do. I understand that you would like to perhaps empty it and sell it. I think that can be done in less than a year.

Action: **Mayor Holland made a motion, seconded by Commissioner Walters, to send Special Use Permit Application #SP-2017-50 back to Planning and Zoning to reconsider.** Roll call was taken on the motion and there were eight "Ayes," Markley, Walters, Bynum, Townsend, McKiernan, Murguia, Johnson, Kane; and two "Nos," Philbrook, Walker.

Mayor Holland said it will go back to Planning & Zoning. What's the date of that meeting? Part of the motion is to send it back to a particular meeting. **Mr. Richardson** said November 13th will be the date. **Mayor Holland** said that's three weeks, is that right? **Mr. Richardson** said we can still get notices out for that. **Mayor Holland** said okay. **Mr. Richardson** said sometimes we're closer than that, depending on how the dates fall.

ITEM NO. 4 – 171361...SPECIAL USE PERMIT APPLICATION #SP-2017-53-SCOTT SKALA WITH CZ-USA

Synopsis: Special Use Permit for the temporary use of land to keep a storage container at 32 North 74th Street, submitted by Robin Richardson, Director of Planning. The applicant is seeking a Special Use Permit in order to operate a private firearm shooting range at 3327 North 7th Street Trafficway. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-53 for two 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.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2017-53 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

**ITEM NO. 5 – 171354...SPECIAL USE PERMIT APPLICATION #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 Richardson, Director of Planning. The applicant 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 Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-54 for one year.

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. eight years.
5. How frequently will the truck(s) enter and exit the property and what are the timeframes associated with this? The truck exits approx. 7AM and enters approx. 4 PM daily M-F (enters and exits one time daily. Truck 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 monito, 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 18 cases. Out of those 18 cases, 7 were recommended for approval and 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 the 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: None.

October 26, 2017

William McNealey, III, McNealey Trucking, LLC, said I would like to ask if I can get two to six months to find me somewhere to move my truck. **Mayor Holland** asked you need about two to six months to move it. **Mr. McNealey** said I have to find a commercial place that's zoned so I can park it. **Mayor Holland** asked do you have any other statement. **Mr. McNealey** said no.

Mayor Holland opened the public hearing and asked if there was anyone in attendance tonight who would like to speak in favor of this proposal.

Nancy McNealey, 4423 Georgia Avenue, said I'm the owner of McNealey Trucking. I was just asking, I know we had talked about it before, but one of the things that I was trying to see—we have been on the property about eight to ten years, parked there with no problem. We do understand that the recommendation was for approval for one year. With that one year, we were going to be looking for another place if we couldn't extend it. If we do have to move because the truck doesn't run in the wintertime, we would need some time to find a place to be able to move it and that's why we're talking two to six months if we have to move it.

No one else appeared to speak in favor.

Mayor Holland asked if anyone would like to speak in opposition? Let the record show no one is coming forward.

Mayor Holland closed the public hearing.

Commissioner Townsend said I had the opportunity to speak with Mr. McNealey this afternoon. I applaud the entrepreneurial spirit of the McNealey's, but I shared with him that, certainly from my perspective, this would not be something I would support in terms of approving the recommendation. In fact, staff's recommendation was in opposition to this. Given what we are trying to do with improving neighborhoods, even though it's a nice truck, it just doesn't belong, I believe, in a residential neighborhood.

The fact that it's been there eight years, I can't explain that. I don't know how that happened eight years. I don't want to see an enforcement action taken, so I would be in favor of

giving the McNealey's time to locate a suitable place to have their truck parked in a commercial area. I was thinking in the neighborhood of three months. I could support six months, but with no extension. I would move that this go back to Planning & Zoning to allow the McNealey's six months time to find a suitable location for parking.

Mayor Holland said if you would like to, you have two options. You could make a motion to just make it for six months and that would take eight votes. Or, if that didn't pass, then you could move to send it back and that would only take six votes. We could make the six months amendment tonight, if that's your desire.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2017-54 for six months, with no extension, subject to the stipulations.**

Commissioner Townsend said with the proviso though that there will be no extension. This is to allow them time to find a suitable location.

Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

VACATION APPLICATION

ITEM NO. 1 – 171364...VACATION APPLICATION #P/E-2017-10 – KORB MAXWELL WITH POLSINELLI PC

Synopsis: Vacation of a pedestrian easement at 3928 Rainbow Boulevard, submitted by Robin Richardson, Director of Planning. The applicant, 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 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 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 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. Provide 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.
 - b. 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.
 - c. 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.
 - d. 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.

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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Pedestrian Easement Vacation Application #P/E-2017-10, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 171365...PLAN REVIEW APPLICATION #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 Richardson, Director of Planning.

Action: This item was previously heard with Special Use Permit Application #SP-2017-32.

ITEM NO. 2 – 171367...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, submitted by Robin Richardson, Director of Planning. The applicant is seeking approval for a new 10,512 square foot office and shop facility for A-1

Sewer and Septic on Merriam Lane. 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.

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:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. 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.

- b. Reference the applicable UG standard detail for the proposed concrete driveway approach.
- c. Provide details and applicable manufacturer information on the proposed sand/oil interceptor. Further discussion with staff may be needed prior to a resubmittal.
- d. Indicate location of proposed trash enclosure and provide a truck and trash truck turning template for routing within the site.

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.

- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. Final development plans shall include retaining wall calculations, details, and construction plans signed and sealed by a professional 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. Further discussion with staff may be needed prior to a resubmittal.
- j. Proposed retaining wall(s) that exceed 30" requires a pedestrian guardrail atop of the walls. Provide details (including footing), cross sections, and calculations for design and construction of all proposed pedestrian guardrails in accordance with UG criteria.

- k. On the erosion control plan, provide a note that the contractor shall have a copy of the stormwater 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.
 - l. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
2. Items that are conditions of approval (stipulations): None.
 3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Plan Review Application #PR-2017-38, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

MASTER PLAN AMENDMENT APPLICATION

ITEM NO. 1 – 171366... MASTER PLAN AMENDMENT APPLICATION

#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 Richardson, Director of Planning.

Action: This item was previously heard with Change of Zone Application #3148.

MISCELLANEOUS ORDINANCE

ITEM NO. 1 – 171368...REZONING ORDINANCE #3091

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-50-17**, "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.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 2 – 171369...REZONING ORDINANCE #3098

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-51-17**, “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.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 3 – 171370...REZONING ORDINANCE #3119

Synopsis: An ordinance rezoning property at 10000 Lafayette Avenue from CP-2 Planned General Business District to CP-3 Planned Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-52-17**, “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.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,”

Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 4 – 171371...REZONING ORDINANCE #3105

Synopsis: An ordinance rezoning property at 1215 Southwest Boulevard from M-2 General Industrial District to C-3 Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-53-17**, “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.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 5 – 171372...REZONING ORDINANCE #3095

Synopsis: An ordinance rezoning property at 11011 Leavenworth Road from A-G Agriculture District to R-1 Single Family District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-54-17**, “An ordinance rezoning property at 11011 Leavenworth Road from A-G Agriculture District to R-1 Single Family District.” **Commissioner McKiernan, made a motion, seconded by Commissioner Murguia to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 6 – 171373...REZONING ORDINANCE #3110

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-55-17**, “An ordinance rezoning property at 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.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 7 – 171374...VACATION ORDINANCE #U/E & R/W-2015-6

Synopsis: An ordinance vacating a utility easement and right-of-way at 3414 North 109th Terrace, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-56-17**, “An ordinance vacating the utility easement and right-of-way located at approximately 3414 North 109th Terrace, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 8 – 171375...VACATION ORDINANCE #A-2015-12

Synopsis: An ordinance vacating an alley at 736 Shawnee, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-57-17**, “An ordinance vacating a platted public alleyway located at approximately 736 Shawnee, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

NON-PLANNING CONSENT AGENDA

Mayor Holland said that brings us to our Non-Planning Consent Agenda. I'll invite anyone in attendance tonight, any of the commissioners, or staff if you would like to remove an item, to please remove an item at this time. Any item not removed will be voted on with a single vote. No one moved forward to remove an item.

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the Non-Planning Consent Agenda.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 1 – 171292...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

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 2 – 16817...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

Action: **ORDINANCE NO. O-58-17**, “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.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

Action: **ORDINANCE NO. O-59-17**, “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.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 3 – 171346...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.

Action: **ORDINANCE NO. O-60-17**, "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." **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 4 – 171335...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and 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: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten "Ayes," Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 5 – MINUTES

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

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

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 12 and 19, 2017.

Action: Commissioner Walker made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 171377... 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.

Doug Bach, County Administrator, said this ordinance just authorizes a request or authorization for the Chief Counsel to acquire property in relation to our capital project: Leavenworth Road from 38th St. to 63rd St.

Mayor Holland said we voted on this once with the previous properties and now, is this the final one. **Mr. Bach** said yes. **Mayor Holland** said for this phase of that project, this is the final vote.

Commissioner Murguia asked does it require a public hearing.

Action: **ORDINANCE NO. O-61-17**, “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.” **Commissioner Walker made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson; and one “No,” Kane.

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 171376...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.

Doug Bach, County Administrator, said, yes, we are very excited to have this project in front of the commission tonight. I know we had a public hearing in front of the commission last June. We’ve been working since that time to put together a development agreement and finalize things for the plan that we are presenting tonight.

We’re going to go through this in a moment, but I just would clarify you did receive a blue sheet tonight. This blue sheet is just a clarification that makes it clear that it’s kind of indirect to the project. It just provides clarity that if we do do a convention center within the STAR district, for which this project is proposed, and any of the retail sales tax generated by the American Royal or related retail to fund that will be preserved and it doesn’t go toward a convention center project.

This project is not presenting a convention center tonight. This is just the clarity that was needed with the developer and they asked for us to put it in there that it was preserving all the

money they had within their project and not saying if we do a convention center, we're taking money back from what's planned for the American Royal.

So, with that, I'm going to ask my Director of Economic Development Jon Stephens to come forward. He's going to present the project and he'll be followed by the development team who will then move and present the project as well.

Jon Stephens, Interim Economic Development Director, said I want to take you through just a brief overview and outline on the American Royal Northwest Speedway STAR Bond District. I believe it's coming up right now.

The slide has a white header with the title "Why Are We Here Tonight?" in a teal font. Below the title is a thin horizontal line with a small teal circle in the center. The main body of the slide is light blue and contains a bulleted list with two items, each preceded by a small red square. The first item is "Adoption of the STAR Bond Project Plan for the Northwest Speedway STAR Bond District." and the second is "Approval of the American Royal Development Agreement." The slide has a dark teal footer bar.

Why Are We Here Tonight?

- Adoption of the STAR Bond Project Plan for the Northwest Speedway STAR Bond District.
- Approval of the American Royal Development Agreement.

Why we're here tonight is the adoption of the STAR bond project plan for the Northwest Speedway STAR Bond District and approval of the American Royal development agreement.

Previous Action

- April 27th, 2017
Board of Commissioners adopted Resolution R-18-17 which set a public hearing date of June 15th, 2017 to consider the project plan for the Northwest Speedway STAR Bond District and Associated American Royal project.
- June 15th, 2017
Conducted public hearing to consider the Northwest Speedway STAR Bond District Project Plan.
Hearing was held and closed.
Commission action on project plan to be considered at a later date.

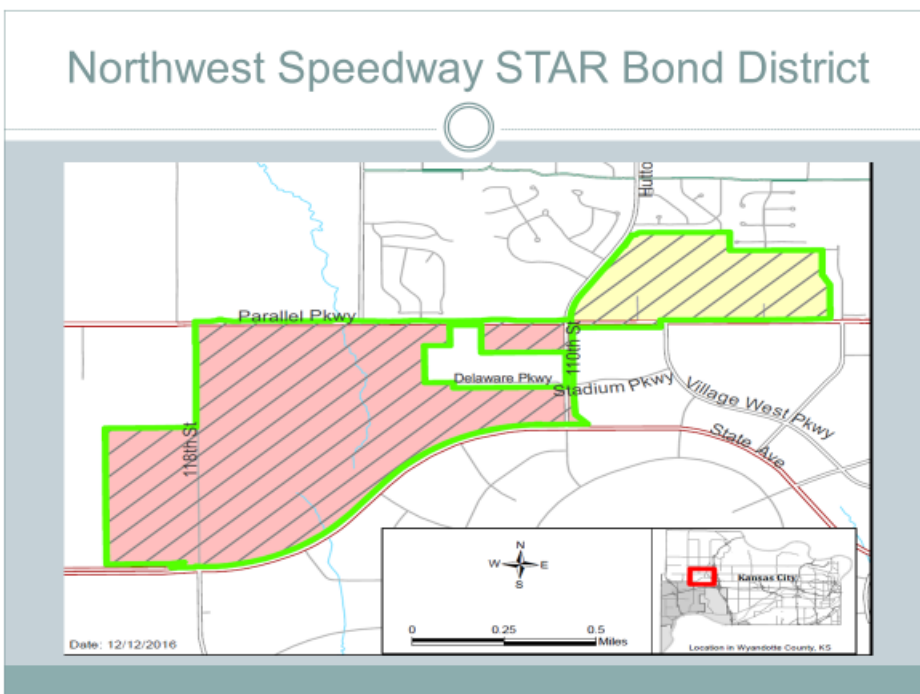
The previous actions on this, just very quickly, on April 27th, the Board of Commissioners adopted a resolution which set the public hearing date of June 15th to consider the project plan for the Speedway STAR Bond District and the associated American Royal project. On June 15th, that public hearing was considered. It was held, the hearing was opened and closed, and commission action on this project plan to be considered tonight would be considered at a later date. So, we're now at that later date.

STAR Bond Process

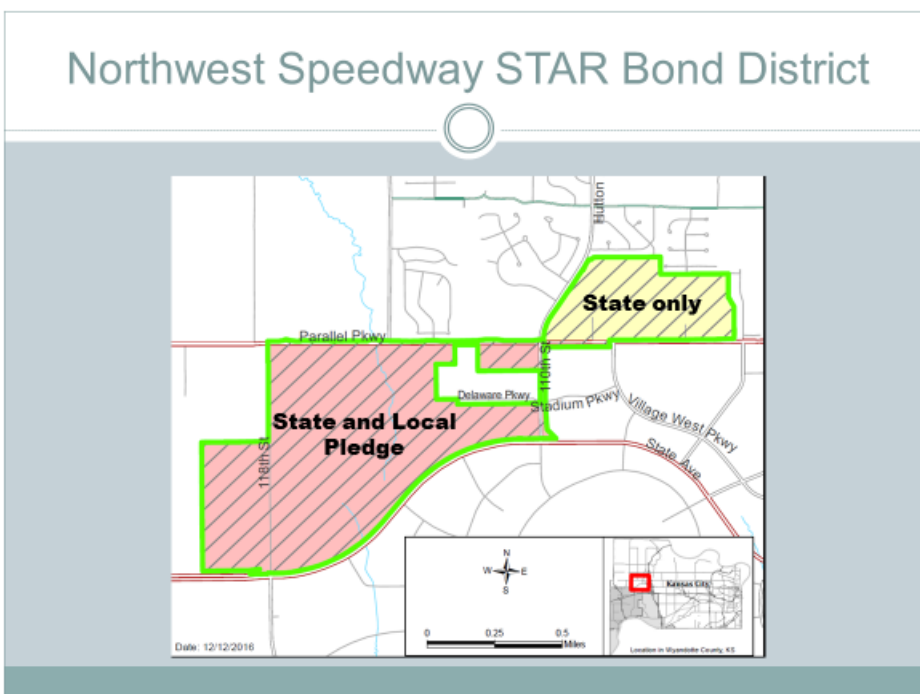


- Created District
 - R-78-16, adopted 10/27/16, set Public Hearing to consider the creation of STAR District
 - O-75-16, adopted 12/15/16, created STAR District
- Project Plan
 - Conformance Finding made 4/10/17 by Planning Commission
 - R-18-17, adopted 4/20/17, set Public Hearing to consider proposed Project Plan
 - 6/16/17 Public hearing held and closed to consider plan
- Tonight
 - **Approval of Project Plan and Development Agreement**

Very quickly, the STAR bond process and sort of the overview of the district was created in 2016, October 27th. It was adopted December 15, 2016, that created the district that we're currently discussing. The project plan—and there's a couple of little issues here, but the conformance finding was made April 10, 2017. It was adopted April 27th. The public hearing was set for June 15th as we said before. So tonight, we're considering approval of the project plan and the development agreement.



Just a very quick overview of the area that we are talking about: generally boarded by 110th St. on the east, State Ave. and the Speedway on the south, Parallel on the north, and then generally 118th with a small parcel to the west of 118th, as well as the northeast parcel which is the Plaza at the Speedway. That is the STAR bond district



October 26, 2017

To give you a little more detail as we covered in the public hearing, the portion of the STAR bond allocation, the state and local pledge is covered in the lower portion, which is more of the Royal area and the Plaza at the Speedway is the state only commitment of the STAR bond revenue.

Sources & Uses

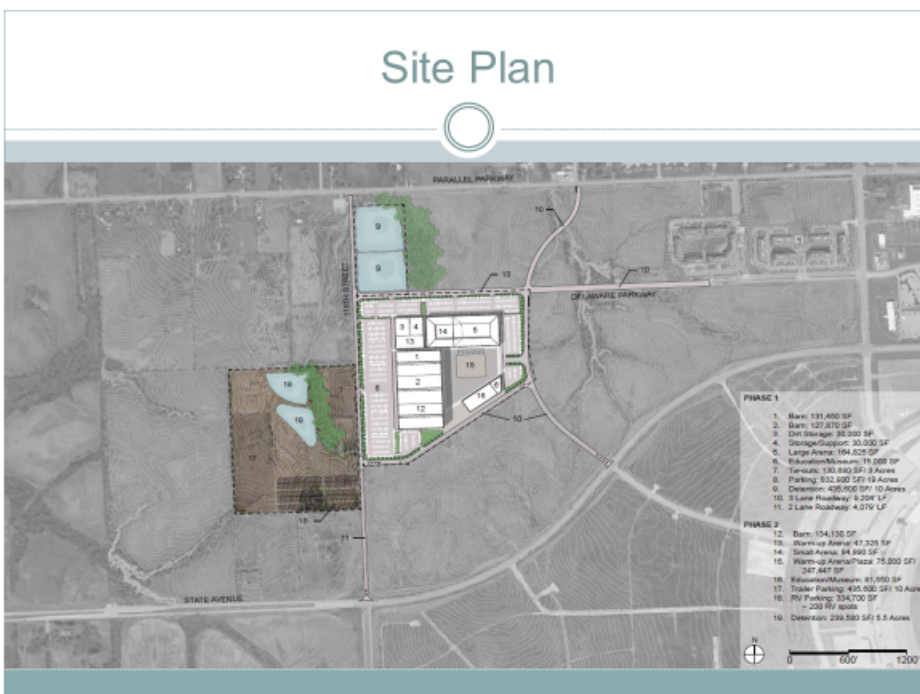
SOURCES	
Net STAR Bond Proceeds	\$ 80,000,000
Private Contribution	\$ 80,000,000
Other Sources	\$ 5,383,706
TOTAL SOURCES	\$165,383,706

USES	
Land Acquisition	\$ 4,000,000
Private Sitework	\$ 21,335,244
Public Infrastructure	\$ 18,979,957
Vertical Construction	\$ 91,352,249
Soft Costs	\$ 19,158,443
Contingency	\$ 10,557,813
TOTAL USES	\$165,383,706

Public Funding Sources:

- STAR Bonds
- Community Improvement District (CID)
- Industrial Revenue Bonds (IRB)

The sources and uses as is outlined in the plan, the total sources would be approximately \$165M. \$80M of that is anticipated to come from net STAR bond proceeds, \$80M private developer contribution from the American Royal organization, and \$5M of other sources. You can see a CID, IRB, etc., to cover the rest of that \$165M. The uses, you can see outlined here, land acquisition, site work, the bulk of it in vertical construction which you'll hear more about tonight in the plan, and then some contingency related to that.



This is the basic site plan of the American Royal. It's about 112 acres within the STAR bond district in this outline. I will just say to this that this is the general alignment that there has been a lot of refinement as it relates to that of how it will lay out on the land and would be considered.

Site Plan & Development Agreement

- The Project Site
 - Approximately 550 acres generally located at the southwest and northeast corners of North 110th Street and Parallel Parkway
- The Project
 - A major entertainment and tourism destination that will include, at minimum:
 - 164,000 sq/ft Livestock Expo Arena (5,000 permanent seats and 3,200 temporary seats)
 - 250,000 sq/ft Livestock Exhibition Hall
 - 5,000 sq/ft of office space to include Headquarters of American Royal
 - 6,500 sq/ft Agricultural Education Center
 - Land for potential future construction of agricultural headquarters facilities, expansion of the Royal and various retail and restaurant uses.

However, when we move on to the site plan and development agreement, these are the assumptions within the development agreement. Five hundred fifty approximate acres, generally located as we already covered in the map. The project will be a major entertainment and tourism destination that will include, at minimum: a 164,000 square foot livestock expo arena that will consist of 500,000 permanent seats and 3,200 temporary seats for other alternate events and types of events, 250,000 square foot livestock exhibition hall in a first-rate manor, 500,000 square feet of office space that will include the headquarters of the American Royal organization, 6,500 square feet minimum of agriculture education center, and then land for potential future construction of additional agriculture headquarters facilities and expansion of the Royal as well as various retail and restaurant uses.

To continue, a little summation that you received in the executive report as well as in the full development agreement, I wanted to cover a few other key features within the development agreement.

Site Plan & Development Agreement



- **Development Agreement Inclusions**
 - Annual BBQ Competition to be held annually in Wyandotte County
 - Local benefit provisions to include Wyandotte County Fair, Wyandotte County School Systems, and Unified Government
 - American Royal will maintain headquarters in Wyandotte County and actively participate in the civic, charitable, educational, philanthropic and economic development of Wyandotte County.
 - Developer to contribute at least \$80 million to project with total project cost of approximately \$165.4 million
- **Timing**
 - 18 month due diligence period (secure financing & finalize development plan)
 - Construction of Royal to commence within 6 months of bond closing
 - American Royal must achieve substantial completion within 2 years of bond closing

The development agreement inclusions are that the barbecue, which is one of the largest events of the American Royal, will be held annually in Wyandotte County during the term of this agreement and hopefully beyond.

The local benefit provisions include: provisions for the Wyandotte County Fair, provisions for the Wyandotte County school systems, as well as provisions for the Unified Government. It also includes inclusions that the American Royal will maintain their headquarters in Wyandotte County as well as actively participate in civic, charitable, educational, philanthropic, and economic development within Wyandotte County while they are here. It also includes that the developer will contribute at least \$80M to the project with the total project cost of approximately \$165.4M.

To outline the timing on this related...**Commissioner Walker** said all I'm curious about is what does local benefit provisions mean for the Wyandotte County Fair. Is the Wyandotte County Fair Board on board with this inclusion?

Mr. Stephens said within the development agreement it states that the American Royal and the Wyandotte County Fair must discuss and work toward a mutually beneficial proposal related to the Wyandotte County Fair. They have no obligation to participate in the American Royal, but there are requirements that they must enter into a beneficial agreement to participate and have opportunities to utilize facilities, etc., at operational cost without any additional markups.

Commissioner Walker said the information may be a little dated. I'm hoping that I can be corrected. The last communication I had with a Fair Board member, they had no idea of anything about any of this other than in general, maybe the Fair could go there and be held there on an annual basis.

Is no one talking to these derivative beneficiaries like the Wyandotte County Fair, the school systems, and whoever else it is that is going to benefit from this? **Mr. Bach** said I've had conversations with the president of the Wyandotte County Fair Board and let him know how this can work, and that we'll be working to coordinate and sit down, discussions with the American Royal. In fact, Mr. Mitchell is here tonight and we will have that conversation. We can kind of go over what all the Royal is planning to do and then be able to enter into and work through how an agreement would work for them for them to sit down and utilize this facility. As Mr. Stephens said, they can always elect to say no, we're good to stay where we are; however, we highly encourage them to be a part of this.

Commissioner Walker said I want to make something clear because I won't be here by the time this probably rolls around again. I don't like the idea that we leave it so vague. Those provisions need to be at some minimal cost to the Fair Board. We have a beautiful piece of ground for a complete fair. I've made my feelings well known. Some people may well disagree with me. We've not lived up to our commitment to those people: the Fair Board, to the people that like the fair. We've done everything to duck the responsibility of financing/replacement of what they had when we took it for our own benefit for this Speedway development and 400 acres.

I don't want this thing to get snagged down the road by well, we offered them a deal but it's going to cost them \$200,000 a year to have the fair on this American Royal ground. That's not a deal. That's just how I feel about it. If you don't want me coming around anymore to make my voice heard after December, make sure this issue doesn't get screwed up.

Mr. Stephens said I would say I believe that we have strongly represented to the American Royal, as well as codified in this development agreement, the intention to make sure there is a truly mutually beneficial arrangement with the Wyandotte County Fair.

Commissioner Kane said I think Hal said just about everything I wanted to say, but I want to be involved with this as well. It's in my district and I plan on being here. **Commissioner Walker** said we'll get ahold of him. **Commissioner Kane** said oh, yeah. **Commissioner Walker** said he'll do a better job at raising cane than me.

Commissioner Kane said I'm not playing. You don't know me—and I mean it, if you guys mop this up, I'm not going to be very happy and I'm going to be on you. I'm going to be on staff and on everybody else because we have a golden opportunity here to make a big difference, a long-lasting difference, and the guys know who I'm talking to. We want this in Wyandotte County. We want this to work. We want this to be our folks. I think Hal's right, we haven't done the Fair justice, so they have some justice coming. Please keep me involved, and I want all the folks to keep me involved.

Commissioner Philbrook said, ditto ditto. Also, I'd like to make sure that we keep the people from 4H, along with the state involved because we really need to have this whole thing put

together and not just split out and apart. We need to really bring everybody together. I think this is the chance for the American Royal to step up and be the leaders in this along with the AG Hall of Fame. I will be around one way or the other.

Mr. Stephens said I appreciate all of that, and I do believe that in just a moment I'm going to invite up representatives from the American Royal to speak a little more in detail their plan and their intent. I'm sure they will cover the discussion and the information with you.

Mr. Stephens said the last piece of this before I invite them up is the timing related to this so that we all kind of set the clock related to this. After the development agreement, when that is approved, the timing there is a codified an 18-month due diligence period. That allows the American Royal organization to secure their financing and to finalize their development plans. Then, construction of the Royal must commence within six months of bond closing within this project. Then the American Royal must achieve substantial completion of the core Royal elements as we outlined within two years of the bond closing.

That's just a few of the parameters related to setting a timeframe and the commitments within that. At this point, unless there are any further questions from the Commission, the Mayor, or any other staff comments from Mr. Bach, I would invite up Korb Maxwell with Polsinelli, representing the American Royal, to present his information on behalf of the Royal.

Commissioner Bynum said just a clarification in the development agreement itself talking about the Fair Association. It talks about using the American Royal's buildings for the fair for several weeks each year including, without limitation, one week between June and August. It speaks to shall be without payment of any rent, license fees or other fees or charges. It is spelled out at no cost; just wanted to point that out in the agreement.

Commissioner Townsend said it might be a bit premature, but I'm going to ask it. One of the signature events connected with the Royal every year was the parade. Who sponsors that? Has there been any discussion about that, not necessarily in here, but that was always a signature event connected with the Royal. **Mr. Stephens** said I will defer that to representatives from the Royal and we also have Chairman Mitchell here as well. He may be able to address that for you.



Korb Maxwell, Polsinelli Law Firm, appeared on behalf of the American Royal. I have with me as well, Mr. John Mitchell. John, in his regular life, is CEO of Company Kitchen, a very successful business here in the Kansas City region. In his spare time, and a lot of spare time that he has been putting to it over the last five plus years, he is a former chairman of the American Royal and the head of the Building Committee. He's the one that we work with daily and works with your professional staff, and otherwise, on behalf on the American Royal, is here with me and happy to have that.

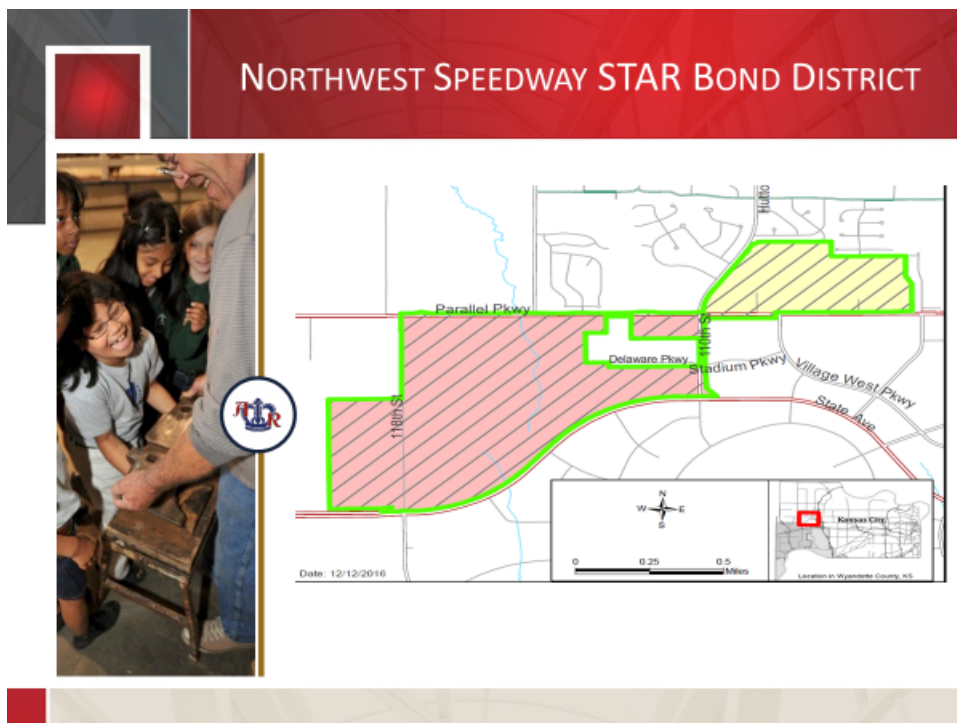
Today is a great day. The next step, and a very significant step, is moving to Kansas and Wyandotte County a 118-year-old organization. It is really pretty amazing. The opportunity we have here in front of us to be able to move that on.

October 26, 2017

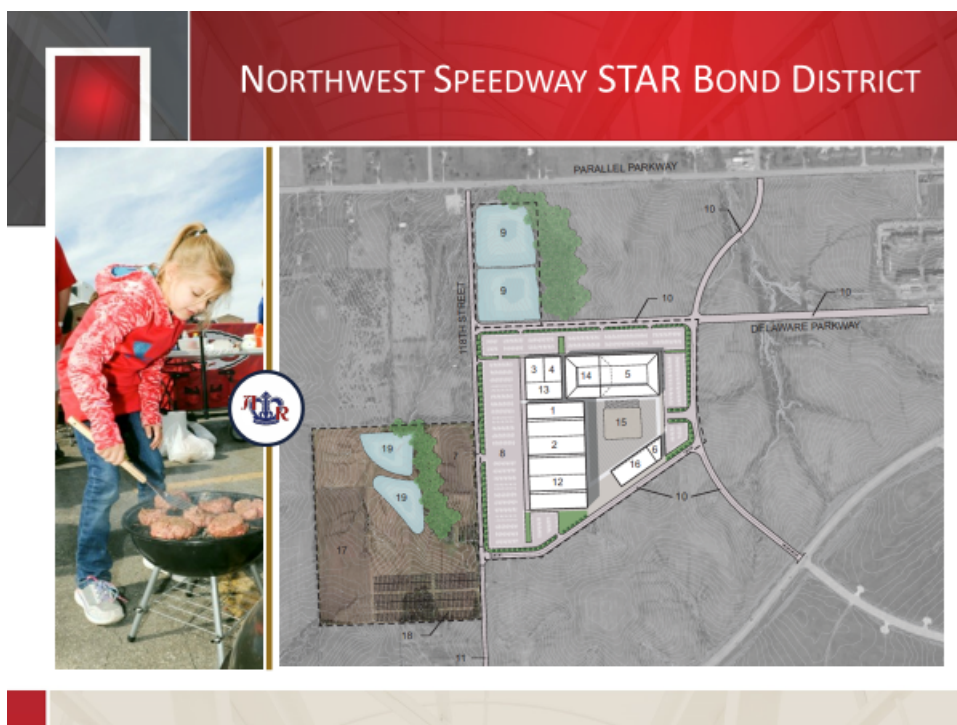


The American Royal is an incredibly vital organization and that is known by its long history. We think it is a fantastic group and has fantastic economics behind it today. This is not about just moving the economics that are today from Kansas City, Missouri, to Kansas City, Kansas. This is about creating a bright new future for the American Royal and hanging a sign in Wyandotte County and hanging a sign in the State of Kansas that Kansas is open to agriculture and we're open for business. We believe this can truly be the tent pole as one of our main supporters. Mr. Cliff Felix says that we need a tent poll for AG in Kansas. We need something that holds it up and becomes the rallying place. We believe that's the American Royal, and we believe it can have an incredible future here in western Wyandotte County where we have built such wonderful destinations.

We're currently having almost 270,000 event days in our current facilities that are in a state of disrepair. We believe, according to the economics studies that have been authored, what we're looking at is taking this to almost a million event days and those event days happening here in Wyandotte County and western Wyandotte County and bringing the hotel guests, bringing the visitors, bringing the livestock shows and otherwise that go along with that that brings a massive economic impact. We're very excited about that.



As Jon showed, and I believe we all know, we created this STAR bond district approximately one year ago and it takes up 550 acres.



October 26, 2017

We believe that size and scale is appropriate because what is going to happen with this American Royal, while if we go to the next page, is really contained on approximately 100 acres. We think it's impact is going to be much much much broader than that.

I'd like to recognize Steve Allison with the Perry family, who's here and, Mr. Mayor, I think he'd like to say something maybe at the end of this. Steve has been a wonderful partner to the American Royal. His family made a long-time investment long ago in Wyandotte County and has held this key piece of property. When we came and presented the vision of this new American Royal to Steve, he signed up and said he was in. Through him, his family members, and other family members that own this property, we now have over 110 acres under contract on both the east side and the west side of 118th St. We believe this is an incredible home for the American Royal, but also a wonderful proposition for the Perry property and really Wyandotte County as a whole.

We're able to extend this Village West area to bring it further west and bring activity and excitement and leave key pieces of property in-between our property and current Village West that can be filled in with other amazing development propositions. Also, and importantly, one of the keys of why did we put under contract 100 plus acres and why did we look at this property as going back to that tent pole idea, we truly believe that it's not just the American Royal and the facilities that we're committing to you all today in this development agreement it is the other folks in agriculture that will want to co-locate here.

We have had great conversations. The State of Kansas has had great conversations. I believe some of your professional staff have been involved in those conversations. We believe between DFA and what we're doing here, Wyandotte County can be truly a hub for agriculture and agricultural office endeavors in this area and really create sort of an independent niche for you all and for the American Royal. It's one of the things we're most excited about.



NORTHWEST SPEEDWAY STAR BOND DISTRICT

- Core Royal:
 - 164,000+ sq. ft. livestock expo arena;
 - 250,000+ sq. ft. livestock exhibition hall;
 - 5,000+ sq. ft. of office space.
- Agricultural Education Center:
 - 6,500+ sq. ft. agricultural museum;
 - Indoor/outdoor exhibits.
- Excess Land:
 - Potential future construction of agricultural; headquarters facility;
 - Potential expansion of Core Royal;
 - Various retail and restaurant uses.

Jon did a great job of just going through the elements of them. Maybe the only piece that I want to highlight, because it is so critical, is the Agricultural Event Center. We laid it out a little bit in the development agreement, but that Agricultural Event Center has really been driven by the late Neal Patterson. His vision, as always one of the greatest supporters of the American Royal, his belief and drive to the Royal that he wanted the Royal to be truly the forum for all things agricultural. When people thought, when people studied, when people read, when people set up conferences about the future of food and food production in this country, he wanted the American Royal to be the heart of that. His pledges that were always made to the Royal were based on that.

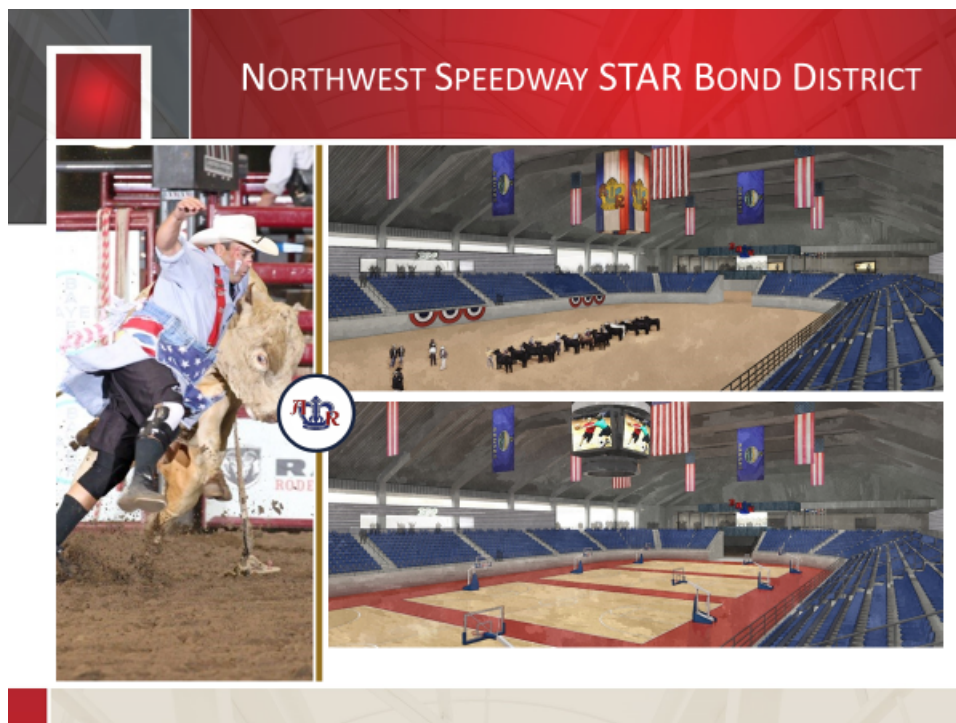
All of the things that are in the development agreement are absolutely minimums that the American Royal will meet. I wanted to give this Commission a little bit more about that AG Event Center and explain it geniuses to it.



Now really, probably what everybody is actually waiting for is the pretty pictures. I will say between both the site plan that we showed earlier and these pretty pictures that we're showing now, this is all incredibly preliminary. We will continue to refine and work this proposal all the way up to the bond issuance and probably beyond. This gives you a little bit of a feel of the size and scope when we say those numbers. What are these exhibition halls and what are these arenas? We wanted to give some type of graphic representation of that. That's what you would see in front of you.

I'd also say important, and how this has all come about is, the team that is behind designing this, is the same team that brought you Children's Mercy Park. They didn't know a lot about soccer then, but they knew a lot about creating experiences. That is the same team that is back behind and wanting to have a customer focus and exhibitor focus in creating the design and the atmosphere that will go into this facility.

Jon has been on these trips, but this wasn't all just put on paper. This group went and looked at every single major agricultural facility and events facility across the United States. They went to Denver, they went to Houston, they went to Vegas. They looked at all these facilities and said we are going to bring this back and we are going to have the absolute best in Wyandotte County, and that's the beginning of what you see here.



I'm going to ask to move on. This is inside the arena to give a scope and a feel for what we primarily believe will be this AG Sports and Events Center. Also, it's going to be a multiuse athletic facility. It can be programed and can be used for basketball, volleyball, wrestling, and soccer. We believe this facility will be able to host other sports in it outside of just rodeos, horseshows, and all of the other events we can do here. We think that creates a really nice component for the community and a nice component for the economics of this facility to be able to drive revenue to the facility as well as to Wyandotte County.

I did want to, before I relinquish my time and turn it over to Steve, say, Commissioner Walker, Commissioner Kane, Commissioner Bynum, and all the rest on the Commission, the message about the fair has been heard loud and clear. It was beyond the Commission telling us now. It has been said to us and re-emphasized to us by the professional staff.

Commissioner Bynum, you rightly read what was in the development agreement. Your County Administrator has made very clear that beyond the technical writing in it, this has to be handled before the next Commission action, ie a bond issuance. There is a lot of work that needs to be done, and we need to sit down with the Fair and work out an agreement and a deal and a process that works for everybody so they have a good, solid, long-term home. We are actually really, really excited about that. We believe the mission is very close together. We believe this

is something that coexists well together, and actually will prosper together. We have heard that from your professional staff, we hear if from the Commission and we understand and will make that a part of the deal, not just in writing but also in spirit.

With that, we would request approval from this Commission of both the STAR bond project plan that can be sent to the State of Kansas for approval, and we hope quickly, and also the development agreement.

Lastly, just before I turn it over to Mr. Allison, we would like to really thank the Mayor, the Commission, and all of you who have put so much time into it, particularly your professional staff and your outside consultants. As always, when doing \$160M plus projects, these are not easy. They take a lot of work, and your staff does it better than anybody in the city.

John Mitchell, CEO, County Kitchen, said I do want to thank the Commission for taking this project seriously. We are extremely excited about it, as Korb said. This is not just about bringing the American Royal to Wyandotte County. We really do have a very big vision about how this can be a home for the future of the agriculture conversation. We can build a world class education center where we will be the envy of the agricultural world, if not the museum world and education center world. We really do believe we will have programming 365 days a year. Mostly agricultural related, but also filling in with community needs.

Mr. Maxwell said, Commissioner Townsend, to the parade, we absolutely want to reinstitute the parade. That has been a long part of the history of the American Royal. We believe in a new city with a new facility and a partner in the city because putting on a world class parade, does take very much a partner of the city. We think that can happen again and happen appropriately like it has so much in the past.

Mr. Alison said on my flight out here from Boston, I wrote down a few notes which I hope you will find interesting. Commissioners, Mayor Holland, and Doug, what I'd like to do is to share some comments with you which I hope will provide some context, perspective and history that will help you decide to accept this development agreement.

The new facility is planned to be built on property which is owned by my family and was acquired by my great grandfather JW Perry more than 80 years ago. In 1935, JW acquired a

700-acre farm and together with his friend Harry Darby, they acquired a neighboring property of 47 acres. That 47 acres is the acreage on the west side of 118th St. They believe the properties were located in an area that would be very important to the future of the city. History has certainly proven that they were right and had a lot of foresight.

Today there is only 230 of the 700 acres that are still owned by my family. The balance of our former farm, it has been developed and is now part of the Speedway property, Village West and also is home of the two apartment complexes, which we developed together with North Point.

My great-grandfather cared deeply about the future and wellbeing of the city. In addition to properties we own here in Kansas, his love for and commitment to the city is a significant portion of the legacy he left us. This legacy has tremendous meaning to me and my family, and provides us with direction and guidance as we determine how our land can best be developed to help enrich and improve the city and county.

I mention Harry Darby earlier because he was one of my great-grandfather's best friends. They were both dynamic and impactful business leaders who loved the city. Very civic minded they served in important positions for numerous city institutions and non-profit organizations throughout their careers. One of those institutions was the American Royal where Harry Darby served as president in the 1940s. As you might imagine, his heirs who own the aforementioned 47-acre tract west of 118th St., with my family, are delighted the Royal wants to acquire.

I've shared with the Darby family the fact that I'd come to know the leadership team at the Royal and find their vision for the new facility to be extremely exciting. As a matter of fact, the American Royal Project is exactly the type of ambitious and impactful project my great-grandfather would have wanted to end up on our property.

The vision the Royal team has of creating a facility that'll become regional, if not national center points and magnet for the agribusiness sector of the economy, isn't simply some pie in the sky thinking. Its real, and I can say this with certainty and confidence as last month, I was invited to the headquarters of an important agribusiness industry association up by the airport. I was ushered into their conference room, sat across a conference room table from the president of the organization who told me he planned to relocate his headquarters next door to the American Royal facility and hoped my family would work with him to help make that happen.

This is one of two associations that have expressed serious interest in relocating their headquarters to be next to the Royal. I fully anticipate a number of other organizations will follow, presuming you will allow the project to move forward.

My family has waited a long time for the opportunity to help facilitate, on our property, a destination for companies that will bring good paying jobs to the city. The American Royal project is key to making this happen in the near future, from our perspective.

In summary, the Royal brings a compelling vision and an incredibly talented management team, and I mean talented. I've gotten to know them and they are really quite a group of folks who I firmly believe will make their vision a reality. Regardless of his friend Harry's involvement with the Royal, I'm confident my great-grandfather would fully support my family's decision to do everything we can to help make the project a reality.

Mayor Holland said I'd also like to just say, Mr. Allison, we have a lot of property owners who do not live in our city. You said that you came in from Boston. I say for every one good one we have, we have nine deadbeats, you are—because we have a lot of deadbeat absentee landlords who are sucking the life out of our city, you are a model for landlords who care about the city, regardless of where you live. Your interest and the engagement in making your property developable is big. We chase landlords all over the country to try to get their land in play, and your active participation in this city is much appreciated. Thank you for your leadership in that in helping move this forward. If any other absentee landlords are watching, pay attention because there is a right way to do it.

Mayor Holland said I'm going to open this up for public comment. This has already been before the Commission. We didn't send it back to standing committee; we brought it straight back to the Commission. Usually at the standing committee is where there is opportunity for public comment. If there is anyone in the public tonight who would like to speak in favor or against this project, you are welcome to do that now. I will open the floor. You'll be given two minutes.

Michael Quinn, 5421 Hazen Ave., said I think this is an outstanding idea, but I want to make sure that you do not screw it up. Hire union labor. Union labor built Wyandotte County. We

need union labor involved in this. We need actual paid labor, union involved labor, not like Amazon where you bring in the cheapest help you can get. Make these people pay descent wages for Wyandotte County workers. Don't let them bring them out-of-town workers in to work like you did with Amazon. It was ridiculous that our union workers were shut out of that facility from working because this Commission didn't do their job and tell these people, you want to come Wyandotte County, join Wyandotte County and pay the laborers what they deserve.

Marcia Rupp, 2816 N. 46th St., said I just want to ask on the map there, at one-time, Commissioner Walker—I've always been here so I've heard everything everybody's said. I wanted to know why we didn't go all the way to Parallel Parkway. I remember he mentioned that when this was first brought up. I want to know if they've contacted any of those owners. I happen to know who they are and they do want to sell their property. Would that in the future be something that you'd be looking at to expand? **Mayor Holland** said, Ms. Rupp, you want to know why the project doesn't go all the way to Parallel. **Ms. Rupp** said yes, to Parallel; why west of 118th to Parallel. **Mayor Holland** said I see, I don't think—**Ms. Rupp** said or maybe in the future would it. That's what I was asking. **Mayor Holland** said I think our hope is, is that this is going to spur significant development around this project area to continue the growth out there. Does this project have any additional plans that we're approving tonight in that respect? No, so this is what we're approving tonight. Our hope is—the reason we do this development is to develop all of this around it. That's our goal.

Mayor Holland said let the record show that there is no one else moving forward to speak. We will close the public comment section and open it up to the Commission.

Commissioner Kane said I echo some of Mr. Quinn's thoughts on hiring as many local people as possible and hiring the people once it's done out of Wyandotte County as well because we think that's a big part of it. I would like to see us do a better job in making sure we don't see so many license plates from out of state.

Action: **ORDINANCE NO. O-62-17**, “An ordinance adopting a STAR Bond Project Plan (Northwest Speedway STAR Bond District) and approving a development agreement in connection therewith.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane. **Mayor Holland** said let the record show it is unanimous. I would add my voice to that unanimous vote as well.

Mayor Holland said thank you for the great work you’ve done in pulling this together. Congratulations, Kansas City, Kansas. The American Royal is coming.

ITEM NO. 2 – 171381...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.

Action: **RESOLUTION NO. R-43-17**, “A resolution authorizing execution of a Memorandum of Understanding (MOU) between the Unified Government and the Service Employees International Union (SEIU) Local #1.” **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Markley, Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

MAYOR HOLLAND

ADJOURNED THE MEETING AT 8:05 P.M.

October 26, 2017

October 26, 2017

Bridgette D. Cobbins
Unified Government Clerk

mbb

October 26, 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: November 16, 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 November 16, 2017

1. CONTRACT DOCUMENTS:

Linaweaver Construction, Inc. for 2017 Sanitary Sewer Stream Crossing Priority Repairs, Project No. 6320/6301, \$355,260.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 9, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Michael D Burns	Sheriff/Juvenile	11/16/17	Juvenile Care Worker I
Carolyn M Young	Sheriff/Admin	11/16/17	Clerk

Section II - Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jeffery A Tayler	Sheriff/Detention	11/16/17	Deputy	Sergeant

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
William E Behm	NRC/Codes	11/9/17	Inspector I
Jeremiah T. Herr	NRC/Codes	11/18/17	Inspector I
Arlie L Lindsey III	NRC/Codes	11/9/17	Inspector I
Sierra L Miskec	NRC/Codes	11/9/17	Inspector I
Joy A Overton	NRC/Codes	11/9/17	Inspector I
Zachary B Sohn	NRC/Codes	11/9/17	Inspector I

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Glenn Carter	Police/Operations	ACD code change effective 11/9/17
Shenee Davis	Police/Operations	ACD code change effective 11/9/17
Troy Rice	Police/Investigation	ACD code change effective 11/9/17
Ron Sutton	Police/Operations	ACD code change effective 11/9/17

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 14, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Jordan B Engel	Fire/Comm	11/16/17	Fire Dispatcher
Jimmy L Ervin	DA Office	11/16/17	Admin Support Specialist
Cheyenne R Grube	DA Office	11/16/17	Admin Support Specialist
Jelisa Marcial	DA Office	11/16/17	Admin Support Specialist
Karla A Morales	Sheriff/Juvenile	11/16/17	Juv Care Worker I
Amanda M Thacker	Municipal Court	11/16/17	Court Clerk I

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Alexandria M Goode	Finance/Treasury	11/16/17	Fiscal Support Assistant	Fiscal Support Assistant
Yer Hang	Finance/Treasury	11/16/17	Fiscal Support Assistant	Fiscal Support Assistant

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Chloe R Grabanski	Comm Corr/Prog	11/13/17	Prog Coord
Louis C Hughes	B&L/Security	10/30/17	Security Officer

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

Hilaria Loya, 1437 S. 26th St., KCK, alleging personal property damages due to basement flooding.

Roberto & Delia Marin, 1404 S. 25th St., KCK, alleging damages to the basement due to Unified Government and Public Works not opening the flood gates.

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUEST:

Melissa Sieben, County Administrator's Office, travel to Washington, DC, October 1 – October 4, 2017, MOARC trip to lobby for levee funding, Employee Training/Travel.

Action: Approved by the Administrator's Office and received and filed.

6. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Loomis Armored US, LLC/The Corporation Co., Inc., DBA Loomis Armored US, 300 NW Parkway, Riverside, MO
Thomas Protective Services, Inc./National Registered Agent, Inc., DBA Thomas Protective Services, PO Box 883, Kaufman, TX

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: November 22, 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 November 22, 2017

1. ELECTION ABSTRACT:

Abstract of votes cast in Wyandotte County/General Election, November 7, 2017.

Action: Received and filed.

2. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, held a public auto auction on November 9, 2017 at 10:00 a.m.

Action: Received and filed.

3. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
779378	12/4/2015	\$19.85	790	Stale Dated	Khan, M	11/22/2017
		\$26.67	160			
779379	12/4/2015	\$43.72	790	Stale Dated	Khan, M	11/22/2017
		\$20.00	160			
821821	9/8/2015	\$400.00	113	Lost Warrant	Guzman, S	11/22/2017
821662	9/1/2017	\$480.80	790	Stale Dated	Lytch, C	11/22/2017
823365	10/6/2017	\$3,666.66	172	Lost Warrant	KU Fam Med.	11/22/2017

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 21, 2017:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Janet A Matson	Procurement	11/13/17	Buyer

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Jamillion A Bluford	PW/WPC	11/14/17	Laboratory Tech

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Peter A Wake	PW/Fleet	11/1/17	12/1/17	Unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Dylan M Alexander	Fire/EMS Transp	11/12/17	Firefighter IV
Vincent F Alonzo	Fire/EMS Transp	11/12/17	Firefighter IV
Darius J Anderson	Fire/EMS Transp	11/12/17	Firefighter IV
Gabriel S Casner	Appraiser's Office	11/6/17	Appraiser
Markas W Gonzales	Fire/EMS Transp	11/12/17	Firefighter IV
Juan Machuca	Fire/EMS Transp	11/12/17	Firefighter IV
Cody B Munoz	Fire/EMS Transp	11/12/17	Firefighter IV
Carrie A Willmon	Fire/EMS Transp	11/12/17	Firefighter IV

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Christopher Hasbrouck, 1414 W. 27th St., KCMO, through John Duma, Attorney, 303 E. Poplar, Olathe, KS, alleging damages due to being wrongfully imprisoned from November 21 – December 13, 2016.

Amy Lo, 3107 N. 55th Ter., KCK, alleging damages to her tire due to hitting metal debris covering a pothole.

Action: Received and filed. Copies previously forwarded to Legal.

6. RETRACTION OF PROTEST PETITION:

Petitions signed by Kathleen Litke retracting opposition to Special Use Permit No. SP-2017-36, and Avery's Village, LLC.

Action: Received and filed. Copies previously forwarded to Urban Planning & Land Use.

7. TRAVEL REQUEST:

Bridgette D. Cobbins, Department of Administration/Clerk, travel to Overland Park, KS, November 14 – 16, 2017, to attend the Kansas Association of Counties, Employee Training/Travel.

Action: Approved by the Administrator's Office and received and filed.

8. APPLICATIONS FOR CMB LICENSE (PKG):

AW Cheema, LLC/Ahmad Ibrahim DBA Quickshop #7, 7347 Leavenworth Rd.
AZH, LLC/Danny Richardson DBA Greenlight 838, 838 S. 7th St.
Casey's Retail Company/William Hutton DBA Casey's General Store 2876, 13000 State Ave.
Shipross, Inc./James Odle DBA Happy Foods North, 5420 Leavenworth Rd.
Shipross Inc./James Odle DBA Happy Foods West, 6700 Kaw Drive
Midwest Fuels, LLC/William Hutton DBA Quickstop BP, 300 N. 78th St.
Mi Pueblito Meat Market/Alonso Villasenor DBA Mi Pueblito Meat Market, 1311 Minnesota Ave.

Action: Referred to License.

9. APPLICATIONS FOR CMB LICENSE (OP):

KC Civic Center, LLC/ William Hutton DBA Bermudas, 6220 Kansas Ave.
Las Palmas/John Burke DBA Las Palmas Restaurant, 825 Minnesota Ave. (2017 & 2018)
Mi Pueblito Meat Market/Alonso Villasenor DBA Mi Pueblito Meat Market, 1311 Minnesota Ave.
Sabor Centro Americano/Carol Grindel DBA Sabor Centro Americano, 1304 Central Ave.
RG Asian Store/Rhythm Nepal DBA RG Asian Store, 101 S. 18th St.

Action: Referred to License.

10. APPLICATIONS FOR DRINKING ESTABLISHMENT:

7th St. Casino/Randy Culp DBA 7th St. Casino, 777 N. 7th St. Trafficway
Cheeseburger of Kansas City, LLC/Margaret Asbury DBA Fuddruckers, 1705 Village West Pkwy.
Timothy Drummer DBA Rhythm and Blues Lounge, 4220 Leavenworth Rd.
James W. Hendricks DBA Danny's Bar & Grill, 10940 Parallel Pkwy.

Action: Referred to License.

11. APPLICATION FOR MASSAGE THERAPY BUSINESS LICENSE:

Kimberly Madl DBA Do or Dye Salon and Spa, 2100 Hutton Rd. Suite 104

Action: Referred to License.

12. APPLICATION FOR MASSAGE THERAPY BUSINESS LICENSE – IN OFFICE:

Kimberly Madl DBA Do or Dye Salon and Spa, 2100 Hutton Rd. Suite 104

Action: Referred to License.



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

November 30, 2017

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for: LEGENDS AUTO MALL 3RD PLAT

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of LEGENDS AUTO MALL 3RD PLAT, located at the NW corner of North 99th Street and Parallel Parkway being developed by KCK Development Inc.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

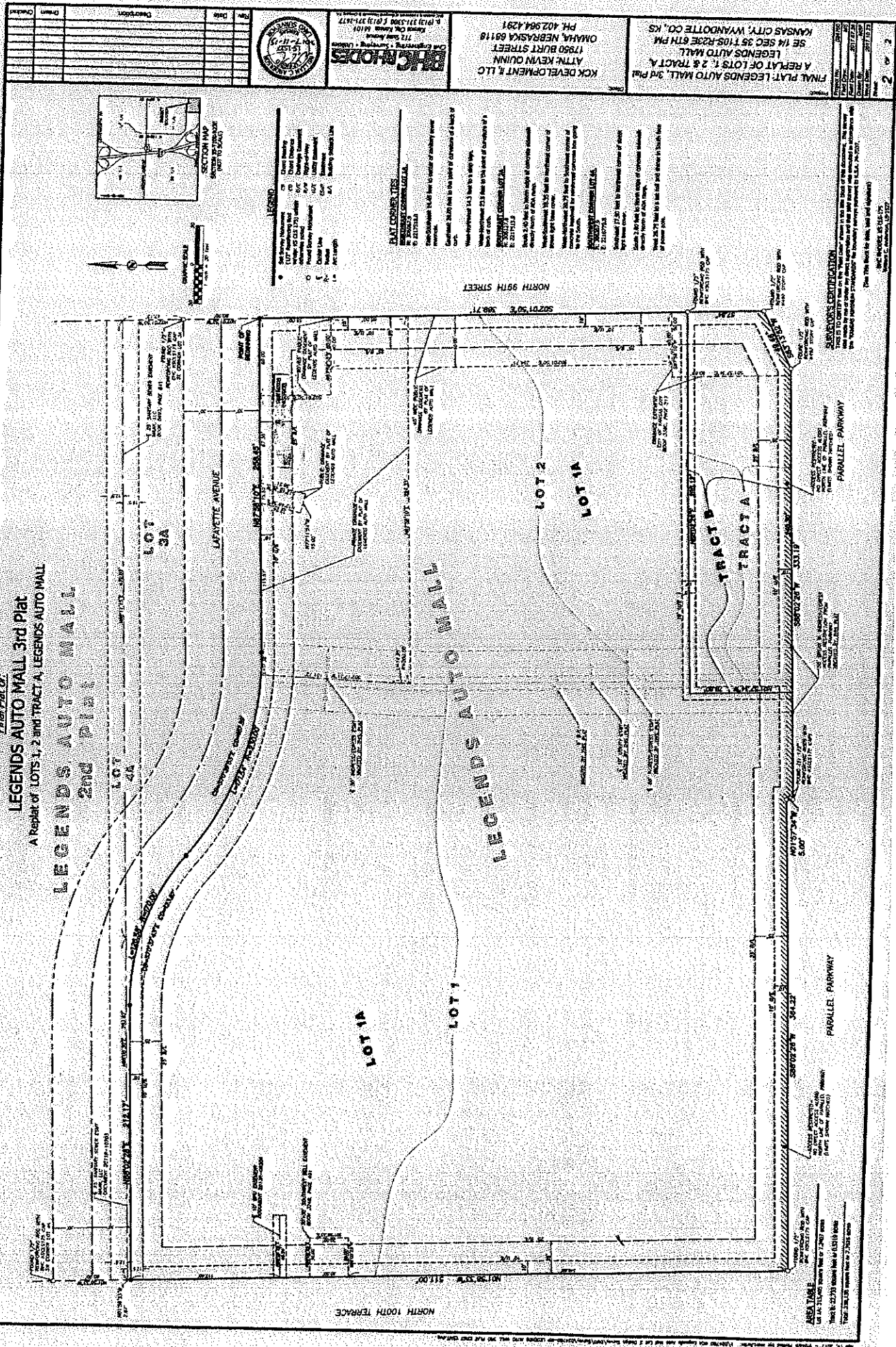
Brent E. Thompson, P.S.
Director of Engineering
/County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

Final Plat of **LEGENDS AUTO MALL 3rd Plat** A Replat of LOTS 1, 2 and TRACT A, LEGENDS AUTO MALL

LEGENDS AUTO MALL **2ND PLAT**



NORTH 100TH TERRACE

NORTH 99TH STREET

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY

PARALLEL PARKWAY



Staff Request for Commission Action

Tracking No. 171393

Full Commission Meeting Date: 12/14/17

Committee: Economic Development & Finance

Date of Standing Committee Action: 12/4/17

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/14/2017	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> A resolution authorizing the offering for sale of general obligation refunding bonds of the Unified Government of Wyandotte County/Kansas City, Kansas				
<u>Action Requested:</u> <i>Please approve</i>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Sale Resolution				

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING BONDS, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) has previously issued and has outstanding general obligation bonds; and

WHEREAS, due to the current interest rate environment, the Issuer has the opportunity to issue its general obligation refunding bonds in order to achieve interest cost savings on all or a portion of the debt represented by such general obligation bonds described as follows (the “Refunded Series 2010-A Bonds”):

<u>Description</u>	<u>Series</u>	<u>Dated Date</u>	<u>Years</u>	<u>Amount</u>
General Obligation Improvement Bonds	2010-A	February 26, 2010	2021 to 2030	\$41,480,000

; and

WHEREAS, current federal legislative proposals may impact the ability of the Issuer to receive expected federal subsidy payments with respect to certain of its outstanding bonds and the Issuer desires to consider the issuance of its general obligation refunding bonds in order to mitigate the risk of reduced federal subsidy payments on all or a portion of the debt presented by such general obligation bonds described as follows (the “Refunded ARRA Bonds,” and referred to collectively with the Refunded Series 2010-A Bonds as the “Refunded Bonds”):

<u>Description</u>	<u>Series</u>	<u>Dated Date</u>	<u>Years</u>	<u>Amount</u>
Taxable General Obligation Improvement Bonds (Recovery Zone Economic Development Bonds – Direct Pay)	2010-C	February 26, 2010	2021 to 2030	\$5,865,000
Taxable General Obligation Improvement Bonds (Build America Bonds – Direct Pay)	2010-D	February 26, 2010	2021 to 2030	\$15,295,000
Taxable General Obligation Improvement Bonds (Recovery Zone Economic Development Bonds – Direct Pay)	2010-F	December 16, 2010	2021 to 2030	\$8,685,000
Taxable General Obligation Improvement Bonds (Qualified Energy Conservation Bonds – Direct Pay)	2010-G	December 16, 2010	2021 to 2027	\$2,530,000

; and

WHEREAS, the Commission of the Issuer (the “Governing Body”) has selected the firm of Springsted Incorporated, Saint Paul, Minnesota (the “Municipal Advisor”), as Municipal Advisor for one or more series of general obligation refunding bonds of the Issuer to be issued in order to provide funds to refund the Refunded Bonds; and

WHEREAS, the Issuer desires to authorize staff and the Municipal Advisor to proceed with the offering for sale of said general obligation refunding bonds and related activities, including selecting an underwriter from the Issuer's approved pool of underwriting firms (the "Purchaser"); and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation refunding bonds; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor, Gilmore & Bell, P.C., Kansas City, Missouri, the Issuer's bond counsel ("Bond Counsel"), the Purchaser and the Chief Financial Officer to proceed with the preparation and distribution of a preliminary official statement and all other preliminary action necessary to sell said general obligation refunding bonds; and

WHEREAS, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of said general obligation refunding bonds, the Governing Body desires to authorize the Mayor/CEO to confirm the sale of such general obligation refunding bonds, if necessary, prior to the next meeting of the Governing Body to adopt the necessary ordinance and resolution providing for the issuance thereof.

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

Section 1. The Municipal Advisor, in conjunction with the Mayor/CEO, County Administrator, Clerk and Chief Financial Officer, is hereby authorized to proceed with the offering for sale of the Issuer's general obligation bonds in one or more series (the "Bonds"). The Bonds shall be sold, subject to the approving opinion of Bond Counsel, on a negotiated basis to the Purchaser to be designated by the Mayor/CEO, County Administrator or Chief Financial Officer, in consultation with the Municipal Advisor. The timing of offering for sale, the pricing, the specific Refunded Bonds to be included as part of the refunding transactions, the determination of the structuring and repayment terms of the Bonds and the selection of various other professionals necessary to complete the issuance of the Bonds, shall be determined by the Mayor/CEO, County Administrator and Chief Financial Officer the Municipal Advisor and Bond Counsel.

The confirmation of the sale of each such series of the Bonds shall be subject to the execution of a bond purchase agreement(s) between the Purchaser and the Issuer (the "Bond Purchase Agreement") in a form approved by Bond Counsel, the passage of an ordinance and adoption of a resolution by the Governing Body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

The Mayor/CEO is hereby authorized to execute the Bond Purchase Agreement related to refunding the Refunded Series 2010-A Bonds subject to the following parameters: (a) the principal amount of the Bonds issued to refund the Refunded Series 2010-A Bonds shall not exceed \$45,000,000; and (b) the true interest cost of the Bonds issued to refund the Refunded Series 2010-A Bonds shall not exceed 4.00%.

The Mayor/CEO is hereby authorized to execute the Bond Purchase Agreement related to refunding the Refunded ARRA Bonds subject to the following parameters: (a) the principal amount of the Bonds issued to refund the Refunded ARRA Bonds shall not exceed \$32,375,000; and (b) the true interest cost of the Bonds issued to refund the Refunded ARRA Bonds shall not exceed 5.00%.

Section 2. The Chief Financial Officer is hereby authorized to cause to be prepared a Preliminary Official Statement, and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the public sale of the Bonds.

Section 3. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Chief Financial Officer is hereby authorized: (a) to approve the form of the Preliminary Official Statement and to execute a “Certificate Deeming Preliminary Official Statement Final” in substantially the form attached hereto as ***Exhibit A*** as approval of the Preliminary Official Statement, such official’s signature thereon being conclusive evidence of such official’s and the Issuer’s approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 4. The Issuer agrees to provide to the Purchaser within seven business days of the date of the Bond Purchase Agreement or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 5. The Mayor/CEO, County Administrator, Clerk and Chief Financial Officer and the other officers and representatives of the Issuer, the Municipal Advisor, the Purchaser and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to: (a) carry out the sale of the Bonds; (b) provide for notice of redemption of the Refunded Bonds; and (c) purchase or subscribe for the securities to be deposited in the escrow for the Refunded Bonds.

Section 6. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

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ADOPTED by the governing body on November 30, 2017.

(SEAL)

ATTEST:

Mayor/Chief Executive Officer

Clerk

Exhibit A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

_____, 2017

Re: General Obligation Refunding Bonds, Series 2017-____ of the Unified Government of Wyandotte County/Kansas City, Kansas

The undersigned is the duly acting Chief Financial Officer of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Issuer"), and is authorized to deliver this Certificate to the addressee (the "Purchaser") on behalf of the Issuer. The Issuer has previously caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the above-referenced bonds (the "Bonds").

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Bonds depending on such matters.

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

By: _____
Title: Chief Financial Officer



Staff Request for Commission Action

Tracking No. 171419

Full Commission Meeting Date: 11/30/17

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/27/2017	<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 the County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, and to enter into contracts for associated pre-construction architecture and engineering costs, in an amount up to \$2 million.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution				

RESOLUTION NO. R-_____

A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT COUNTY ADMINISTRATOR TO EXERCISE OPTIONS TO PURCHASE PROPERTY NECESSARY TO BUILD THE HEALTHY CAMPUS PROJECT, AS WELL AS ENTERING INTO CONTRACTS FOR ANY ASSOCIATED PRE-CONSTRUCTION ARCHITECTURE AND ENGINEERING COSTS, IN AN AMOUNT UP TO \$2.0 MILLION DOLLARS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) believes that its residents, regardless of income, deserve and require access to healthy foods and wellness opportunities, and to whole range of accompanying goods and services; and

WHEREAS, in order to address these needs, the Unified Government Board of Commissioners voted to approve the Master Plan Amendment to the Downtown Master Plan – Healthy Campus Initiative (“Healthy Campus Master Plan”) on December 4, 2014; and

WHEREAS, the Healthy Campus Master Plan was designed to provide a full range of the goods and services essential to a healthy lifestyle in downtown Kansas City, Kansas and its surrounding neighborhoods, including access to healthy foods and supporting wellness and physical activity in daily life; and

WHEREAS, the Healthy Campus Master Plan envisioned the building of a new YMCA Community Center, as well as the building of a new grocery store in the area around 10th and State Ave. and 10th and Minnesota Ave; and

WHEREAS, Unified Government staff, in conjunction with its development team and local partners, have identified properties available for purchase which would allow for construction of a new YMCA Community Center and a new downtown grocery store with adjacent retail space (the “Project”); and

WHEREAS, the County Administrator, pursuant to Sec. 2-103 of the Unified Government Code of Ordinances, has authority to execute the policies of the Unified Government Board of Commissioners and has authority to sign all contracts, deeds and other documents other than those authorized or required to be signed by the Mayor; and

WHEREAS, the Unified Government Board of Commissioners desires to provide the County Administrator with authority to enter into option purchase contracts which would provide the Unified Government with the option to purchase the properties necessary to construct the Project, as well as to provide the County Administrator with authority to enter into contracts to pay for architectural and engineering costs associated with the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE UNIFIED GOVERNMENT:**

1. That the County Administrator is hereby authorized to negotiate the terms and conditions, and to execute in the name of the Unified Government, option purchase contracts for all properties necessary to construct the Project in the area generally outlined by the Healthy Campus Master Plan.

2. That the County Administrator is hereby authorized to negotiate the terms and conditions, and to execute in the name of the Unified Government, all contracts for architectural and engineering work necessary for pre-construction planning of the Project, including all associated infrastructure and street-scape improvements.

3. That the County Administrator is hereby authorized to spend up to and including Two Million Dollars and NO/100 (\$2,000,000.00) for acquisition of the properties and completion of the pre-construction plans, as well as any and all other associated items necessary, in the discretion of the County Administrator, for property acquisition and pre-construction planning for the Project, and is hereby authorized to execute in the name of the Unified Government all such contracts, documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 30th DAY OF NOVEMBER, 2017.**

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk