

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.

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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.

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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.

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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 light blue header with the title "Why Are We Here Tonight?" in a dark blue font. Below the title is a thin horizontal line with a small circle in the center. The main body of the slide is a darker blue and contains a bulleted list of 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 thin dark blue 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.

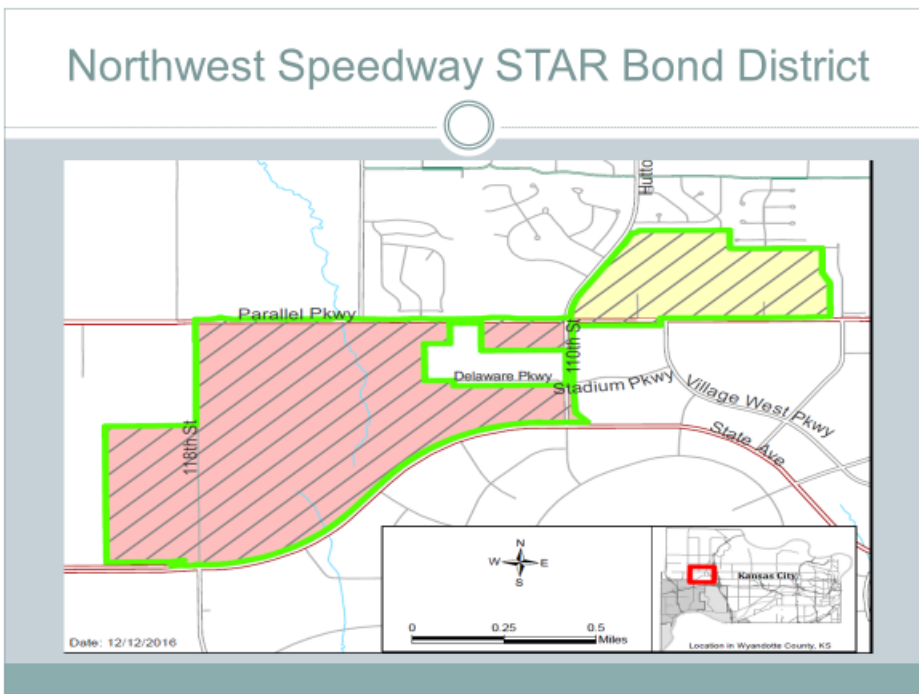
The previous actions on this, just very quickly, on April 27th, the Board of Commissioners adopted a resolution which set the public hearing date of June 15th to consider the project plan for the Speedway STAR Bond District and the associated American Royal project. On June 15th, that public hearing 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

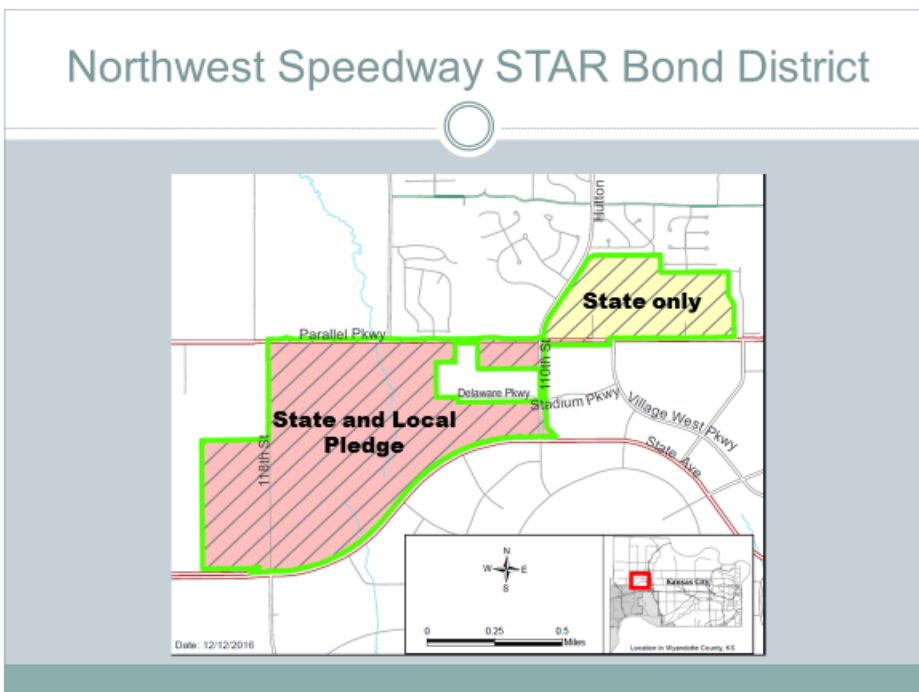


- Created District
 - R-78-16, adopted 10/27/16, set Public Hearing to consider the creation of STAR District
 - O-75-16, adopted 12/15/16, created STAR District
- Project Plan
 - Conformance Finding made 4/10/17 by Planning Commission
 - R-18-17, adopted 4/20/17, set Public Hearing to consider proposed 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



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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

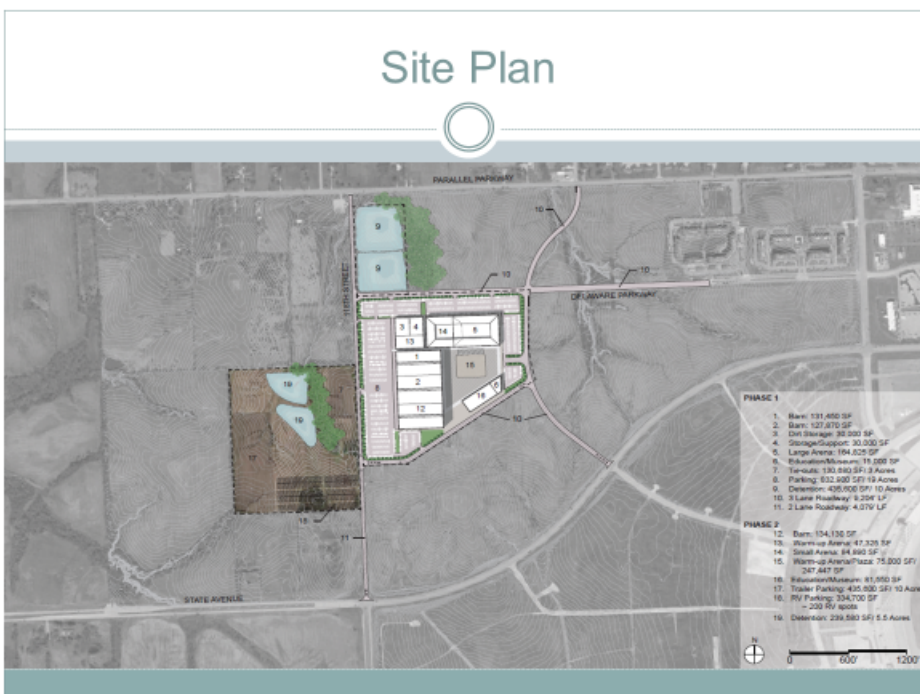
SOURCES	
Net STAR Bond Proceeds	\$ 80,000,000
Private Contribution	\$ 80,000,000
Other Sources	\$ 5,383,706
TOTAL SOURCES	\$165,383,706

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.

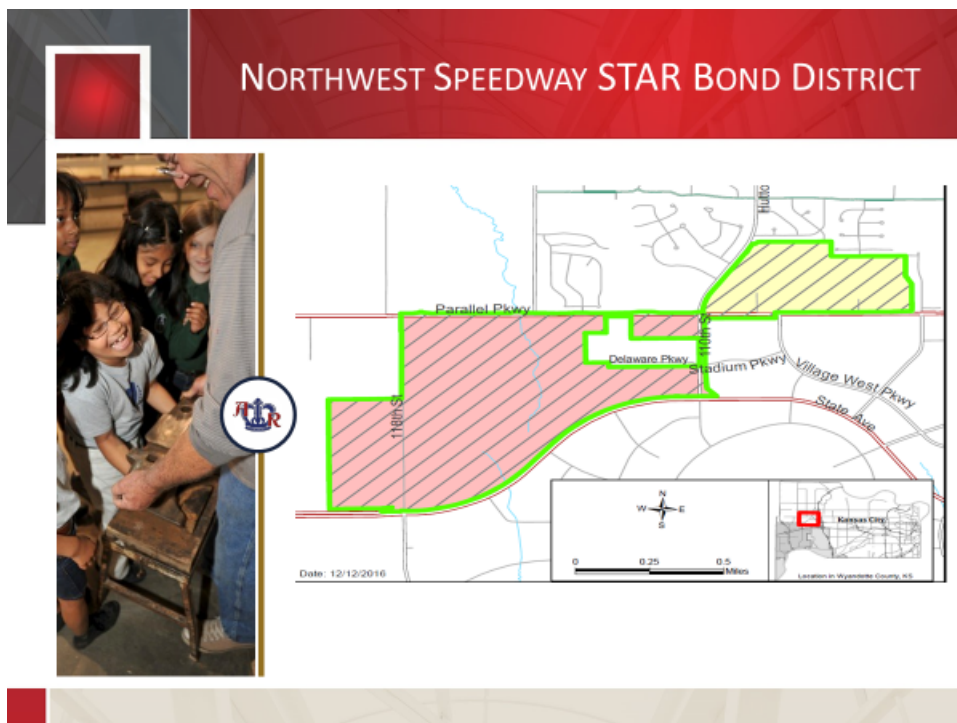
Today is a great day. The next step, and a very significant step, is moving to Kansas and Wyandotte County a 118-year-old organization. It is really pretty amazing. The opportunity we have here in front of us to be able to move that on.

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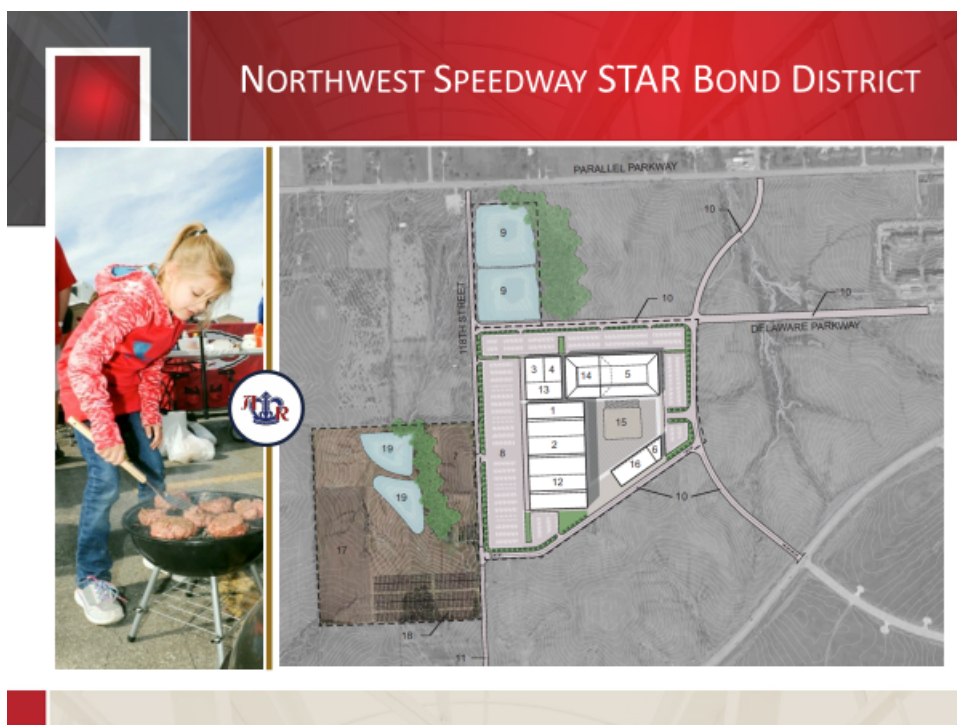


The American Royal is an incredibly vital organization and that is known by its long history. We think it is a fantastic group and has fantastic economics behind it today. This is not about just moving the economics that are today from Kansas City, Missouri, to Kansas City, Kansas. This is about creating 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.



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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.

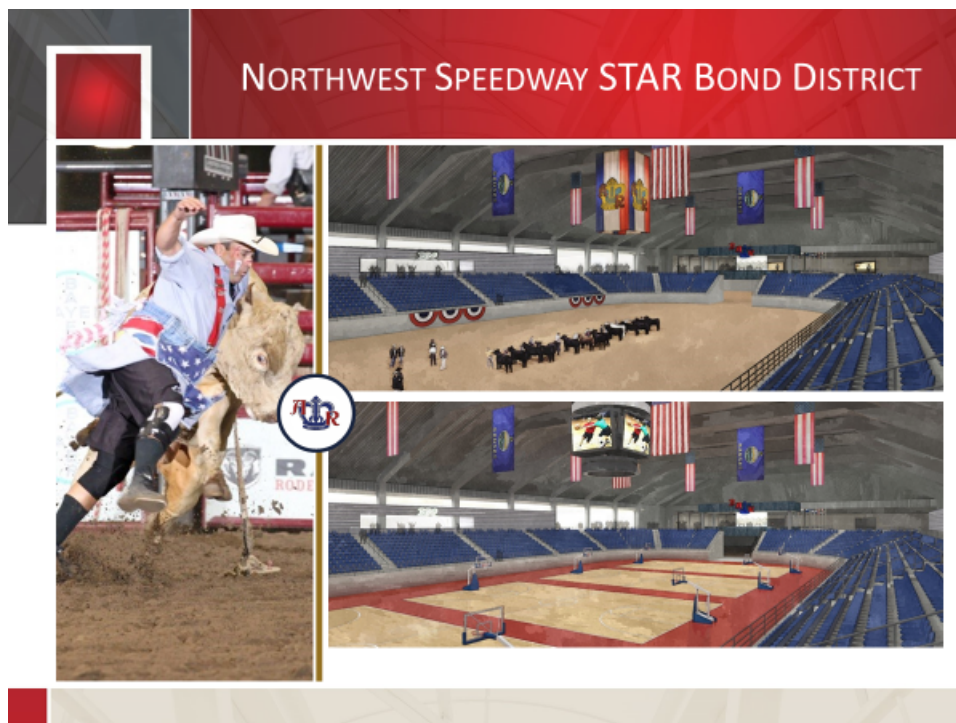
All of the things that are in the development agreement are absolutely minimums that the American Royal will meet. I wanted to give this Commission a little bit more about that AG Event Center and explain it geniuses to it.



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