

UPDATE
JANUARY 11, 2018 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND BRYAN W. MANN, BETHEL SEVENTH DAY ADVENTIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JANUARY 11, 2018 AGENDA**
Blue Sheet: Add Non-Planning Consent Agenda Item #9-Plat of Gloria Willis
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. NON-PLANNING CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN STEVE HAULMARK

PLANNING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. #3154 - MEGAN PAINTER WITH CHWC

Synopsis: Change of Zone from CP-2 Planned General Business District to TND (T-5) Traditional Neighborhood Design District for a modular pop-up shop at 611-607 North 6th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL)

Tracking #: 1821

B. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2017-57 - PATRICIA SOTO

Synopsis: Renewal of a Special Use Permit (#SP-2015-44) to keep a horse at 741 South 76th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 1822

2. #SP-2017-58 - ERIC BISHOP

Synopsis: Special Use Permit for a maximum of 12 goats at 3552 North 47th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR DENIAL)

Tracking #: 1824

3. #SP-2017-68 - JESUS RODRIGUEZ-TORRES

Synopsis: Renewal of a Special Use Permit (#SP-2015-66) for the Temporary Use of Land to keep lawn care equipment on the site at 1701 South 40th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 1823

4. #SP-2017-69 - ANDREW AND CHRISTOPHER FEIN

Synopsis: Renewal of a Special Use Permit for a garage to store two (2) cars at 102 South 64th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 1825

5. #SP-2017-70 - DOUG CLEMENTS WITH KANSAS CITY, KANSAS PUBLIC SCHOOLS

Synopsis: Special Use Permit for a staff parking lot at John Fiske Elementary School at 616 South Valley Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 1827

6. #SP-2017-71 - WIL ANDERSON WITH BHC RHODES

Synopsis: Renewal of a Special Use Permit (#SP-2015-3) for the Temporary Use of Land for a trailer at 6801 Inland Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 1826

7. #SP-2017-73 - BLAKE WATSON WITH NATURE'S TOUCH

Synopsis: Renewal of a Special Use Permit (#SP-2015-71) for the Temporary Use of Land for storage of landscaping materials at 5201 and 5204 North 98th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 1829

C. VACATION APPLICATION

1. #R/W-2017-12 - DOUG CLEMENTS WITH USD 500

Synopsis: Vacation of pedestrian right-of-way between 5205 and 5159 Farrow Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 1830

D. PLAN REVIEW APPLICATION

1. #PR-2017-32 - PASTOR GLEN BRADY

Synopsis: Preliminary and Final Plan Review for a church campus at 745 Walker Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 1831

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

1. AN ORDINANCE rezoning property at 7331 Holliday Drive (#3148) from R-1 Single Family District to CP-O Planned Non-Retail Business District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)

Tracking #: 171357

2. AN ORDINANCE vacating right-of-way (#R/W-2017-11) at 342 South Bethany Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)

Tracking #: 171412

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATION

1. **#SP-2017-64 - JON CORBIN WITH KVC HOSPITALS, INC.**

Synopsis: Special Use Permit to revise the 1984 indefinite special use permit to allow services, on a temporary basis, for a maximum of 12 adult patients at 4300 Brenner Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL OF THE AMENDMENT TO THE ORIGINAL SPECIAL USE PERMIT THROUGH MAY OF 2019 - 5/2 VOTE)

Tracking #: 1828

TAX STATUS REPORT *BOARD OF COMMISSIONERS AGENDA FOR JANUARY 11, 2018*

#SP-2017-69 – Andrew and Christopher Fein

2014 - \$352.08

2015 - \$361.31

2016 - \$340.76

2017 - \$332.85

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

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. NON-PLANNING CONSENT AGENDA

1. **RESOLUTION: REGULAR SCHEDULE COMMISSION AND
STANDING COMMITTEE MEETING DATES**

Synopsis: Establishing a regular schedule of the Unified Government Commission and Standing Committee meeting dates and times, February 2018 - January 2020, submitted by Bridgette Cobbins, UG Clerk.

Tracking #: 1838

2. **RESOLUTION:**

**BRIDGE #71
IMPROVEMENT
PROJECT (CMIP 5045)**

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary for the construction of a new box culvert to reduce downstream drainage impacts and repair of Bridge #71 Improvement Project (CMIP 5045), located at North 51st Street, north of Cleveland Avenue, submitted by Ryan Haga, Assistant Counsel.

*On December 11, 2017, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 171423

**3. RESOLUTION:
BRIDGE #159
IMPROVEMENT
PROJECT (CMIP 2142)**

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary for the construction of a new box culvert to reduce downstream drainage impacts and

repair of Bridge #159 Improvement Project (CMIP 2142), located at North 34th Street, south of Georgia Avenue, submitted by Ryan Haga, Assistant Counsel.

*On December 11, 2017, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 171422

**4. RESOLUTION:
BRIDGE #237
IMPROVEMENT
PROJECT (CMIP 2167)**

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary for the construction of a new box culvert to reduce downstream drainage impacts and repair Bridge #237 Improvement Project (CMIP 2167), located at North 11th Street, north of Troup Avenue, submitted by Ryan Haga, Assistant Counsel.

*On December 11, 2017, the **Public Works and Safety Standing***

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

Tracking #: 171424

5. ORDINANCE: SAFE ROUTES TO SCHOOL GROUP E (CMIP 3335)

Synopsis: An ordinance authorizing the Chief Counsel to commence legal proceedings to acquire property necessary for the Safe Routes to School Group E Project (T.A. Edison Elementary, Noble Prentis Elementary, and William Allen White Elementary) (CMIP 3335), submitted by Ryan Haga, Assistant Counsel.

On December 4, 2014, the Commission unanimously adopted Resolution No. R-109-14, declaring the project to be a necessary and valid public improvement, and authorizing a survey of land for said project.

Tracking #: 1837

6. NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards & Commissions:

J.D. Downs for the Golf Advisory Board, 1/11/2018 - 3/31/2022, submitted by Commissioner Townsend

Korri Hall-Thompson for the Library Board, 1/11/2018 - 3/31/2022, submitted by Commissioner Townsend

Tracking #: 171462

7. MINUTES

Synopsis: Minutes from regular sessions of November 30 and December 7, 2017; and special sessions of December 7 and 21, 2017.

Tracking #: MINUTES

8. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 21 and 28, 2017; and January 4, 2018.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. RESOLUTION: MEMORANDUM OF UNDERSTANDING WITH PLUMBERS LOCAL UNION NO. 8

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with Plumbers Local Union No. 8, for the period of January 1, 2018 – December 31, 2019, submitted by Melissa Sieben, Assistant County Administrator. This represents the third of 12 union labor contracts to be ratified.

Tracking #: 1834

2. RESOLUTION: MEMORANDUM OF UNDERSTANDING WITH CONSTRUCTION AND GENERAL LABORERS LOCAL NO. 1290

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with Construction and General Laborers Local No. 1290, for the period of January 1, 2018 – December 31, 2019, submitted by Melissa Sieben, Assistant County Administrator. This represents the fourth of 12 union labor contracts to be ratified.

Tracking #: 1842

3. RESOLUTION: SETTING A PUBLIC HEARING FOR THE DESIGNATION OF A NEIGHBORHOOD REVITALIZATION AREA AND ADOPTION OF THE 2018-2020 NEIGHBORHOOD REVITALIZATION PLAN

Synopsis: A resolution calling and providing for the giving of notice of a public hearing on the designation of a Neighborhood Revitalization Area (NRA) and the adoption of the 2018-2020 Neighborhood Revitalization Plan, submitted by Jon Stephens, Interim Economic Development Director.

Tracking #: 1841

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JANUARY 11, 2018**

X. NON-PLANNING CONSENT AGENDA

NEW ITEM

Item No. 9 – 1843....PLAT: GLORIA WILLIS

Synopsis: Plat of Gloria Willis, located at N. 64th Terr. and Sears Drive, being developed by the Board of Education of Rural High School #2, submitted by Brent Thompson, Director of Engineering/County Surveyor, and Troy Shaw, County Engineer.



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 8, 2018

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for: GLORIA WILLIS

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of GLORIA WILLIS, located at North 64th Terr and Sears Drive being developed by Board of Education of Rural High School #2 of Wyandotte County, Kansas.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, PS., CPM
Director of Engineering
/County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

FILED
JAN 10 2018
UNIFIED GOVERNMENT CLERK

an unplatted tract lying in a portion of the Northeast Fractional Quarter, Section 3 Township 11 South, Range 24 East, of the 6th Principal Meridian.



LEGEND

- ## BENCH MARKS

- ## FLOOD STATEMENT

According to FEMA FIRM Community Unit Panels 20209C0063E and 20209C0151E, effective date of September 2, 2015, this property lies within a portion of flood zone "X". Areas determined to be outside the 0.2% annual chance floodplain.

ERROR OF CLOSURE

Dist Area: 1,069,900 Sq Ft	Lot Area: 1,036,115 Sq Ft
Perimeter: 4,267.18 Ft	Perimeter: 4183.19 Ft
Error Closure: 0.0073	Error Closure: 0.0097
Error North: -0.03711	Error North: -0.00666
Error East: 0.00168	Error East: 0.00178

SECTION CORNER REFERENCE TIES

[illegible]

11627 W. 112th Street, Suite 200
Overland Park, KS 66210 • 913.317.9390
FAX 913.317.9390 • E-MAIL info@kcsd.com • WEB www.kcsd.com



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Change of Zone 3154

GENERAL INFORMATION

Applicant:
Megan Painter

Status of Applicant:
Representative
CHWC
2 South 14th Street
Kansas City, Kansas

Requested Action:
Change of Zone from CP-2 Planned
Business District to TND (T-5) Traditional
Neighborhood District

Date of Application:
October 27, 2017

Purpose:
To obtain approval for a change of zone to
TND in order to install a permanent
structure to be used as a pop-up arts
incubator space



Property Location: 607 and 611 North 6th Street

Existing Zoning: CP-2 Planned Business District

Surrounding Zoning:	North:	CP-2 Planned Business District
	South:	TND Traditional Neighborhood Design District
	East:	R-2 (B) Two Family District
	West:	C-0 Non-Retail Business District

Existing Uses:	North:	Commercial
	South:	Commercial
	East:	Residential
	West:	Office/Government

Total Tract Size: 0.26 acre

Master Plan Designation: The City-Wide Master Plan designates this property for urban density development.

Major Street Plan: 6th Street is a designated Class B Thoroughfare

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owners – November 16, 2017 and January 2, 2018

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting; there were approximately 19 people present in support.

PROPOSAL

Detailed Outline of Requested Action: Ms. Painter, with CHWC, is seeking approval to rezone the two parcels to TND in order to build an arts business incubator space on the lot that currently houses Epic Park. Bathroom facilities and parking will be shared with the existing Epic Arts studio space.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is the urban core of Kansas City, Kansas.

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

This area is primarily commercial and residential use though it has a mix of uses commonly found in urban centers, including governmental office use. This project would allow for more dense development and a more vibrant mix of uses in the urban core.

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

This is not foreseen to be an issue.

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

This property is not vacant but has been underutilized for a number of years.

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

Downtown Kansas City, Kansas has seen many decades of disinvestment and empty lots or underutilized storefronts. CHWC is proposing ancillary use for the Epic Clay Studio and the Dotte Agency's community room by installing a permanent pop-up arts incubator space. This type of reinvestment in downtown properties as well as the variety of new commercial uses is an example of rejuvenating development that staff is eager to help facilitate in the urban core.

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

The proposed uses will likely increase traffic to the site, however, staff feels there is enough available parking and transit access in the urban core to facilitate this demand.

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

This change would be in conformance with the Master Plan.

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

This is not foreseen to be an issue.

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

a. *Water service*

Existing

b. Sanitary sewer service

Existing

c. Storm water control

Existing

d. Police

Police service is provided by Police District #115

e. Fire

Fire service is provided by District #1

f. Schools

Kansas City, Kansas USD 500

g. Streets

See item #6 above

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

The proposed use would likely increase the tax revenue for the site as well as have other, positive catalytic impacts on the urban core.

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

The proposed use is expected to meet applicable ordinance requirements.

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

It could be argued that increased economic activity as well as a livelier, more active streetscape would be a gain for the public safety and welfare of the community.

NEIGHBORHOOD MEETING

The applicant held a meeting on November 20; one person attended. General concerns over design and landscaping were noted, but the attendee seemed supportive of the project and future engagement with the project team. No opposition was recorded.

KEY ISSUES

TND Review
Neighborhood cooperation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application #3154, subject to:

Urban Planning and Land Use Comments:

1. Staff suggests the applicant team continues to work closely with the Strawberry Hill Neighborhood Association regarding design of the site.
2. Final site and architectural plans will have to be approved by the TND Board.
 - a. Landscaping, parking, and materials must be compatible with the TND requirements. Cladding of the container is expected. This project must include residential-grade materials.
3. The general plans submitted with this application (see attachments) must be followed with limited variation to be approved by the TND board. Any significant site layout, design, or material and architectural changes would be required to be presented to the Planning Commission for approval before moving forward.
4. Lot consolidation has been recommended by staff. Documentation of this consolidation shall be provided at time of TND review.

Staff and the neighborhood alike see the benefit of this type of project and would like to see it become a successful part of the 6th Street Corridor. This will require the students and architectural staff at KU to consider the desires and vision of the neighborhood when designing a space that is creative, economically viable, and cohesive with the surrounding development patterns. This project will be most successful when the neighborhood and the project team and the entrepreneurs it supports work toward a common vision.

Public Works Comments:

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

- 1) A final development plan will need to be approved by UG staff and the TND board. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria.
 - 2) Provide documentation regarding the proposed two lot consolidation into one lot, prior to final plan approval.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) The change of zone is a preliminary development plan. A final development plan will need to be approved by UG staff and the TND board. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria. Further discussion with staff may be needed.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3154 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Zoning Map
Aerial Photo
Street View Image
Neighborhood meeting notes
Overview of project
Site plan and renderings

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	December 11, 2017	January 11, 2018
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3154 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3154, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts 38:25:

CHANGE OF ZONE APPLICATION #3154 – MEGAN PAINTER WITH CHWC –

SYNOPSIS: Change of Zone from CP-2 Planned General Business District to TND (T-5) Traditional Neighborhood Design District for a modular pop-up shop at 611-607 North 6th Street. **Detailed Outline of Requested Action:** Ms. Painter, with CHWC, is seeking approval to rezone the two parcels to TND in order to build an arts business incubator space on the lot that currently houses Epic Park. Bathroom facilities and parking will be shared with the existing Epic Arts studio space.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 16, 2017;
7. The Notices to property owners dated November 16, 2017; and
8. The nine (9) letters submitted in favor today and distributed to the Planning Commission this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Huey recused herself at 8:02 p.m. due to a conflict. Vice Chairman Carson assumed the chairmanship.

Present in Support:

- ❖ Jim Schraeder, representing the applicant, 2108 Washington Boulevard, Kansas City, Kansas 66102
- ❖ Justine Underwood-Jones, President of the Strawberry Hill Neighborhood Association, 431 Ann Avenue, Kansas City, Kansas 66102
- ❖ Dragi Mistic, 612 Elizabeth Avenue, Kansas City, Kansas 66101
- ❖ Ross Stewart, President of BetterDotte, 620 Sandusky Avenue, Kansas City, Kansas 66101
- ❖ Mary Collins, Project Manager for Downtown Shareholders, Inc., 2225 Washington Boulevard, Kansas City, Kansas 66102
- ❖ There were approximately 15 people present that did not speak

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 48:30: Director Richardson stated the staff recommends approval subject to the stipulations in the staff report; there will need to be a meeting called by Chairman Huey of the TND Review Committee when the final plans are ready for review.

Motion and Vote Starts 48:48:

On motion by Mr. Mose, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3154:**

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

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Staff suggests the applicant team continues to work closely with the Strawberry Hill Neighborhood Association regarding design of the site.

2. Final site and architectural plans will have to be approved by the TND Board.
 - a. Landscaping, parking, and materials must be compatible with the TND requirements. Cladding of the container is expected. This project must include residential-grade materials.
3. The general plans submitted with this application (see attachments) must be followed with limited variation to be approved by the TND board. Any significant site layout, design, or material and architectural changes would be required to be presented to the Planning Commission for approval before moving forward.
4. Lot consolidation has been recommended by staff. Documentation of this consolidation shall be provided at time of TND review.

Staff and the neighborhood alike see the benefit of this type of project and would like to see it become a successful part of the 6th Street Corridor. This will require the students and architectural staff at KU to consider the desires and vision of the neighborhood when designing a space that is creative, economically viable, and cohesive with the surrounding development patterns. This project will be most successful when the neighborhood and the project team and the entrepreneurs it supports work toward a common vision.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) A final development plan will need to be approved by UG staff and the TND board. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria.
 - 2) Provide documentation regarding the proposed two lot consolidation into one lot, prior to final plan approval.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) The change of zone is a preliminary development plan. A final development plan will need to be approved by UG staff and the TND board. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria. Further discussion with staff may be needed.

Chairman Huey rejoined the Commission and resumed the chairmanship.





Image via Google Street View (August 2016)





2 South 14th Street
Kansas City, KS 66102
Office: 913.342.7580 Fax: 913.342.7581
www.chwckck.org

TND Rezoning Neighborhood Meeting
611 N 6th Street - Dotte Agency
November 20th, 2017 5:00pm-6pm

Present:

Nils Gore - KU
Shannon Criss - KU
Megan Painter - CHWC
Mary Collins - DTS
Theresa Knapp - Local Business Owner

Notes:

The meeting began at 4:55pm with the arrival of Ms. Knapp. Megan Painter walked through the project with her, Mary Collins gave more details about the programming side and how start up entrepreneurs can apply to DTS's new incubator program.

Ms. Knapp's primary motive for attending the meeting was to see if the new development would result in the loss of any of the recently added plantings or sculpture. She also wanted to be able to answer questions about the project that her clientele have been asking her. She had no objections to anything she heard or saw, and generally supported the project. She asked to take a copy of the TND design manual to be able to show neighbors. We informed her that she was welcome to do so, but to please understand that these are preliminary drawings that do not show plantings or actual design.

Shannon Criss canvassed the neighborhood, putting fliers on Strawberry Hill doors to invite residents to an upcoming design session where KU students will be showing prototypes of landscaping improvements and taking feedback.

Our project team has met twice with the Strawberry Hill Neighborhood association. There is great support for the rezoning and idea of the pop-up module and landscaping improvements. Residents have shared concerns about the design of these elements, but the process for the design of the retail module will occur at the beginning of the next KU semester.



Detailed Summary of the Project

The Downtown Shareholders of Kansas City, Kansas, Inc. (DTS-KCK) was awarded a grant in June, 2017, to develop a modular small business incubator project in Downtown Kansas City, Kansas. The project will purchase and convert an 8x20 used shipping container into a gallery/point-of-sale unit, and provide certain limited site improvements to the lot at Epic Park surrounding the installation. Dotte Agency is providing design and modifications to the unit, which will be installed in the Spring of 2018. In addition to the development of the modular unit,

DTS-KCK is developing a small business development program in conjunction with the Small Business Development Center at Johnson County Community College, Workforce Partnership, and other business development organizations. The total budget for the modular unit portion of the project is \$61,708, plus in-kind services provided by Dotte Agency, estimated value of approximately \$28,000. Ongoing expenses will be managed by a Memorandum of Understanding between DTS-KCK and CHWC.

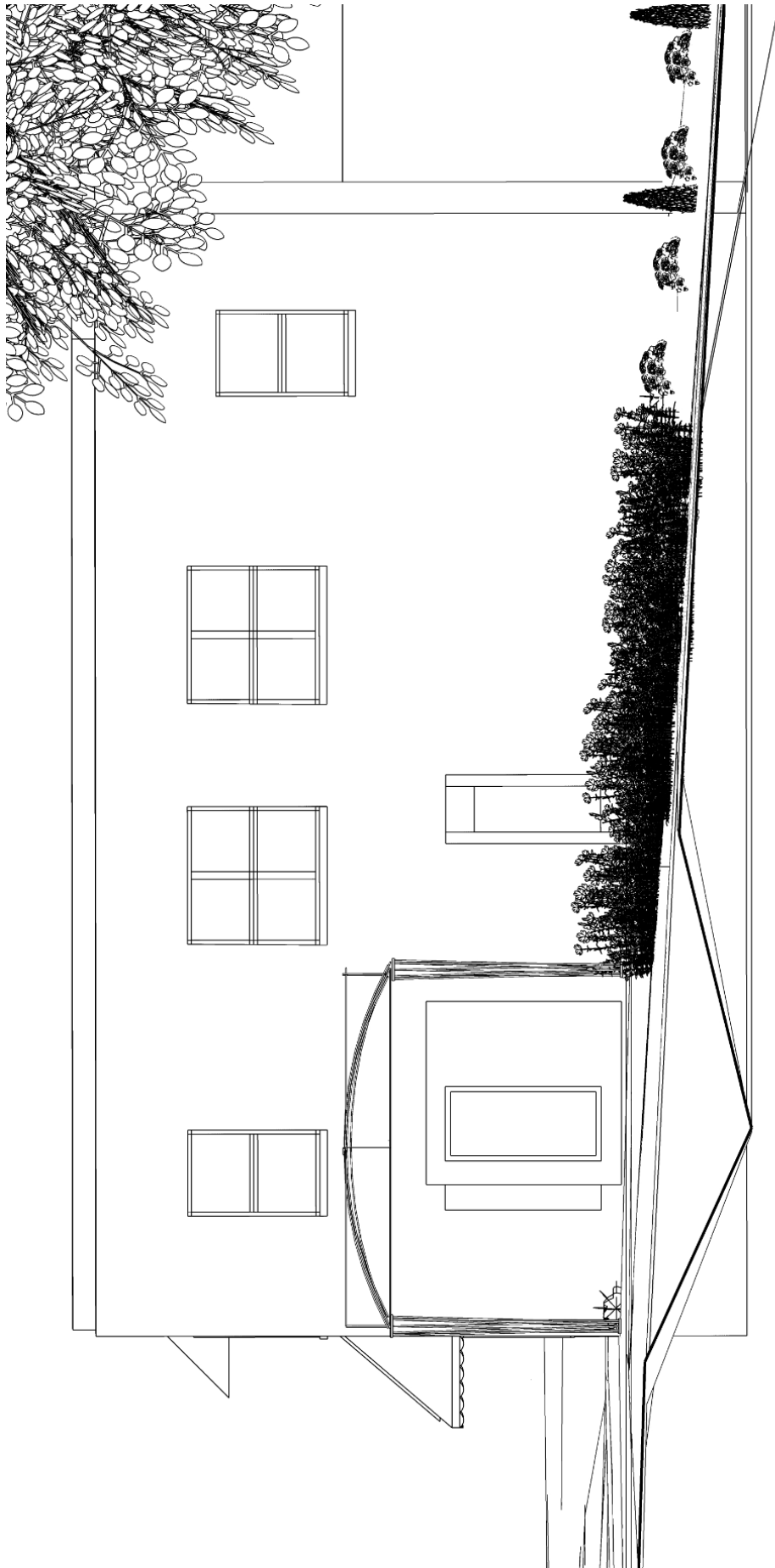
The Scope and Vision of the Project

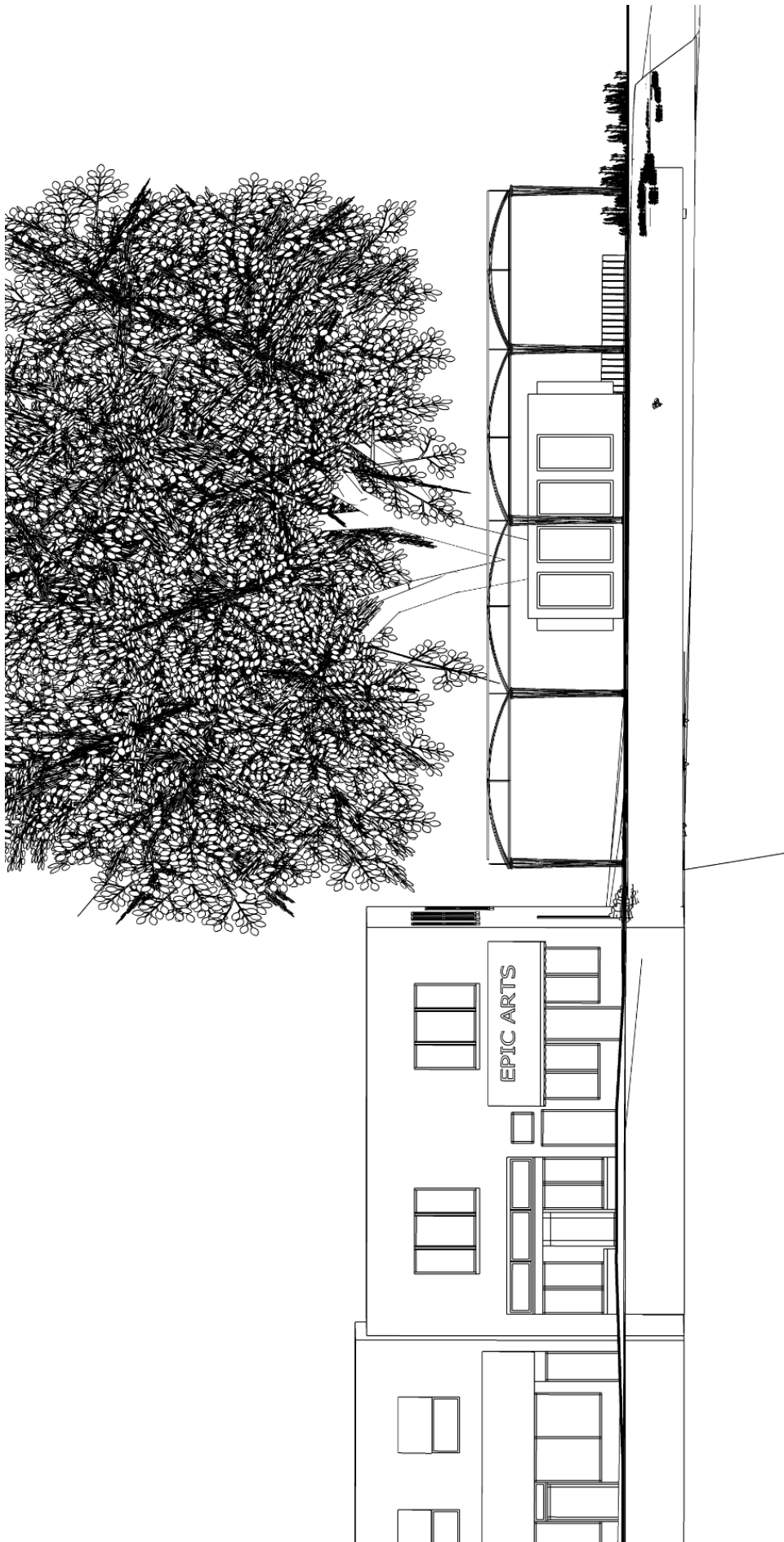
This project will support a small business development program, by developing a dedicated modular business incubator in a rapidly developing neighborhood in Downtown Kansas City, Kansas. The program has three interrelated components: Physical space, support programming, and operational assistance. Developing a dedicated yet flexible space to small business development has become central to our success. A pilot program undertaken in 2016 was a learning experience in identifying participants and in finding suitable space. While we have identified a number of qualified participants, finding a suitable space has been a major roadblock. We found that preparing an appropriate space for a small, temporary business to be challenging in our 2015 trial. Since then finding a location in downtown that meets our criteria has proven even more difficult. We identified at least three different locations in 2016, and after discussions with property owners, all potential sites were then converted to other uses by their owners. While we are pleased that property in Downtown is being developed, it has hampered our ability to move forward on this goal. After researching innovative, lower cost ideas, the appeal of a modular unit, based on a converted shipping container, made sense for the limited budget, project scope, and property availability, became clear. Having a dedicated space will enable small grant programming (already a part of the Downtown Shareholders budget) to have a larger impact on participants. The regional Small Business Development Center, along with Workforce Partnership and other local business development organizations are working with DTS-KCK to offer a series of workshops designed to help nascent small business operators develop business plans, secure funding, and develop a

market for their business ideas. Arts, both in terms of programming and product, are increasingly recognized as a vital economic force in communities around the nation, and here in the Greater Kansas City area specifically. This project looks to enhance Downtown Kansas City, Kansas participation and development in that movement, by working with CHWC on their vision of a 6th Street arts corridor.

The pop-up project will serve to increase our capacity to market Downtown Kansas City, Kansas as an innovative location, as a force for business growth, and a place where business can succeed. Our mission of developing downtown Kansas City, Kansas as a complete community requires action on all fronts. The Unified Government has created the Downtown Parkway District Master Plan that focuses on a complete package of development in downtown Kansas City, Kansas to include residential, business, and civic/social development. This project is an innovative approach which will also meet the goals of the UG for small business development and employment in the Downtown area. Our ultimate goal is to not only provide space and experience for two entrepreneurs over the initial period of the program envisioned by the Implementation Grant, but to give them the experience they need to cultivate a permanent, successful small business. In addition, during the times when there is no Pop-up occupant, the space will be utilized by the CHWC/Epic Arts program for gallery space and community events.







Illustrations of the Overall Master Plan Layout





Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Petition #SP-2017-57

GENERAL INFORMATION

Applicant:
Patricia Soto

Status of Applicant:
741 South 76th Street
Kansas City, Kansas 66111

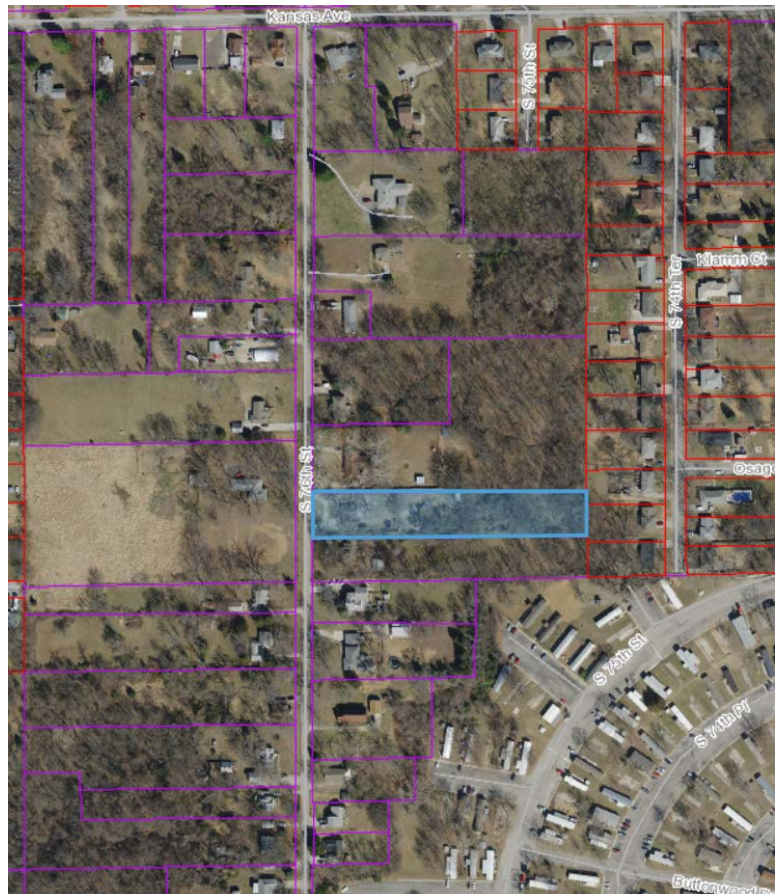
Requested Action:
Renewal of a special use permit
to keep a horse

Date of Application:
August 24, 2017

Purpose:
The applicant seeks a special
use permit to keep a horse on
the property

Property Location:
741 South 76th Street

Existing Zoning:
R-1 Single Family District



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

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

Total Tract Size: 1.5 acres

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

Major Street Plan: The City-Wide Master Plan designates 76th Street and Kansas Ave as local streets

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owner - November 15, 2017 and January 2, 2018

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Patricia Soto, is seeking approval of the renewal of her special use permit to continue to keep a horse at 741 South 76th Street.

City Ordinance Requirements: Chapter 7 – Animals, Article V. – Livestock, Etc., Sec.7-172 – Keeping Livestock (a) (b)

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

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

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

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

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

The removal of the restrictions may detrimentally affect nearby property owners if the horse is not properly taken care of and waste is not cleaned up properly.

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

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

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed use is reasonably necessary for the convenience and welfare of the public because it will not be on any other property besides the applicant's property. However, having the horse can cause a disturbance if it is not properly cared for.

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

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

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

The proposed use will not pollute the air, land or water so long as the animal and its environment is properly maintained and all waste is removed regularly.

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

This is not applicable.

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

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

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

This is not applicable.

PREVIOUS ACTIONS

Special Use Permit to keep a horse – SP 2015-44, approved

NEIGHBORHOOD MEETING

A neighborhood meeting is not required.

KEY ISSUES

Maintenance plan for horse and property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-57, subject to:

Urban Planning and Land Use Comments:

1. Applicant must provide update on the property; please provide photos of the site showing stall and condition of the yard.

Applicant Response: Pictures updated stall and yard on the property.

2. Please provide current operation plan including how and where feed is kept, when and how waste is removed, etc.

Applicant Response: Food is kept in same Structure made for horse not in same room but next to it, there is the grain and alfalfa used for feeding. In there also you will find horse settle and other equipment for riding the horse. Waste is removed and picked up and thrown away in garbage.

- Picture where alfalfa is kept next to that is the Grain

3. Please provide photo showing that one (1) of the accessory structures has been removed, per stipulations of the 2015 approval.

Applicant Response: There was never a 3rd structure made or ever was it's only the house where we live in and the horse structured made which will be 1000 sq. ft.

4. Please provide proof of building permits obtained for horse's stall compliance with all accessory structure regulations, per stipulations of the 2015 approval.

Applicant Response: Applicant is working to obtain building permit and must present building permit to the City Planning Commission on Monday, December 11, 2017.

5. Please provide copy of Animal Control permit for one (1) horse, per stipulations of the 2015 approval.

Applicant Response: Has obtained animal permit

6. If approved, stipulations set in the 2015 approval apply (see following)
 - Supplementation of grain and grass provided for the horse with additional food sources in order to insure adequate diet and manage current vegetation on site
 - Provide fresh water daily for the horse
 - Application/maintenance of additional seed or sod to the area in an effort to establish better ground cover

Below are the staff comments from 2015:

Staff recommends approval for a special use permit to board one (1) horse. The approval for one (1) horse is subject to the following:

1. Approval for two (2) years
2. Removal of one (1) accessory structure within thirty (30) days of approval to validate the special use permit
 - o Applying for a variance to allow two (2) accessory structures on the property is a second option, but a variance must be applied for by August 28, 2015. The validity of the special use permit will then be dependent on approval of variance.
3. Application for a building permit and communication with Building Inspections Department to ensure stall's compliance with R-1 Single Family District accessory structure regulations
4. Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site
5. Provide fresh water for the horse daily
6. Application of additional seed/sod to the area in an effort to establish better ground cover
7. Obtainment of an Animal Control Permit for one (1) horse

Public Works:

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

- 1) None

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

1) None

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

1) None

Staff Conclusion:

Staff recommends approval of the renewal of the special use permit to keep a horse on the applicant's property. With the approval, the applicant must continue with the 2015 stipulations of providing fresh water daily for the horse, application/maintenance of additional seed or sod to the area in an effort to establish better ground cover, and supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-57 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Aerial image
Zoning map
Images of the horse provided by the applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 11, 2017	January 11, 2018
Special Use	Approval	

STAFF CONTACT:

Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-57** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-57**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2017-57 – PATRICIA SOTO –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-44) to keep a horse at 741 South 76th Street. **Detailed Outline of Requested Action:** The applicant, Patricia Soto, is seeking approval of the renewal of her special use permit to continue to keep a horse at 741 South 76th Street.

(Recording Secretary Parker stated that one of the stipulations in the staff report was that the applicant secured a building permit for the structure and a license for the horse from Animal Control and that has been done.)

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and

7. The publications in The Echo for the special use permits.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Mr. Bryant Parker stated that he does not want to remove Plan Review #PR-2017-46 from the Consent Agenda, but there is a note that the fence that was originally shown to be in the public right-of-way is going to be removed. In working with staff, they plan in the future to possibly installing that fence but it would be on their property. The staff has said because of that they will not need to come forward and ask for another plan review. He also stated that the staff has been fantastic in working with them on this final plan review. Mr. Gilbert Moore, 30 South 7th Street Trafficway, Kansas City, Kansas 66101 stated that he would like to remove Plan Review Application #PR-2017-47 from the Consent Agenda.

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

Carson	Aye
Childress	Not Present
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Not Present
Mose	Aye
Pauley	Aye
Rank	Not Present
Serda	Not Present
Motion to APPROVE Passed: 6 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Applicant must provide update on the property; please provide photos of the site showing stall and condition of the yard.

Applicant Response: Pictures updated stall and yard on the property.

2. Please provide current operation plan including how and where feed is kept, when and how waste is removed, etc.

Applicant Response: Food is kept in same Structure made for horse not in same room but next to it, there is the grain and alfalfa used for feeding. In there also you will find horse settle and other equipment for riding the horse. Waste is removed and picked up and thrown away in garbage.

- Picture where alfalfa is kept next to that is the Grain

3. Please provide photo showing that one (1) of the accessory structures has been removed, per stipulations of the 2015 approval.

Applicant Response: There was never a 3rd structure made or ever was it's only the house where we live in and the horse structured made which will be 1000 sq. ft.

4. Please provide proof of building permits obtained for horse's stall compliance with all accessory structure regulations, per stipulations of the 2015 approval.

Applicant Response: Applicant is working to obtain building permit and must present building permit to the City Planning Commission on Monday, December 11, 2017.

5. Please provide copy of Animal Control permit for one (1) horse, per stipulations of the 2015 approval.

Applicant Response: Has obtained animal permit

6. If approved, stipulations set in the 2015 approval apply (see following)
 - Supplementation of grain and grass provided for the horse with additional food sources in order to insure adequate diet and manage current vegetation on site
 - Provide fresh water daily for the horse
 - Application/maintenance of additional seed or sod to the area in an effort to establish better ground cover

Below are the staff comments from 2015:

Staff recommends approval for a special use permit to board one (1) horse. The approval for one (1) horse is subject to the following:

1. Approval for two (2) years
2. Removal of one (1) accessory structure within thirty (30) days of approval to validate the special use permit
 - o Applying for a variance to allow two (2) accessory structures on the property is a second option, but a variance must be applied for by August 28, 2015. The validity of the special use permit will then be dependent on approval of variance.
3. Application for a building permit and communication with Building Inspections Department to ensure stall's compliance with R-1 Single Family District accessory structure regulations
4. Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site
5. Provide fresh water for the horse daily
6. Application of additional seed/sod to the area in an effort to establish better ground cover

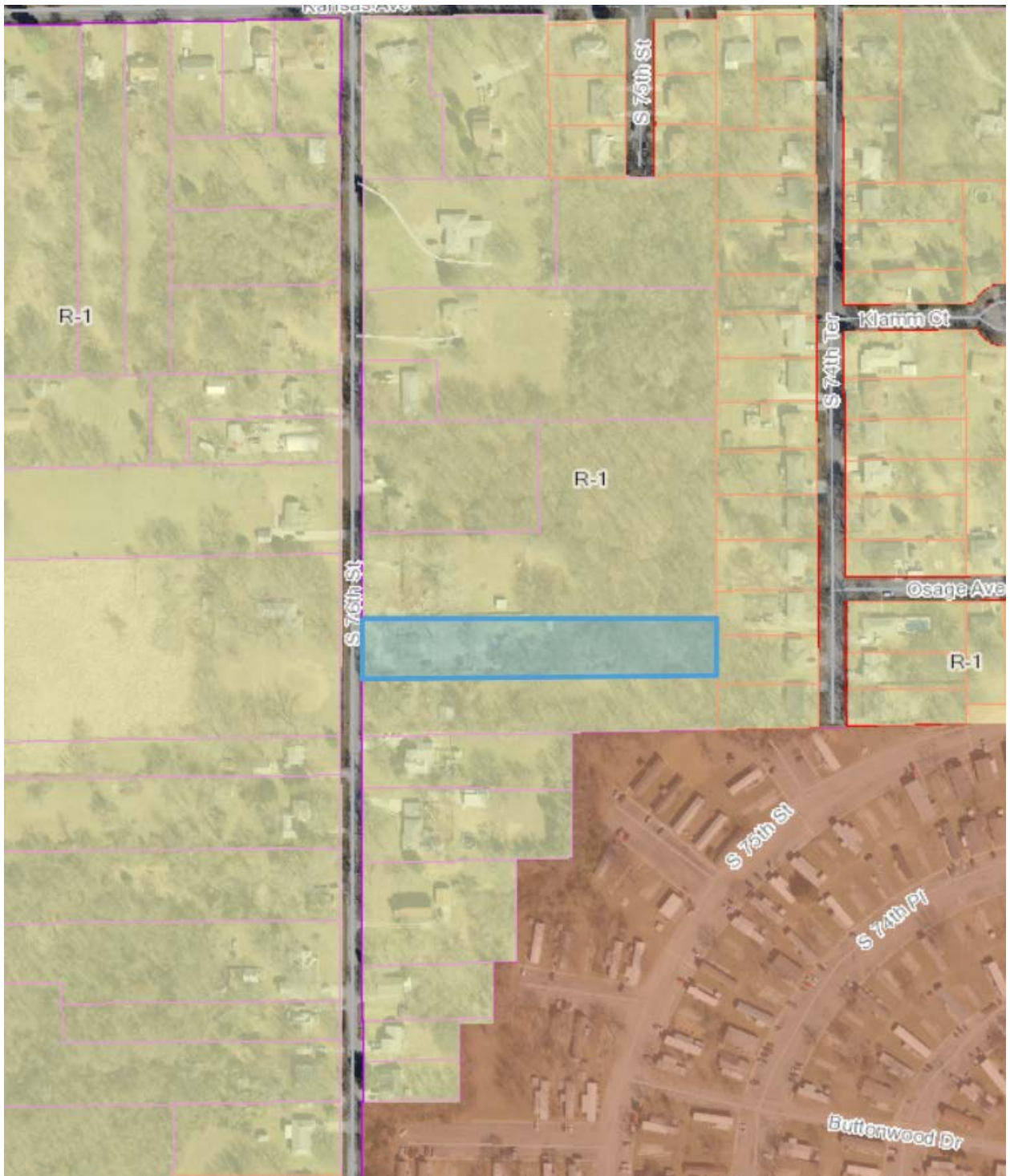
7. Obtainment of an Animal Control Permit for one (1) horse

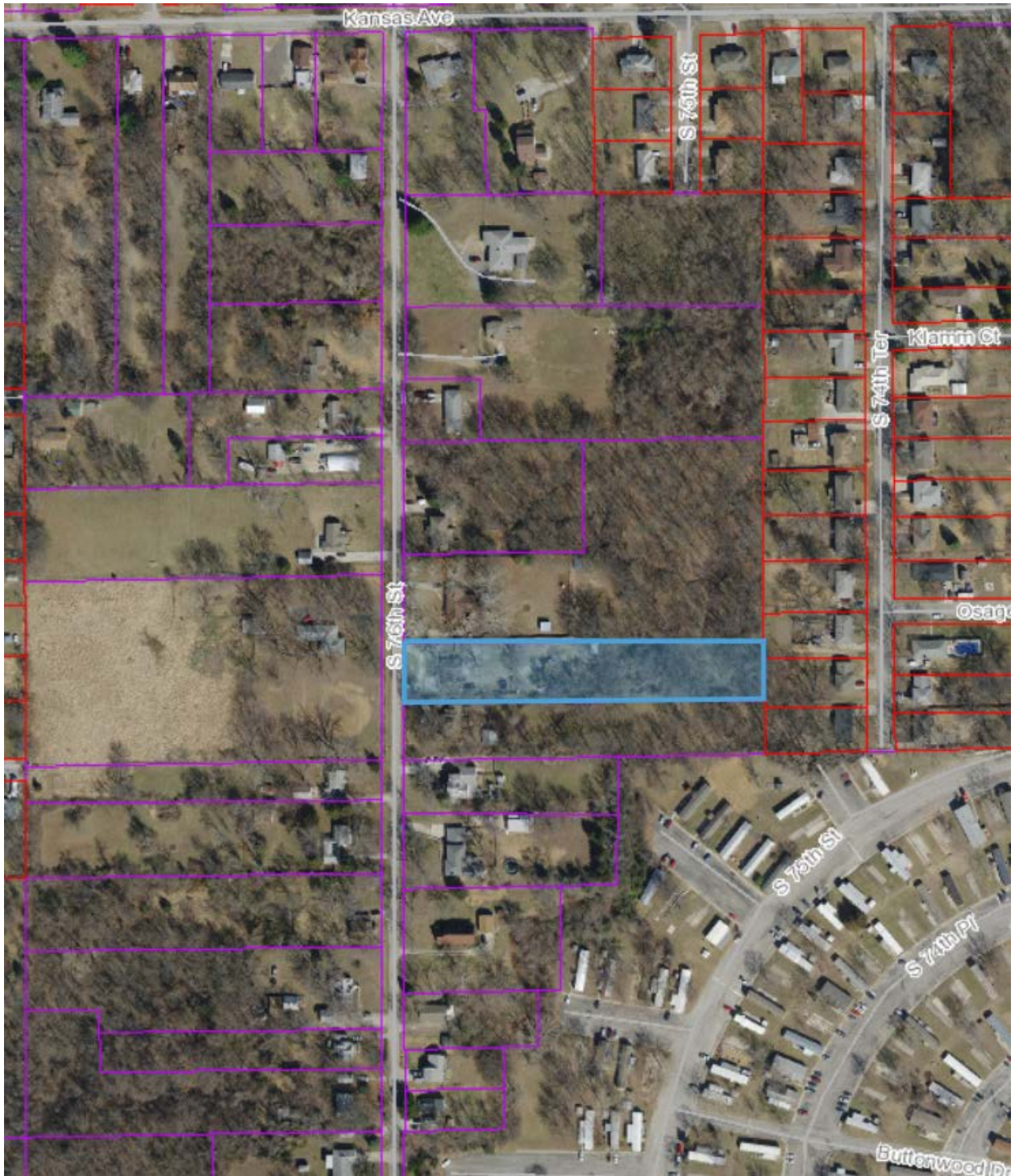
Public Works:

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

Staff Conclusion:

Staff recommends approval of the renewal of the special use permit to keep a horse on the applicant's property. With the approval, the applicant must continue with the 2015 stipulations of providing fresh water daily for the horse, application/maintenance of additional seed or sod to the area in an effort to establish better ground cover, and supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site.

















Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Petition #SP-2017-58

GENERAL INFORMATION

Applicant:
Eric Bishop

Status of Applicant:
3552 North 47th Street
Kansas City, Kansas

Requested Action:
Special Use Permit for a maximum of
12 goats

Date of Application:
September 11, 2017

Purpose:
To have a maximum of 12 goats on
The property

Property Location:
3552 North 47th Street

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



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

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

Total Tract Size: 1.924293 acre

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

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owner - October 17, 2017, November 21, 2017, December 4, 2017 and January 2, 2018

Public Hearings: November 13, 2017, November 30, 2017, December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the November 13, 2017 City Planning Commission, November 30, 2017 Board of Commissioners meetings or December 11, 2017 City Planning Commission meeting. However, staff has received two (2) complaints from property owners within 200 feet because of the Shetland pony, Llama, donkey, roosters, 20 goats, dogs, cats, etc.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is residential in nature.

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

The zoning of the area is completely residential (R-1 Single Family District). Staff does not consider these farm animals (goats) to be compatible with this type of neighborhood.

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

Staff believes the keeping of twelve goats would detrimentally affect nearby property. These effects include bleating (vocalization of goats), possibly climbing and butting their way through a neighbor's fence, and odor of goats.

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

The property is currently the home of the applicant.

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

Special Use Permits are not addressed in the Master Plan.

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

This application is not foreseen to create any issue with these points.

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

The addition of goats to this property would only be a convenience to the applicant. The marketability of adjoining property once the animals are added is debatable, but you could make a strong argument that the bleating and possible smell may not help.

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

Noise, vibration, dust, or illumination will not create problems for nearby properties.

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

The proposed use will likely not pollute the air. A foreseen issue is surface water runoff polluted with animal waste due to overgrazed and trampled land, which can cause public health issues downstream. Additionally, if the goat waste is not disposed of in a timely manner, neighbors will be negatively affected by the odor.

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

Staff does not believe that this will be an issue.

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

Per the Conversation District comments, this project may negatively impact public health due to the soil and waste running into the drainageway, which can contaminate the drainageway, if animal waste is not properly disposed of. There are parts of the land that are overgrazed, which creates excessive surface water runoff polluted with animal waste. If this application is denied, the applicant will not be able to have livestock on their property.

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

The proposed use of 12 goats is likely too much for this tract.

PREVIOUS ACTIONS

The Board of Commissioners referred this application back to the City Planning Commission for rehearing due to the additional information that was discovered by staff after the November meeting.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required but is highly recommended.

KEY ISSUES

Increased surface water runoff
Animal waste
Acreage of grazing land

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to reverse its previous recommendation and recommends **DENIAL** of Special Use Permit Application #SP-2017-58, **due to the issues with the previous animals on the site.**

STAFF COMMENTS AND SUGGESTIONS

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

The staff has changed its recommendation since the November Planning Commission meeting. At the meeting the applicant (owner of the property and landlord) was questioned about the complaints received by the staff:

“Director Richardson stated that the staff received two phone calls from neighbors that there was a Shetland pony, donkey, llama, etc. on the site. If the applicant is feeding

cats even if they are wild technically they belong to him. Mr. Bishop stated that **there has been**; they are transient – keeping for friends.”

An inspection by the Zoning Enforcement Officers and Animal Control Officer was conducted on Friday, November 17, 2017 and this is the report:

“The site inspection for this SUP application revealed: 20 Goats, 5 Ducks, 3 Chickens, 3 Roosters, 1 Dog, and 1 Llama. And 5 Accessory Structures related to the animals. Historical Aerial Photographs show 2 Accessory structures as of 1985, the westernmost structure collapsed within this year, the middle structure is dilapidated and missing half of the roof.

The detached carport was added sometime prior to 1995 and is being used to store hay. The main animal pen includes three buildings for sheltering animals and storing feed and supplies.

They are constructed of mismatched and non-conforming materials for a residential district, e.g. galvanized metal roof panels.

The tenant, a Mrs. Deborah Elder, stated that the Roosters, 3 of the goats, and the dog all belong to the neighbor to the north and frequently run loose onto her property. She stated that the Donkey and Miniature Horse had been rehomed after they had been told at the Planning Commission Meeting that they could not be kept on the property. She stated that the Llama has been listed on Craigslist in an attempt to rehome him. **A search of Craigslist for “Llama” on 11-17-17 showed NO listing for a Llama in Kansas City.**

Animal Services issued 4 Citations with a court appearance date of January 4, 2018. Planning and Zoning will issue Notice of Violation Letters for the Structures and the non-conforming use.”

Animal Control Report: A citation was issued for the llama by Officer Edwards. She was advised to get documentation when she rehomes the illegal animals, she was also advised that she should take that information to court with her so the judge can review the rehoming information.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **#SP-2017-58** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
December 11, 2017 City Planning Commission Minutes
Zoning Map
Aerial Map
Site Pictures
Conservation District Comments
Neighborhood meeting information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	November 30, 2017
Special Use	Approval	Referred Back
	December 11, 2017	January 11, 2018
	Denial	

STAFF CONTACT: **Joshua Robinson**
 jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-58** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-58** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts 4:52:55:

SPECIAL USE PERMIT APPLICATION #SP-2017-58 – ERIC BISHOP – SYNOPSIS:
Special Use Permit for a maximum of 12 goats at 3552 North 47th Street. Detailed

Outline of Requested Action: The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property

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

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

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

Present in Support:

- ❖ Mr. Eric Bishop, applicant, 1437 South 79th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 4:57:50: Director Richardson stated that the staff received two phone calls from neighbors that there was a Shetland pony, donkey, llama, etc. on the site. If the applicant is feeding cats even if they are wild technically they belong to him. Mr. Bishop stated that there has been; they are transient – keeping for friends. Director Richardson stated that is not allowed under this special use permit. He stated that the applicant will need to reduce the number of cats on the site and the transient animals and livestock are not allowed on the property. The staff recommends approval subject to the stipulations.

Motion and Vote Starts at 4:59:40:

On motion by Dr. Serda seconded by Ms. Rank, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-58:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How often will goat waste be disposed of and in what way?

Applicant Response: Goats waste will be used to fertilize other areas of the yard and the garden. It will be taken care of at very least bi weekly.

2. What is the goats' diet?

Applicant Response: They will eat a mixture of show goat pellets, cracked corn and hay.

3. Do you plan to have a fence for the twelve (12) goats that meets the R-1 Family District regulations?

Applicant Response: Yes

4. Do you plan to put in a rotational grazing plan to keep a sustainable pasture, per the Conservation District comments?

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

5. What is the square footage of the fenced area where the goats will graze?

Applicant Response: The pen is 78 ft. by 84 ft. for a total of 6552 SF. We plan to expand the existing fence to make the pen even bigger.

6. How often will you clean up the goats' waste?

Applicant Response: No more than bi-weekly and weekly if weather permits.

7. Where on the property will the twelve goats be held?

Applicant Response: The property is almost 2 acres and is in a long narrow rectangular shape. The goats will be kept entirely in the back two-thirds where there is significant stands of trees/brush on three sides to serve as a buffer between the neighbors and the goats.

8. How many structures are on your property? What are the dimensions of each structure?

Applicant Response: 1 House, 1 storage shed, 1 grain shed, 2 animal sheds. Each animal shed is approximately 10x12.

9. How will you ensure pastures are rotated so that there can be regrowth of grass, per Conservation District comments.

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

Public Works:

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

Conservation District Comments:

There are two major soil type identified: Ladoga silt loam 3 to 8 percent slopes and Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover. There are parts of the area that are overgrazed. This creates an erosion problem that can cause problems downstream. Pastures need to be rotated so that there can be regrowth of grass.

There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees. A waste management plan still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.

There are too many trees for the best pasture. Removal of trees would assist in increasing good grass established for feed. At least .15 acres of good grass is needed per goat.

Staff Conclusion:

Staff recommends approval subject to:

- 1. Approval would be for two (2) years
- 2. Property owners maintain daily disposal of goats' waste
- 3. The goats' diet remain as stated in applicant's response— pellets, cracked corn and hay—to ensure that the grass is not overgrazed

4. Animal Control Permit issued for twelve (12) goats

December 11, 2017 City Planning Commission Minutes:

Hearing Starts 49:30:

SPECIAL USE PERMIT APPLICATION #SP-2017-58 – ERIC BISHOP – SYNOPSIS:

Special Use Permit for a maximum of 12 goats at 3552 North 47th Street. **Detailed Outline of Requested Action:** The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property

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

8. The City's currently adopted zoning and subdivision regulations;
9. The official zoning map for the area in question;
10. The City's currently adopted Master Plan for the area in question;
11. The staff report and attachments dated December 11, 2017;
12. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
13. The Notice in the Wyandotte Echo dated October 19, 2017; and
14. The Notices to property owners dated October 17, 2017, November 21, 2017 and December 4, 2017

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

Present in Support:

- ❖ Mr. Eric Bishop, applicant, 1437 South 79th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

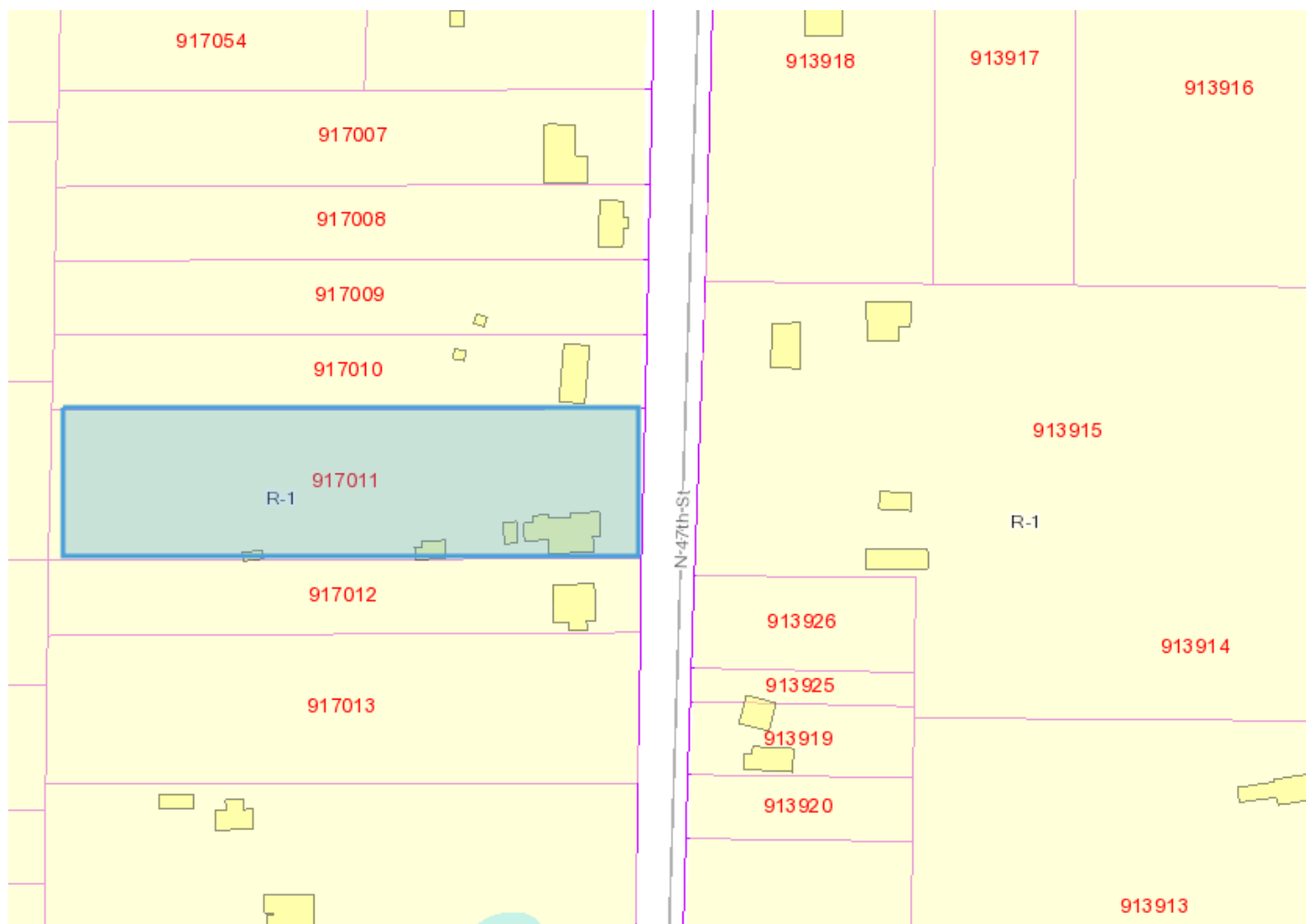
Staff Recommendation Starts 52:37: Director Richardson stated prior to the Board of Commissioners meeting there was an inspection done by Zoning Enforcement and Animal Control that found more animals on the property than testified to at last month's Planning Commission meeting. The Board of Commissioners sent the petition back for verification of the number of animals on the property. When Animal Control visited the site, they did issue citations for unpermitted animals on the site and Mr. Bishop says that those animals have been removed at this time. Due to the nature of this case in the past, enforcement and the failure to follow stipulations, the staff recommends denial. Planning Commissioner Carson asked about the number of structures on the property as to if they were inspected and were there any comments. Director Richardson stated that staff is working through those issues separately and the Commission might ask the applicant if they have been removed. Mr. Bishop stated that the buildings have been removed and there is a temporary structure of tarps for the goats right now. They are fixing up one building that was not being used for the animals, for the goats.

Motion and Vote Starts 56:00:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit #SP-2017-58 due to the issues with the previous animals on the site:**

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

Motion to recommend DENIAL Passed: 6 to 0







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

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

October 17, 2017

RE: SP-2017-58 Eric Bishop 12 goats 3552 North 47th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2017-58 Eric Bishop 12 goats 3552 North 47th Street.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Ladoga silt loam 3 to 8 percent slopes and Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- There are parts of the area that are overgrazed. This creates an erosion problem that can cause problems downstream. Pastures need to be rotated so that there can be regrowth of grass.
- There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees.
- A waste management plan, still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the

pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

- A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.
- There are too many trees for the best pasture. Removal of trees would assist in increasing good grass established for feed. At least .15 acres of good grass is needed per goat.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

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

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

Sincerely,

Cheri Miller
District Manager

Enclosures











AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)

) SS:

COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition #SP-2017-58 - 3552 North 47th Street.
2. That I conducted a neighborhood meeting on October 27, 2017.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list (also attached) provided by the Urban Planning and Land Use Department.

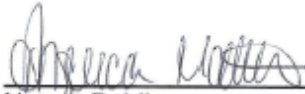
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of October, 2017.

My commission expires 29 of December, 2020



Notary Public



Application Number SP-2017-58 - 3552 North 47th Street
Date and Location: October 27, 2017 at 6:30 p.m. at 3552 N 47th St,
Kansas City, KS 66104

Meeting called to order at: 6:30 p.m.

Names of people in attendance: See attached sign-in sheet

Introductions:

- Eric Bishop, Permit Petitioner, Property owner
- Russell Vaca, current property resident

Presentation:

- Current site layout
- Future site layout of pens
- Numbers and types of livestock to be kept
- Animal care plan (feed, water, shelter, fencing)

Questions and answers (include the following):

- No questions or concerns were voiced.

Meeting adjourned at: 7:00 p.m.

Minutes taken by: Eric Bishop

Sign In Sheet

Application Number SP-2017-58 - 3552 North 47th Street

Date and Location: October 27, 2017 at 6:30 p.m. at 3552 N 47th St,
Kansas City, KS 66104

1. Bob Stroud
2. Harrell D. Voss
3. Robert D. Elfer
4. ERIC BISHOP
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
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33. _____
34. _____
35. _____

Date: October 16, 2017

Eric Bishop
1437 S. 79th St.
Kansas City, KS 66111

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP-2017-58 - 3552 North 47th Street. The purpose of this special use permit is for the right to keep and raise livestock at the following address: 3552 N 47th St, Kansas City, KS 66104.

I/We am having a neighborhood meeting on October 27, 2017 at 6:30 p.m. at the following address 3552 N 47th St, Kansas City, KS 66104.

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

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

Sincerely,



Eric Bishop
1437 S. 79th St.
Kansas City, KS 66111
913-890-3616
bishopprop@gmail.com



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Petition #SP-2017-68

GENERAL INFORMATION

Applicant:

Jesus M. Rodriguez

Status of Applicant:

Owner
1701 South 40th Street
Kansas City, Kansas

Requested Action:

Renewal of a Special Use Permit (#SP-2015-66)

Date of Application:

October 27, 2017

Purpose:

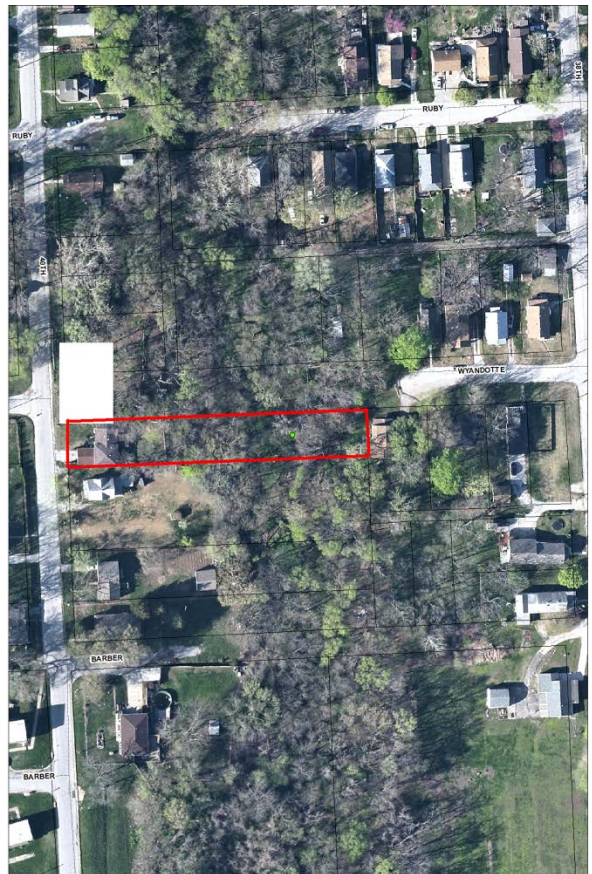
Temporary use of land to keep lawn care equipment for their business

Property Location:

1701 South 40th Street

Existing Zoning:

R-1 (B) Single Family District



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

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

Total Tract Size: .50 acre

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

Major Street Plan: 40th Street is a designated local street

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owner – November 15, 2017 and January 2, 2018

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting renewal of a special use permit to continue to keep lawn care equipment for the business on the property.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is residential in nature. This property is also within the 500 foot environs of the historic Shawnee Prophet's Grave and White Feather Springs.

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

Nearby uses are residential, while staff recognizes that the equipment is used for Mr. Rodriguez's business, the storage of such a large quantity of equipment isn't seen as compatible with residential uses.

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

Equipment storage is not typically seen as a suitable use in a residential area.

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

The property is not vacant.

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

The Master Plan does not address Special Use Permits.

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

This is not expected to be an issue.

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

Equipment storage can be unsightly for nearby property owners.

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

This is not an issue.

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

This is not an issue.

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

This is not foreseen to be an issue.

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

There is limited public gain compared to the hardship imposed on the landowners.

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

This is not an issue.

PREVIOUS ACTIONS

#SP-2015-66 was previously approved for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 22, 2017. No one attended.

KEY ISSUES

Visual quality of the equipment and property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-68, subject to:

Urban Planning and Land Use Comments:

Below are the staff comments from 2015:

1. How long are you intending to keep the trailer and equipment on the property?

Applicant Response: Taking in consideration the fact that it's a small business and net profit is not enough to afford commercial storage, we would like to keep it on property until business grows. The equipment is not visual to neighbors and we do not advertise at all at home. Trucks are not marked with business name.

2. How many accessory buildings (garages, sheds, etc.) do you have on the property?

Applicant Response: We have a carport where we park our vehicles (in the front of the house). There is a shed towards the back part of the yard where all the machinery is kept inside. And it's not visual to the neighbors. We like to keep everything away from public view to avoid theft.

3. Could the trailer and equipment be parked in the garage?

Applicant Response: There is no garage in the house. There is a carport on the front of the house and equipment is kept in the shed in the back of the house.

Staff recognizes the need for small businesses to have time to grow their businesses in Wyandotte County before it is possible to move into more costly commercial space. So long as the trailer with the equipment is not visible from the street (where it is currently parked, near the shed toward the rear of the property is sufficient) and is screened from view for adjacent property owners and the property is kept clear of all equipment other than the trailer, there should not be any aesthetic issues and recommends approval for two (2) years. Staff suggests that, when possible, the applicant moves the business and its associated equipment to a commercial property.

Responses to the 2015 Stipulations:

1. Applicant Response: Business has not changed. We still have the same equipment and have not grown in the past 5 years.
2. Applicant Response: We have a carport where we park our vehicles (in the front of the house). There is a shed towards the back part of the yard where all the machinery is kept inside. And it's not visual to the neighbors. We like to keep everything away from public view to avoid theft.
3. Applicant Response: Truck and hauling trailer are parked in the back as well.

Public Works Comments:

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

Business License Comments:

Applicant has filed with our office, and maintained a current occupation tax for Spring Star Lawn Care.

Staff Conclusion:

So long as the trailer continues to be not visible from the street (where it is currently parked, near the shed toward the rear of the property is sufficient) and is screened from view of adjacent property owners, and the property is kept clear of all equipment other than the trailer, there should not be any aesthetic issues with this proposal. Staff recommends approval for two (2) years. Staff urges the applicant to begin making progress to move the business and its associated equipment to a commercial property.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-68 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Ariel Map
Zoning Map
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 11, 2017	January 11, 2018
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2017-68 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2017-68, as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2017-68 – JESUS RODRIGUEZ-

TORRES – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-66) for the Temporary Use of Land to keep lawn care equipment on the site at 1701 South 40th Street. **Detailed Outline of Requested Action:** The applicant is requesting renewal of a special use permit to continue to keep lawn care equipment for the business on the property.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publications in The Echo for the special use permits.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Mr. Bryant Parker stated that he does not want to remove Plan Review #PR-2017-46 from the Consent Agenda, but there is a note that the fence that was originally shown to be in the public right-of-way is going to be removed. In working with staff, they plan in the future to possibly installing that fence but it would be on their property. The staff has said because of that they will not need to come forward and ask for another plan review. He also stated that the staff has been fantastic in working with them on this final plan review. Mr. Gilbert Moore, 30 South 7th Street Trafficway, Kansas City, Kansas 66101 stated that he would like to remove Plan Review Application #PR-2017-47 from the Consent Agenda.

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

Carson	Aye
Childress	Not Present
Connelly	Aye
Ernst	Aye

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

Motion to APPROVE Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

Below are the staff comments from 2015:

1. How long are you intending to keep the trailer and equipment on the property?

Applicant Response: Taking in consideration the fact that it's a small business and net profit is not enough to afford commercial storage, we would like to keep it on property until business grows. The equipment is not visual to neighbors and we do not advertise at all at home. Trucks are not marked with business name.

2. How many accessory buildings (garages, sheds, etc.) do you have on the property?

Applicant Response: We have a carport where we park our vehicles (in the front of the house). There is a shed towards the back part of the yard where all the machinery is kept inside. And it's not visual to the neighbors. We like to keep everything away from public view to avoid theft.

3. Could the trailer and equipment be parked in the garage?

Applicant Response: There is no garage in the house. There is a carport on the front of the house and equipment is kept in the shed in the back of the house.

Staff recognizes the need for small businesses to have time to grow their businesses in Wyandotte County before it is possible to move into more costly commercial space. So long as the trailer with the equipment is not visible from the street (where it is currently parked, near the shed toward the rear of the property is sufficient) and is screened from view for adjacent property owners and the property is kept clear of all equipment other than the trailer, there should not be any aesthetic issues and recommends approval for two (2) years. Staff suggests that, when possible, the applicant moves the business and its associated equipment to a commercial property.

Responses to the 2015 Stipulations:

1. Applicant Response: Business has not changed. We still have the same equipment and have not grown in the past 5 years.
2. Applicant Response: We have a carport where we park our vehicles (in the front of the house). There is a shed towards the back part of the yard where all the machinery is kept inside. And it's not visible to the neighbors. We like to keep everything away from public view to avoid theft.
3. Applicant Response: Truck and hauling trailer are parked in the back as well.

Public Works Comments:

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

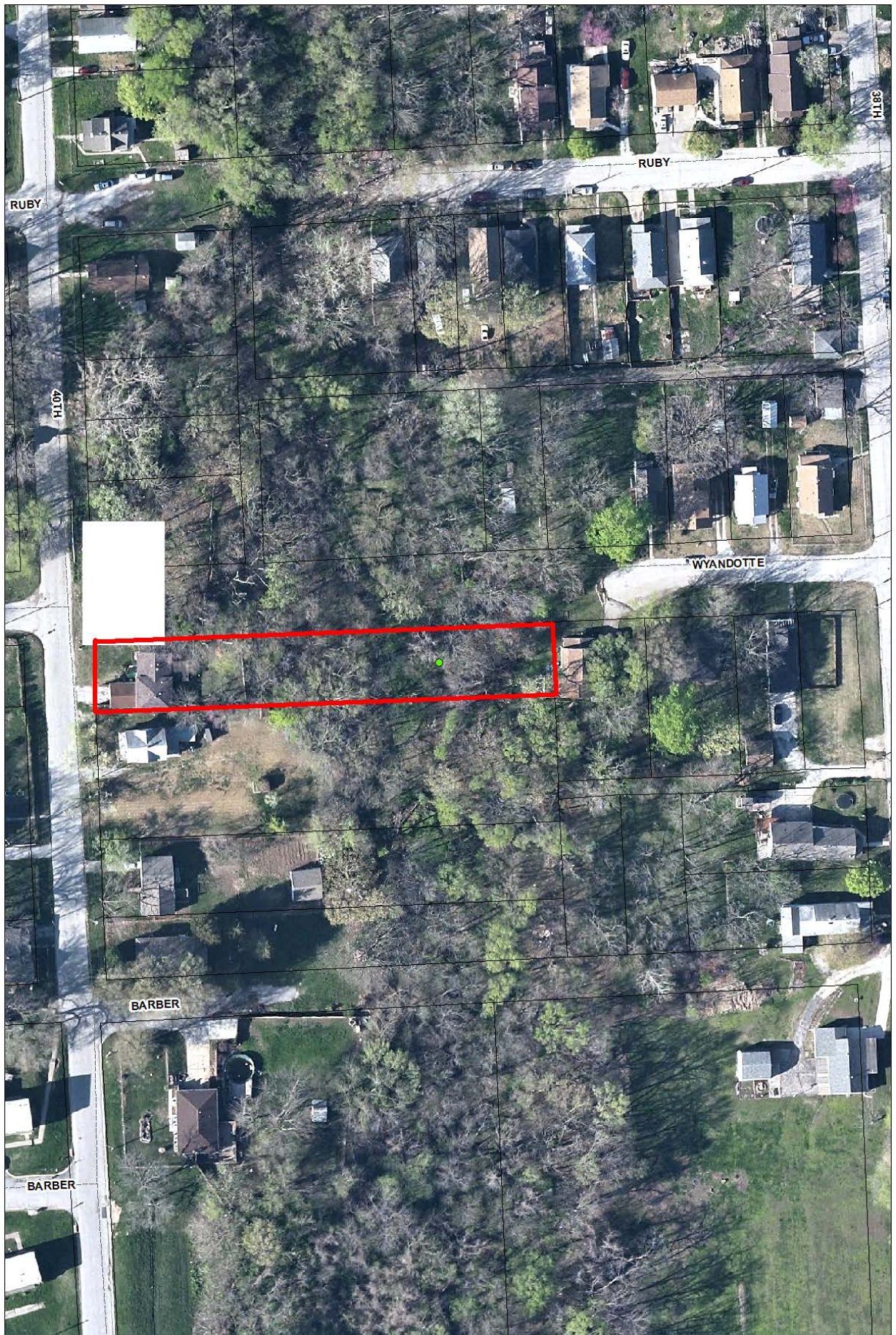
Business License Comments:

Applicant has filed with our office, and maintained a current occupation tax for Spring Star Lawn Care.

Staff Conclusion:

So long as the trailer continues to be not visible from the street (where it is currently parked, near the shed toward the rear of the property is sufficient) and is screened from view of adjacent property owners, and the property is kept clear of all equipment other than the trailer, there should not be any aesthetic issues with this proposal. Staff recommends approval for two (2) years. Staff urges the applicant to begin making progress to move the business and its associated equipment to a commercial property.









Application Number SP – 2017-68

Date and Location: 11.22.2017 1701 s 40TH ST KCK 66106

Meeting called to order at: 6:30 PM

Names of people in attendance: 0

Introductions:

Questions and answers (include the following): NONE

Ø Who asked question or gave comment

Ø What was the question or comment

Ø Who answered the question/comment

Ø What was the answer given

Meeting adjourned at: 7:00

Minutes taken by: Fabiola Rodriguez

No attendance

The following neighbors approached us prior to the meetings:

- Bello Paw 1701 s 40th st kck 66106

He has no issues with our property used to keep our equipment

- Adrian Estevane Cadena 3841 Barber St KCK 66106

He is not bothered by us keeping lawncare equipment in our property. No problem at all.

End of list. FR

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF LYANDOTTE)

Comes now Jesus M Rodriguez, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-17402-00004
2. That I conducted a neighborhood meeting on Nov 22 2017.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

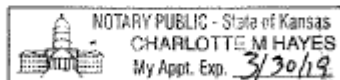
Further affiant saith not.

Jesus M Rodriguez
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of NOV, 20017

My commission expires 30th of MARCH, 20019.

Charlotte M. Hayes
Notary Public





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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 11, 2018

Re: **Petition #SP-2017-69**

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

Existing Uses: **North:** Undeveloped land
South: Single family home
East: Single family home
West: Single family home

Total Tract Size: .50 acre

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

Major Street Plan: The City-Wide Master Plan classifies South 64th Street as a local street.

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owner - November 15, 2017 and January 2, 2018

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrew Fein wants to use a two-car garage to store and work on personal automobiles located at 102 South 64th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of single family homes. The parcels in the immediate area are between ½ - 1.70 acres

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

The zoning and their uses of properties nearby are set out above. The proposed use is relatively compatible.

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

The removal of the restrictions should not detrimentally affect nearby property as automobiles are not stored outside in the driveway.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

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

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

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

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

The noise that would normally be associated with working on automobiles should not be of such duration and intensity as to create problems for near-by property.

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

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

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

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

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

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

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

The proposed use will not cause overcrowding of land.

PREVIOUS ACTIONS

Special Use Permit approved to use a two-car detached garage for storage of personal automobiles - #SP-2014-77

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 11, 2017; three people were in attendance. No opposition was recorded.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-69, subject to:

Urban Planning and Land Use Comments:

1. **Please provide an update on the property: please provides photos of the garage.**

Applicant Response: Photos are attached

2. **What days and hours are you working on your automobiles inside the garage**

Applicant Response: Typically we spend time on Saturdays and Sundays at the garage. The primary use of the garage is storage and maintenance of collectible autos.

3. **What materials and equipment are being placed inside the garage**

Applicant Response: The garage is used for the storage of collectable cars, parts to these vehicles, and tools for the repair and maintenance of these vehicles.

4. Please provide an update on where automobiles are being parked.

Applicant Response: Vehicles are always parked inside the garage. The exception to this is that when we are present our regular vehicles are typically parked in the existing side driveway.

5. How will the garage tools and cars be secured?

Applicant Response: The garage doors are locked, the pedestrian door to the building has a lock and deadbolt and the windows have bars located on the inside jamb.

Below are the staff comments from 2015:

Urban Planning and Land Use Comments:

1. Are there plans in the future to construct a home on the property?

Applicant Response: *We had thought about building at a later date, but were made to understand not enough acreage was purchased to build a septic system.*

2. How long do you intend on using this garage to work on your personal automobiles?

Applicant Response: *We purchased the property and garage because we needed storage space. We do not plan to sell.*

3. What days and hours do you propose working on your automobiles?

Applicant Response: *Both my brother and I have busy careers.*

Public Works Comments:

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

1) None

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

1) None

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

1) None

Staff Conclusion:

Applicants have not turned this hobby into a commercial venture. Christopher and Andrew Fein want to continue to work on their own personal automobiles and will not store any vehicles outside. Staff recommends approval of this petition subject to the following stipulations:

1. The special use permit shall be valid for two (2) years.
2. Outside storage is not permitted. All storage or vehicles and equipment must continue to be stored in the garage.
3. Parking on the side street is not permitted, as not to block through traffic.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-69 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Zoning Map
Ariel Map
Site Pictures
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 11, 2017	January 11, 2018
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2017-69 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-69**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT #SP-2017-69 – ANDREW AND CHRISTOPHER FEIN –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-77 – expired January 8, 2017) for a garage to store to (2) cars at 102 South 64th Street. **Detailed Outline of Requested Action:** The applicant, Andrew Fein wants to use a two-car garage to store and work on personal automobiles located at 102 South 64th Street.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publications in The Echo for the special use permits.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Mr. Bryant Parker stated that he does not want to remove Plan Review #PR-2017-46 from the Consent Agenda, but there is a note that the fence that was originally shown to be in the public right-of-way is going to be removed. In working with staff, they plan in the future to possibly installing that fence but it would be on their property. The staff has said because of that they will not need to come forward and ask for another plan review. He also stated that the staff has been fantastic in working with them on this final plan review. Mr. Gilbert Moore, 30 South 7th Street Trafficway, Kansas City, Kansas 66101 stated that he would like to remove Plan Review Application #PR-2017-47 from the Consent Agenda.

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

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

Motion to APPROVE Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Please provide an update on the property: please provides photos of the garage.

Applicant Response: Photos are attached

2. What days and hours are you working on your automobiles inside the garage

Applicant Response: Typically we spend time on Saturdays and Sundays at the garage. The primary use of the garage is storage and maintenance of collectible autos.

3. What materials and equipment are being placed inside the garage

Applicant Response: The garage is used for the storage of collectable cars, parts to these vehicles, and tools for the repair and maintenance of these vehicles.

4. Please provide an update on where automobiles are being parked.

Applicant Response: Vehicles are always parked inside the garage. The exception to this is that when we are present our regular vehicles are typically parked in the existing side driveway.

5. How will the garage tools and cars be secured?

Applicant Response: The garage doors are locked, the pedestrian door to the building has a lock and deadbolt and the windows have bars located on the inside jamb.

Below are the staff comments from 2015:

Urban Planning and Land Use Comments:

1. Are there plans in the future to construct a home on the property?

Applicant Response: We had thought about building at a later date, but were made to understand not enough acreage was purchased to build a septic system.

2. How long do you intend on using this garage to work on your personal automobiles?

Applicant Response: We purchased the property and garage because we needed storage space. We do not plan to sell.

3. What days and hours do you propose working on your automobiles?

Applicant Response: Both my brother and I have busy careers.

Public Works Comments:

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

1) None

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

1) None

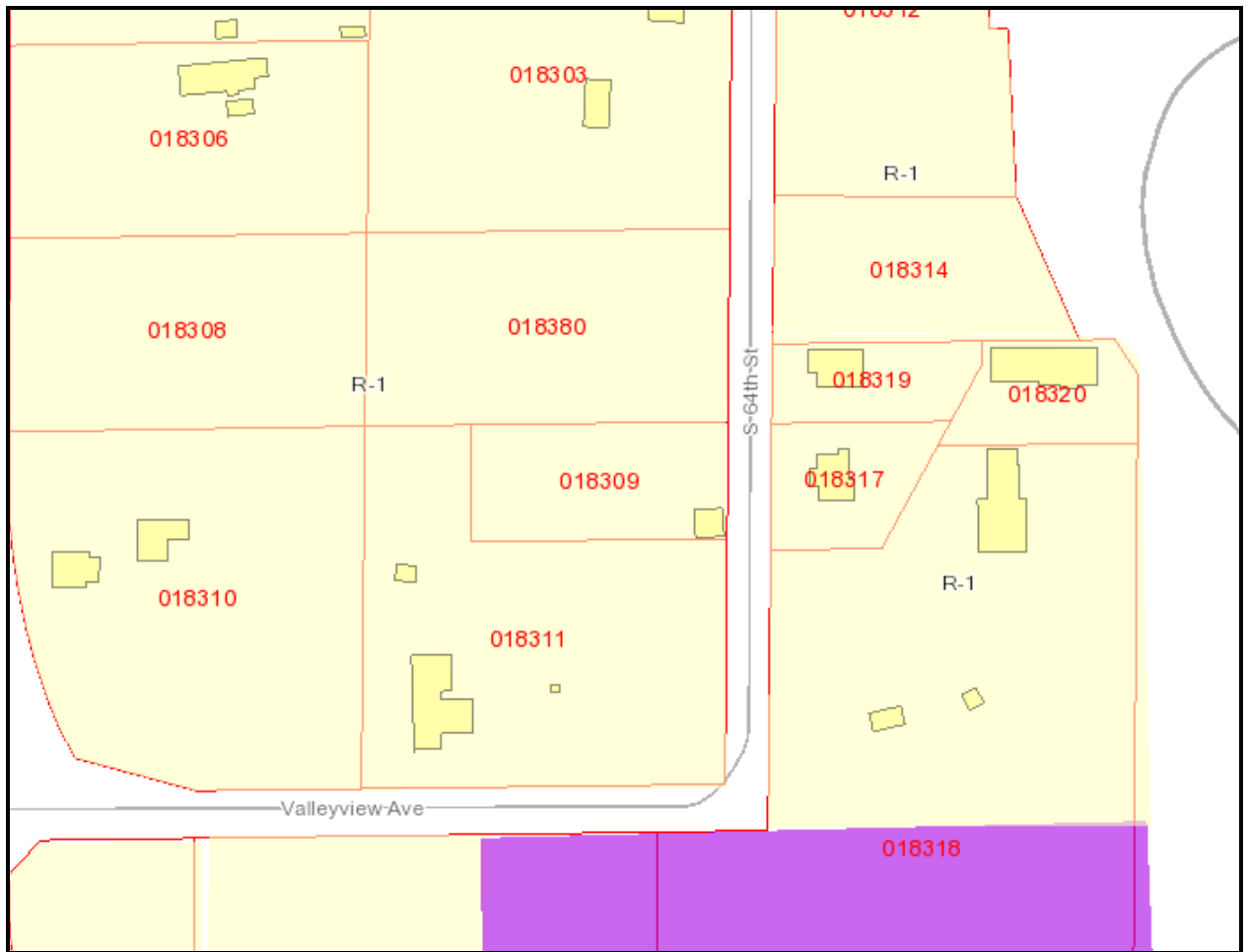
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Staff Conclusion:

Applicants have not turned this hobby into a commercial venture. Christopher and Andrew Fein want to continue to work on their own personal automobiles and will not store any vehicles outside. Staff recommends approval of this petition subject to the following stipulations:

1. The special use permit shall be valid for two (2) years.
2. Outside storage is not permitted. All storage or vehicles and equipment must continue to be stored in the garage.
3. Parking on the side street is not permitted, as not to block through traffic.











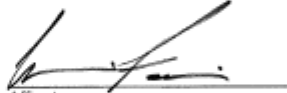
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF Johnson) SS:

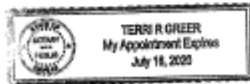
Comes now CHRISTOPHER FEIN, of lawful age, sound mind and upon his/her oath states as follows:

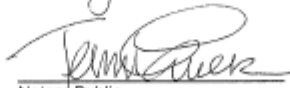
1. That I am the petitioner for Petition # SP-2017-69 - 102 South 64th
2. That I conducted a neighborhood meeting on 11/18/17.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant C. FEIN

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of November
My commission expires 10th of July, 2020




Notary Public

MINUTES TO NEIGHBORHOOD MEETING:

Application Number: SP-2017-69
Date and Location: 102 South 64th St

Meeting called to order at: 4:30 PM

Names of people in attendance: Christopher Fein, Andrew Fein, Juan Gonzalez, Mathew Bunce, Mary Bunce, David Rank

Introductions: Andrew Fein Introduced Himself and Christopher Fein to the group. He then explained that we were working towards renewing the special permit to maintain the garage with electricity for our use and storage as we have been doing for approximately two and a half years. The group seemed to have no open objection to the current and extended use of the garage.

Questions and answers:

Mathew Bunce asked why we had to do this. Andrew Fein explained that because there is no house on the property we technically cannot have the structure with electricity.

Meeting adjourned at: 5:00

Minutes taken by: Christopher Fein

SUBJECT: Neighborhood Meeting

11/18/17

Sign In Sheet

1. Susan Gonzalez Jim B

2. Matthew Bunce

3. D. T. K.

4.

5.

6.

7.

8.

9.

11.

12.

13.

14.

15.

16.

17.

18.

Date: 11/09/17

LAMOREUX, PATRICK
49 S 64TH ST
KANSAS CITY, KS 66111

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP-17402-00062 (Ref: SP-2017-69).

The purpose of this Request is:

We have requested a special use permit to maintain electricity at our garage space located at the following address: 102 S 64TH ST, KANSAS CITY, KS 66111.

We are having a neighborhood meeting on Saturday November 18 at 4:30 p.m. at the following address 102 S 64TH ST, KANSAS CITY, KS 66111.

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

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

Sincerely,

Andrew and Christopher Fein

Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 11, 2018

Re: **Petition #SP-2017-70**

GENERAL INFORMATION

Applicant:
Doug Clements

Status of Applicant:
Kansas City Kansas Public Schools
2010 North 59th Street
Kansas City, KS 66104

Requested Action:
Approve Special Use Permit

Date of Application:
October 27, 2017

Purpose:
To build a twenty-two (22) space parking lot for staff at John Fiske Elementary School

Property Location:
616 South Valley Street

Existing Zoning:
C-1 Limited Business and R-2(B) Two Family Districts



Existing Surrounding Zoning: **North:** R-2(B) Two Family District
South: R-2(B) Two Family District
East: R-2(B) Two Family District
West: R-2(B) Two Family District

Existing Uses: **North:** Vacant lot and restaurant
South: Duplex
East: Single family homes
West: Single family homes

Total Tract Size: .20 acre

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

Major Street Plan: Valley Street and Custer Avenue are classified as local streets.

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owner – November 15, 2017 and January 2, 2018

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Doug Clements with the Kansas City Kansas Public Schools wants to construct a twenty-two (22) space parking lot for staff at John Fiske Elementary School at 616 South Valley Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of single family homes and duplexes. Kansas Avenue is less than one block north of this parcel, which is a major east-west corridor through Armourdale.

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

The zoning and uses of properties nearby is set out above. Because this parking lot will be secured and used exclusively by the Kansas City Kansas Public

Schools staff, there will not be cars left on the property overnight or junked and untagged vehicles being stored on the property.

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

The removal of the restrictions will not detrimentally affect nearby property.

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

The property has been vacant since 2013 – 2014.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed use is reasonably necessary for staff working at the school. The proposed parking lot will not substantially injure the appropriate use, visual quality or marketability of adjoining property if the parking lot is well maintained, secured and screened from public view.

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

The noise or illumination that is normally associated with a parking lot that will be used for school staff will be of such intensity as not to create problems for nearby property.

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

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

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

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

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

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

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 27, 2017. According to the applicant, no one appeared at the meeting.

KEY ISSUES

Security

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-70, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. While this parking lot will be used for John Fiske Elementary School staff, the standard for privacy fences adjacent to residential properties are as follows:
 - a. A 6' wood fence with masonry columns every 32' shall be constructed.

Applicant Response: The School District requests the fencing requirement to be omitted. If this cannot be omitted from the project, the District will consider a 6-foot chain link fence with slats for privacy similar to what was done on a similar project.

Please note, this is different than what is shown on the plan sheets, (6-foot privacy wood fence on the north and east side of the property with chain

link along the west and south). This will be revised as part of final submittal of plans for permit.

Staff Response: Sec. 27-700(b)(7) states that where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary. Where more stringent requirements exist, they shall apply.

This parking lot, albeit for an elementary school is essentially a commercial parking lot. Staff has stipulated parking lots adjacent to residential properties install a 6' wood privacy fence with masonry columns regardless of how often the lot will be used by the operator. Staff understands the school district's request, but the code and this standard is applies to all applicants.

3. How is the site going to be secured so overflow traffic from businesses on Kansas Avenue do not use this lot?

Applicant Response: Assuming the fence will be omitted from the project, signs will be posted to indicate parking is for John Fiske Elementary staff only. This parking lot will be closed at night. If fenced, a gate will be locked.

4. Will the lot be open strictly during the hours that John Fiske Elementary is open (normal school hours and school assemblies, etc.)?

Applicant Response: Yes, the parking lot will be open strictly during the hours that John Fiske Elementary is open.

5. Any parking lot lighting proposed or in the future shall have 90 degree cutoff fixtures. One (1) footcandle shall not be exceeded at the property line.

Applicant Response: This comment is acknowledged. There are no lights proposed to be added.

6. All shade trees shall be at least 2" caliper planted as measured 12" above ground. Ornamental deciduous trees shall be six (6) to eight (8) feet in height. Evergreen trees shall be five (5) to six (6) feet in height.

Applicant Response: This comment is acknowledged.

7. No junk, untagged, salvaged and/or inoperable vehicles may be brought to and kept on this property. Additionally, vehicles shall not be stored overnight on this property.

Applicant Response: This comment is acknowledged.

8. If the curbs and sidewalks are damaged during construction of the parking lot, they shall be repaired or reconstructed where needed.

Applicant Response: This comment is acknowledged.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None
- B) Items that are conditions of approval (stipulations):
1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-70 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Sign-in Sheet
Site Survey
Site Plan
Grading Plan
Landscape Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 11, 2017	January 11, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-70** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-70**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 1:47:10:

SPECIAL USE PERMIT APPLICATION #SP-2017-70 – DOUG CLEMENTS WITH KANSAS CITY, KANSAS PUBLIC SCHOOLS – SYNOPSIS: Special Use Permit for a staff parking lot at John Fiske Elementary School at 616 South Valley Street. Detailed Outline of Requested Action: The applicant, Doug Clements with the Kansas City Kansas Public Schools wants to construct a twenty-two (22) space parking lot for staff at John Fiske Elementary School at 616 South Valley Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 16, 2017; and
7. The Notices to property owners dated November 15, 2017.

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

Present in Support:

- ❖ Mr. Doug Clements, Director of Physical Properties for USD 500, applicant, 2010 North 59th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:51:15: Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 1:55:25:

On motion by Mr. Carson, seconded by Mr. Mose, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-70 subject to the stipulations in the staff report and the applicant working with the staff on a mutually agreeable material for the fence:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. While this parking lot will be used for John Fiske Elementary School staff, the standard for privacy fences adjacent to residential properties are as follows:
 - a. A 6' wood fence with masonry columns every 32' shall be constructed.

Applicant Response: The School District requests the fencing requirement to be omitted. If this cannot be omitted from the project, the District will consider a 6-foot chain link fence with slats for privacy similar to what was done on a similar project.

Please note, this is different than what is shown on the plan sheets, (6-foot privacy wood fence on the north and east side of the property with chain link along the west and south). This will be revised as part of final submittal

of plans for permit.

Staff Response: Sec. 27-700(b)(7) states that where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary. Where more stringent requirements exist, they shall apply.

This parking lot, albeit for an elementary school is essentially a commercial parking lot. Staff has stipulated parking lots adjacent to residential properties install a 6' wood privacy fence with masonry columns regardless of how often the lot will be used by the operator. Staff understands the school district's request, but the code and this standard is applies to all applicants.

3. How is the site going to be secured so overflow traffic from businesses on Kansas Avenue do not use this lot?

Applicant Response: Assuming the fence will be omitted from the project, signs will be posted to indicate parking is for John Fiske Elementary staff only. This parking lot will be closed at night. If fenced, a gate will be locked.

4. Will the lot be open strictly during the hours that John Fiske Elementary is open (normal school hours and school assemblies, etc.)?

Applicant Response: Yes, the parking lot will be open strictly during the hours that John Fiske Elementary is open.

5. Any parking lot lighting proposed or in the future shall have 90 degree cutoff fixtures. One (1) footcandle shall not be exceeded at the property line.

Applicant Response: This comment is acknowledged. There are no lights proposed to be added.

6. All shade trees shall be at least 2" caliper planted as measured 12" above ground. Ornamental deciduous trees shall be six (6) to eight (8) feet in height. Evergreen trees shall be five (5) to six (6) feet in height.

Applicant Response: This comment is acknowledged.

7. No junk, untagged, salvaged and/or inoperable vehicles may be brought to and kept on this property. Additionally, vehicles shall not be stored overnight on this property.

Applicant Response: This comment is acknowledged.

- 8. If the curbs and sidewalks are damaged during construction of the parking lot, they shall be repaired or reconstructed where needed.**

Applicant Response: This comment is acknowledged.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None****
- B) Items that are conditions of approval (stipulations):
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.****
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None****



Office: 816.468.5858
Fax: 816.468.6651
Web: www.kveng.com
Address: 8040 North Oak Trafficway
Kansas City, MO 64118

November 27, 2017

B17D3398

Unified Government of Wyandotte County, KS
Mr. Byron Toy
701 North 7th Street, Room 423
Kansas City, KS 66101

**Re: Doug Clements – John Fiske Elementary (SP-2017-70) REVISED
616 S Valley Street**

Dear Ms. Patras,

Kaw Valley Engineering, Inc. has reviewed your comments and questions. The following are our responses.

Urban Planning and Land Use Comments

1. While this parking lot will be used for John Fiske Elementary School staff, the standard for privacy fences adjacent for residential properties are as follows:
 - A. 6' wood fence with masonry columns every 32' shall be constructed.

The School District requests the fencing requirement be omitted. If this can not be omitted from the project, the District will consider a 6-foot chain link fence with slats for privacy similar to what was done on a similar project.

Please note, this is different than what is shown on the plan sheets (6-foot privacy wood fence on the north and east side of the property with chain link along the west and south). This will be revised as part of final submittal of plans for permit.
2. How is the site going to be secured so overflow traffic from businesses on Kansas Avenue do not use this lot?

Assuming the fence will be omitted from the project, signs will be posted to indicate parking is for John Fiske Elementary staff only. The parking lot will be closed at night. If fenced, a gate will be locked.

Office Locations: Junction City, KS / Kansas City, MO / Lenexa, KS / Salina, KS / Emporia, KS / Wichita, KS

3. Will the lot be open strictly during the hours that John Fiske Elementary is open (normal school hours and school assemblies, etc.)?

Yes, the parking lot will be open strictly during the hours that John Fiske Elementary is open.

4. Any parking lot lighting, proposed or in the future shall have 90 degree cutoff fixtures. One (1) foot-candle shall not be exceeded at the property line.

This comment is acknowledged. There are no lights proposed to be added.

5. All shade trees shall be at least 2" caliper planted as measured 12" above ground. Ornamental deciduous trees shall be five (5) to six (6) feet in height.

This comment is acknowledged.

6. No junk, untagged, salvaged and/or inoperable vehicles may be brought to and kept on this property. Additionally, vehicles shall not be stored overnight on this property.

This comment is acknowledged.

7. If the curbs and sidewalks are damaged during construction of the parking lot, they shall be repaired and constructed where needed.

This comment is acknowledged.

Public Works Comments

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

1. Revise the plans to remove the nyloplast drain basin and curb cuts and indicate constructing a curb inlet in accordance with UG standards, to collect drainage from the interior of the parking lot.

This comment is acknowledged. All revised changes have been applied to plans that were submitted to the City on Tuesday Nov 21, 2017.

2. Revise the ADA curb ramp to ensure proper drainage away from the sidewalk landing area for drainage along the curb and gutter.

This comment is acknowledged. All revised changes have been applied to plans that were submitted to the City on Tuesday Nov 21, 2017.

3. Indicate repainting or crosswalks at the intersection.

This comment is acknowledged. All revised changes have been applied to plans that were submitted to the City on Tuesday Nov 21, 2017

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

This comment is acknowledged.

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

1) None

This comment is acknowledged.

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

1). None

This comment is acknowledged.

If you have any questions please don't hesitate to contact me at (816) 468-5858.

Sincerely,

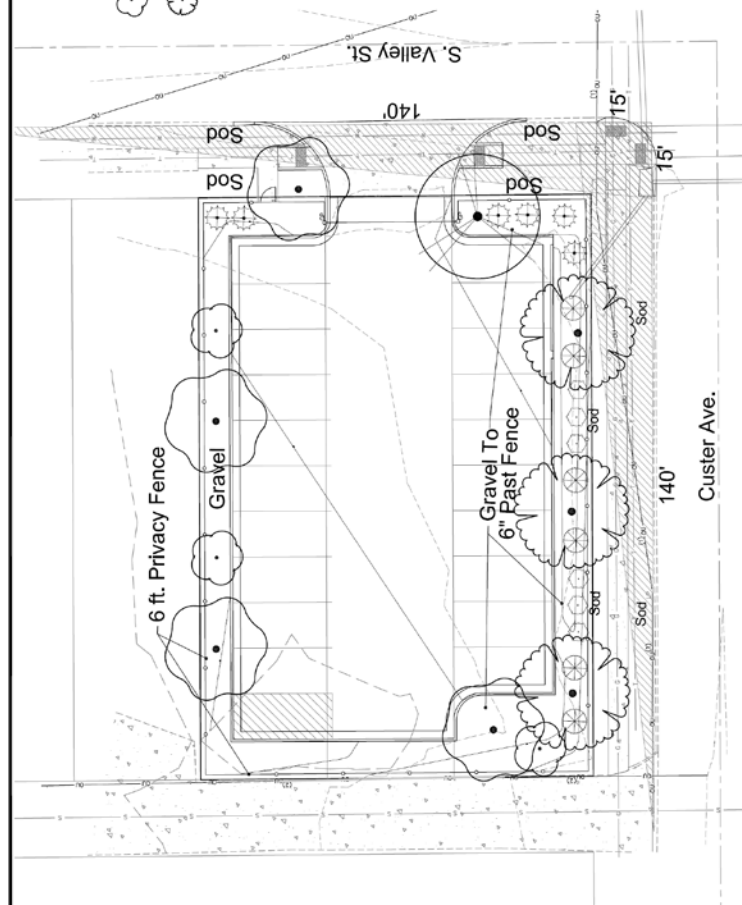
Kaw Valley Engineering, Inc.

A handwritten signature in blue ink, appearing to read 'Coby Crowl', is positioned above the printed name.

Coby Crowl, P.E.
Project Manager







PLANT SCHEDULE

[illegible]

Transplant Additives:

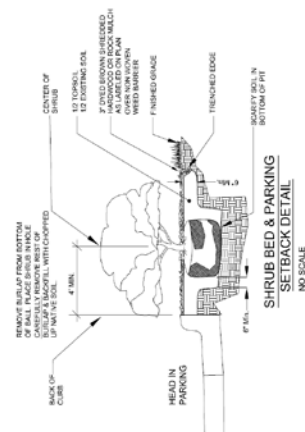
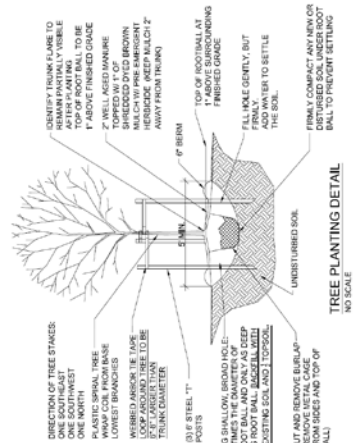
Transplant Additives:

1. Apply a commercial transplant additive (approved by the Landscape Architect) to all trees, shrubs and groundcover at rates recommended by the manufacturer during the planting. This item may be substitued to other planting items.

2. Translocated activities shall be placed in the "Major Free Saver" category and shall be placed in the appropriate category concerning the appropriate sponsor of the activity. (i.e., if the activity is being sponsored by a state, federal, university, business, or other sponsor).
3. Comprehensive recalculation of all translocated activities for this project to the Landscape Architect shall be completed by the end of the project. The final report shall be submitted for review and approval. The final report shall be submitted for inspection by the Landscape Architect prior to approval.
4. Number of translocated activities per line item, and sponsor should be spelled out clearly and completely at the end of each line item. (i.e., "1000 hours of landscape architectural work by the University of California, Berkeley").
5. Twenty or fewer lines will be accepted approximately 80% of budget will be used in the month. Do not place more than 1000 hours of work in any one line item.
6. Every line item and subline item of translocated activities shall be submitted to the sponsor, and the sponsor shall be responsible for the final approval of the activities.

General Landscape Notes:

- [illegible]



Landscape Plan
John Fiske
Elementary



Utilities shown on plan are diagrammatic and some may be missing. Before starting any construction, call appropriate local utility service. In Kansas call 1-800-DIG-SAFE (344-7231) to have utilities located.

December 29, 2017

L01



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Petition #SP-2017-71

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
Representative
901 North 8th Street
Kansas City, KS 66101

Requested Action:
Renewal of a Special Use Permit (#SP-2015-3)

Date of Application:
October 12, 2017

Purpose:
To use a trailer for an office (Temporary Use of Land)

Property Location:
6801 Inland Drive

Existing Zoning:
R-1 Single Family and MP-3 Planned Heavy Industrial Districts



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family and MP-3 Planned Heavy Industrial District

Existing Uses: **North:** Open, undeveloped land
South: Open, undeveloped land
East: Open, undeveloped land
West: Industrial businesses and farmland

Total Tract Size: 12.09 acres

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

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

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owner - November 15, 2017 and January 2, 2018

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC Rhodes on behalf of Frank Perry wants to use a trailer temporarily as an office at 6500 Inland Drive.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised largely of undeveloped tracts of land. Across Inland Drive are industrial businesses, railroad tracks and farmland.

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

The zoning and their uses of properties nearby are set out above. The proposed use is compatible with surrounding properties.

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

The removal of the restrictions will not detrimentally affect nearby property.

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

The property is undeveloped.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as the general public will not be coming to the site to use the trailer and will not substantially injure the appropriate use, visual quality, or marketability of adjoining property.

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

The noise and dust normally associated with keeping a trailer on the property is of such intensity as not to create any problems for nearby property.

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

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

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

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

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

There is no relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners.

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

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

PREVIOUS ACTIONS

Special Use Permit approved for an office trailer- #SP-2015-3

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 27, 2017. Copies of the sign-in sheet, meeting minutes and neighborhood meeting affidavit are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-71, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.

Below are the stipulations from 2015:

1. Subject to approval, this special use permit shall be valid for two (2) years.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Obtain and/or provide a copy of a temporary on-site wastewater permit from the Wyandotte County Health department for an existing holding tank.
 - 2) The UG is currently discussing public sanitary sewer that could serve the P & R subdivision area and this property. When a future/public sanitary sewer system is installed to serve this

property, the sanitary sewer service for this facility/property shall be connected to the public sanitary sewer, and the proposed holding tank shall be abandoned/removed per UG and KDHE specifications and requirements.

- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Staff Conclusion:

Staff recommends approval based upon these stipulations:

- Obtain and/or provide a copy of a temporary on-site wastewater permit from the Wyandotte County Health department.
- Future construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- Applicant must hook-up to sanitary sewer when installed along Inland Drive.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-71 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Zoning Map
Aerial Map
Site Plan
Photographs of the trailer
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 11, 2017	January 11, 2017
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jarobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-71** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-71**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT #SP-2017-71 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-3) for the Temporary Use of Land for a trailer at 6801 Inland Drive. **Detailed Outline of Requested Action:** The applicant, Wil Anderson with BHC Rhodes on behalf of Frank Perry wants to use a trailer temporarily as an office at 6500 Inland Drive.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and

7. The publications in The Echo for the special use permits.

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

Chairman Huey asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. Mr. Bryant Parker stated that he does not want to remove Plan Review #PR-2017-46 from the Consent Agenda, but there is a note that the fence that was originally shown to be in the public right-of-way is going to be removed. In working with staff, they plan in the future to possibly installing that fence but it would be on their property. The staff has said because of that they will not need to come forward and ask for another plan review. He also stated that the staff has been fantastic in working with them on this final plan review. Mr. Gilbert Moore, 30 South 7th Street Trafficway, Kansas City, Kansas 66101 stated that he would like to remove Plan Review Application #PR-2017-47 from the Consent Agenda.

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

Carson	Aye
Childress	Not Present
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Not Present
Mose	Aye
Pauley	Aye
Rank	Not Present
Serda	Not Present
Motion to APPROVE Passed: 6 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.

Below are the stipulations from 2015:

1. Subject to approval, this special use permit shall be valid for two (2) years.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Obtain and/or provide a copy of a temporary on-site wastewater permit from the Wyandotte County Health department for an existing holding tank.

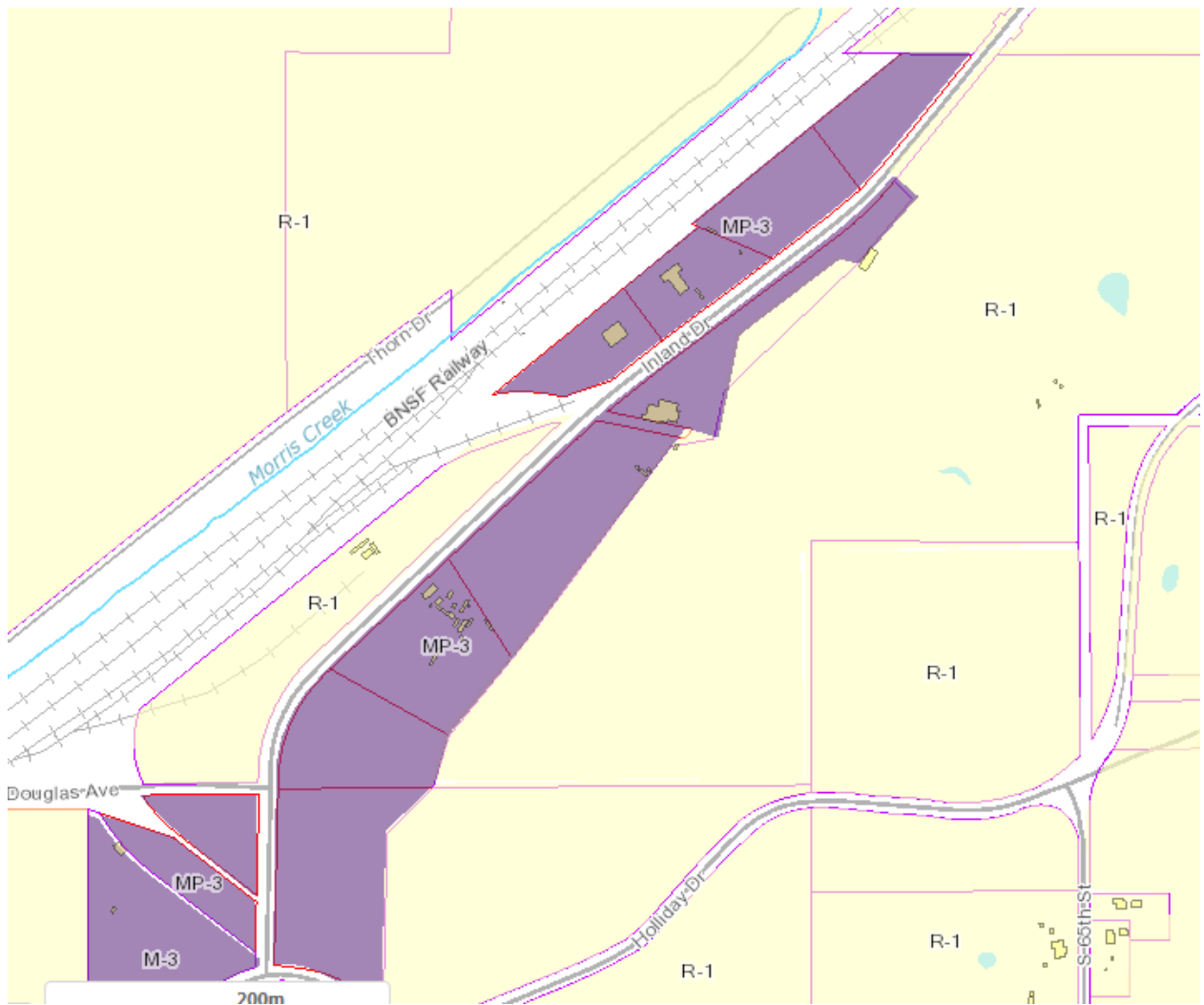
- 2) The UG is currently discussing public sanitary sewer that could serve the P & R subdivision area and this property. When a future/public sanitary sewer system is installed to serve this property, the sanitary sewer service for this facility/property shall be connected to the public sanitary sewer, and the proposed holding tank shall be abandoned/removed per UG and KDHE specifications and requirements.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Staff Conclusion:

Staff recommends approval based upon these stipulations:

- Obtain and/or provide a copy of a temporary on-site wastewater permit from the Wyandotte County Health department.
- Future construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- Applicant must hook-up to sanitary sewer when installed along Inland Drive.







AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF RYANDOTTE) SS:

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

1. That I am the petitioner for Petition # SP-2017-71
2. That I conducted a neighborhood meeting on Monday November 27th, 2017
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

W. Anderson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29TH day of November, ~~2008~~ 2017

My commission expires MAY 16 of 2021, ~~2008~~.

JOSEPH H. McLAUGHLIN
Notary Public-State of Kansas
My Appt. Expires 5/16/2021

Joseph H. McLaughlin
Notary Public



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Petition #SP-2017-73

GENERAL INFORMATION

Applicant:
Blake Watson

Status of Applicant:
5201 North 97th Street
Kansas City, Kansas

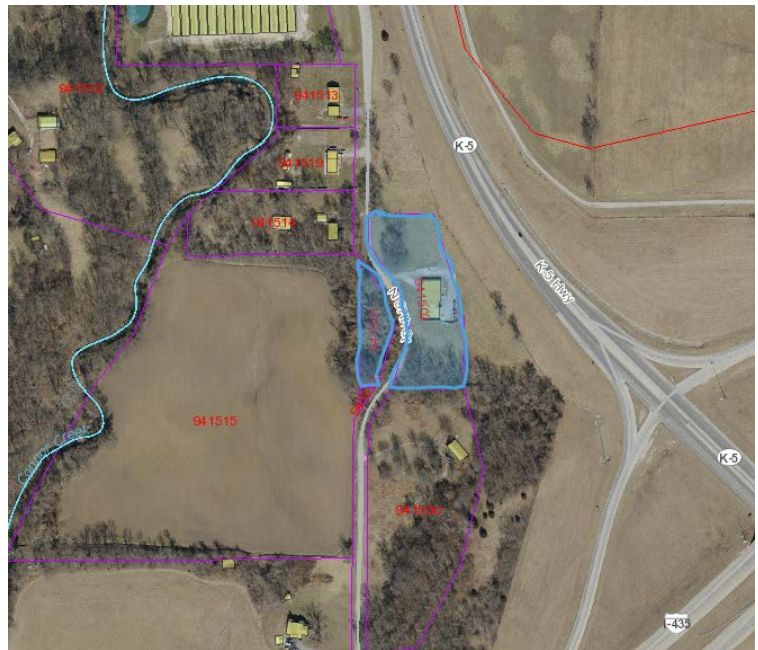
Requested Action:
Renewal of a Special Use Permit
(#SP-2015-71)

Date of Application:
October 30, 2017

Purpose:
To store landscaping materials in
conjunction with existing
business

Property Location:
5201 and 5204 North 97th Street

Existing Zoning:
A-G Agriculture District



Existing Surrounding Zoning: **North:** A-G Agriculture District
South: A-G Agriculture District
East: A-G Agriculture District
West: A-G Agriculture District

Existing Uses: **North:** Single family residences
South: Single family residences and farmland
East: Farmland
West: Farmland

Total Tract Size: 2.34 acres

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

Major Street Plan: The City-Wide Master Plan designates 97th Street as a collector street.

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owner - November 15, 2017 and January 2, 2018

Public Hearings December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blake Watson with Nature's Touch wants to renew a special use permit that was approved to store landscaping materials in conjunction with existing business.

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is both agricultural and low-density residential in nature.

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

The zoning and uses of properties nearby are set out above.

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

This property is suitable for the proposed use. As the applicant plans to landscape and screen the property and the landscaping materials, the proposed use will not detrimentally affect nearby property. The applicant plans to clean-up the existing, overgrown building on site, as well.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

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

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

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

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

The proposed use will not create problems for nearby property with regards to noise, vibration, dust or illumination.

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

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

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

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

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the applicant will have to find another alternative to store landscaping materials in conjunction with existing business

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

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

PREVIOUS ACTIONS

Change of Zone Petition #3093 – approved as a special use permit (#SP-2015-71)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 16, 2017; no one attended.

KEY ISSUES

Obtainment of Business License
Filing of Occupation Tax Application
Screening of vehicles and landscaping materials
Work Vehicle traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended 7 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2017-73, subject to **submittal of a new site plan within sixty (60) days that generally conforms to what is shown on the current aerial that was taken in 2016 and one (1) year from the approval date to make all the improvements which would include paving and fencing.**

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition #SP-2017-73 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
2016 and 2014 Ariel Map
Zoning Map
SP-2015-71 Site Plan
Pictures of the site

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 11, 2017	January 11, 2018
Special Use	Approval	

STAFF CONTACT: Joshua Robinson
jrobinson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-73** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-73**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 1:56:35:

SPECIAL USE PERMIT APPLICATION #SP-2017-73 – BLAKE WATSON WITH NATURE’S TOUCH – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-71) for the Temporary Use of Land for storage of landscaping materials at 5201 and 5204 North 97th Street. **Detailed Outline of Requested Action:** The applicant, Blake

Watson with Nature's Touch wants to renew a special use permit that was approved to store landscaping materials in conjunction with existing business.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 16, 2017; and
7. The Notices to property owners dated November 15, 2017.

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

Present in Support:

- ❖ Katina Tiffany, 22425 County Line Road, Weston, Missouri, representing the applicant

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 2:02:45: Director Richardson showed the Commission the difference between the site when it was approved for the special use permit and when the aerial was taken in 2016. There is more gravel that has been put down and gravel is not allowed by code. On page 13 of the staff report is the plan that was approved. The staff recommendation was for denial, but he is not opposed to working with them to get the site into compliance. The applicant needs to work on this diligently to pave the gravel, get the fence brought up to standards and what they have can be considered the site plan, but they need to finish it off per code. If they are going to do things not in this approval, as they move forward, they need to get them approved in advance. The staff recommends approval of this special use permit subject to submittal of a new site plan within sixty (60) days that generally conforms to what is shown on the current aerial that was taken in 2016 and one (1) year from the approval date to make all the improvements which would include paving and fencing.

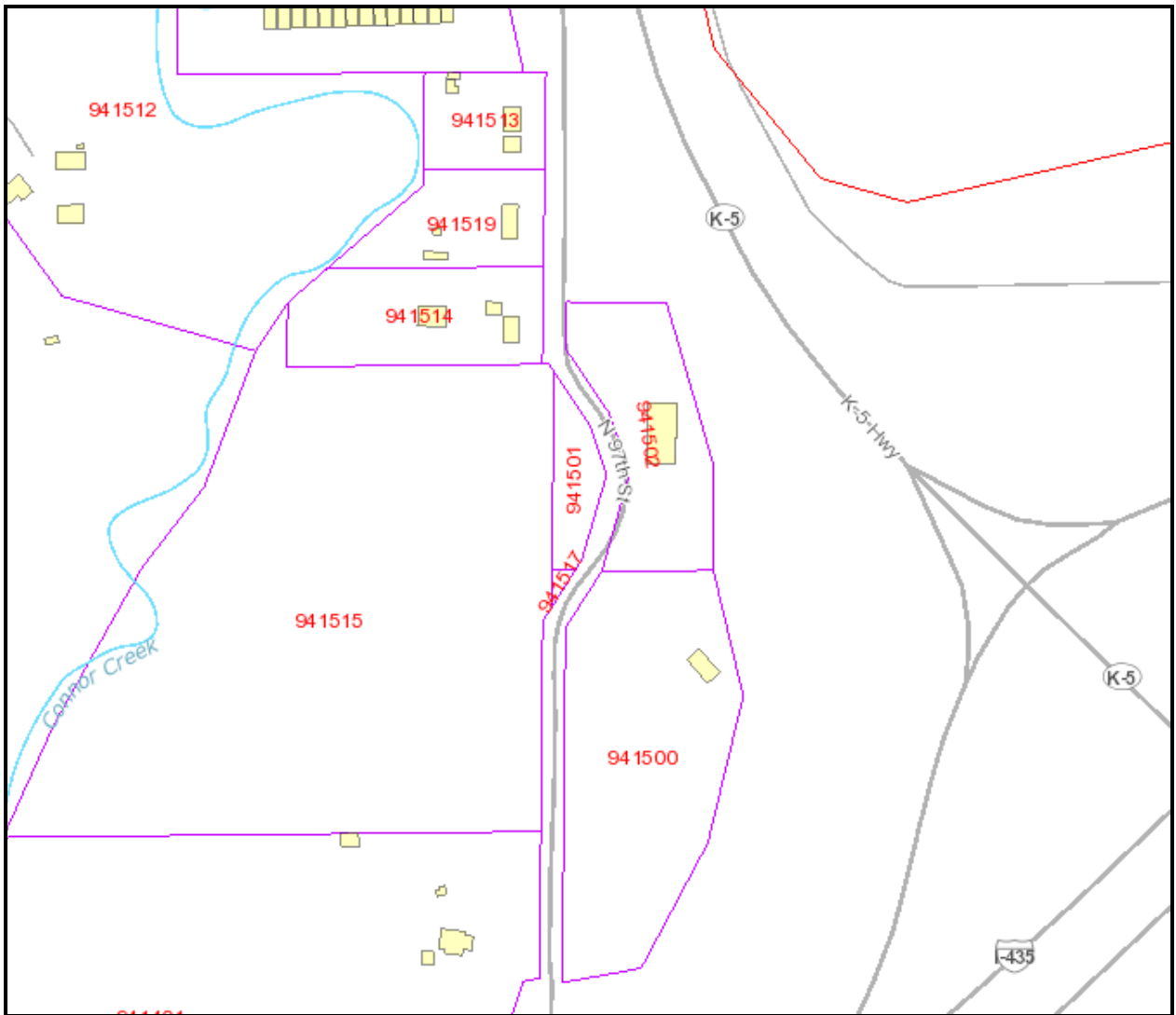
Motion and Vote Starts 2:06:25:

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-73 subject to submittal of a new site plan within sixty (60) days that generally conforms to what is shown on the current aerial that was taken in 2016 and one (1) year from the approval date to make all the improvements which would include paving and fencing:**

Carson	Aye
Childress	Not Present
Connelly	Aye

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

Motion to recommend APPROVAL Passed: 7 to 0





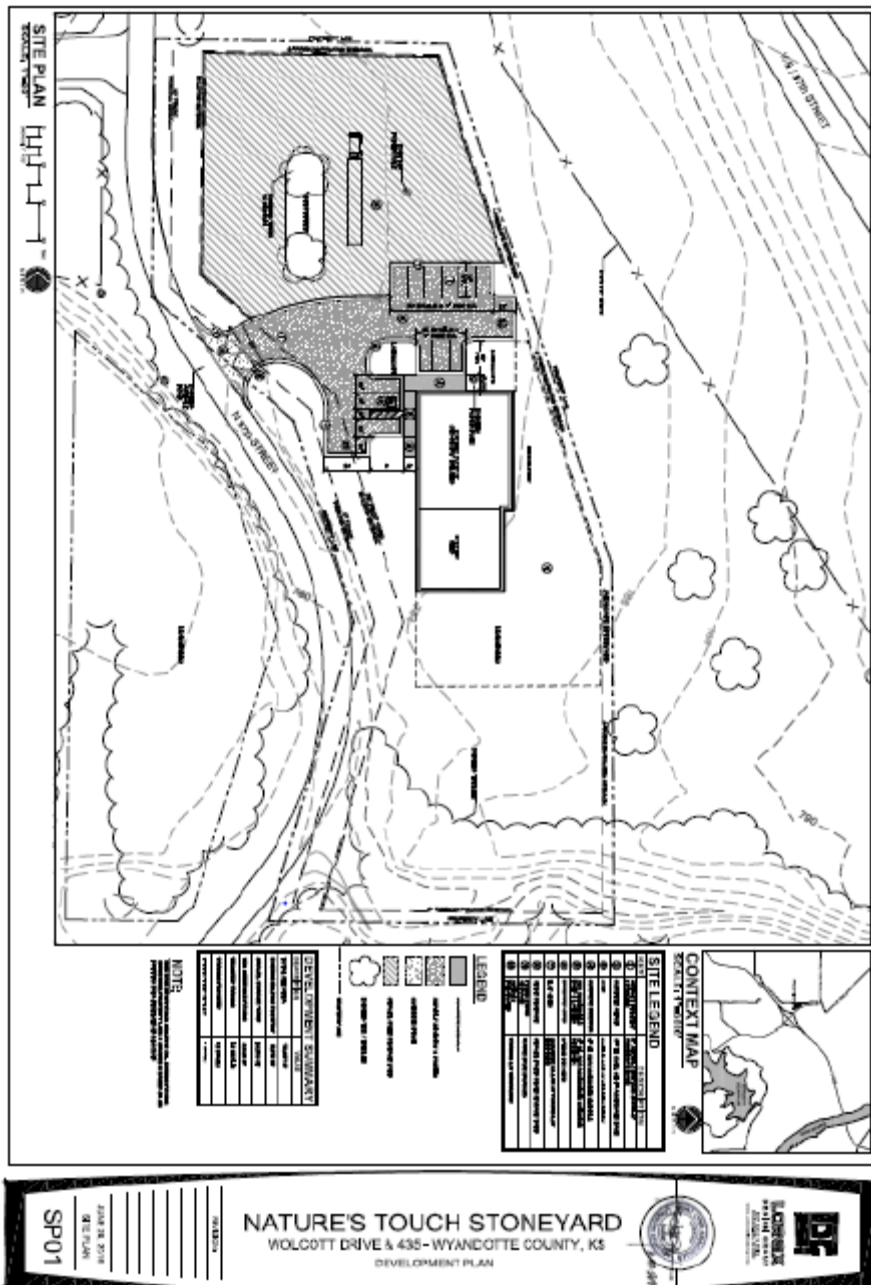
2016 Ariel Map

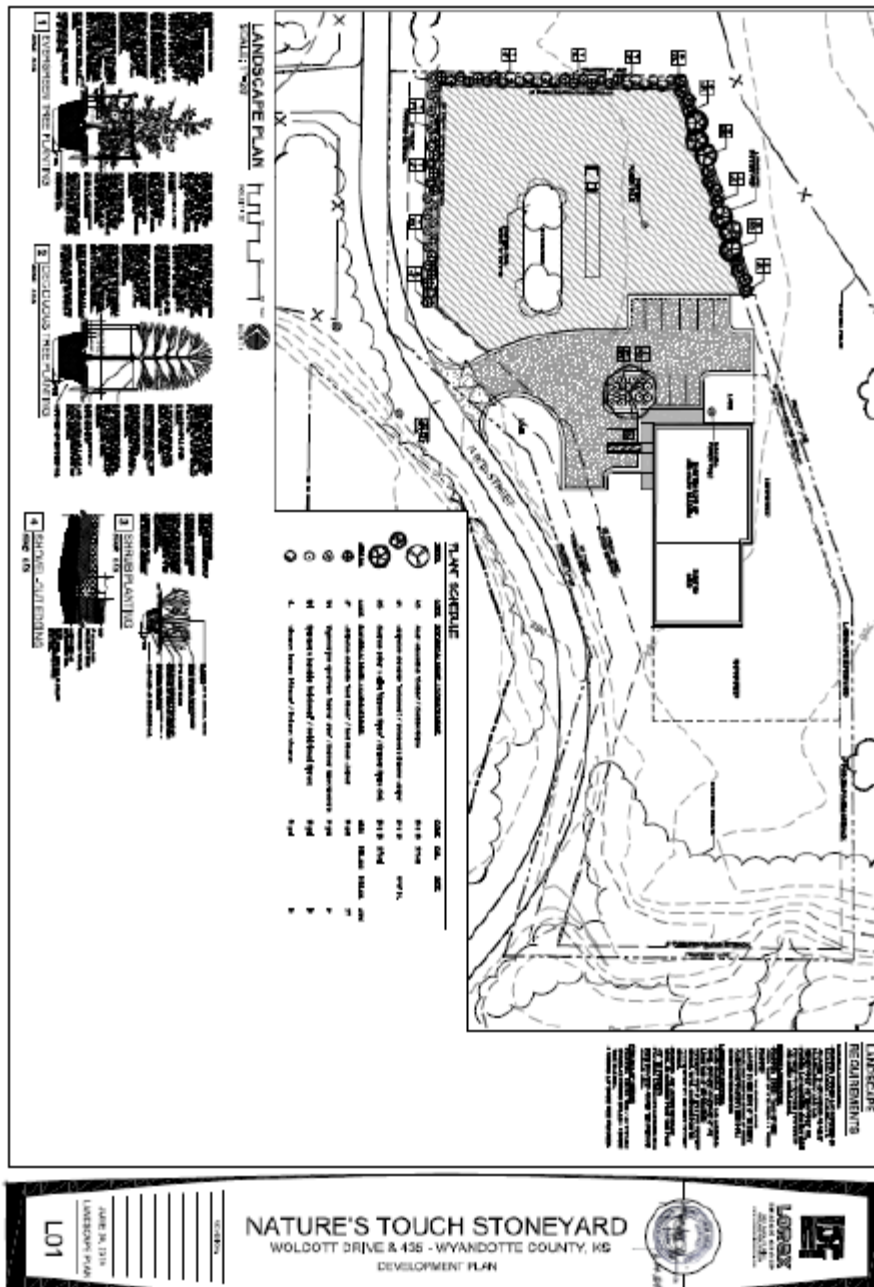




2014 Ariel Map







NATURE'S TOUCH STONEYARD
WOLCOTT DRIVE & 435 - WYANDOTTE COUNTY, KS
DEVELOPMENT PLAN

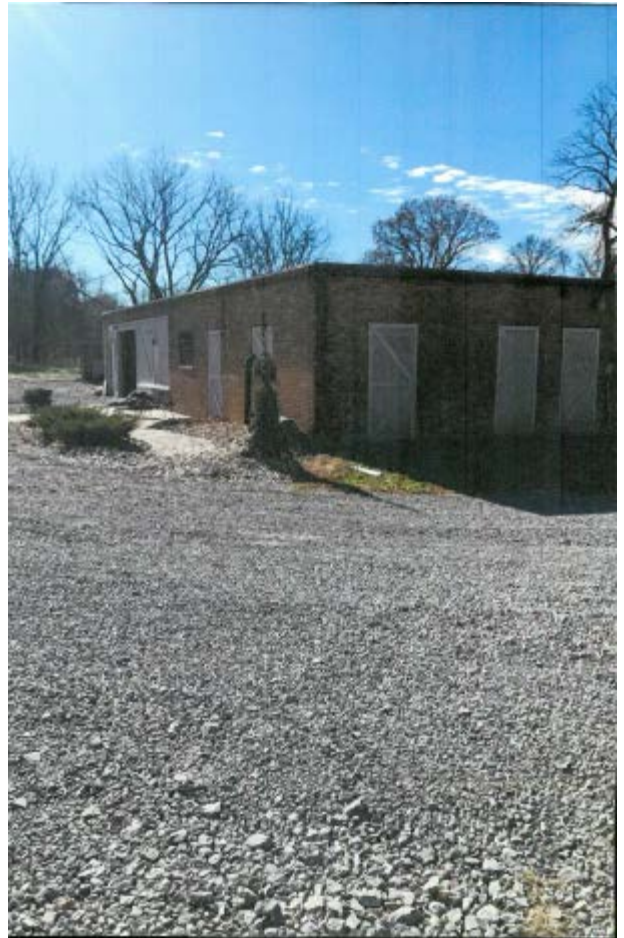
LOREX
LANDSCAPE ARCHITECTS
1000 N. 10TH AVE., SUITE 100
DENVER, CO 80202
(303) 733-1000
www.lorex.com

L01

DATE: 04.11.18
Landscape Plan







Minutes for Neighborhood Meeting
RE: Renewal of Special Use Permit (#SP 2015-71)

Application Number: #SP-17402-00067 (Ref: SP-2017-73)

Date and Location: Thursday, November 16th; Nature's Touch shop located at 5201 North 97th Street, Kansas City, Kansas 66109

Meeting Called to Order at: 5:30pm

Names of people in attendance: Joel Tiffany

Questions and answers: None

Meeting adjourned at: 6:30pm

Minutes taken by: Joel Tiffany

I, Joel Tiffany, co-owner of Nature's Touch, arrived for scheduled neighborhood meeting at 4:30pm on Thursday, November 16th, one hour prior to designated meeting time at 5:30pm.

I, Joel Tiffany, waited for two hours at the designated meeting place, Nature's Touch, located at 5201 North 97th Street, Kansas City, Kansas 66109.

Throughout the duration from 4:30pm-6:30pm, nobody showed up for the scheduled neighborhood meeting.

I, Joel Tiffany, left the designated meeting place, Nature's Touch, at 6:30pm on Thursday, November 16th after waiting for an hour from designated meeting time.

12/16/17

Sign-In Sheet
Neighborhood Special Permit Meeting
Renewal of Special Use Permit (#SP 2015-71)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

A handwritten signature in black ink, appearing to read "John Offenberg", is written over the first line of the sign-in sheet.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Vacation Petition #R/W-2017-12

GENERAL INFORMATION

Applicant:
Doug Clements

Status of Applicant:
Representative
Kansas City Kansas Public
Schools
2010 North 59th Street
Kansas City, KS 66104

Requested Action:
Approval of right-of-way vacation

Date of Application:
September 29, 2017

Purpose:
To vacate right-of-way to close
access to Welborn Elementary
School



Property Location:
5169 – 5205 Farrow Avenue

Existing Zoning: R-2 Two Family District

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

Existing Uses: **North:** Duplexes
South: Welborn Elementary School
East: Duplexes
West: Duplexes

Neighborhood Characteristics: The neighborhood is predominately comprised of duplexes to the north, east and west. Welborn Elementary School borders the southern boundary of the proposed right-of-way vacation.

Total Tract Size: .025 acre

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

Major Street Plan: The City-Wide Master Plan classifies Farrow Avenue as a local street.

Advertisement: Wyandotte Echo – October 19, 2017
Letters to Property Owners – October 17, 2017, November 26, 2017 and January 2, 2018

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Doug Clements with Kansas City Kansas Public Schools wants to vacate right-of-way between 5169 and 5205 Farrow Avenue to maintain driveway access and off-street parking for the residences on Farrow Avenue and remove pedestrian access to Welborn Elementary School.

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

FACTORS TO BE CONSIDERED

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

The redevelopment of the Welborn Elementary School is of such

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

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Designed to meet City Code

d. *Police*

Police service provided by the Midtown Patrol, District #444

e. *Fire*

Fire service provided by Station #18

f. *Transit*

Kansas City ATA provides transit service along Leavenworth Road, Route #113.

g. *Schools*

Kansas City, Kansas USD 500

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

This is not an issue.

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

This is not an issue.

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

This is not an issue.

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

By vacating this particular right-of-way, access for students who live north of the school will have to walk south on North 51st Terrace and west on Leavenworth Road around the perimeter of the property to access the school.

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

The proposed vacation will not create utility conflicts.

KEY ISSUES

Restricting access to school

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Vacation Application #R/W-2017-12, subject to:

Urban Planning and Land Use Comments:

1. **Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.**
2. **How will you secure the access point between the school and properties to the north along Farrow Avenue?**

Applicant Response: There will be a 6' vinyl coated chain link fence along the north perimeter.

Public Works Comments:

- A) **Items that require plan revision or additional documentation before engineering can recommend approval:**
 - 1) **None**
- B) **Items that are conditions of approval (stipulations):**
 - 1) **The County Surveyor makes separate technical review of the vacation documents, and submits comments directly to the preparer of the**

documents/exhibit. Provide revised exhibit/vacation documents in accordance with County Surveyor comments.

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

1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #**R/W-2017-12** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Aerial Photograph
Vacation Exhibit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	January 11, 2018
Vacation	Held Over December 11, 2017 Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**R/W-2017-12** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**R/W-2017-12**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts 2:07:10:

RIGHT-OF-WAY VACATION APPLICATION #R/W-2017-12 – DOUG CLEMENTS WITH USD 500 – SYNOPSIS: Vacation of pedestrian right-of-way between 5205 and 5169 Farrow Avenue. **Detailed Outline of Requested Action:** The applicant, Doug Clements with Kansas City Kansas Public Schools wants to vacate right-of-way between 5169 and 5205 Farrow Avenue to maintain driveway access and off-street parking for the residences on Farrow Avenue and remove pedestrian access to Welborn Elementary School.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 19, 2017, and
7. The Notices to property owners dated October 17, 2017 and November 26, 2017.

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

Present in Support:

- ❖ Doug Clements, applicant, Director of Physical Properties, USD #500, 2010 North 59th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 2:10:12: Planning Director Richardson stated that the staff recommends approval.

Motion and Vote Starts 2:11:40:

On motion by Mr. Carson, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application #R/W-2017-12:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. How will you secure the access point between the school and properties to the north along Farrow Avenue?

Applicant Response: There will be a 6' vinyl coated chain link fence along the north perimeter.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) The County Surveyor makes separate technical review of the vacation documents, and submits comments directly to the preparer of the documents/exhibit. Provide revised exhibit/vacation documents in accordance with County Surveyor comments.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

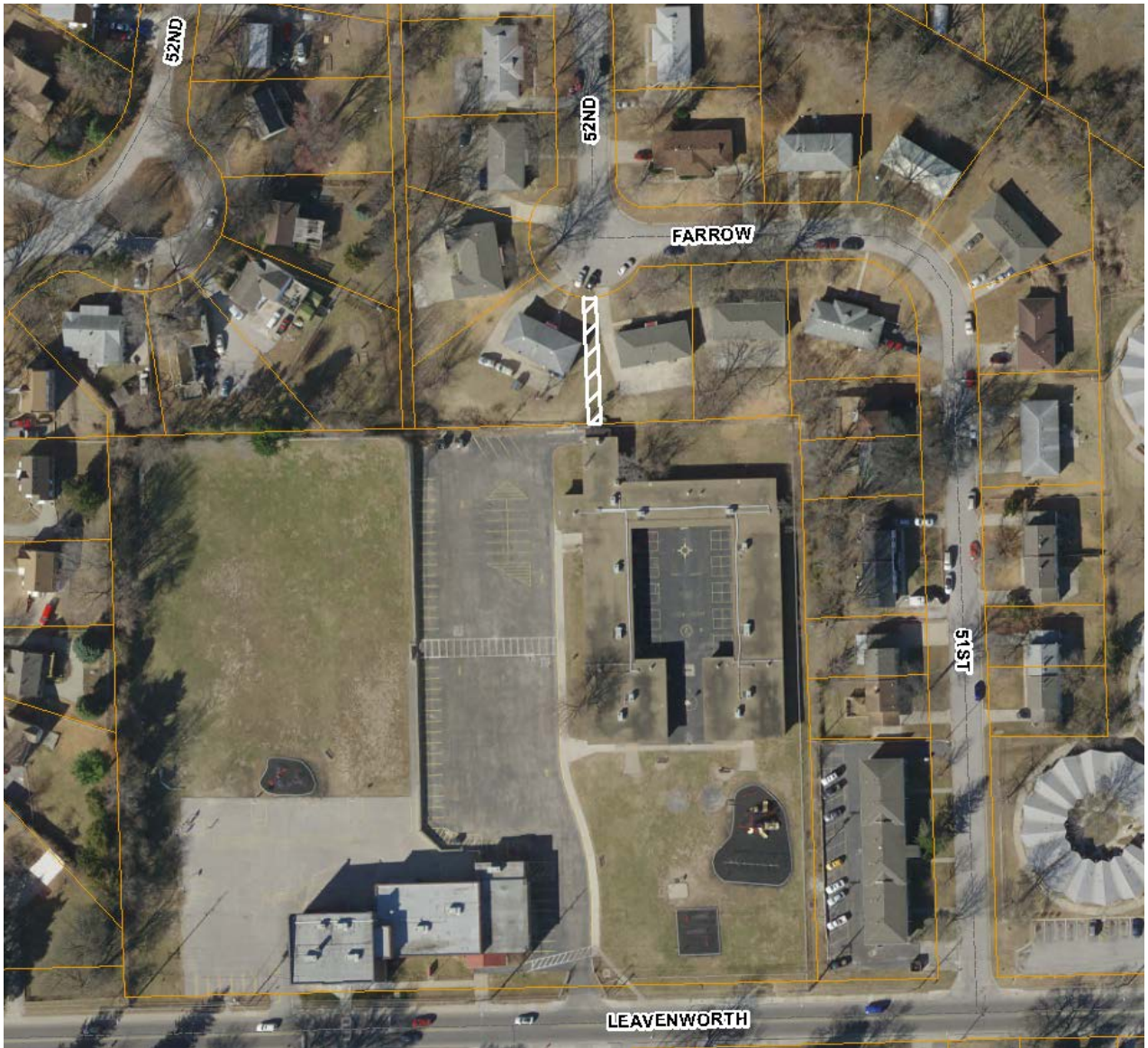
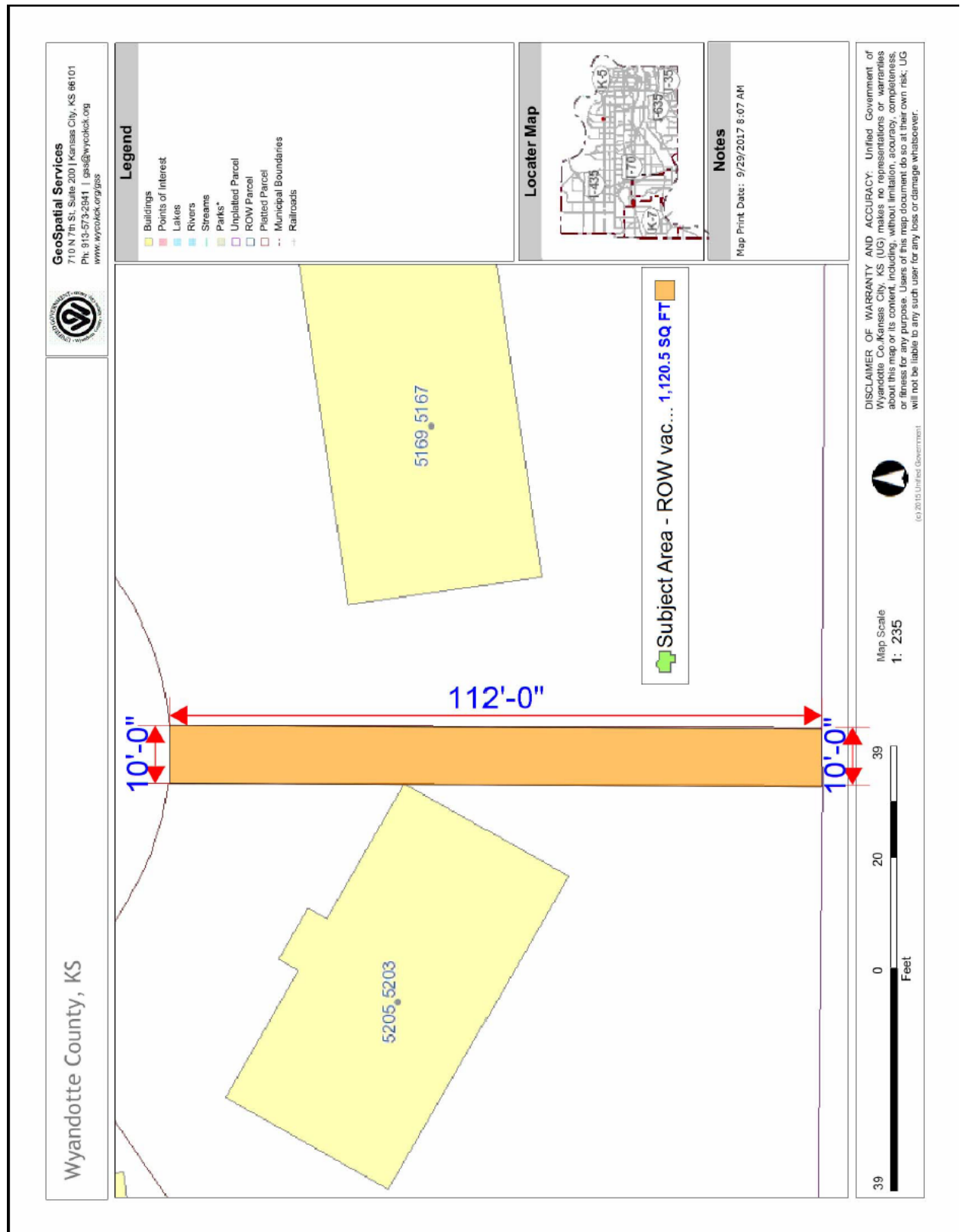


Figure 1. Aerial Photograph of proposed right-of-way vacation, indicated by the white hatched box (provided by ArcView GIS).





Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Plan Review PR-2017-32

GENERAL INFORMATION

Applicant:
Jonathan Watson

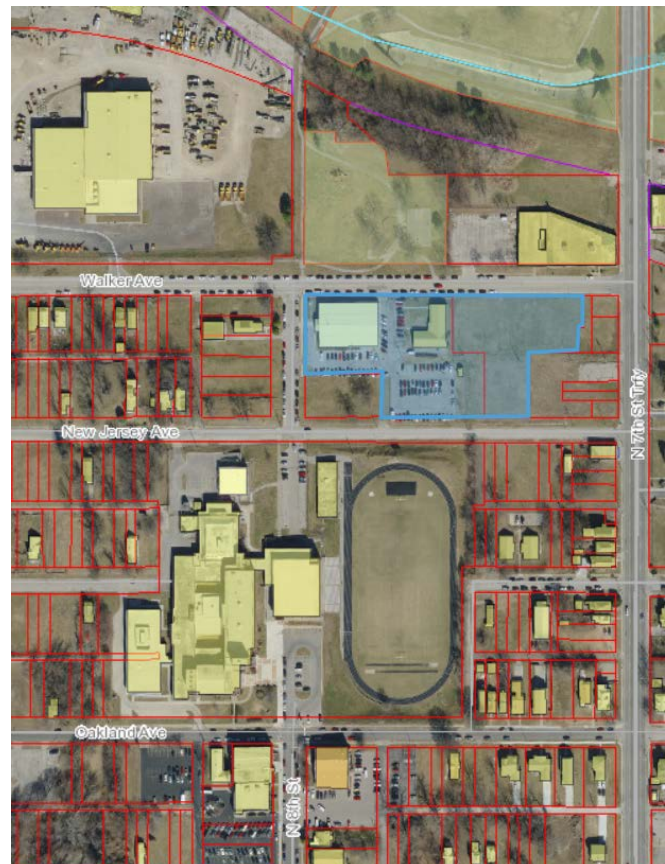
Status of Applicant:
Representative
New Bethel Church
745 Walker
Kansas City, KS

Requested Action:
Preliminary and Final Plan Review

Date of Application:
June 30, 2017

Purpose:
To obtain approval for Preliminary
and Final Plan Review

Property Location:
745 Walker



Existing Zoning: RP-5 Planned Apartment District and M-2 General Industrial District

Surrounding Zoning:

North:	RP-5 Planned Apartment District and M-2 General Industrial District
South:	RP-5 Planned Apartment District
East:	M-2 General Industrial District
West:	RP-5 Planned Apartment District

Existing Uses:

North:	Warehouse
South:	Sumner High School
East:	Vacant
West:	Single family homes and vacant parcels

Total Tract Size: 4.05 acres

Master Plan Designation: The City-Wide Master Plan designates this property for public/semi-public use.

Major Street Plan: Walker Avenue is a local street.

Advertisement: Property Owner Letters – July 19, 2017, August 2, 2017, September 1, 2017, September 27, 2017, October 31, 2017 and January 2, 2018
Wyandotte Echo – July 20, 2017

Public Hearings: December 11, 2017 and January 11, 2018

Public Opposition: No one appeared in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking approval for a Preliminary and Final Plan Review in order to construct two phases of development for the New Bethel Church campus including additional parking and a new multi-purpose building and a new sanctuary. The site is fairly complete due to existing utilities and easements.

City Ordinance Requirements: Chapter 27, Article IV, Sections 27-76 – 27-499

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is mixed in use; there are residential, industrial and public uses in the area.

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

The increased capacity of the campus would likely increase traffic to the site, though the road network is expected to accommodate it.

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

This plan conforms to the Master Plan.

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

a. Water service

Existing

b. Sanitary sewer service

Existing

c. Storm water control

To be built to city standards

d. Police

Police service is provided by the District #111

e. Fire

Fire service is provided by District #1

f. Transit

There is a KCATA bus stop at 7th and Walker Avenue

g. Schools

Kansas City, Kansas USD 500

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

This is not expected to be an issue.

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

The site will be developed in a manner that poses no threat to public safety or health.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

Not applicable.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 27, 2017; nine people were in attendance. No opposition was recorded.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review #PR-2017-32, subject to:

Urban Planning and Land Use Comments:

Please see attachments for original staff comments and applicant's response to those comments.

If approved, the following stipulations will apply:

1. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.
2. Attached and detached signs must receive a sign permit prior to being installed. Staff will perform the review when a sign permit application is filed.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) The Contractor shall obtain a land disturbance, hauling, and/or right-of-way permit(s) through the Public Works department prior to obtaining a construction permit through the Building Inspections department.
 - 2) The County Surveyor makes separate technical review of the plat, and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Conservation District Comments:

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

- There is one major soil type that were identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- There was no time line for construction on this site. The first thing that needs to be done is install the silt fence on the north side of the project. The silt fence along the south side is not needed. Everything slopes to the north.
- Construction of the detention pond will need to be the second item done. The drainage pipe from the detention pond needs to be installed to the storm sewer at the same time as the pond is dug. If 25 percent of the capacity of the detention basin is lost the basin will need to be cleaned out.
- The detention pond slopes all need to be sodded or seeded and erosion control matting installed.

A diversion will need to be installed to direct the runoff into the detention pond until the storm sewers are installed.

- Interior silt fence will need to be installed. The silt fence at the bottom of the detention basin is not needed. It will be in the way if the basin needs to be cleaned out.
- Top soil needs to be stockpiled to be spread on all areas that are not paved.
The stock pile area needs to be protected.

- New storm sewers will need inlet protection until paving in the area is controlled.
- All erosion control practices need to be checked weekly and after each rain event. Any damages need to be corrected immediately.
- The Best Management Practices in this report can help solve any problems in the area.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non-disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction.

Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the Water Quality Field Guide pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soils report and a conservation plan can also be requested for this site from our office.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report, and recommends **APPROVAL** of **#PR-2017-32** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
Aerial image
Zoning map
Images of the property via Google Street View
Plans submitted by applicant
Response to Staff Comments (Planning)
Images submitted by applicant

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Final Plan	December 11, 2017 Approval	January 25, 2018

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#PR 2017-32** as meeting all the requirements of the City code and being in the interest of the public

health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR 2017-32** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts 2:12:20:

THE NEW BETHEL CHURCH – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 745 Walker Avenue

PRELIMINARY AND FINAL PLAN REVIEW APPLICATION #PR-2017-32 – PASTOR GLEN BRADY - SYNOPSIS: Preliminary and Final Plan Review for a church campus at 745 Walker Avenue

Detailed Outline of Requested Action: The applicant is seeking approval for a Preliminary and Final Plat and Plan Review in order to construct two phases of development for the New Bethel Church campus including additional parking and a new multi-purpose building and a new sanctuary. The site is fairly complete due to existing utilities and easements.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners dated July 19, August 2, September 1, September 27 and October 31, 2017.

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

Planning Director Richardson asked that the testimony from the Board of Zoning Appeals be included as part of the record for this case.

Present in Support:

- ❖ Glen Brady, applicant, Pastor of New Bethel Church, 745 Walker Avenue, Kansas City, Kansas
- ❖ Mr. Elijah Collins, 1968 North 24th Street, Kansas City, Kansas and owner of properties across the street from the church
- ❖ There were 6 persons present that did not speak

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 2:19:10: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:19:35:

On motion by Dr. Serda, seconded by Mr. Mose, the Planning Commission voted as follows to **APPROVE New Bethel Church Preliminary and Final Plat:**

Carson	Aye
Childress	Not Present
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Not Present
Mose	Aye
Pauley	Aye
Rank	Not Present
Serda	Aye
Motion to APPROVE Passed: 7 to 0	
Subject to:	

Urban Planning and Land Use Comments:

Please see attachments for original staff comments and applicant's response to those comments.

If approved, the following stipulations will apply:

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

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

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The Contractor shall obtain a land disturbance, hauling, and/or right-of-way permit(s) through the Public Works department prior to obtaining a construction permit through the Building Inspections department.
 - 2) The County Surveyor makes separate technical review of the plat, and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Conservation District Comments:

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

- There is one major soil type that were identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- There was no time line for construction on this site. The first thing that needs to be done is install the silt fence on the north side of the project. The silt fence along the south side is not needed. Everything slopes to the north.
- Construction of the detention pond will need to be the second item done. The drainage pipe from the detention pond needs to be installed to the storm sewer at the same time as the pond is dug. If 25 percent of the capacity of the detention basin is lost the basin will need to be cleaned out.
- The detention pond slopes all need to be sodded or seeded and erosion control matting installed.

A diversion will need to be installed to direct the runoff into the detention pond until the storm sewers are installed.

- Interior silt fence will need to be installed. The silt fence at the bottom of the detention basin is not needed. It will be in the way if the basin needs to be cleaned out.

- Top soil needs to be stockpiled to be spread on all areas that are not paved.
The stock pile area needs to be protected.
- New storm sewers will need inlet protection until paving in the area is controlled.
- All erosion control practices need to be checked weekly and after each rain event. Any damages need to be corrected immediately.
- The Best Management Practices in this report can help solve any problems in the area.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non-disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction.

Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the Water Quality Field Guide pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soils report and a conservation plan can also be requested for this site from our office.

On motion by Dr. Serda, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review Application #PR-2017-32:**

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

Motion to recommend APPROVAL Passed: 7 to 0
Subject to the above stipulations

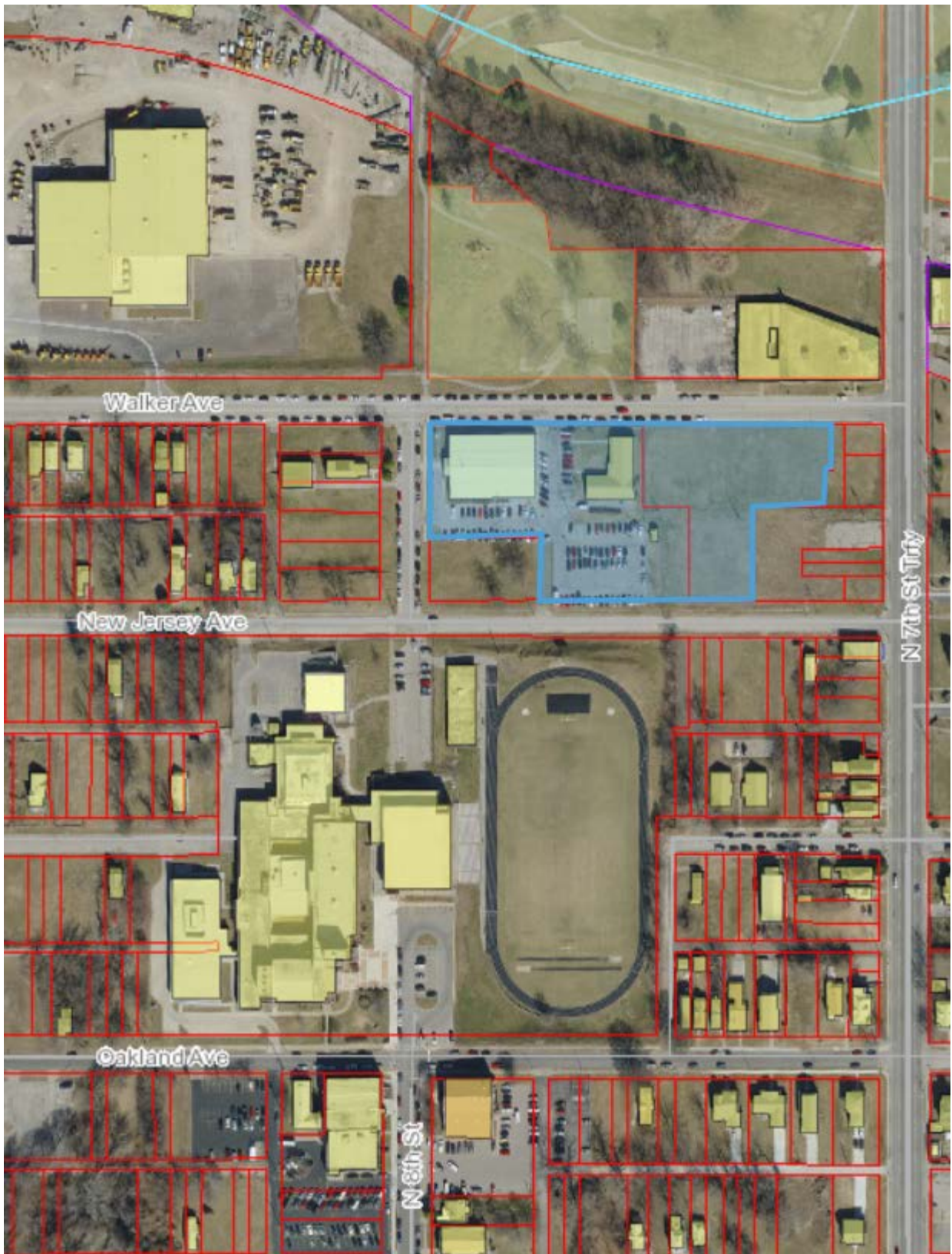




Image via Google Street View (2017)





North Elevation



East Elevation



South Elevation



West Elevation

SITE AERIAL VIEW WITH PHOTO LOCATIONS



October 20, 2017

B17D3266

Unified Government of Wyandotte County
City Staff
One McDowell Plaza
701 North 7th Street
Kansas City, KS 66101

Re: Plan Review 2017-32 & The New Bethel Plat

Dear City Staff,

The design team has reviewed your comments dated August 14, 2017. The following are our responses.

Urban Planning and Land Use Comments:

1. Please provide color elevations with dimensions of all materials labeled and material palette for the building.

Refer to the color elevations as well as black and white elevations for overall dimensions of project materials. Elevations have evolved from concerns from our staff meeting.

2. This project must meet the Commercial Design Guidelines or request variances from the standards. Please refer to the guidelines found here. Some of the non-compliant features are as follows:

There was a great deal of discussion related to the applicability of the Commercial Design Guidelines. The discussion moved away from the actual guidelines as they related to the submission and centered around specific wants for improvement of the elevations. Some of these issues were expanded upon in Mr. Richardson's email.

- a. (Sec. 27-576 e) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

- i. Metal panel is an accent material and may only comprise 15% of any façade.

We proposed a combination of EIFS and simulated stone in lieu of "masonry" and after debate over the applicability of EIFS, it was determined that the material selections met the design intent. Given that the structure is pre-engineered, we proposed flat panel embossed surfaces which seemed acceptable in our meeting. We also determined that a screened fence blocked the majority of the south elevation and nullified the need for premium finishes that would be obscured from view.

- b. All downspouts must be internalized.

The requirement for internalized downspouts is not compatible with a pre-engineered metal building. After discussion in the meeting, Mr. Richardson suggested that we should provide "architectural screening" to the downspouts. We contend that the screen wall accomplishes the intent as only the top four feet of the downspouts will be visible and we will have the downspouts match the wall panel coloring.

- c. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally screen wall. All utilities mounted on the wall shall be painted to match the

building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

Refer to screen wall elevations. No roof mounted equipment is proposed.

- d. For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior. Exceptions may be made for individual tenants in excess of 20,000 square feet gross floor area of the rear elevation of a building that backs up to a public street, where the window percentage should be 25 percent of the linear building frontage.

Window elevations will be as proposed given the type of building as well as security concerns in the area. We are also matching the existing structure already on site with our façade detailing and materials.

- e. Metal roofing must be standing seam.

We will have a standing seam roof on our proposed building.

**Caleb Eissler
Price Architecture**

3. Landscaping

- a. At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. (Sec. 27-577 d.1)

Addressed along south foundation.

- b. Landscaping shall exceed the typical code requirements by at least 75% (Sec. 27-577 a.5).

New landscape plan accommodates this.

- c. 1 tree per 7,000 square feet. (Sec. 27-466 g) x 75%

Provided in new landscape plan.

- d. Concrete islands must be curbed and landscaped.

Provided.

- e. New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. Since the applicant is requesting a variance for parking setback, the 25' buffer will not be possible; the applicant will need a deviation from the CDG. Some buffering should be in place, regardless of the decreased setback if the variance is approved. (Sec. 27-577)

Provided along north, east and south property edges.

- f. Formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

- i. One tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
- ii. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees (Sec. 27-577)

Street trees are provided on north, east and south frontages.

- g. All landscaping shall be irrigated.
To be design-build by landscape contractor.

**Chad Weinand, RLS
Site Architecture**

- 4. Please provide a lighting plan.
A lighting plan has been provided.
 - h. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are allowed.
Acknowledged.
 - i. Exterior parking lot lighting shall have 90 degree cutoff fixtures.
Acknowledged.
 - j. Fixtures must have 90 degree cut-off.
Acknowledged.
- 5. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.
Acknowledged.
- 6. Attached and detached signs must receive a sign permit prior to being installed. Staff will perform the review when a sign permit application is filed.
Acknowledged.

**John Hess
Excel Constructors, Inc.**

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1. Applicant shall coordinate and receive approvals with BPU and the other utility companies in regards to the public easements to be vacated and the public utilities to be removed.
Approvals and coordination with BPU is ongoing.

Kaw Valley Engineering, Inc.
\\VMKC-FILE\Projects\B17_3266 New Bethel Church -2\Correspondence\City Comments\Response Letters\2017-32
City Staff 2017.10.19.docx
Page 3

B17D3266 – New Bethel Church
10/20/17

October 20, 2017

B17D3266

Unified Government of Wyandotte County
City Staff
701 North 7th Street
Kansas City, KS 66101

Re: Petition #2258
 The New Bethel Church

Dear City Staff,

Kaw Valley Engineering, Inc. has reviewed your comments dated August 14, 2017. The following are our responses.

Urban Planning and Land Use Comments:

1. Please explain why the site cannot be designed to meet setback and parking requirements when there is additional site area available to the east.

The site's dimensions are not conducive to the required setback and parking requirements. The site is essentially a long city block which means that the front setback requirements occur on all sides. That result is that an already long and narrow property is made even narrower by imposing a 25 foot setback on both sides of its narrow dimension. The placement of the new building in proximity of the existing structures, combined with the topography of the land and the storm water treatment requirements leaves few options for the Owner (The New Bethel Church). Existing buildings on the property are set back 3 feet and 8 feet from the property line. The plan represents a balance between these existing setbacks and the required setbacks. While there is available area at the south east corner for additional parking spaces, the topography would limit it to a few spaces at the expense of retaining walls, pedestrian railing and associated landscaping. Those considerable expenses would impose a hardship on the Owner.

2. There are numerous compliance issues regarding the Commercial Design Guidelines. Even if these variances are approved, those issues must be separately rectified or deviations must be approved by the Planning Commission.

Per discussions and meeting with City staff (R. Richardson, J. Hickey, K. Patras) CDG deviations do not need to be itemized. If Planning Commission approval is necessary please include the appropriate language in the approval motion.

If you have any questions please don't hesitate to contact me at (816) 468-5858.

Sincerely,
Kaw Valley Engineering, Inc.



Jonathan T. Watson
Project Manager

Images submitted by applicant



#01 VIEW OF EXISTING CHURCH LOOKING SOUTHEAST



#02 VIEW OF EXISTING CHURCH LOOKING SOUTH



#03 VIEW OF EXISTING CHURCH LOOKING EAST



#04 VIEW OF EXISTING CHURCH LOOKING NORTHEAST





#07 VIEW OF EXISTING CHURCH LOOKING NORTHWEST



#08 VIEW OF EXISTING CHURCH LOOKING SOUTHWEST



















#25 VIEW OF SITE AT NORTHEAST CORNER LOOKING WEST

(First published _____)

#3148

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 7331 Holliday Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-O Planned Non-Retail Business District.

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

Section 1. It is hereby found and determined that a petition was filed on August 25, 2017, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to CP-O Planned Non-Retail Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

PART OF LOT 7, BLOCK 1, HILLSIDE SUBDIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF LOT 7, BLOCK 1, HILLSIDE SUBDIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, 75 FEET WEST OF THE EASTERLY LINE OF SAID LOT 7 AND MEASURED AT RIGHT ANGLES THERETO; THENCE NORTHEASTERLY TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 7, 171.4 FEET TO A POINT; THENCE WESTERLY ALONG THE SOUTH LINE OF PROPERTY CONVEYED BY WARRANTY DEED DATED 08/19/1947 AND RECORDED IN BOOK 116 AT PAGE 73, IN THE OFFICE OF THE REGISTER OF DEEDS OF WYANDOTTE COUNTY, TO A POINT ON SAID SOUTH LINE 75 FEET WEST OF THE EAST LIEN OF SAID LOT 7, AND MEASURED AT RIGHT ANGLES THERETO (90

DEGREES); THENCE NORTHERLY IN A STRAIGHT LINE TO THE PLACE OF BEGINNING.

AND

PART OF LOT 7, BLOCK 1, HILLSIDE SUBDIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 63 DEGREES 25 MINUTES 47 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 7, 75.00 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE CONTINUING SOUTH 63 DEGREES 25 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 71.86 FEET; THENCE SOUTH 11 DEGREES 48 MINUTES 29 SECONDS EAST, 267.41 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 7, SAID POINT ALSO BEING 135 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 10 DEGREES 06 MINUTES 27 SECONDS WEST, 161.2 FEET; THENCE EAST 60.00 FEET; THENCE NORTH 9 DEGREES 18 MINUTES 32 SECONDS WEST, 136.99 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, located at approximately 7331 Holliday Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to CP-O Planned Non-Retail Business District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-463, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-O Planned Non-Retail Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2018.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published_____)

#R/W-2017-11

ORDINANCE NO. _____

AN ORDINANCE vacating a part of a publicly dedicated street, to be vacated, platted as Forest street, now known as Bethany Street, bounded on the North by the West extension of the North line of the South 40 feet of Lot 22, Block 6, AMOURDALE HEIGHTS, bounded on the East by the East right-of-way line of Bethany Street, being the West lines of Lots 14 through 22, Block 6, AMOURDALE HEIGHTS, bounded on the South by the North right-of-way line of Interstate 70, being the South face of the existing barrier wall as shown on KDOT plans 70-105 I-70-6 (33) and bounded on the West by the West right-of-way line of Bethany Street, being the East line of Lot 3 through 11, Block 7, AMOURDALE HEIGHTS, being a subdivision of land in the Southeast Quarter of Section 16, Township 11 South, Range 25 East in Kansas City, Wyandotte County, Kansas, as surveyed by Wil Anderson, PS 1527, of BHC RHODES on August 24, 2017, said tract more particularly described as follows: (Note: For course orientation, the bearings in this description are based on the East right-of-way line of Bethany Street, having a bearing of South 02° 32' 42" East, as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) Beginning at the Northwest corner of said Lot 22, AMOURDALE HEIGHTS; Thence continuing South 02° 32' 42" East, 10.00 feet, on the East line of said Lot 22, to the Point of Beginning; Thence South 02° 32' 42" East, 405.85 feet, on said East right-of-way line of Bethany Street, to the North right-of-way line of Interstate 70, shown as the South face of the existing barrier wall on KDOT plans 70-105 I-70-6 (33); Thence North 83° 02' 54" West, 14.71 feet, on said South face of the existing barrier wall, being the North right-of-way line of Interstate 70; Thence North 80° 16' 58" West, 30.56 feet, on said South face of the existing barrier wall, and said North right-of-way line of Interstate 70; Thence North 80° 05' 07" West, 16.00 feet, on said South face of the existing barrier wall, and said North right-of-way line of Interstate 70 to the East line of Lot 11; Thence North 02° 32' 42" West, 393.49 feet, on the West right-of-way of Bethany Street to a point on the East line of Lot 3, 40.00 feet North of the Southeast corner of said Lot 3; Thence North 87° 27' 30" East, 60.00 feet to the Point of Beginning. Said tract contains 23,997 square feet or 0.5509 acres. Located at approximately 342 South Bethany Street, Kansas City, Kansas

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

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

A part of a publicly dedicated street, to be vacated, platted as Forest street, now known as Bethany Street, bounded on the North by the West extension of the North line of the South 40 feet of Lot 22, Block 6, AMOURDALE HEIGHTS, bounded on the East by the East right-of-way line of Bethany Street, being the West lines of Lots 14 through 22, Block 6, AMOURDALE HEIGHTS, bounded on the South by the North right-of-way line of Interstate 70, being the South face of the existing barrier wall as shown on KDOT plans 70-105 I-70-6 (33) and bounded on the West by the West right-of-way line of Bethany Street, being the East line of Lot 3 through 11, Block 7, AMOURDALE HEIGHTS, being a subdivision of land in the Southeast Quarter of Section 16, Township 11 South, Range 25 East in Kansas City, Wyandotte County, Kansas, as surveyed by Wil Anderson, PS 1527, of BHC RHODES on August 24, 2017, said tract more particularly described as follows: (Note: For course orientation, the bearings in this description are based on the East right-of-way line of Bethany Street, having a bearing of South 02° 32' 42" East, as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) Beginning at the Northwest corner of said Lot 22, AMOURDALE HEIGHTS; Thence continuing South 02° 32' 42" East, 10.00 feet, on the East line of said Lot 22, to the Point of Beginning; Thence South 02° 32' 42" East, 405.85 feet, on said East right-of-way line of Bethany Street, to the North right-of-way line of Interstate 70, shown as the South face of the existing barrier wall on KDOT plans 70-105 I-70-6 (33); Thence North 83° 02' 54" West, 14.71 feet, on said South face of the existing barrier wall, being the North right-of-way line of Interstate 70; Thence North 80° 16' 58" West, 30.56 feet, on said South face of the existing barrier wall, and said North right-of-way line of Interstate 70; Thence North 80° 05' 07" West, 16.00 feet, on said South face of the existing barrier wall, and said North right-of-way line of Interstate 70 to the East line of Lot 11; Thence North 02° 32' 42" West, 393.49 feet, on the West right-of-way of Bethany Street to a point on the East line of Lot 3, 40.00 feet North of the Southeast corner of said Lot 3; Thence North 87° 27' 30" East, 60.00 feet to the Point of Beginning. Said tract contains 23,997 square feet or 0.5509 acres. Located at approximately 342 South Bethany Street, Kansas City, Kansas

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

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2018

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 11, 2018
Re: Petition #SP-2017-64

GENERAL INFORMATION

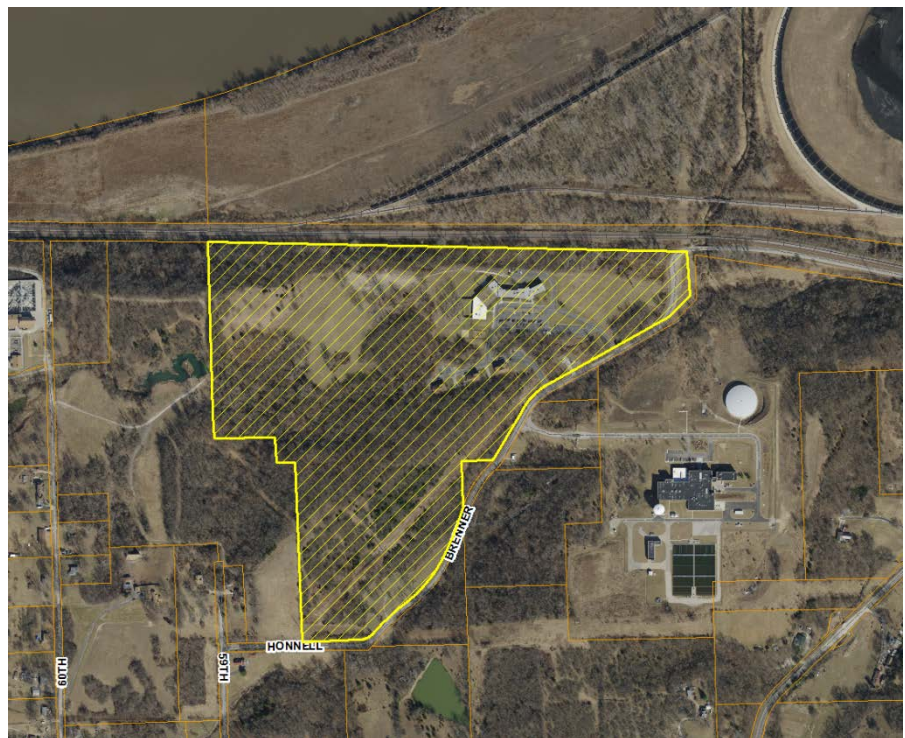
Applicant:
Jon Corbin

Status of Applicant:
Representative
KVC Foundation, Inc.

Requested Action:
Approval of a special
use permit amending
the existing 1984
indefinite special use
permit to allow
services to a maximum
of 12 adult patients

Date of Application:
September 29, 2017

Purpose:



To amend the 1984 indefinite special use permit to allow services to a maximum of 12 adult patients for a period not to extend past June 30, 2019.

Property Location: 4300 Brenner Drive

Existing Zoning: R-1 Single Family District

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

Existing Uses: **North:** Vacant, Union Pacific Railway, Nearman Creek Power Station, and Missouri River
South: Vacant/Single Family Houses
East: BPU Nearman Water Facility
West: Vacant/Residential

Total Tract Size: 70.63 acres

Master Plan Designation: The City-Wide Master Plan designates this property as the Agricultural District.

Major Street Plan: The City-Wide Master Plan designates Brenner Drive as a local street.

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owner – October 17, 2017, November 26, 2017 and January 2, 2018

Public Hearings: November 13, 2017, December 11, 2017 and January 11, 2017

Public Opposition: There were 15 present in opposition at the November 13, 2017 City Planning Commission meeting and 10 people present in opposition at the December 11, 2017 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: This property was approved in 1984 for an indefinite special use permit “to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas.” Wyandotte House was the original applicant for this special use permit. In a letter dated April 8, 2003, the Legal Department’s Deputy Chief Counsel, N. Cason Boudreau, stated that the Kaw Valley Center facility continues to be used for the same purpose and “under these circumstances no additional zoning permit is required.” The letter also states that “if, in the future, the actual use or purpose of the facility is to be modified, it is recommended that the proposal be discussed with the zoning division or this office so that the permitting requirements may be determined.” The proposed use of the property to provide services to adult patients does not fall within the conditions set by the original special use permit, and therefore an amendment to the special use permit is being sought by the applicant.

The adult services will be provided in a specific section of the building that is around 7,000 square feet. KVC Hospitals, in partnership with the University of Kansas Health System, provides psychiatric care for adults in a 12-bed facility. The space is leased by the University of Kansas Healthy System through March 31, 2021 and the applicant requests that the special use permit be amended through June of 2019 when KU is expected to move out..

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is rural in nature.

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

The zoning and their uses are set out above. The proposed use is expected to be compatible.

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

The property is suitable for the proposed use and removal of the restrictions should not detrimentally affect nearby properties.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed use would expand the type of services offered by KVC and should not substantially injure the appropriate use, visual quality, or marketability of the adjoining property.

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

The proposed use will not create problems for near-by properties.

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

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

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

This is not applicable.

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

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

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

This is not applicable.

PREVIOUS ACTIONS

May 31, 1984 – Approval of an indefinite special use permit to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas.

June 29, 2017 – Approval of a two-year special use permit for a temporary trailer for storage.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on Monday, October 23, 2017. The neighborhood meeting minutes, a sign in sheet, and the meeting affidavit are attached to this report.

KEY ISSUES

Amendment of the Special Use Permit to allow adult patients

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **APPROVAL** (the amendment to the original special use permit) of Special Use Permit Application #SP-2017-64, based off the fact that the staff said that it is a safe environment and,

Urban Planning and Land Use Comments:

Additional Information Regarding Operation of the Facility

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

1. What is the average length of stay for adults at the facility? What are the background and circumstances of the adults placed at this location?

Applicant Response: The average length of stay for adults in the program is 13 days. When adults are screened by a Community Mental Health Center and deemed in need of psychiatric hospitalization, they might be referred to our unit. If that is the case, and they require a level of care that can be provided by our unit in partnership with the University of Kansas Health System, a referral to the unit on our campus might be made. If there is a bed available, the patient could be placed here.

2. Please provide a floor plan of the section of the building related to adult services.

Applicant Response: A floorplan of the unit is attached.

3. Please provide information about how the adults are separated from the youth at the facility and how safety is maintained with adults and youth in a single facility.

Applicant Response: The safety of all patients and staff is our top priority. There is only one hallway that connects the adult space with the space used by the youth. Bedrooms for the youth are all on the second floor of the building, and the adults are on the first floor of the building with no youth residing directly above them. There are 6 magnetically secured doors, and a secure staircase, between each of those sets of bedrooms; as well as numerous staff members and staff offices.

4. Is this, or could it appear to be, displacing services for children?

Applicant Response: This unit is not displacing services for children. When the University of Kansas Health System lease

expires, we will review the needs of the community and if more children's services are needed we will step in and help fill that need.

Staff toured the facility on December 4, 2017 and concluded that the security systems are more than adequate for keeping the adults and children separate, barring some sort of large human error.

Business License Comments:

KVC has current filing with our office as an Exempt entity. Revision of existing permit as proposed would fall within the current filing they have with our office.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2017-64 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Zoning Map
Site Plan
Floor Plan
April 8, 2003 Letter from N. Carson Boudreau
May 25, 1984 Report on Special Use Permit #SP-1984-13
Neighborhood Meeting Materials
The University of Kansas Health System Letter

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2017	January 11, 2018
Special Use	Held Over December 11, 2017	
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-64** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-64**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 5:06:26:

SPECIAL USE PERMIT APPLICATION #SP-2017-64 – JON CORBIN WITH KVC HOSPITALS, INC. – SYNOPSIS: Special Use Permit to revise the 1984 indefinite special use permit to allow services to a maximum of 12 adult patients at 4300 Brenner Drive. **Detailed Outline of Requested Action:** This property was approved in 1984 for an indefinite special use permit “to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas.” Wyandotte House was the original applicant for this special use permit. In a letter dated April 8, 2003, the Legal Department’s Deputy Chief Counsel, N. Cason Boudreau, stated that the Kaw Valley Center facility continues to be used for the same purpose and “under these circumstances no additional zoning permit is required.” The letter also states that “if, in the future, the actual use or purpose of the facility is to be modified, it is recommended that the proposal be discussed with the zoning division or

this office so that the permitting requirements may be determined.” The proposed use of the property to provide services to adult patients does not fall within the conditions set by the original special use permit, and therefore an amendment to the special use permit is being sought by the applicant.

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

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

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

Present in Support:

- ❖ Ryan Speier, President of KVC Hospitals, 4300 Brenner Drive, Kansas City, Kansas
- ❖ Mr. Randy Callstrom, President/CEO of Wyandot Inc., 757 Armstrong Avenue, Kansas City, Kansas 66101
- ❖ Jackie Suttington, 6180 Orient Drive, Kansas City, Kansas 66102
- ❖ Rachelle Martin, 1429 East College Boulevard, Olathe, Kansas

Present in Opposition:

- ❖ There were 10 people present in opposition including the following that spoke
- ❖ Ted Larson, 4141 North 60th Street, Kansas City, Kansas
- ❖ Pete Kovac, 4023 North 59th Street, Kansas City, Kansas
- ❖ Brenda Philbrick, 4000 North 60th Street, Kansas City, Kansas
- ❖ Sherry Martin, 1801 North 73rd Terrace, Kansas City, Kansas
- ❖ Earl Cooksey, 3621 North 55th Street, Kansas City, Kansas

Staff Recommendation Starts at 6:02:53: Director Richardson stated that he would like to hear from KU Medical Center about their construction operations for their new facilities so everyone has a better understanding of what this request is before it is sent on to the Board of Commissioners. He would like to meet and get a statement from them so the Commission is comfortable where the end game is for this. Just having the lease (between the two entities) through 2021 doesn’t mean that will be their last request. The health system is a big organization that changes directions. He has heard about this project but has not seen it yet. He would recommend holding over this application to get information from the University of Kansas as to when that facility will be open and how it relates to their lease at this location before he makes a recommendation.

Planning Commissioner Ernst requested that a member of the staff tour the facility and get more detailed pictures and information.

Motion and Vote Starts at 6:05:22:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to **HOLD OVER Special Use Permit #SP-2017-64 until the December 11, 2017 meeting:**

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

Motion to HOLD OVER Passed: 6 to 0

DECEMBER 11, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts 1:25:00:

SPECIAL USE PERMIT APPLICATION #SP-2017-64 – JON CORBIN WITH KVC HOSPITALS, INC. – SYNOPSIS: Special Use Permit to revise the 1984 indefinite special use permit to allow services to a maximum of 12 adult patients at 4300 Brenner Drive. **Detailed Outline of Requested Action:** This property was approved in 1984 for an indefinite special use permit “to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas.” Wyandotte House was the original applicant for this special use permit. In a letter dated April 8, 2003, the Legal Department’s Deputy Chief Counsel, N. Cason Boudreau, stated that the Kaw Valley Center facility continues to be used for the same purpose and “under these circumstances no additional zoning permit is required.” The letter also states that “if, in the future, the actual use or purpose of the facility is to be modified, it is recommended that the proposal be discussed with the zoning division or this office so that the permitting requirements may be determined.” The proposed use of the property to provide services to adult patients does not fall within the conditions set by the original special use permit, and therefore an amendment to the special use permit is being sought by the applicant.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2017;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 19, 2017; and
7. The Notices to property owners dated October 17, 2017 and November 26, 2017.

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

Recording Secretary Parker stated that this application was held over last month, after the public hearing testimony had been concluded and the public hearing was closed, for the applicant to get information from the University of Kansas as to when that facility will be open and how it relates to their lease at this location and for staff to tour the current facility and report back to the City Planning Commission.

Staff Update: Planning Director Richardson stated that there is a letter in the staff report from John Donough, Vice President of Facilities Services and Real Estate Development for The University of Kansas Health System, noting that they are going to absorb this 12-bed facility into another facility in the Spring of 2019. The request from the applicant is to allow this to continue through June 30, 2019. He further stated that he and Zach Flanders (Planner) toured the facility. He referred to page 10 in the staff report showing the floor plan of the facility. Director Richardson stated that this is a two-story facility with a wing on it. He showed the Commission the layout of the facility and where the adults are in the facility. He showed the main entrance to the facility. The classrooms are on the first floor and the sleeping area is on the second floor. He showed the pressure doors in the day areas that lead out to an enclosed fenced area that has dense screening fence, so you cannot see out. He showed where they would get out if there was a fire. He showed the children's play area. There is nowhere that the children can be seen in this facility. He showed the site plan of the other three units. The only time people that live in the facility can see the kids is when they are outside. There is a view over the fence up the hill but it is at least 150 yards away. The fence is a fine mesh and not a chain-link fence that only an expert rock climber could probably get over it (but not a regular person.) As he looked through all of the issues about whether the kids are safe, the answer is yes barring a failure of the system. Obviously, they have had failures of the system and they are aware of that and they have taken measures to make sure that the same failures do not happen again with the adults getting out. He showed where visitors will come in (double locked entry) and the two rooms where they would visit. The visitor would go into the room, sit down and the patient would come in and sit with the visitor. The patient would be taken out while the visitor was still in the room and would be past another pressure door before the visitor would leave the room. There was an incident when the visitor left the room and the patient followed them out. They have changed the way that people enter and exit the room so that does not happen again. He believes that they have taken those measures into account. He stated that they walked through the facility and the adults that were there were playing games, talking to each other or sitting in a chair. No one was having any obvious violence or anxiety and there are rooms to accommodate that if it happens. It did not appear that the adults were desiring escape; they did not know who they were but probably knew the people they were walking with. There were some adults outside throwing the ball and appeared to be happy. He further stated that they also toured the children's area and there were pressure sensitive doors and they are not allowed to

pass through to the other direction. There is a gym and during inclement weather they might bring people into the gym (he showed the path and the pressure doors entering and exiting the gym.) He thinks that they have a good system. The questions that the Commission asked last month was whether the children were safe and do they operate it well. He further stated that when they toured the facility, they felt that they had noted any issues in the past and made significant corrective actions in standard operating procedures to prevent that again. He stated that he thinks the kids are safe barring failure in their system which like any system it could fail. The operators have folks working with the kids that are concerned about the kids in the facility; you do not dedicate your life to working with kids with mental illness in that type of facility and not care that they are safe. There is a balance out there as well with the folks working on the children's side. If they thought that the children were not safe, they would have said something when Rob and Zach had opportunities to talk with them. He thinks that the term requested for the special use permit could be adjusted to April or May of 2019 but KU is on a track to acquire a facility and remodel the facility and have the people moved to that facility as soon as possible because their finances are tied into that as well. He stated that he does not think that this was a malicious overlooking of their abilities within their special use permit (they have had some staff turnover) but someone on the business side did not do their due diligence with the contract side of this to see what could be done. The people taking care of the folks are trying to do a good job and would probably find some place for these people to go if the application was denied. He thinks that they are safe if they can stay there. The Commission asked if the concerns of the neighbors have been addressed. Director Richardson stated that the primary concerns he heard were additional traffic from the additional 12 beds and the adults that are there, the comings and goings of the adults and the safety of the children. The facility if it did not have adults would have children occupying that space and the traffic would be negligibly different. He does think that the children are safe, and he thinks that the neighborhood is safe with the new procedures that they have put in place since there were occurrences with the adults. As he said all systems can fail; he cannot guarantee that someone won't escape. People get out of Lansing and Leavenworth every now and then and those are very highly secure places. He thinks they have done a good job.

Chairman Huey stated that the public hearing portion was heard last month, and the Commission charged staff and the applicant with finding out the information from KU as to when they would open the facility and touring the site.

Staff Recommendation Starts 1:38:30: Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report. He stated that he would add that they need to continue to operate as they showed him on the tour and if they feel that they need to make changes, they need to talk to Director Richardson and if the changes are significant, he would bring them back to the Planning Commission.

Chairman Huey stated that the reason that the public hearing is not being reopened is because the Commission charged the staff with two specific items (following the close of the public hearing.). She would recommend that KVC open dialogue with the neighborhood again. Director Richardson stated that there will be a full public hearing on Thursday, January 11, 2018. It was stated that this amendment to the stipulations of

the original special use permit does not affect the existing 1984 special use permit. Director Richardson stated that those present can contact staff with questions.

There were 10 people present in opposition to this application.

Motion and Vote Starts 1:45:50

On motion by Mr. Connelly, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL (the amendment to the original special use permit) through May of 2019 of Special Use Permit #SP-2017-64 based off the fact that the staff said that it is a safe environment:**

Carson	Aye
Childress	Not Present
Connelly	Aye
Ernst	No
Gonzalez	Aye
Huey	Chairman
Jones	Not Present
Mose	Aye
Pauley	No
Rank	Not Present
Serda	Aye

Motion to recommend APPROVAL Passed: 5 to 2

Subject to:

Urban Planning and Land Use Comments:

Additional Information Regarding Operation of the Facility

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

1. **What is the average length of stay for adults at the facility? What are the background and circumstances of the adults placed at this location?**

Applicant Response: The average length of stay for adults in the program is 13 days. When adults are screened by a Community Mental Health Center and deemed in need of psychiatric hospitalization, they might be referred to our unit. If that is the case, and they require a level of care that can be provided by our unit in partnership with the University of Kansas Health System, a referral to the unit on our campus might be made. If there is a bed available, the patient could be placed here.

2. **Please provide a floor plan of the section of the building related to adult services.**

Applicant Response: A floorplan of the unit is attached.

3. **Please provide information about how the adults are separated from the youth at the facility and how safety is maintained with**

adults and youth in a single facility.

Applicant Response: The safety of all patients and staff is our top priority. There is only one hallway that connects the adult space with the space used by the youth. Bedrooms for the youth are all on the second floor of the building, and the adults are on the first floor of the building with no youth residing directly above them. There are 6 magnetically secured doors, and a secure staircase, between each of those sets of bedrooms; as well as numerous staff members and staff offices.

4. Is this, or could it appear to be, displacing services for children?

Applicant Response: This unit is not displacing services for children. When the University of Kansas Health System lease expires, we will review the needs of the community and if more children's services are needed we will step in and help fill that need.

Staff toured the facility on December 4, 2017 and concluded that the security systems are more than adequate for keeping the adults and children separate, barring some sort of large human error.

Business License Comments:

KVC has current filing with our office as an Exempt entity. Revision of existing permit as proposed would fall within the current filing they have with our office.

Public Works Comments:

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

1) None

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

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

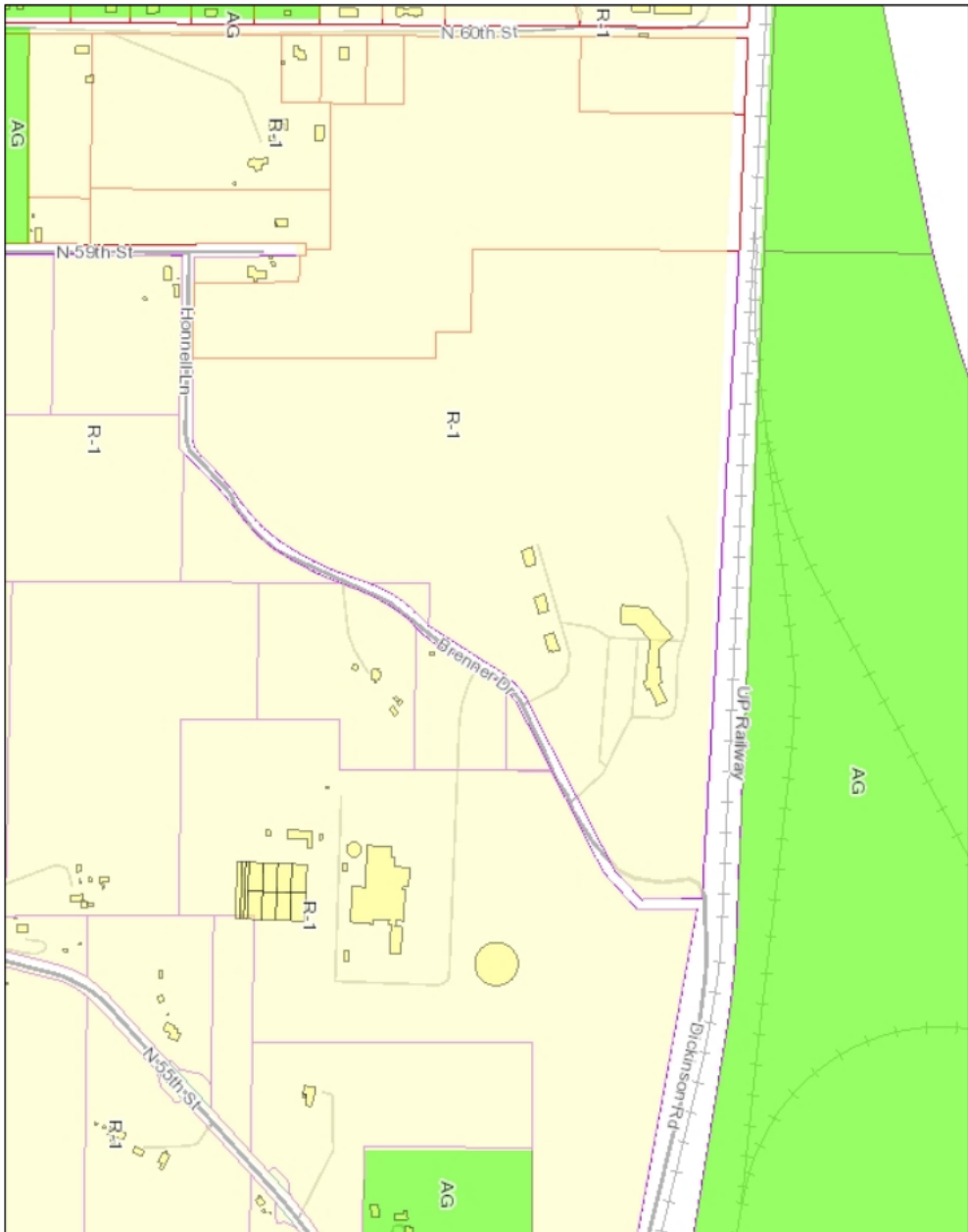
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Wyandotte County, KS

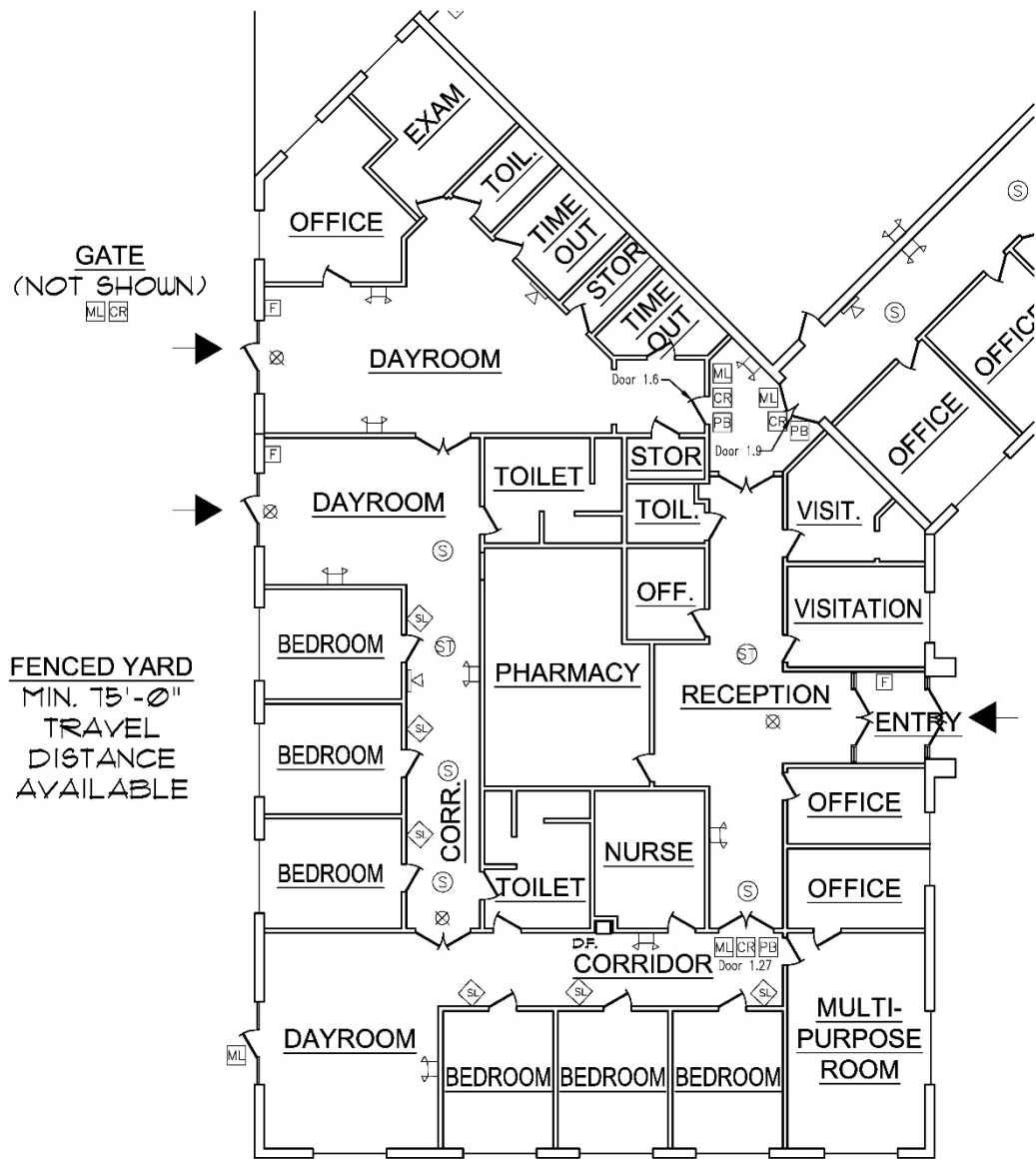


GeoSpatial Services
710 N 7th St, Suite 200 | Kansas City, KS 66101
Ph: 913-573-2941 | ge@wyockick.org
www.wyockick.org/gss



Legend

- Buildings
- Points of Interest
- Parks
- Kansas City Zoning
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- C-331
- C-332
- C-332 (Wyo)
- C-333
- </





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

Chief Counsel
Harold T. Walker

Deputy Chief Counsel
N. Cason Boudreau
April 8, 2003

Ninth Floor - Municipal Office Building
701 North Seventh Street
Kansas City, Kansas 66101
Phone (913) 573-5060
Fax (913) 573-5243

Assistants:
Jody Boeding
Kenneth J. Moore
Robert P. Burns
Delia M. York
Angela J. Lawson
Henry E. Couchman Jr.
F. Charles Dunlay

Maureen Mahoney
General Counsel
Kaw Valley Center
759 Vermont
Kansas City, Kansas

Re: Special Use Permit—Wyandotte House, 4200 Brenner Drive

Dear Maureen:

You have informed me that Kaw Valley's facility at 4200 Brenner Drive (apparently currently addressed at 4300 Brenner Drive) has been licensed as a hospital but the use and activity at the facility is unchanged. You asked if this changed mandated any additional permitting or approval under the Unified Government's zoning ordinance.

I have discussed this issued with Steve Speise. In 1984 Special Permit Petition # SP-1984-13, Wyandotte House, Inc., was approved for a special use permit "to provide residential and treatment care to older children and adolescents referred for care by the Social and Rehabilitation Services of Kansas." You have indicated that the facility continues to be used for that same purpose. Under these circumstances no additional zoning permit is required.

If, in the future, the actual use or purpose of the facility is to be modified, it is recommended that the proposal be discussed with the zoning division or this office so that the permitting requirements may be determined.

Please contact me if you have any questions concerning this matter.

Sincerely,

N. Cason Boudreau
Deputy Chief Counsel

CC: Steve Speise



LEGAL DEPARTMENT of KANSAS CITY, KANSAS

Ninth Floor - Municipal Office Building
One Civic Center Plaza
Kansas City, Kansas 66101
Phone (913) 573-5060

M E M O R A N D U M

TO: Council Members
David T. Isabell
City Administrator
City of Kansas City, Kansas

Board Members
V. Eugene Miller
General Manager
Board of Public Utilities

FROM: Michael P. Howe *MPH*
Assistant City Attorney

Kathryn Pruessner Peters *KP*
Assistant City Attorney

DATE: May 13, 1986

SUBJECT: Agreement between BPU and City -- Wyandotte House

Attached please find for approval, an agreement between the BPU and the City regarding donation of the land for Wyandotte House. Also attached for approval, is a Declaration of Reservation of Use, a document which will be filed in the Courthouse, recording the donation of the real property, and the reservation of the transmission line and water main easements. Governing body approval is necessary because an interest in public lands is involved. Therefore, we attach a resolution for each governing body, approving the execution of these two documents by the City Administrator and General Manager.

These documents formally effect the donation of the land which was approved in principle in 1984. (For your information, we attach a copy of BPU Resolution No. 4897, expressing the BPU's willingness to release its interest in the land for use by Wyandotte House.) As you will recall, before any release of interest in the land could be made, it was required that a Special Use Permit be obtained for the use of the property by Wyandotte House, Inc., and that the project be implemented. These requirements have now been met: the Permit has been issued, the issuance of the Permit was upheld by the Wyandotte County District Court, and the lease between Wyandotte House and the City is ready for final

approval to implement the project. Therefore, it is timely that the release of interest in the land be made.

The key points of the agreement are as follows:

1. The BPU releases its interest in and thereby in effect donates approximately 55 acres to the City by BPU for use by Wyandotte House and/or a compatible user, which is defined as a residential and treatment facility serving older children and adolescents who receive help in functioning in a normal society through shelter, supervision, and rehabilitation.

2. BPU reserves two easements, one for the existing 161-KV transmission line coming out of the Nearman Plant, and one along Dickinson Road for any future electric line and any future water main. No structure can be built on the easements.

3. If Wyandotte House does not go through with the project, or if the project commences but subsequently the property is no longer used for the purpose for which it is being donated, the property will revert to the use and benefit of the BPU. Likewise, should the property ever be sold to someone other than Wyandotte House or a compatible user, the BPU will have the right of first refusal to have the land revert to the use and benefit of BPU.

4. The lease between the City and Wyandotte House provides for lease proceeds to go to reimburse the City for its capital contributions to the project, and the lease contemplates that the land will eventually be sold to Wyandotte House. The City/BPU agreement therefore provides that upon such sale, if there are more than minimal proceeds, BPU will share in any such proceeds based on the value of the land contributed in proportion to the unrecovered costs of the City. The value of the land at the time of the donation will be established through appraisal by the City Right of Way Department.

Please let us know if you have any questions.

KPP/ev

CC - Harold T. Walker
City Attorney

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
MUNICIPAL OFFICE BUILDING 701 NORTH 7TH STREET
KANSAS CITY KANSAS 66101



May 25, 1984

CITY PLANNING DIVISION 573-5750

Mr. M. James Medin
City Administrator

RE: SPECIAL PERMIT PETITION #SP-1984-13 - WYANDOTTE HOUSE, INC., to request a special permit to provide residential and treatment care to older children and adolescents referred for care by the Social and Rehabilitation Services of Kansas, located at 4200 Brenner Drive.

On May 14, 1984, subject special permit petition was given a duly advertised public hearing by the Planning Commission at their regularly scheduled meeting.

Mr. Pete Pomerence, a member of the Executive Board of Wyandotte House, Mr. Ray Byers, architect, Mr. Wayne Sims, Executive Director of Wyandotte House, appeared in support of this petition. Mr. Pomerence stated that they have been before the Commission previously and decided to abandon the project. The Mayor then volunteered the services of the City and the Council in helping Wyandotte House secure ground to come up with a adequate place to house 50 children. Through the help of several people and the Board of Public Utilities, a 55 acres plot was found. They have met with all the appropriate Board and the BPU has agreed to lease the land to the City, on a long-term lease and the City has agreed in purpose to lease the land to Wyandotte House pending zoning and some other legal ramifications which the attorneys are working on at the present time. He stated that Wyandotte House is a home for predelinquent children. They have 56 children in their care now. Fifty of them are from Wyandotte County and 48 of them are from Kansas City, Kansas. Wyandotte House is truly taking care of its own. He stated that they have been in existence for over 13 years providing residential treatment and care to children who are battered and abused and neglected. It is their hope that they can eliminate 4 of the 6 locations which they now occupy in downtown Kansas City, Kansas for this more rural atmosphere to raise these children in a more spacious atmosphere to give them some room to recreate and move around that they are unable to do at the present time. He stated that the Commission will hear from the people in opposition, something that he heard over and over again at Councilman Mears' informational meeting for the people in the 4th District. These people were misled, in their minds, of the benefits and liabilities involved with the Nearman Power Plant, the way the high power lines would be run and now the Johnson County Water Line. It is unfortunate that they feel as though they have been put into a position of having to again make a big sacrifice. Mr. Byers stated that this process of trying to find a site has been going on over two years. They have tried zoning on other sites and ran into so much opposition that they continued looking at site to try and find some place where there were less objections. The Mayor was a help to them in finding this location. This location overlooks the Nearman Plant. It is on a hillside and the only thing that you can see is the Nearman Plant. There is a big hill behind that property and they have a grade elevation at the top of 990 and they are down at about 30 or 40, so all the houses within seeing distance of this property, you cannot see. This property was also purchased from the BPU some years ago to get dirt off for the construction of the Nearman Plant so that has a large flat area and the hillside overlooks this flat area and they have no homes whatsoever to the north. He stated that they have found the least objectionable site that could be found in Wyandotte County in relation to the terrain and to the location of the homes adjacent to it.

Mrs. Martha Gann, 3959 North 60th Street, appeared in opposition to this petition. She stated that when BPU acquired the lands for the Nearman Plant several landowners from this area attended meetings in regard to rerouting the high power lines. They failed, but at all the meetings, BPU assured the people that the land would be used for BPU facilities only. It is her understanding that this land donation was requested by the City and approved by the BPU Board members at the last BPU Board meeting. She stated that it is her understanding that Mayor Reardon, Pete Pomerence and someone affiliated with the Wyandotte House met with the Board. The people had not been contacted at this time regarding this matter. As a matter of fact the first time they noticed it was Easter Sunday morning in the Kansas City, Kansas. Does this mean that the BPU Board can donate the land for whatever nonprofit cause is necessary. This land was more or less taken from them by eminent domain, changed their lifestyle and now the land is being donated to change their lifestyle once again with no guarantees for the future. At the meeting that was held at the Welborn Community Church May 8th, she found out that the Wyandotte House has grown from 8 to 56 in the last 10 years. Does this mean that in the next 10 years the institution will grow to 116? Or what if it fails. What nonprofit making organization would move in then. There are no guarantees. She stated that Johnson County Water District is at the end of 60th. Their lifestyle has changed somewhat because of this project. They built their home in this area for the country lifestyle it offers. They have been forced by law of eminent domain to change their lifestyle for the BPU Plant and the Johnson County Water District No. 1. How much more will be forced on them? She stated that she contacted BPU to see if the land that was taken from them could be donated for something like this. They referred her to the lawyer and she referred her to the BPU members. She contacted three of them who stated that Mayor Reardon met personally with them and privately briefing them on this subject. Now he is covered by some type of Sunshine Law or something like this that this can be done. She stated that one member was not even aware that people lived in this area. The Board Member apologized to her and said that no one asked the people's feelings in this area. Two of the other Board Members said they were led to believe that the people within the area of the project were in favor of the project. As she stated before, they knew nothing of this project until Easter morning and they feel that they have BPU Power Plant on one side, Johnson County Water District #1 and have changed their lifestyle because of these plans and they feel that they have paid their dues to the community. Ms. Pat Burke, 3948 North 59th Street, appeared in opposition to this petition. She stated that she did some research on the funding of this project. She stated that she attended the May 8th meeting and questioned the financing and could not get any definite answer on the funding. She stated that she did some research on her own and found out that Wyandotte House, Inc. is indeed majorly funded by the United States Government and the State of Kansas. She stated that she found one organization that does fund them privately, United Way. She stated that she called the Federal Government and asked how much of the grant is given each year to neutral ground. The answer was that it is not given to neutral ground incorporated. It is given to Wyandotte House, Inc. who distributes the money. That grant is \$57,600 fiscal year 1984. The State informed her that \$36/day per child is the average money that they pay each day. Figuring 56 children, it totals up to \$735,840. She stated that the reason she is giving these figures is because they are planning to build 5 houses down on the property. To this date the only funding that has been made available to the neighbors as far as this property is the Junior League has committed \$30,000. Each one of the houses at \$40/square foot at approximately 3,000 square foot per house, is \$120,000 for the house alone. That does not talk about anything else. She stated that their concern is that the Federal Government and State of Kansas have their foot in the door, what can happen with this project. How far can it go? You cannot tell the State and Federal Government that it is just for Wyandotte County when they are putting their money into it. Mr. Keith Gann, 3959 North 60th Street, stated that they have

endured two municipally funded projects in their area in the last 5 years. Originally, five years ago this land was promised and guaranteed to them by the realtors that bought their property that it would be left and seeded and grass planted with trees and left strictly as a buffer zone to isolate them from the power plant. Now five years later they find that it is to be used for a partially municipally funded organization again. He stated that they would urge the Commission to deny this petition. Ms. Helen Kovack appeared in opposition to this petition. She stated that when BPU came through for the easement, they told them then that there would only be the three arms on the pole and when Mr. Crockett came back after everyone had signed up, then there were the four arms on the poles. She stated that she asked what was going to be done to the land after it was filled. He told her that it would be graded, seeded and it would be a beautiful site. She stated that she would hope that the Board would leave the property as it is.

Ms. Jean Magdaleno, 5504 Sutton, appeared in support of this petition. She stated that all she has heard tonight is inconvenience. Time changes everything. She has heard dollars and cents. She has not heard one thing about the children. There are four year old children, boys as well as girls, with gonorrhea of the mouth. You think that they don't need a place to stay? They need housing and it is up to the community to help. Someone has to help the children. Ms. Joan Soverus, 36 North 59th, appeared in support of this petition. She stated that they have lived there for 10 years. When they bought the property, they felt that it was a good place to raise kids. When she heard this (about Wyandotte House) she said it was a good place to raise kids. She is for it.

Mr. Davis of the Commission asked if the City has leased this property or entered into any lease with this property at this time? Mr. Michael P. Howe, Assistant City Attorney, stated that nothing has happened except for the negotiations. Mr. Davis stated that nothing is going to happen until both hearings are held and the special permit is granted. Until that time that is when the City will enter into the agreement with BPU. Mr. Howe stated that is correct. Mr. Davis stated that these people feel that BPU has done some things that they shouldn't have, then the people still have time to go back and talk to the BPU and discuss these matters because the City has not entered into an agreement and it doesn't sound like from Legal Counsel that they are going to until this special permit is taken care of. The Planning Commission does not have anything to do with these agreements; they are basically here to hear if this is a good site for this particular issue. Mr. Mahany asked if Wyandotte House ever looked at property that is owned by the city and used to be a hospital called the Pest House? It is right close to this property here. Mr. Sims stated that he does not remember looking at that particular site. They did look at many sites. Mr. Mahany stated that if they used this property, then they would not be using property that is in breach of an agreement. Mr. Sims stated that the BPU is property of the City and shared ownership of that property. Mr. Byers stated that the City gave them 6 city-owned sites to look at and this was picked as the most logical site.

A gentleman in the audience stated that the BPU Plant and Johnson County Water District 1 happened to them and now this is happening to them. He wanted to know if the children can be isolated down here just to themselves and give them the type of learning and training that they should have not associating with the neighborhood of ordinary people that haven't been abused and such. Now they are out in different houses scattered around the City. He doesn't think that it is a place and institution they are putting there; they say that it is a home. He stated that in addition to the five houses, there will be recreational buildings, baseball field and all this sort of thing. They are going to make a small city out of it like a Boys Town and in time five houses is not going to cover. He stated that it will not just be these abused children, but it will be all the children that the government is taking care of the delinquents

and all and they will be down in their neighborhood. Mr. Sims stated that the young people will live down there but will attend public schools. They will not be isolated down there. They have young people in the band, choir, some compete on the various athletic teams. They function as a unit, 8 to 10 people per home. They have a family type home. They do provide supportive education services for every person that comes to them, along with other services.

Mr. Davis asked how many supervisors there are per child. Mr. Sims stated that they have 30 staff. Mr. Davis asked the supervisor to child ratio. He stated that there are 2 staff to 8 children. Mr. Adams asked those in opposition if they are opposed to Wyandotte House being put in or anything being put in this area. They stated that they are opposed to anything municipally funded. One of the ladies in the audience stated that two of the people present have asked BPU if they could be allowed to buy their land back. Mr. Adams asked if they would be opposed to a housing project. They stated that they want to buy their property back. One of the gentlemen in the audience stated that the scenery in this area is the most appealing portion of it because these are not grand homes in there. Those of them who own homes there, it is their piece of heaven. During the May 8th meeting, the neighbors raised a number of questions. The cost of this facility will be at least 1/2 million dollars. One of their concerns is when the land does become City property through this long-term lease, the neighbors lose control over their futures because they understand eminent domain very well and whether this is a short term project or a long-term project they do not know the future of it. Their real concern is where it goes from here. What happens if it does lose its federal grants or state funding. He stated that there are no guarantees in the future. He stated that this is one of the main issues.

The Planning Commission, after reviewing this special permit petition, was of the opinion that this petition should be approved.

By a vote of 7 in favor, 1 opposed, and 2 abstentions, the Planning Commission recommends that this petition be approved.

STAFF OPINION

GENERAL COMMENTS

This is a request by Wyandotte House, Inc. to allow it to establish a facility that would provide residential and treatment care to older children and adolescents referred for care by the Social and Rehabilitation Services of Kansas. The facility would be located at 4200 Brenner Drive on about 45 acres of property. Wyandotte House, Inc. currently has four residential facilities in Kansas City at 711 Sandusky, 11 North Thorp, 708 North 9th and 30 South Bethany. The operation is the same as that proposed last year on 61st Street.

The plans submitted indicate a small administration building, a small complex of five houses and a recreation building. The site is quite isolated with none of the proposed houses any closer than 600' to any existing residence.

UTILITIES AND DRAINAGE

Sewers are not immediately available so a waste stabilization lagoon is the most likely alternative.

STREETS AND TRAFFIC

It is our understanding that Dickinson Road and Brenner Drive will be improved

south to the property and that accordingly the main access will be from 55th Street.

NEIGHBORHOOD CONCERNS

Area residents have indicated serious misgivings to the project and seem to be especially concerned about future use of the property if Wyandotte House should leave.

SUMMARY

Economic Development - The City went through great pains to find a remote location for Wyandotte House. The location is very remote and not visible to those few residents who lie nearby. The Staff believes that this is an ideal location for Wyandotte House and recommends approval.

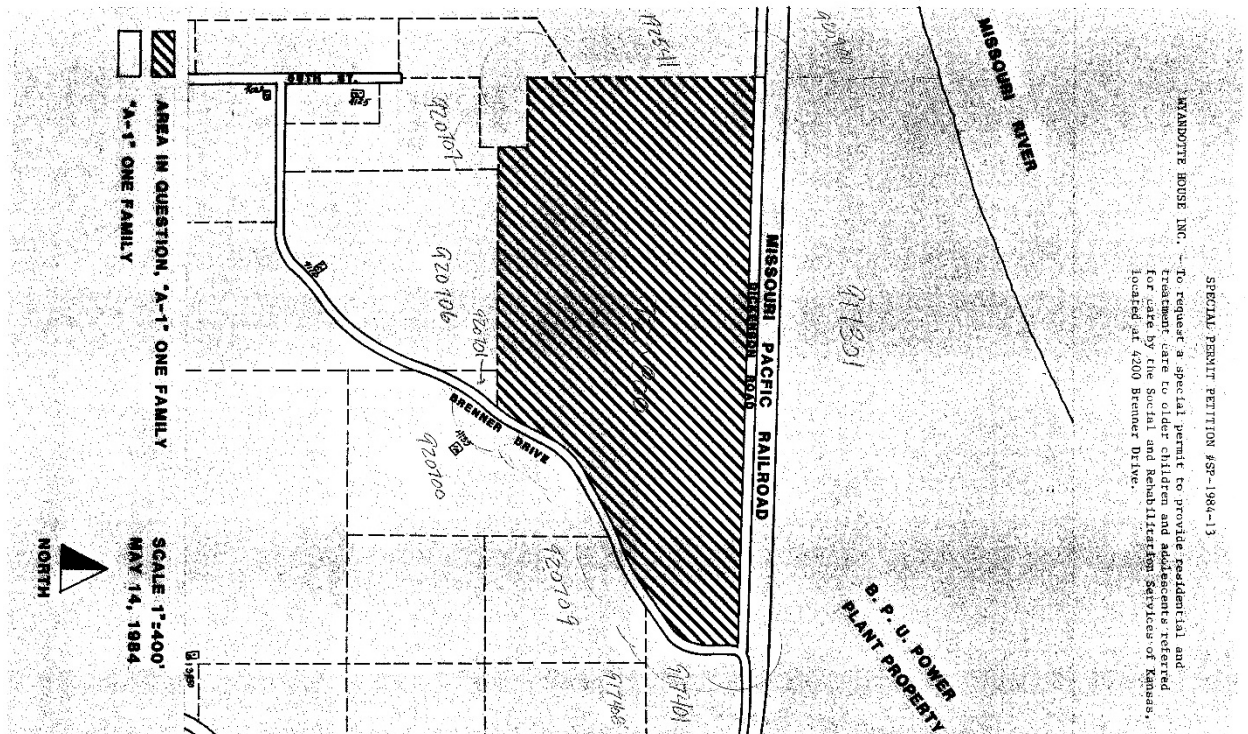
Planning - With proper supervision, the site would seem capable of handling the proposed use. A commitment to a certain minimum level of staffing for so many children would be desirable to help assure proper supervision.

Subject petition and sketch are attached hereto.

Gilbert A. Pintar

Gilbert A. Pintar
Director of City Planning

JLP



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

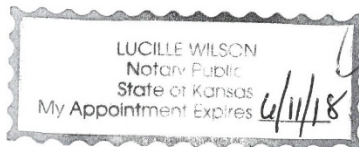
1. That I conducted a neighborhood meeting on October 23, 2017.
2. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of October, 2017

My commission expires June of 11, 2018



[Signature]
Notary Public

Neighborhood Meeting - Sign-In Sheet

October 23, 2017 4:00 PM

Prairie Ridge Hospital- 4300 Brenner Blvd., KC, KS 66104

Application #SP-2017-64

PRINT NAME	SIGNATURE
Enda Summerville	Enda Summerville
Rachelle Martin	Rachelle Martin
Wye Hardridge	Wye Hardridge
Patrick Suttigius	PATRICK Suttigius

Neighborhood Meeting- Minutes

October 23, 2017

4300 Brenner Drive, Kansas City, KS 66104

Application #SP-2017-64

Meeting called to order at 4:08 pm by Lauren Lueck.

Attendees: Enola Summerville, Rachelle Martin, Alyce Wardridge, Patrick Suttington.

Presentation: Lauren Lueck gave history on KVC Hospitals, Inc. and disclosed information regarding application with City Planning to expand services to all ages at our facility on 4300 Brenner Drive, Kansas City, KS.

Questions:

1. What ages does the adult unit serve?
 - 18+ and 35 age average
2. What are they here for?
 - Typically here for depression, off medications, things like that.
3. How long are they here?
 - Typical stay is 6-10 days
4. How many people do you have?
 - We have 12 beds and we will typically have 10-12 patients.
5. Are there people just walking around?
 - When patients are discharged we always set them up with transportation to a family or friends home, nursing home, or mental health center. We always make sure that they are taken somewhere safe.
6. Do people who get admitted – are they charged with crimes or on drugs?
 - We cannot accept people unless that are going through medical discharge, and those who are currently charged with crimes are not admitted.
7. Who refers them?
 - Kansas Health Solutions (state of Kansas) refers and makes sure they meet the criteria
8. What about people coming to visit?
 - Visitation hours are 5-8pm. No purses are allowed or personal items so that we can keep patients safe. We have metal detectors.
9. What do patients do all day?

- They have activities like crafts, phone time, meet with therapists and doctors. The outside space is fenced in to keep the adult population separate from the youth.

Meeting adjourned at: 5:37 pm

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

December 5, 2017

*** DRAFT ***

Mr. Robin Richardson
Director of Planning
Unified Government
701 N 7th Street, room 423
Kansas City, KS 66101

Dear Mr. Richardson,

Confirming our recent conversation, The University of Kansas Health System is committed to absorbing the 12-bed inpatient unit currently located at KVC Prairie Ridge facility. We are planning for this to occur by Spring 2019.

Please let me know if you have any questions.

Thank you.

Sincerely,

John L. McDonough, P.E.
Vice President
Facilities Services and Real Estate Development



Staff Request for Commission Action

Tracking No. 1838

Full Commission Meeting Date: 1/11/18

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: Yes 01/18/2018

<u>Date:</u> 01/05/2018	<u>Contact Name:</u> Ken Moore	<u>Contact Phone:</u> x5070	<u>Contact Email:</u> kjmoore@wycokck.org	<u>Department/Division:</u> Legal
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Item Description:

Establishing a regular schedule of the Unified Government Commission and Standing Committee meeting dates and times.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Reso for meeting dates, Commission 2018-2020, Standing 2018-2020

(Published _____)

RESOLUTION NO. _____

A RESOLUTION establishing a regular schedule of Unified Government
Commission meeting times and dates through January 30,
2020.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS:

Section 1. Pursuant to the provisions of Section 3.07 of the Charter for
the Unified Government of Wyandotte County/Kansas
City, Kansas, the attached regular schedule of Commission
meeting dates from February 5, 2018, through January 30,
2020, is hereby established. The time for said meetings
shall be 7:00 o'clock p.m.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2018.

Approved:

Mayor/CEO

Attest:

Unified Government Clerk

PROPOSED 2018-2020 COMMISSION MEETING SCHEDULE
Thursdays 7:00 p.m. (unless otherwise specified)
Location: Commission Chambers

FC=Full Commission
P/Z=Planning & Zoning

2018

February	8	FC
	22	FC
March	1	P/Z & FC
	22	FC
April	5	P/Z & FC
	26	P/Z & FC
May	10	FC
	31	P/Z & FC
June	14	FC
	28	P/Z & FC
July	12	FC
	26	P/Z & FC
August	2	FC
	30	P/Z & FC
September	13	FC
	27	P/Z & FC
October	11	FC
	25	P/Z & FC
Nov	8	FC
	29	P/Z & FC
Dec	6	FC
	13	FC

July Budget Calendar

Budget Presentation	Thursday, July 12, 2018	5:00 p.m.
Budget Workshop	Monday, July 16, 2018	5:00 p.m.
Budget Workshop	Thursday, July 19, 2018	5:00 p.m.
Budget Workshop	Monday, July 23, 2018 (immediately following PWS/AHS)	
Budget Workshop	Thursday, July 26, 2018	5:00 p.m.
Final Budget Public Hearing for UG & CDBG	Monday, July 30, 2018	5:00 p.m.
Budget Workshop (if needed after public hearing)		
Budget Adoption	Thursday, August 2, 2018	7:00 p.m.

PROPOSED 2018-2020 COMMISSION MEETING SCHEDULE

Thursdays 7:00 p.m. (unless otherwise specified)

Location: Commission Chambers

**FC=Full Commission
P/Z=Planning & Zoning**

2019

January 10 P/Z & FC
31 P/Z & FC

Feb 14 FC
28 P/Z & FC

March 7 FC
28 P/Z & FC

April 11 FC
25 P/Z & FC

May 9 FC
30 P/Z & FC

June 13 FC
27 P/Z & FC

July 11 FC
25 P/Z & FC

August 1 FC
29 P/Z & FC

Sept 12 FC
26 P/Z & FC

Oct	10	FC
	31	P/Z & FC
Nov	14	FC
	21	FC
Dec	5	P/Z & FC
	12	FC

PROPOSED 2018-2020 COMMISSION MEETING SCHEDULE

Thursdays 7:00 p.m. (unless otherwise specified)

Location: Commission Chambers

**FC=Full Commission
P/Z=Planning & Zoning**

2020

January	9	FC
	30	P/Z & FC

PROPOSED STANDING COMMITTEE MEETINGS
February 2018 - 2020

All Standing Committee meetings are scheduled the Monday prior to a full Commission meeting unless changed by the Chairperson of a committee, holiday, or for some other unforeseen reason. The meetings are held in the 5th Floor Conference Room of the Municipal Office Building.

N/CD - Neighborhood and Community Development

ED/F – Economic Development and Finance

PW/S – Public Works and Safety

A/HS – Administration and Human Services

Schedule for 2018 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>7:00 p.m.</u>
February 5	N/CD	ED/F
February 26	PW/S	A/HS
March 5	N/CD	ED/F
March 19	PW/S	A/HS
April 9	N/CD	ED/F
April 23	PW/S	A/HS
April 30	N/CD	ED/F
May 21	PW/S	A/HS
June 4	N/CD	ED/F
June 18	PW/S	A/HS
July 9	N/CD	ED/F
July 23	PW/S	A/HS
August 20	N/CD	ED/F
August 27	PW/S	A/HS
September 10	N/CD	ED/F
September 17	PW/S	A/HS
October 1	N/CD	ED/F
October 22	PW/S	A/HS
October 29	N/CD	ED/F

November 26	PW/S	A/HS
December 3	N/CD	ED/F
December 10	PW/S	A/HS

Schedule for 2019 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>7:00 p.m.</u>
January 14	N/CD	ED/F
January 28	PW/S	A/HS
February 4	N/CD	ED/F
February 25	PW/S	A/HS
March 4	N/CD	ED/F
March 18	PW/S	A/HS
April 1	N/CD	ED/F
April 22	PW/S	A/HS
April 29	N/CD	ED/F
May 20	PW/S	A/HS
June 3	N/CD	ED/F
June 17	PW/S	A/HS
July 8	N/CD	ED/F
July 29	PW/S	A/HS
August 19	N/CD	ED/F
August 26	PW/S	A/HS
September 9	N/CD	ED/F
September 23	PW/S	A/HS
September 30	N/CD	ED/F
October 21	PW/S	A/HS
October 28	N/CD	ED/F
November 18	PW/S	A/HS
December 2	N/CD	ED/F
December 9	PW/S	A/HS

Schedule for 2020 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>7:00 p.m.</u>
January 21	N/CD	ED/F
January 27 (Tues)	PW/S	A/HS



Staff Request for Commission Action

Tracking No. 171423

Full Commission Meeting Date: 1/11/18

Committee: Public Works & Safety

Date of Standing Committee Action: 12/11/17

(If none, please explain):

Publication Required: Yes 01/18/2018

<u>Date:</u> 12/12/2017	<u>Contact Name:</u> Ryan Haga	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Project Name: Bridge #71 Improvement Project (CMIP 5045) This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels located at N. 51st Street north of Cleveland Avenue.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Reso Bridge 71				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction of a new box culvert including end treatments such as, grading, riprap, or other energy dissipating devices necessary to reduce downstream drainage impacts and repair of the **Bridge #71 Improvement Project (CMIP 5045)**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction of a new box culvert including end treatments such as, grading, riprap, or other energy dissipating devices necessary to reduce downstream drainage impacts and repair of the **Bridge #71 Improvement Project (CMIP 5045)**, The project is located at N. 51st Street North of Cleveland Avenue. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2017.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

Ryan Haga
Assistant Counsel



Staff Request for Commission Action

Tracking No. 171422

Full Commission Meeting Date: 1/11/18

Committee: Public Works & Safety

Date of Standing Committee Action: 12/11/17

(If none, please explain):

Publication Required: Yes 01/18/2018

<u>Date:</u> 12/12/2017	<u>Contact Name:</u> Ryan Haga	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Project Name: Bridge #159 Improvement Project (CMIP 2142) This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels located at N. 34th Street south of Georgia Avenue.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Reso Bridge 159				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction of a new box culvert including end treatments such as, grading, riprap, or other energy dissipating devices necessary to reduce downstream drainage impacts and repair of the **Bridge #159 Improvement Project (CMIP 2142)**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction of a new box culvert including end treatments such as, grading, riprap, or other energy dissipating devices necessary to reduce downstream drainage impacts and repair of the **Bridge #159 Improvement Project (CMIP 2142)**, The project is located at N. 34th Street South of Georgia Avenue. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2017.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

Ryan Haga
Assistant Counsel



Staff Request for Commission Action

Tracking No. 171424

Full Commission Meeting Date: 1/11/18

Committee: Public Works & Safety

Date of Standing Committee Action: 12/11/17

(If none, please explain):

Publication Required: Yes 01/18/2018

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
12/12/2017	Ryan Haga	x5075	rhaga@wycokck.org	Legal

Item Description:

Project Name: Bridge #237 Improvement Project (CMIP 2167)

This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels located at N. 11th Street north of Troup Avenue.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Reso Bridge 237

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction of a new box culvert including end treatments such as, grading, riprap, or other energy dissipating devices necessary to reduce downstream drainage impacts and repair of the **Bridge #237 Improvement Project (CMIP 2167)**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction of a new box culvert including end treatments such as, grading, riprap, or other energy dissipating devices necessary to reduce downstream drainage impacts and repair of the **Bridge #237 Improvement Project (CMIP 2167)**, The project is located at N. 11th Street North of Troup Avenue. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2017.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

Ryan Haga
Assistant Counsel



Staff Request for Commission Action

Tracking No. 1837

Full Commission Meeting Date: 1/11/18

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: Yes 01/18/2018

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
01/05/2018	Ryan Haga	x5075	rhaga@wycokck.org	Legal

Item Description:

Project Name: Safe Routes to School Group E, CMIP 3335

As part of the Safe Routes to School Group E, CMIP 3335 serving T.A. Edison Elementary School, Noble Prentis Elementary School, and William Allen White Elementary School, the Commission adopted Resolution No. R-109-14, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.

Action Requested:

To approve the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ord. SRTS E

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **Safe Routes to School Project Phase E – CMIP 3335**, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

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

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the construction, maintenance, operation, reconstruction and improvements of the **Safe Routes to School Project Phase E – CMIP 3335**, all in Wyandotte County, Kansas to-wit:

Tract No. 102 – Parcel No. 285200

**Fee Owner: WI Waterstone, LLC
1100-1156 County Line Road
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 1, WORTHING PLACE APARTMENTS, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Northwest corner of LOT 519, FRIENDSHIP HEIGHTS No. 5, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said point also being on the South right of way line of OLIVER STREET, as now established, said point also being the most Easterly Northeast corner of said LOT 1;

thence South 02°00'46" East, departing said South right of way line and along the East line of said LOT 1, a distance of 6.70 feet;

thence North 50°15'54" West, departing said East line, a distance of 47.51 feet, to a point on the North line of said LOT 1;

thence North 87°52'53" East, along said North line, a distance of 7.49 feet, to a point on the West right of way line of 10TH STREET, as now established;

thence S 50°15'54" E, along said right of way line, a distance of 37.47 feet, to the POINT OF BEGINNING, containing 212.28 square feet or 0.0049 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 103 – Parcel ID No. 125416

**Fee Owner: GAM63 Properties, LLC
3408 S. 10th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 601, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The East 13.00 feet of said LOT 601, containing 780.16 square feet or 0.0179 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 104 – Parcel 125415

**Fee Owner: Yellowblock Realty, LLC
3042 S. 10th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 602, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The East 13.00 feet of said LOT 602, containing 780.0 square feet or 0.0179 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 105 – Parcel 125414

**Fee Owner: Yellowblock Realty, LLC
3036 S.10th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 603, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The East 13.00 feet of said LOT 603, containing 910.0 square feet or 0.0209 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 106– Parcel 125413

Fee Owner: Yellowblock Realty, LLC
3030 S. 10th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 604, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The East 10.00 feet of said LOT 604, containing 640.0 square feet or 0.0147 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 107 – Parcel 125412

Fee Owner: Filiberto & Juana Lugo
3024 S. 10th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 605, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The East 10.00 feet of said LOT 605, containing 650.0 square feet or 0.0149 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 108 – Parcel 125411

Fee Owner: Melissa A. & Stanley A. Moore
3018 S. 10th St.
Kansas City, Kansas 66103

Right of Way Easement:

A strip of land over a part of LOT 606, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Southeast corner of said LOT 606, said point being at the intersection of the West right of way line of SOUTH 10th STREET and the North right of way line of SUNTREE PLACE, as now established;

thence South 87°59'14" West, along the North line of said SUNTREE PLACE, a distance of 18.04 feet:

thence North 48°07'46" East, departing said North right of way line, a distance of 23.50 feet, to a point on the West right of way line of said SOUTH 10th STREET;

thence South 02°00'46" East, along said West right of way line, a distance of 15.06 feet, to the POINT OF BEGINNING, containing 135.85 square feet or 0.0031 acres, more or less.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement:

A strip of land over a part of LOT 606, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Northeast corner of said LOT 606, said point being on the West right of way line of SOUTH 10th STREET, as now established;

thence South 02°00'46" East, along said West right of way line, a distance of 47.94 feet;

thence South 48°07'46" West, departing said West right of way line, a distance of 6.51 feet;

thence North 02°00'46" West, a distance of 52.11 feet, to a point on the North line of said LOT 606;

thence North 87°59'14" East, along said North line, a distance of 5.00 feet, to the POINT OF BEGINNING, containing 250.05 square feet or 0.0057 acres, more or less.

Subject to all easements and restrictions of record.

AND ALSO

Temporary Construction Easement #2

A strip of land over a part of LOT 606, FRIENDSHIP HEIGHTS NO. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

COMMENCING at the Southeast corner of said LOT 606, said point being at the intersection of the West right of way line of SOUTH 10th STREET and the North right of way line of SUNTREE PLACE, as now established;

thence South 87°59'14" West, along the North line of said SUNTREE PLACE, a distance of 18.04 feet, to the POINT OF BEGINNING;

thence South 87°59'14" West, continuing along said North right of way line, a distance of 116.28 feet;

thence Westerly, continuing along said right of way line and along a curve to the left having a radius of 343.31 feet, a central angle of 07°38'44" and an arc length of 45.81 feet, to a point on the West line of said LOT 606;

thence North 02°00'46" West, along said West property line, departing said right of way line, a distance of 5.04 feet;

thence North 86°00'12" East, departing said West property line, a distance of 86.99 feet;

thence North 02°00'46" West, a distance of 5.00 feet;

thence North 87°59'14" East, a distance of 87.00 feet;

thence South 48°07'46" West, a distance of 15.60 feet, to the POINT OF BEGINNING, containing 1160.24 square feet or 0.0266 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 109 – Parcel 125410

**Fee Owner: Camille Yearry
3012 S. 10th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 607, FRIENDSHIP HEIGHTS No. 6, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The East 5.00 feet of said LOT 607, containing 315.0 square feet or 0.0072 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 110 – Parcel 125409

**Fee Owner: Claudine R. Fuller
1001 Locust Avenue
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 608, FRIENDSHIP HEIGHTS NO. 6, LOTS 601 TO 617 INCLUSIVE, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Southeast corner of said LOT 608, said point also being on the West right of way line of SOUTH 110th STREET, as now established;

thence South 87°59'14" West, departing said West right of way line, along the South line of said lot, a distance of 5.00 feet;

thence North 02°00'46" West, departing said South property line, a distance of 39.41 feet;

thence South 87°59'14" West, a distance of 10.00 feet;

thence North 02°00'46" West, a distance of 25.00 feet;

thence North 87°59'14" East, a distance of 10.00 feet;

thence North 02°00'46" West, a distance of 70.59 feet;

thence South 87°59'14" West, a distance of 44.85 feet;

thence North 02°00'46" West, a distance of 5.01 feet, to a point on the South line of LOCUST AVENUE, as now established;

thence North 87°59'14" East, along said right of way line, a distance of 49.85 feet, to a point of intersection with said SOUTH 10th STREET and LOCUST AVENUE;

thence South 02°00'46" East, along the West line of said SOUTH 10TH STREET right of way, a distance of 140.00 feet, to the POINT OF BEGINNING, containing 1,174.75 square feet or 0.0269 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 112 – Parcel 125500

**Fee Owner: Gary L. and Janet L. Plackett
1012 Suntree Place
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 806, FRIENDSHIP HEIGHTS NO. 8, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Southwest corner of said LOT 806, said point also being on the North right of way line of SUNTREE PLACE, as now established;

thence North 23°58'56" West, departing said North right of way line and along the West line of said LOT 806, a distance of 4.98 feet;

thence North 60°58'13" East, departing said West property line, a distance of 0.28 feet;

thence North 73°02'33" East, a distance of 89.84 feet, to a point on the East line of said LOT 806;

thence South 02°00'16" East, along said East line, a distance of 5.04 feet, to the Southeast corner of said LOT 806, said point also being on the North line of said SUNTREE PLACE;

thence Southwesterly, along said North right of way line and along a curve to the left having an initial tangent bearing of South 80°20'32" West, a radius of 343.31 feet, a central angle of 14°45'44" and an arc length of 88.45 feet, to the POINT OF BEGINNING, containing 272.4 square feet or 0.0063 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 113 – Parcel 125501

Fee Owner: John B. Dunn
1016 Suntree Place
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 805, FRIENDSHIP HEIGHTS NO. 8, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Southwest corner of said LOT 805, said point also being on the North right of way line of SUNTREE PLACE, as now established;

thence North 33°05'54" West, departing said North right of way line and along the West line of said LOT 805, a distance of 5.00 feet;

thence North 60°58'12" East, departing said West line, a distance of 56.34 feet, to a point on the East line of said LOT 805;

thence South 23°58'56" East, along said East line, a distance of 4.98 feet, to the Southeast corner of said LOT 805, said point also being on the North right of way line of said SUNTREE PLACE;

thence Southwesterly, departing said East line and along said North right of way line along a curve to the left, having an initial tangent bearing of South 65°34'49" West, a radius of 343.31 feet, a central angle of 09°16'52" and an arc length of 55.61 feet, to the POINT OF BEGINNING, containing 236.6 square feet or 0.0054 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 114 – Parcel 125502

Fee Owner: John Rost
1024 Suntree Place
Kansas City, Kansas 66103

Permanent Drainage Easement:

A strip of land over a part of LOT 804, FRIENDSHIP HEIGHTS NO. 8, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

COMMENCING at the Southwest corner of said LOT 804, said point also being on the North right of way line of SUNTREE PLACE, as now established;

thence Northeasterly along said right of way line and along a curve to the left having an initial tangent bearing of North 64°01'30" East, a radius of 134.16 feet, a central angle of 02°44'53" and an arc length of 6.44 feet, to the POINT OF BEGINNING;

thence North 09°57'53" West, departing said right of way line, a distance of 12.21 feet;

thence North 66°31'37" East, a distance of 43.02 feet, to a point on the North right of way line of said SUNTREE PLACE;

thence South 46°59'15" West, along said right of way line, a distance of 14.09 feet;

thence Southwesterly, continuing along said right of way line and along a curve to the right having a radius of 134.16 feet, a central angle of 14°17'22" and an arc length of 33.46 feet, to the POINT OF BEGINNING, containing 307.9 square feet or 0.0071 acres, more or less.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement:

A strip of land over a part of LOT 804, FRIENDSHIP HEIGHTS NO. 8, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Southeast corner of said LOT 804, said point also being on the North right of way line of SUNTREE PLACE, as now established;

thence Southwesterly along said North right of way line and along a curve to the left having an initial tangent bearing of South 56°17'57" West, a radius of 343.31 feet, a central angle of 09°18'41" and an arc length of 55.79 feet;

thence South 46°59'15" West, continuing along said North right of way line, a distance of 0.27 feet;

thence South 66°31'37" West, departing said North right of way line, a distance of 18.93 feet;

thence North 51°32'13" East, a distance of 74.76 feet, to a point on the East line of said LOT 804;

thence South 33°05'54" East, along said East line, a distance of 5.00 feet, to the POINT OF BEGINNING, containing 279.7 square feet or 0.0064 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 115 – Parcel 125503

**Fee Owner: Julian Vergara
1030 Suntree Place
Kansas City, Kansas 66103**

Permanent Drainage Easement:

A strip of land over a part of LOTS 803 and 804, FRIENDSHIP HEIGHTS NO. 8, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

COMMENCING at the Southwest corner of said LOT 803, said point also being on the North right of way line of SUNTREE PLACE, as now established;

thence North 87°50'21" East, along said North right of way, a distance of 33.93 feet;

thence Easterly, continuing along said North right of way line, and along a curve to the left having a radius of 134.16 feet, a central angle of 09°57'53" and an arc length of 23.27 feet, to the POINT OF BEGINNING;

thence North 12°05'59" West, departing said North right of way line, a distance of 10.00 feet;

thence North 66°31'37" East, a distance of 39.61 feet;

thence South 09°57'53" East, a distance of 12.21 feet, to a point on the North right of way line of said SUNTREE PLACE;

thence Westerly along said North right of way line, and long a curve to the right having an initial tangent bearing of South 61°16'37" West, a radius of 134.16 feet, a central angle of 16°37'24" and an arc length of 38.92 feet, to the POINT OF BEGINNING, containing 463.4 square feet or 0.0106 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 205 – Parcel 129524

**Fee Owner: Raymond G. & Jacqueline L. Gochenour
1343 Gibbs Road
Kansas City, Kansas 66103**

Permanent Drainage Easement:

A strip of land over a part of LOT 22, ROSEWOOD, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

BEGINNING at the Northwest corner of said LOT 22, said point being on the South right of way line of GIBBS ROAD and also on the East right of way line of SOUTH 14TH STREET, as now established;

thence North 87°57'30" East, along the South right of way line of said GIBBS ROAD, a distance of 10.00 feet;

thence South 42°53'30" West, departing said South right of way line, a distance of 14.13 feet, to a point on the East right of way line of said SOUTH 14TH STREET;

thence North 02°06'30" West, along said East right of way line, a distance of 10.00 feet, to the POINT OF BEGINNING, containing 49.94 square feet or 0.0011 acres, more or less.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement:

A strip of land over a part of LOT 22, ROSEWOOD, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

COMMENCING at the Northwest corner of said LOT 22, said point being on the South right of way line of GIBBS ROAD and also on the East right of way line of SOUTH 14TH STREET, as now established;

thence North 87°57'30" East, along the South right of way line of said GIBBS ROAD, a distance of 10.00 feet, to the POINT OF BEGINNING;

thence North 87°57'30" East, continuing along said South right of way line, a distance of 71.51 feet;

thence South 03°37'39" East, departing said South right of way line, a distance of 10.00 feet;

thence South 87°57'30" West, a distance of 81.77 feet, to a point on the East right of way line of said SOUTH 14TH STREET;

thence North 42°53'30" East, departing said East right of way line, a distance of 14.13 feet, to the POINT OF BEGINNING, containing 766.38 square feet or 0.0176 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 206 – Parcel 129523

**Fee Owner: Hue & Un Nguyen
2404 S. 13th Terrace
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 22, ROSEWOOD, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The North 5.00 feet of East half of said LOT 22, containing 407.6 square feet or 0.0094 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 207 – Parcel 129522

**Fee Owner: Ashley A. Hart
1327 Gibbs Road
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 21, ROSEWOOD, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

COMMENCING at the Northwest corner of said LOT 21, said point being on the South right of way line of GIBBS ROAD and also on the East right of way line of SOUTH 13TH TERRACE, as now established;

thence North 87°57'30" East, along the South right of way line of said GIBBS ROAD, a distance of 74.42 feet, to the POINT OF BEGINNING;

thence continuing North 87°57'30" East, along said South right of way line, a distance of 59.98 feet;

thence South 04°22'55" East, departing said South right of way line, a distance of 5.00 feet;

thence South 87°57'30" West, a distance of 20.08 feet;

thence South 03°09'03" East, a distance of 8.70 feet;

thence South 86°50'57" West, a distance of 40.00 feet;

thence North 03°09'03" West, a distance of 14.47 feet, to the POINT OF BEGINNING,
containing 663.4 square feet or 0.0152 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 208 – Parcel 129521

**Fee Owner: Jason R. Schmitz
1325 Gibbs Rd.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 21, ROSEWOOD, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The North 5.00 feet of said LOT 21, except the West 134.40 feet thereof, containing 328.2 square feet or 0.0075 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 209 – Parcel 129500

**Fee Owner: Mavel Torres and Isidro A. Holguin
2406 S. 13th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 1, ROSEWOOD, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The North 5.00 feet of said LOT 1, containing 993.2 square feet or 0.0228 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 210 – Parcel 129369

**Fee Owner: Dwight E. & Genevieve B. Gipson
2403 S. 13th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 40, ROSEDALE VIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

BEGINNING at the Northwest corner of said LOT 40, said point being on the South right of way line of GIBBS ROAD and also on the East right of way line of SOUTH 13TH STREET, as now established;

thence North 87°57'30" East, along the South right of way line of said GIBBS ROAD, a distance of 140.00 feet, to the Northeast corner of said LOT 40;

thence South 01°58'30" East, departing said South right of way line and along the East line of said LOT 40, a distance of 35.00 feet;

thence South 87°57'30" West, a distance of 74.87 feet;

thence North 02°02'30" West, a distance of 30.00 feet;

thence South 87°57'30" East, a distance of 65.09 feet, to a point on the East right of way line of said SOUTH 13TH STREET;

thence North 02°06'30" West, along said East right of way line, a distance of 5.00 feet, to the POINT OF BEGINNING, containing 2,946.47 square feet or 0.0676 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 211 – Parcel 129336

Fee Owner: Amber Tovar
2400 S. 12th Terrace
Kansas City, Kansas 66103

Permanent Drainage Easement:

A strip of land over a part of LOT 39, ROSEDALE VIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

BEGINNING at the Northwest corner of said LOT 39, said point being on the South right of way line of GIBBS ROAD, as now established;

thence North 87°57'30" East, along said South right of way line, a distance of 25.00 feet;

thence South 01°58'30" East, departing said South right of way line, a distance of 25.00 feet;

thence South 87°57'30" West, a distance of 25.00 feet, to a point on the West line of said LOT 39;

thence North 01°58'30" West, along said West line, a distance of 25.00 feet, to the POINT OF BEGINNING, containing 625.00 square feet or 0.0143 acres, more or less.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement:

A strip of land over a part of LOT 39, ROSEDALE VIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

COMMENCING at the Northwest corner of said LOT 39, said point being on the South right of way line of GIBBS ROAD, as now established;

thence North 87°57'30" East, along the South right of way line of said GIBBS ROAD, a distance of 25.00 feet, to the POINT OF BEGINNING;

thence continuing North 87°57'30" East, along said South right of way line, a distance of 115.00 feet, to the Northeast corner of said LOT 39, said point also being on the West right of way line of SOUTH 12TH TERRACE, as now established;

thence South 01°58'30" East, along said West right of way line, a distance of 10.00 feet;

thence South 87°57'30" West, departing said West right of way line, a distance of 69.89 feet;

thence South 02°02'30" East, a distance of 25.00 feet;

thence South 87°57'30" West, a distance of 70.13 feet, to a point on the West line of said LOT 39;

thence North 01°58'30" West, along said West line, a distance of 10.00 feet;

thence North 87°57'30" East, departing said West line, a distance of 25.00 feet;

thence North 01°58'30" West, a distance of 25.00 feet, to the POINT OF BEGINNING, containing 2,527.99 square feet or 0.0580 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 301 – Parcel 174137

Fee Owner: Quick Field Preservations, LLC
2015 N. 44th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 25, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The West 5.00 feet of said LOT 25, containing 435.00 square feet or 0.0100 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 302 – Parcel 174138

Fee Owner: Collene L. Newby
2021 N. 44th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 26, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The West 5.00 feet of said LOT 26, containing 435.00 square feet or 0.0100 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 303 – Parcel 174139

Fee Owner: Donna & James Dassel-Stuke
2101 N. 44th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 27, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The West 5.00 feet of said LOT 27, containing 435.00 square feet or 0.0100 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 304 – Parcel 174140

**Fee Owner: John H. & Lucy A. Griffin
2105 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 28, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The West 5.00 feet of said LOT 28, containing 435.00 square feet or 0.0100 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 305 – Parcel 174141

**Fee Owner: Gustavo Perez Pizana
2117 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 29, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The West 5.00 feet of said LOT 29, containing 435.00 square feet or 0.0100 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 306 – Parcel 174142

**Fee Owner: Anthony J. Zerillo
2123 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 30, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The West 5.00 feet of said LOT 30, containing 435.00 square feet or 0.0100 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 307 – Parcel 174143

**Fee Owner: Barbara Lou Smith
2129 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 31, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

The West 5.00 feet of said LOT 31, containing 435.00 square feet or 0.0100 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 308 – Parcel 174144

**Fee Owner: Cynthia & Frank B. Jackson Jr.
2201 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 32, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

BEGINNING at the Southwest corner of said LOT 32, said point being on the East right of way line of NORTH 44TH STREET, as now established;

thence North 01°17'52" West, along said East right of way line, a distance of 87.00 feet, to the Northwest corner of said LOT 32;

thence North 89°28'08" East, departing said East right of way line and along the North line of said LOT 32, a distance of 5.00 feet;

thence South 01°17'52" East, departing the North line of said LOT 32, a distance of 51.77 feet;

thence North 88°42'08" East, a distance of 10.00 feet;

thence South 01°17'52" East, a distance of 35.36 feet, to a point on the South line of said LOT 32;

thence South 89°28'08" West, along said South line, a distance of 15.00 feet, to the POINT OF BEGINNING, containing 787.87 square feet or 0.0181 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 309 – Parcel 174145

**Fee Owner: Pedro A. Vazques
2211 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 33, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(NOTE: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System, NAD 83.)

All of the West 10.00 feet of said LOT 33, containing 866.81 square feet or 0.0199 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 310 – Parcel 174109

**Fee Owner: Otis Harris
2301 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 34, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The West 5.00 feet of said LOT 34, containing 394.6 square feet or 0.0091 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 311 – Parcel 174110

**Fee Owner: Lanita Day
2307 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 35, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The West 5.00 feet of the South 47.00 feet of said LOT 35, containing 235.0 square feet or 0.0005 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 312 – Parcel 174111

Fee Owner: Athel A. & Annie R. Hinds
2317 N. 44th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 36, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The West 5.00 feet of said LOT 36, containing 410.0 square feet or 0.0094 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 313 – Parcel 174112

Fee Owner: Glenn Roger Smith
2325 N. 44th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 37, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The West 5.00 feet of said LOT 37, containing 410.0 square feet or 0.0094 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 314 – Parcel 125500

Fee Owner: James E. & Natalie M. Ford
2405 N. 44th St.
Kansas City, Kansas 66103

Temporary Construction Easement:

A strip of land over a part of LOT 38, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The West 5.00 feet of said LOT 38, containing 410.0 square feet or 0.0094 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 315 – Parcel 174114

**Fee Owner: Rosie Mae Hodges
2407 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 39, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

The West 5.00 feet of said LOT 39, containing 410.0 square feet or 0.0094 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 316 – Parcel 174115

**Fee Owner: Chou & Dang Heu
2411 N. 44th St.
Kansas City, Kansas 66103**

Temporary Construction Easement:

A strip of land over a part of LOT 40, also the adjacent vacated street, WEST BROADVIEW, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, said strip being more particularly described as follows:

(Note: The bearing system of the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

BEGINNING at the Southwest corner of said LOT 40, said point also being on the East right of way line of NORTH 44th STREET, as now established;

thence North 01°17'52" West, along said East right of way line, a distance of 201.05 feet;

thence South 48°56'52" East, departing said right of way line, a distance of 6.77 feet;

thence South 01°17'52" East, a distance of 196.56 feet, to a point on the South line of said LOT 40;

thence South 89°28'08" West, along said lot line, a distance of 5.00 feet, to the POINT OF BEGINNING, containing 994.69 square feet or 0.023 acres, more or less.

Subject to all easements and restrictions of record.

- Section 2. It is hereby found that the costs of this project will be paid from CMIP 3335.
- Section 3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
- Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo.

**PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2018.**

Mayor/CEO David Alvey

Unified Government Clerk

**Approved as to form:
Ryan P. Haga
Assistant Counsel**



Staff Request for Commission Action

Tracking No. 171462

Full Commission Meeting Date: 1/11/2018

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
12/28/2017	Emerick Cross	x6784	ecross@wycokck.org	Commission Liaison

Item Description:

Nominations for Boards & Commissions:

Golf Advisory Board, J.D. Downs, 1/11/2018 to 3/31/2022, submitted by Commissioner Townsend

Library Board, Korri Hall-Thompson, 1/11/2018 to 3/31/2022, submitted by Commissioner Townsend

Action Requested:

1/11/2018

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

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

**PLANNING & ZONING AND
REGULAR SESSION
NOVEMBER 30, 2017**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, November 30, 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, and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Assistant Counsel; Lindsay Behgam, Executive Coordinator to the Mayor; Janet Parker and Byron Toy, Planning Department; Bridgette Cobbins, Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Rob Richardson, Director of Planning; Jon Stephens, Interim Economic Development Director; and Captain Thomas Joyce, Sergeant-at-Arms.

Mayor Holland called the meeting to order.

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

INVOCATION was given by Reverend Tony Carter, Faith Community Church.

Mayor Holland asked the Clerk if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, a blue sheet has been distributed. Under Section 7, of the Planning and Zoning Consent Agenda, Item B1, we have additional item under the Special Use Permit Application, SP-2017-37. Under Section 10 Non-Planning Consent Agenda, we have a new item, Item No. 6 which is a plat regarding the Legends Auto Mall 3rd Plat.

Mayor Holland said both of these are on the Consent Agenda. One is on the Planning and Zoning Consent and one is on the Non-Planning Consent Agenda. Our first portion of our meeting tonight is our Planning & Zoning portion. I'll ask the Clerk to read the statement required by law to be read followed by the items on the Planning & Zoning Consent Agenda.

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 McKiernan said I previously had contact with proponents and opponents of SP-2017-36. **Commissioner Bynum** said communication with proponents and opponents of SP-2017-36. **Commissioner Philbrook** said with both proponents and opponents of SP-2017-36. **Commissioner Townsend** said I've had contact/communication with proponent of Change of Zone Application #3150. **Commissioner Johnson** said proponent SP-2017-36. **Commissioner Markley** said I've received email communication regarding SP-2017-36. **Mayor Holland** said I will disclose as well I've had discussion with proponents of No. 3150. **Commissioner Philbrook** said also, with Zone Application Changes #3149 and #3150, proponents and opponents.

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

Commissioner Johnson said I've also had contact with Change of Zone Petition #3150.

Mayor Holland said that brings us to our Planning & Zoning Consent Agenda, would anyone in the audience tonight, staff member or Commissioner like to remove any item from the consent agenda. Any item not removed at this time will be voted on by a single vote. If you would like to remove an item, please step to the microphone at this time.

Rob Richardson, Director of Planning, said I'd like to remove SP2017-58, Eric Bishop. We've had new information since the Planning Commission meeting about this case. **Mayor Holland** said thank you, it is removed.

Rich Sheahan said I'd like to remove Special Use Permit Application SP2017-36 from the Consent Agenda. **Mayor Holland** said it is removed.

Mayor Holland asked are there any other items. Let the record show no one else is moving to the microphone to remove an item.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all other items as submitted.** Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 171407...CHANGE OF ZONE APPLICATION #3149 - JON CORBIN WITH KVC FOUNDATION, INC

Synopsis: Change of Zone from C-1 Limited Business District to R-4 Garden Apartment District for a facility that provides short-term residence to youth in foster care at 316-344 North 38th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, KVC Foundation, Inc. has submitted a rezoning application to operate a facility that provides short-term residence to youth in foster care. The facility is proposed for providing short-term care for youth entering into the foster care system awaiting a long-term placement. The use intends to provide a safe, comfortable, home-like environment. The building is three stories, includes 7,700 square feet, and the property includes significant parking areas. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3149 as a Special Use Permit for two years, subject to:

Urban Planning and Land Use Comments:

Legal Description

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

Staff Response: This has been resolved.

Special Use Permit

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

Additional Information Regarding Operation of the Facility

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

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

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

at this location are those entering the foster care system and in search of placement, or those currently in the foster care system and in-between foster homes/reintegration.

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

Applicant Response: KVC Hospitals will employ approximately 20 FTE staff for this location, with positions ranging from direct youth care, supervisory staff, and possibly a therapist and LPN depending on the individual needs of each youth. For each level of staff members, varying education, credentials and requirements for employment are required. We offer positions which require a high school diploma, a college degree as well as advanced degrees. We do have preference for applicants who have worked with youth in the past and provide training to all staff members based on neuroscience and brain development, trauma informed care practices and Trauma Systems Therapy in order to best serve our clients.

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

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

4. Please provide a floor plan of the building.

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

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

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

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

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

Business License Comments:

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

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. Obtain an inspection and approval from Wyandotte County Health Department regarding the existing and/or proposed septic system.
 - 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 Johnson, to approve Change of Zone Application #3149 as a special use permit for two years. Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 171408...CHANGE OF ZONE APPLICATION #3150 – RANDY CALLSTROM WITH WYANDOTTE INC.

Synopsis: Change of Zone (CP-1 Planned Limited Business District) to modify the previous 2005 approval in order to provide overnight units for up to 10 people for a maximum of 10 days at 1301 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to rezone the property from CP-1 Planned Limited Business District to CP-1 Planned Limited Business District to amend stipulations from a 2005 change of zone approval (COZ #2806) to allow Wyandot Inc. and RSI to have 24-hour operations and short-term overnight stays for a maximum of 10 days for a maximum of 10 persons. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3150, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. Per the applicant, RSI will provide 24-hour assessment with sobering beds and crisis observation units. RSI will provide non-medical resident board and care with a licensed short-term crisis stabilization unit for 10 persons maximum for stays for up to 10 days. KCKPD will be on site from 6:00 PM to 6:00 AM to monitor the 24-hour access to the facility. Residents staying overnight will not be allowed to leave the site and will be under staff supervision for outdoor activity on the fenced in patio on the back side of the facility.
3. What is the staff-to-resident ratio?
Applicant Response: The ratio depends on the number of patients on each unit. Each shift at RSI consists of a minimum of one registered nurse, a triage specialist, a recovery specialist, and four mental health technicians. In addition, there is an off-duty law enforcement officer present from 6:00 PM to 6:00 AM. At a minimum during the overnight hours, there is 1:5 ratio. However, additional staff may be called in if any patient needs a 1:1 ratio.
4. Please provide a narrative on how RSI will operate within the building?
Applicant Response: Patients will enter through the crisis clinic entrance. A triage specialist will complete an assessment of the current crisis to determine what level of care that is needed and which unit may be the most appropriate for the individual. A registered nurse then

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

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

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

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

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

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

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

2. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application 3150, subject to stipulations. Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Mayor Holland said that brings us to the first item that has been removed, No. B1 SP2017-36. This item is removed and the process will be this; the applicant will have an opportunity to make presentation. After the applicant makes presentation we will open the discussion. Anyone who would like to speak for or against, I'll ask the proponents to speak and then the opponents, you'll have three minutes each. At the end of each section of for it or against it, I'll ask everyone in attendance who holds that position if you would like to stand and show your support. Many people maybe came in support, but don't want to speak or came in opposition, but don't want to speak. At the end of the speech's we will allow you to stand to show the Commission your position at that time. Again, you will each have three minutes to make your comments. Please remember you are not obligated to use all three minutes. Those three minutes are available to you. I will turn it over now to the applicant to make application.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 171409...SPECIAL USE PERMIT APPLICATION #SP-2017-36 – FREDERICK AVERY WITH AVERY'S VILLAGE

Synopsis: Special Use Permit for a youth residential facility at 6261 Leavenworth Road, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting approval of a special use permit to operate a youth residential facility at 6261 Leavenworth Road. The facility is for youth that need housing due to extenuating circumstances. The building was previously licensed as a nursing home from 1967 until 2014. The proposed facility would be licensed with

the state of Kansas to work with 35 or more children between 5 and 17 years of age. The applicant states that the facility has the capacity to house 70 youth, but the current requests approval for 50 youth. The facility would be staffed by an office manager, food service personnel, maintenance and grounds personnel, youth support personnel, and case managers. The Planning Commission voted 6 to 0 to uphold its previous decision and recommends approval of Special Use Permit Application #SP-2017-36 subject to:

Urban Planning and Land Use Comments:

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

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

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

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

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

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

3. Are there any plans to use the adjacent property to the east in conjunction with the youth residential facility? Applicant Response: Yes, it will serve as our staff house.

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

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

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

Staff Response: see attached floor plan.

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

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

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

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

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

Public Works Comments: None

Court Kennedy, Attorney for Avery's Village, LLC, 10990 Quivira, Overland Park, Ks., said this application by Avery's Village is to take a residential facility that's been vacant for at least three years in the subject neighborhood and use it for a purpose that we all agree is a dire need in this community, that is as a temporarily residential placement for children that have been removed from their homes by the state due to abuse or neglect. As a staff put in its report recommending approval, this is a facility for good kids in bad situations. When we were last before this governing body there was no question about the necessity of this type of facility for this community.

Commissioner Philbrook indicated that she has heard from KVC and others that they expressed a dire need for this sort of facility and expressed a hope that Avery's Village is able to provide it. Commissioner Walker indicated he believed we need ten or twelve of these facilities based on the numbers he reviewed. These sentiments are echoed by support letters from both KVC and Saint Frances, which are the two agencies my clients will be receiving referrals from. Their letters of support expressing the dire need or in the public record and in the materials.

We are here today because after what appeared to be some legitimate opposition by the neighbors and in the subject neighborhood, this governing body sent the matter back to the

Planning Commission for some additional discussion and consideration of the first two factors to be considered. That is the character of the neighborhood and the compatibility this facility will have with the uses of the nearby properties. On those points this Commission requested that my clients have further discussion with the neighbors and also, they asked the staff to do additional research behind the history of other facilities in the community.

What we've learned since that time is that the protest petition that was filed is in fact invalid and the protest had more to do with more constituted of individuals that live a half mile or even two miles away from the facility. We also learned that the neighbors largely are indifferent or in fact support this application. Also, an analysis of the history of the other facilities will show that my clients are just as, if not, more entitled to have their special use permit approved as these other facilities.

As for the history of the other facilities in this community, the staff found that in the last ten years there have been three approvals, two denials and one withdrawal of group homes and/or child youth residential facilities in this community as far as special use permit applications go. Of the denials, one of the denials was solely because there was a restrictive covenant filed with the Register of Deeds on the property which prevented it from being used for commercial purpose. It's unclear why the other denial was rendered because those records were not available on line. A Google search of these properties show that they are all in residential facilities with absolutely no public or semipublic aspect to speak of.

I want to spend some time talking in greater detail about the Blue Door project because and how that project is much different than my clients proposed facility. I'm going to speak on that because that facility seems to be the one that always comes up when we're having this discussion about Avery's Village. Project Blue Door is located in a strictly residential community with no public or semipublic use to speak of. It was approved for 16 youths, both boys and girls living together, up to age 18. Despite the fact that they submitted a fraction of the materials that my clients have already provided both to this governing body and the community. Their use does not fit within the city masterplan which designates that particular property as a public use or I'm sorry, as a low density residential. In addition, if you look at the website for the Blue Door project you'll see that they say they take children between ages 12 and 18, provide substance abuse treatment and also transitional development plans which means they offer services that are

children that are 18 or about to become adults, they help them transition out. So, you see that they offer services to higher risk kids and older kids in general.

Avery's Village is much different. Again, my clients are seeking to provide temporary residential placement to children between the ages of 5 and 17, who have been removed from their homes due to abuse or neglect. They own a building that is in a semipublic use designation according to the City Master Plan. That's been a residential facility for a very long time. My clients have provided substantial information about their proposed business operations including the programs they're going to provide, the security that they're going to provide, and also the staffing that they'll be providing as well as their community partnerships that they've developed.

Most importantly my clients are indigenous to this community. Beverly Avery has lived in Kansas City all of her life. She's raised all of her children here. Since 1992, she's operated a licensed daycare facility. She's been a licensed therapeutic foster parent for over a decade. Mr. Avery's come back to this community after going to college and getting some experience to start this business with his mother to meet a need that everybody agrees with. My client's facility is no different than the facilities that have been approved in the past. In fact, it's no different than the facility that KVC will be up here proposing I think and did tonight at the Planning Commission.

I need to speak about the opposition in this case because one of the things that the board wanted us to do is have additional conversations with the neighbors and then report back on how those went. What we found is that the opposition was really not by the neighbors largely, but by the Leavenworth Road Association. Before we really understood that we met with that association to hear their concerns again. We met with them at least twice during the entire process, including giving them a tour of the facility. In the materials you see something that's been marked Exhibit 6, its public record, our meeting minutes from a meeting that we had with the LRA October 4, 2017. Very detailed meeting minutes. We explained to them, as you'll see in those minutes, that all of their questions had to do with topics that are strictly regulated by the state of Kansas either in statutes or regulations. We explained to them that we will before we're ever able to even operate we have to get licensed by the state of Kansas after a very strict evaluation. We can't keep that license unless we meet and continue to meet all of the regulations and all of the statutes. We explained to them that we will be subject to yearly reviews by the state of Kansas audits. After explaining all that to them and then asking them if there's anything we can do, any additional conditions they want on the permit, like licensure by the State of Kansas or

anything else that they can propose, they were not receptive to anything. It became quite apparent at that point and after many questions, we asked them numerous times what we could do, it became apparent that the nature of the opposition is just that they just don't want the facility, based on my perception being a general distrust of my clients or these types of facilities in general.

When we talked to the actual neighbors the situation was quite different. Not all the way different but I'd like to report on that as well. Kathleen Litke who's the nextdoor neighbor to this facility and owns the largest tract of land in the neighborhood has actually supported the application from the beginning but just had questions. She'll be speaking after me in support of this application tonight. Ronald Seaton who is across the street from her, I found out also supports this application. You'll see in the public material affidavit signed by both of those land owners indicating their support of Avery's Village application. There's only two people that we could identify, two landowners that are actually protesting this petition within the 200 foot buffer zone and that would be Henry Brown that lives across the street and Mr. and Mrs. McGill whose corner of their property is within the 200 foot buffer zone.

You'll see in the materials Exhibits 9 and 10 a letter and an email that I sent to them confirming the details we discussed, the questions they had and the information that was provided. Mr. McGill actually didn't want to meet with my clients and turned them away. When I met with them, just me and them, they explained that they distrust my clients based on the way they came off the last time we were here before this governing body.

Henry Brown, we met with him after he had told me that he met with the LRA, which was on a Monday, we met with him on a Wednesday. He had a lot of the same questions the LRA had. We again answered all those questions this time in writing as you can see in Exhibit A.

That brings us to the Planning Commission Meeting on November 13. The LRA led that opposition, organized the opposition, it was quite apparent and brought up the old same tired concerns that had been brought up repeatedly that my clients answered over and over again. They didn't offer any information, new information and we're not receptive to suggestions by the Planning Commission of additional conditions that could be provided.

Mr. McGill did have a document in his hand that he purported to be an opinion of a real estate agent that he handed Mr. Richardson that alleged there was a small net potential decrease in the property in the value of his property down the street. Upon questioning by Mr. Richardson, it

became apparent, and it's clear from the document, that the opinion wasn't actually based on any data but was based on the assumption that this property was going to be a hangout for juvenile delinquents which of course is not the case. I don't know how many times my clients have to say that for that to be clear.

The staff did seize on that and put as an additional condition to the permit, recommended conditions that: No. 1, that this be a facility for kids that are removed from their home because of abuse or neglect: No. 2, in two years they'll review it to see if it's actually become a hangout for juvenile delinquents, which of course will not be the case. With that the Planning Commission once again unanimously approved this application. They approved it and also found that there is absolutely no compatibility issues with the nearby properties.

In conclusion, this governing body knows that there's certain factors that it should consider when deciding whether or not to grant a special use permit and that these factors are set forth by the judiciary. All those factors wave in favor of this application. Chief among them, the fact that we've got a recommendation of a professional planning staff which is now recommended approval of this application twice, we've got a gain to the public health safety and welfare, it's fitting within the Master Plan, among others. All of these factors weigh in favor for the approval of this permit especially given the well-recognized need and the track record of this government stepping up to the plate and meeting that need when there is an opportunity to do so. To deny this permit based solely on the size of the facility or what we perceive to be some incurable distrust of either these facilities in general or my clients would be wholly unreasonable.

Mayor Holland said we will open up the public hearing at this time and I'm going to ask to begin with anyone who would like to speak in favor of this petition.

Kathy Litke, 6233 Leavenworth Rd., said I know emotion plays a big part in this debate. When I first heard about Avery's Village, that foster care kids would be there, I thought oh no, foster kids. Then I pictured in my mind, juvenile delinquents but then I decided I needed to take a step back and I removed emotion from it. I did some soul searching and praying and I called some friends of mine who are child advocates and got some clarification on the difference between juvenile delinquents and children in need of care. As I have been told by the Avery's this is a children in need of care facility.

I've also did some research on group homes and I submitted this on the 13th but I'm going to submit it again. This is from Overland Park, Kansas, they did a study for five years and basically there is no overwhelming evidence to either support or refute the hypothesis that group homes have a negative impact on the quality of life in residential areas and on the value of residential property. An issue I have also is that I keep hearing people say we don't want this in our neighborhood. We'd like it somewhere else. My reaction is guess what! We are that someplace else because other people have rejected it and I don't think that we should for several reasons.

These kids from Wyandotte County that have to go into the foster care, if there's not a place here they get shipped off. A lot of them end up in Wichita, which is three hours away. If they are trying to keep in contact with their family, that's almost impossible for family to come and visit because a lot of these children are from homes where they can't afford to travel. That to me is not effective or beneficial to the families, to the kids and they are trying to repair the damage that is done.

John Culich, 2100 N 13th St., said I would like to speak on advocating for this youth home and hope to bring you a little bit of reality of what may happen if these kids are forgotten. I'm a 55-year-old homeless man that has lived in the streets of Kansas City for 10 plus years. I'm currently in recovery and I'm 1 ½ years clean from all illicit drugs making my transition at the Shalom House, here in KCK. I stand here tonight of the urgent needs of youth transition centers. During my 10 plus years on the streets I've encountered at least two dozen youths between the ages of 14 and 19, 1% being young women. Many of these youths were drug addicted or with mental health issues and runaways discarded by their families, 90% of these families and parents had also drug issues and mental health issues as well. These kids are broken and angry. Most learn how to mask their pain by the use of drugs leaving them hopeless. I let many of these kids stay in my tent encampment outside in the woods, trying to give them hope and to show them the ropes on daily outdoor survival. Many of them were beaten and taken advantage of, money stolen from, they hustled, they hooked, and they were bullied. A few unfortunately took their own lives. I tried to assist them with housing, but the youth facilities were always full with a long waiting list leaving me frustrated and feeling helpless as well. If I as an adult could not find help for them

then surely, they felt they had no chance. These youngsters are our future. We must work as a community to give our youth, these forgotten youths, a chance of life.

Cleo McKinney, advocating for Shalom House, 2100 N 13th St., said earlier we were debating and having a discussion about homelessness. I sided with what's the difference and someone said to me that sometimes people become homeless by choice. Well, I became homeless without choice and it was probably one of the toughest things that I ever experienced in life. When I think about a child being homeless or not having somewhere to go, it almost becomes obvious that avenues have to be made, it's without choice. We have to find some kind of avenues to help a child because I imagine when I think about how it was for me, to imagine what a child would have to go through, not having somewhere to call home, it's almost unthinkable. I don't even know how to think about it.

Macky Blade, 2100 N 13th, said I want you all to think what if this was one of you all? No where to stay, nothing to eat, no clean clothing and no one to love you. As my brother spoke about earlier, I'm homeless also. I was fortunate that someone was there for me, that stood by me. I want you all to think hard before you all decide about the situation the children would be in. It's hard enough for us adults, its very hard. Just think about children, how impossible would it be for this to be passed? It's just children. If they be pushed aside what about our future? We already have it bad enough. To be homeless and to be an adult most people would be embarrassed. It's no embarrassment. It's just a part of life. Think about it deeply because it's time for a change. No one can do that but you all.

Christopher Miller, 606 N. 82nd St., said some of us are probably imagining what is the correlation between not having a home, being homeless as an adult and being homeless as a child. The very first meeting that I attended I believed we talked about there were 1400 kids out there on those streets that are homeless in the Kansas City, Kansas area. There's not very many residentials in this area. The only even remotely close residential is going to be open by KVC. There's no other shelter's that take families here. There's barely even shelters that take men. The closest shelter in KCK, closet shelter to this area is at Synergy House.

There are many many young men and women out there sleeping on those streets and sleeping in their case managers office for the first night until they can find placement. When you boil it down to the basics what is the definition of a child in need of care. A basic child that is suffering, that's been removed from home for abuse and neglect. That's it. So, we have to find that child a house, a home. If you guys have been paying attention in these meetings, Avery's Village is trying to offer that home away from home, just as she did when she opened up her home with the foster homes.

Michael Jones, 2100 N 13th St., said I'm originally from Mississippi. I am now a citizen here and I have never seen homelessness like I've seen it here. By helping the youth especially, grown men have a problem making it here, surviving out here. It actually gets super cold in the winter. For a child it actually turns from surviving, you are running hand to hand. With that being said, helping the youth would stop the crime rate, it would change a lot in this community. That's part of our biggest problem here concerning burglaries and things to that effect.

We would most definitely be helping to have a program for them to have somewhere to go, and they just not here on the street wondering where the next meal going to come from. Its hard for me and I'm actually a skilled worker. With that being said I just ask all of you to take a look at this and what's going on here. Even when you leave here and ride around here, you can see it, bags and backpacks on their backs, the garbage bags. The children are the future for us. All of us have to get old. We going to have to get old one day and we're going to have to see those same kids that's doing that and now they want to rob you because they don't have anything to eat. That would change a lot and charity starts at home and this is home.

Cardelia Walker, 8701 Georgia Ave., said I come just to speak because I have been a former Planning Commissioner for probably close to 20 years and I am no longer a Planning Commissioner, but I understand where you are in listening to these requests by the community especially when it comes to something related to children and group homes and everyone for years I heard, I just don't want it in my neighborhood. Thankfully, I can recall many times that we did allow that opportunity to come. Listening to what these people are wanting to do there at that facility it reminds me of something that someone recently told me who lived in Kansas City, Missouri and they work in this area of children and they asked me would you be willing to open

up a place because there is such a dire need. If the children can't get into a facility where they can get what they need, then they just become worse and worse, coming out of a bad home situation and not going to some place better.

I hope that you will consider that whenever someone gets a license to do a facility as this, I used to be a Medicare certified home health agency and so I know what you have to go through and that when they have their regulations you must follow those regulations. You are not allowed to do it the way that you want too. For these, this mother and son to come forward and be willing to provide this type of service in our community, they will be under very strict scrutiny by the state and it will jeopardize their license if they don't follow those regulations. I am positive that they will because it is not an easy thing to get licensed. I hope that you will consider that. We can't say in every situation not in my neighborhood. Especially when there are neighbors who have spoken tonight and have prayed on the needs of these children.

Terrance Maybrey, 5319 Foxridge Dr., Apt. 104, Mission, KS, said I am a student at the University of Kansas School of Medicine. I'm excited about the difference Avery's Village will be able to make in the lives of countless youth. I've spoken to fellow classmates and other students at the medical center to see many ways that our training can help the facility in addition to volunteering and mentoring the kids. I find it amazing that Avery's Village can transform a vacant building and make such a contribution to the city that would include additional jobs and a place to call home for up to 50 children at a time. As we know, and as my friend mentioned earlier, there is over 1400 homeless youth in the area. I'm glad Avery's Village will be able to impact these children's lives.

Being a future healthcare provider, I'm excited to find ways to give back and help these children achieve their dreams the way that those before me have helped me get to where I am today. I'm grateful for the many community partners that will assist in allowing the children to grow up and experience the freedom, to live their lives safely, healthy and under the close supervision of the faculty of Avery's Village and those respective supporting community organizations.

Michael Copeland, 7850 Everette Ave., said I want to come at a different angel. KVC, Kaw Valley Center, is the biggest behavior health facility in the state of Kansas. I worked there as a

behavior tech for these kids for nine years. Unless somebody has had that position, they don't understand, there is nobody in this room that would understand what these kids go through more than I can testify what they go through. When I first started there we had three kids on the waiting list, two of the three committed suicide. They were in that dire of a situation at home. Without facilities like these to oppose this project you are almost literally opening the doors to the jail cells and for things like this to happen and for high school dropouts.

I was the closets thing to a father figure that a lot of these kids had. It's not a hangout spot. The concerns of the opposition maybe well founded because they simply don't know. These kids, it's so many kids that are in need of these type of facilities than there are facilities that are willing or available or able to be licensed to open up for these children. It's the simplest things that these kids are looking for, the love. You don't understand what they go through at home. Some of us in this room are blessed to be able to have mothers and fathers and family members and grandparents to be able to steer us in the right direction but a lot of these kids don't. Without being able to approve projects like this, it almost takes the chance out of these kids lives to turn around and be successful.

I understand that it can be a concern with it being in your neighborhood. Your neighborhood is where you reside, that's where you want to feel comfortable but what else would happen. KVC was the biggest facility that we had and we weren't even big enough. We had to ship kids to Iowa, to Nebraska and to Wichita. It's not fair to the children because they do not have anybody to fight on their behalf. I'm going to take my seat with saying this. If this project is not approved, I'm born and raised in Kansas City, Kansas, I love my city, I feel that it would be a monumental failure on the part of Kansas City, Kansas.

Broderick Crawford, 824 State Ave., Apt 309, said I stand advocating on one of the partner organizations in support of Avery's Village. The NBC Community Development Corporation has a long track history with working with youths, specifically at Northwest Middle School with our Snap Back Program. We stand readily available to assist Mr. Avery and his team in making sure that there is a space for our youth, our kids here in Wyandotte County to have a place to reside. As been stated earlier, these are good kids that have been taken out of bad situations. Why would we not want good kids to be in good situations. Its been stated earlier the 1400 homeless children that are in our school districts, that we can identify now, already are creating a struggle for those

of us who are working in this community. I would ask that each of you consider very strongly who do we actually serve, our community and the children that make up the leaders that we will have, that will have the opportunity to do something positive with their lives with the support of yourselves, agencies and partners like Avery's Village and partners and community organizations such as ours.

Crystal Watson, 8532 Spring Ave., President/CEO of the Heartland Black Chambers of Congress, said upon the Commission board meeting held August 31st, I received several calls from the community regarding the outcomes and the comments from the Leavenworth Road Association which boarded racial bias. In review of the meeting via video and contacting and listening to Commissioner Philbrook comments, statements asking that the LRA and Avery's Village talk. As a community leader, I felt a responsibility and duty to contact both parties to see if I could help them come to some type consensus. I did contact Commissioner Bynum and Commissioner Philbrook for their approval and buy in. Upon so there was a meeting held on October 4th. We consulted with a third party consulting firm to record the minutes from that meeting. Minutes were provided, and they were submitted, can be submitted to the full commission if you require it. They were also submitted to our Commissioners, Bynum and Philbrook. Overall Avery's Village apologize for any misunderstandings, they attempted to compromise and offered for alternative solutions. This attempt was to no avail.

As a community leader, I felt a responsibility to see unity particularly one perceptions indicated a racial divide. After hearing the comments from some of those who opposed the youth facility at the Planning and Zoning commission several weeks ago I was very disheartened to hear those comments. If the Commission has been willing to allow other organizations to support displaced youth, the same consideration should be given to Avery's Village and I ask that you make that same consideration for full approval.

Laron Thompson, 7101 Verde Dr., said if not now, then when. If not here, then where. It is this bodies duty, responsibility and obligation to ensure that our children have a safe place to stay. Visiting the facility in which Avery Village is petitioned you guys to use as their facility to house these good children, children that deserve a chance. It warmed my heart to see that they're not only trying to care for the lives of these children, but those individuals who are directly impacted

within that neighborhood. Because of their heart, because of their desire to see not only those children do better, but this community be better, I strongly urge this body when your name is called to simply say Aye.

Carolyn Wyatt, 359 Troup, said I know the understanding what kids go through. I see kids every day, my life is with kids. A kid that is homeless is a kid who don't live at home. You have parents living with other people and they have kids. Those kids are homeless because it's not their home. They have to go to school every day. Some kids live up under bridges with their parents, but they have a chance now to live in a place where this young man is giving his time and his money and his love. If we are our brothers' keepers, we should be willing and listen to the voices of people who are speaking because they care. We know you have kids and you care. You never know what's going to happen to you or your kids, but you know one thing there will be a place for them at Avery's Place. I'm just hoping and praying that we all do the right thing.

Dominique Witten, 2419 N. 73rd St., said I'm a social worker and right now my husband is working with Avery's as a consultant, my husband and I, for free. I also want to give a background on who I am and what I will be willing to work with them on in the future. I worked in group homes from a volunteer to a teaching counselor, working with them directly one on one everyday and also as a case manager in the homes. This is in Wichita and Lawrence, Kansas. In these homes, I saw a lot of the children from Kansas City, Kansas. They would be shipped up there and then the requirements placed on them by DCF or they still had to require to have treatment, counseling, parental visitations, go to school and there was another remaining behaviorally sound. These things were almost impossible when the areas where they were coming from a lot of the Kansas City kids in Wichita, they would be waiting for hours for their parents, who's tire didn't get fixed and so that was a strike against this child in them returning home.

There was one incident where the mother called over and over and said I am on my way, I'm trying to get my friend to bring me, I'm on my way, I'm trying to get my friend to bring me. That child waited for almost seven to eight hours and the mother never showed. That's just one instance. There's times when they have to go to counseling but the counselors are here because they didn't want to move their counseling to Wichita, so they would have to get a way for

transportation to bring them three hours. Two to three hours just to get to their counselors. They could not switch them because it would be a hindrance to that child to keep switching their counseling.

What I am willing to work with the Avery's on if they would have me is to help with them on their policies, training their staff and also getting them up to code and keep in code with DCF, KDHE and all the agencies that will be supplying these children, starting with when the children come into their doors, searching the children, making sure they're not bringing anything in. Making sure they have the right procedures for when they're going to school do they have a para there. Training their staff on doing the 24 hours of doing the incidents, daily logs, making menus, making sure that their watchful. One staff to every seven, five to seven children. Making sure to knowing how to be diligent when they're sitting and watching the youth. Setting up activities for them so they're not just sitting in the house and also being more diligent on bed times, going to school and all those things. Just knowing that he has a team behind him to help support him will be something that I am able to provide as a social worker.

Dione Witten, 2419 N. 73rd St., said that was my wife Dominique that just spoke. She is from Wichita but I'm a lifelong Kansas City, Kansas resident. When I was in Wichita I actually was a supervisor of a YRC2, it was a boy's ranch, we had four houses on the property. Basically, my heart is in Kansas City, this is where I reside, this is where I grew up, this is where my grandparents grew up. I want to see this community thrive. The success of this community is going to be predicated on the success of the children that reside or grow up in this area. Right now, with the lack of YRC2, with the lack of child support in this area it is not conducive for the kids to be successful.

When I was in Wichita, as my wife spoke before, a child gets removed from a home in Kansas City, they go to Wichita and trying to reintegrate that child and rehabilitate them to a level to where they can be a functional adult in a community that they are going to go back to is almost impossible when you have to drive. When you get removed from a home and then you drive three hours to Wichita, Kansas or Salina, your placed with certain policies and procedures that require you to have certain meetings with parents and you have to drive back and forth between Wichita and Kansas City. Ultimately the kids are coming back with whatever they received in

Wichita. At the end of the day what's best for these children is support from the community from which they came from.

Any apprehensions that anybody may have in terms of the functionality of a YRC2 is regulated by the state, as far as the ratio, the security, whether they runaway. All of that is placed on protocols that are placed from places higher than people that professionally, this is what they do. From that standpoint, it paramount that we support not just about supporting the Avery's, but supporting the kids and understanding that the kids are the foundation for the future of this county and for the betterment of this community as a whole. Right now, we don't have the systems in place. From what I've seen as a YRC2 Supervisor, somebody that was in this industry that currently works for a non-profit organization now, where I work with at-risk kids, if I have a student right now and I have to report on something as a mandated reporter, I have to report that but I have to report with a reality knowing that this kid is going to go three hours away from their home and potentially put themselves in a worse situation socially than what they would experience by being up here. By being able to go into a safe environment in the area that they are at and get the help that they need within this area. I hope you all vote for in support of the Avery's. I support anybody that is about supporting kids. You all have a blessed night, thank you.

Desiree Monize, CEO Avenue of Life, 7th Sandusky, said I am also a resident of KCK, I'm at 4348 N. 122nd Terrace. I was approached by the Avery's about two months ago. I've had the privilege of meeting with them over a half dozen times. Let me share a little bit about what I do in the community. I came into the community in 2013 with a non-profit focused on community development. I had the privilege of being called to a meeting at the school district regarding 1400 students that we had that were homeless. At that meeting out Mayor did a call to action. He asked could we as leaders in the community mobilize to address the issues that we have in our city to ensure that these children make it to graduation.

Non-profits began to stack hands and I was asked to leave the coalition and this collective impact approach is called Impact Wednesday. By the close of last year, it had reduced homelessness by 40% in our community. However, of the number of 1400, 200 of those children are unaccompanied youth. The 200 unaccompanied youth we have not addressed. We continue to modify the Impact Wednesday to focus on students in ways that we can be creative. If the

parents are homeless but the child is couch surfing or sleeping outside, how do we get the family in permanent housing and get the child back with their guardian? There are various ways that we're working with our unaccompanied youth. We do have several hundred that are in area that do not have safe housing.

As the Avery's begin to meet with us, what they were asking is they wanted support from other agencies that has expertise. They wanted to know would we stack hands with them. Would we partner with their kids with programs that we had that we had found were effective? Would we share staff that we had that had expertise? Would we be apart of what they wanted to do to ensure that every child that came into their home would be successful? I do want to tell you as lead for collective impact arm of Impact Wednesday, we do have 23 agencies. We are in support of Avery's Place. We will be actively involved with Avery's Place in any way that we can use our expertise we stand in support.

Mayor Holland said I don't see anyone else coming forward to speak in favor. I do want to offer everyone who is here and is in favor to have the opportunity to stand and show your support whether you spoke or not. If you're in favor of this application, will you please stand at this time and show your support.

Mayor Holland said I'll now open it up to those who are opposed. If anyone would like to speak in opposition of this project, please come forward at this time.

Louetta Braswell, 5202 Parkview Ave., I'm hear as the Executive Director of Leavenworth Road located at 6100 Leavenworth Rd. I'm here both as an individual and the Director. Yes, we are in opposition, not to the Avery's, not to their program, strictly to the facility. No, its not a not in my backyard. If there was a facility in my front yard or my backyard that had some green space and some freedom for the kids to be out, I would be number one supportive. Like I said, I'm not against Avery's, all of LRA members have said it over and over, it's the location of the facility. Not in my backyard, that has nothing to do with it. It is 63rd Street and Leavenworth Rd. How many of you as parents would tell your kids, why don't you go outside and play in the parking lot, because that's all they have other than the courtyard which is not that big.

If Avery's would be honest with you, they will tell you that some of the speakers that have been at all these meetings in opposition, I have apologized to them for some of the statements being made. After the last Planning and Zoning meeting I actually went out and hugged them both because I felt sad that they were sitting out in the cold during one of the meetings with residents. So, I am not heartless, LRA is not heartless. If you follow our website you will see that we are for the kids. We have a lot of kid activities. We have never been considered hateful people. I have a copy of our newsletter that is going out that we are supporting one of our members that, has always been very devoted to the orphanage in Croatia.

As far as the tour, I would like to clarify that tour was only three people. Only one of us was a LRA member at that time. If they are approved and if they get their license they will find that LRA is supportive. We have always been supportive of our people and our businesses. They will see us and maybe even get tired of hearing from us. We want the kids to see we are a helping hand and we were a watchful friend. Like I said we have never ever been against Avery's and it's not that it's in our backyard. It's the facility itself.

Denise Davis, 3314 N 53rd St., said I'm an LRA member and treasurer. I'm also President of the North Welborn Watch so I am in the community. After many discussions, accusations and insinuations, LRA finds their selves back in front of the UG Commissioners. I still oppose the proposed youth facility home at 63rd & Leavenworth Rd. Let me clear, this is not a protest against the Avery's family or "NIMB" (not in my backyard), as a few of our commissioners have been heard saying.

With me its always been about location sight and facility, not being an appropriate safe place for kids on the corner of a busy intersection of State Highway 5, Leavenworth Rd., and no green space for kids. At the last Planning and Zoning meeting we were asked "if we couldn't at least go along and give Avery's a chance and then let the State determine if all regulations are being met. In a perfect world, the state of Kansas would be able to regulate this facility. However, if you've been following the articles during the last two to three months in the *Kansas City Star*, Kansas has proved they have been unable to meet these demands. Kids are continually missing, and some have even died under Kansas watch. We can't count on the state to provide proper oversight. However, we should be able to count on our elected UG Commissioners to vote against an unsuitable location and facility before it opens up. If Avery's Village wants to open up

a more suitable location or in a different facility not built in the 60's for senior citizens, they would probably get my support.

Donna Henderson-Hoyt, 6422 Cernech Rd., I am speaking tonight as a community member, a president of our Neighborhood Cernech Area Neighborhood group which borders north of Leavenworth Rd. between 67th and 55th St. I am also a member of LRA speaking as a supporter of Lou Braswell and the Leavenworth Road Association. We will continue to stand with Lou and the LRA and all that they have done and will continue to do for our community. Many have tried to damage our reputations and our organizations but have failed. Our community has concerns and we will continue to have these concerns with this facility. Our elected officials have failed to listen to the community, but we are not surprised. We knew what we were up against and who we were up against. The outcome of the last Planning and Zoning meeting just proved everything to us.

We did our homework, we met with the Avery's multiple times and even had a member agree to meet with them and walk them through their numbers and our numbers to show them why we have concerns. The never responded to us until it was too late to meet and then decline that request. When you have stories change as often as theirs did for meetings we had with them to hearing them speak in front of the Planning & Zoning and the Commissioners here, our concerns became bigger and so should yours.

At the last Planning & Zoning Meeting we were prepared to speak to you about all twelve points that the Planning & Zoning Committee basis their findings on. We were denied to be heard on these points. Anytime someone got up to speak the committee members drilled, grilled, questioned, over spoke and even made innuendos about what our community members were saying. The behavior and the defensiveness of the committee was totally uncalled for and disrespectful. Your committee members who voted and elected you all into office were here to speak about this project.

Many of you wiggled, reangled and placed yourself into this battle and by doing so turned this into a circus and tried to accuse us of being racist. I'm tired of this excuse and an excuse that is used way too often these days. The actions and speech of Ms. Watson were down right uncalled for, uninvited and not needed between these parties. The fact is we were here from day one against the facility at this location. We were not nor were we ever against the Avery's. Many

of us, myself included, did not even know who the Avery's were until we heard them speak right here in this room many months ago. In fact, their petition was based on their people approving them, were not members from our community. Our community was here to speak. Their initial letters that were sent to our neighbors surrounding the building were never received. Again, no surprise to us. We spoke with those area neighbors and submitted a valid petition from the community. That petition was later revoked, but I can guarantee if I were to walk that community again like I did months ago, I would speak myself with every person on that original petition and have them sign it again where it would be a valid petition.

Stan Bartley said I am a Code Chairman of our neighborhood watch group along with Ms. Hoyt and member of the Leavenworth Road Association. I'm going to continue on where Ms. Hoyt did. Our community members are or were here to speak against the facility and not against the Avery's. We will continue to be against this facility as we have mentioned. It is not a safe place nor is it the right facility for individuals they will be taking in. We know based on their information given to us the information we have gathered from KVC and the state, there is a difference in the type of the children they intend to take on versus the amount of money the state is expecting to receive for each of those children. There's a difference between the high-risk children and the children in need for care. Yet you all do not want to hear that from us or those facts between the differences of low risk and high-risk children and the amounts that they will be receiving for those based on their business model. Instead you want to push this through and have us rely on a state agency and let them take it from there in the hands of the state. Do I need to remind you that the state cannot manage their own system currently?

I know firsthand working in an elementary school which Donna does, for over 20 years, I see how our system fails these kids in the foster care now. These are the same kids in the system that should be in a single-family home or are in a single-family home. Can you imagine 50 young youth in a group facility being overlooked. If you take one thing from this process, please know that our community members spoke out against this while the Avery's friends and families are in favor. A majority of them are from outside—are speaking in favor are not even from our community. We as voting individuals will remember this when it comes time for election.

Rick Sheahan, 9320 Georgia Ave, said I am a member of the Leavenworth Road Association, have a business in this area. Basically, as members of the Leavenworth Road Association it's been stated a couple of times, we remain opposed to this facility being approved as a youth residential facility. It's been alleged at various times and various meetings that we're opposed because either we don't like kids, we don't like profitable companies or because of the ethnicity of the proponents.

We want to be clear, we're not opposed because of ethnicity, not to the Avery's themselves, not to making a profit and not defining ways to help good children in bad situations. Leavenworth Road Association does that every day. We are opposed to this building in this location. The reasons we remain opposed are very simple. It's because of the physical and environmental restrictions of this buildings layout and location. They include this being an old building built around 1965, configured to serve non-ambulatory senior citizens at a high traffic intersection with no sidewalks, no setbacks, lack of parking and building space limitations. In the end we are just simply unable to see how this building can be transformed into a safe homelike environment for the good children of our county in bad situations. Some people seem surprised that we can have a difference of views without it being related to ethnicity, age discrimination or prejudice, but we can and we do. Yes, we are opposed because we don't think this building in this location can be made safe for the children.

However, we also want it known that if this temporary permit is approved and Avery's Village can ultimately meet the licensing requirements of the state then the Leavenworth Road Association will welcome the Avery's Village, their owners and their employee's to be part of the association and the different programs that are already in place. We will want them to be successful, not only because they will be part of the neighborhood, but primarily the good children of our county in bad situations don't need to find themselves in another one.

Dwayne Beth, 2937 N. 64th St., said I survived the slings and arrows of the Planning & Zoning meeting much to the chagrin of some people probably. I'm here to speak not just because I 've been a member of the Leavenworth Road Association off and on since 1985 or about their beginning there. Some of the things that have been said are just too absurd to even counter in three minutes. I gave you guys a packet today of information because what I was pointing out I keep hearing about kids sleeping in offices.

I did some research on there and found out that they don't sleep in offices because there's no place to put them, they sleep in offices because the bureaucratic hoops they have to jump through to be placed. That whole article was based on an audit in 2016, contracted by the state legislature, you have a copy of it. I summarized it for you because it's 70 some pages long. What they find out is it proves several things. There's problems with DCF oversight and contracted care providers. That's a fact. It's in the audit. It's not somebody's opinion. It also points out that our needs in our community in Wyandotte County and Johnson County exceed the need of our communities. In fact, it says we have 20% more beds than is necessary. We're accepting kids in excess of 100 miles away, that's contrary to the fact that we're shipping kids to Wichita. We ship kids out of this area to get them away from bad influences, not because we don't have a place to put them. I'm kind of unique here, me and the Captain are probably some of the only people here that actually on the frontend that have taken kids away from their families. We've been told that its heavy regulated by the state licensing and audited, that's not true according to the audit and according to what's been exposed in the media.

We can talk about the child need of care which that doesn't necessarily mean homeless kids. A kid nine years old that commits a felony or misdemeanor, nine years old or younger, is also a child need of care in the state of Kansas. They also go to these facilities. You have a map that shows where, color coded, the empty beds are for foster care. You see Wyandotte and Johnson County have more than enough beds for the care we'd have for the kids? If we have the need for a facility, what's obvious from what I heard from the homeless people is maybe we need homeless shelters for families. We do not sever parent's rights because they're homeless.

Rosalyn Woody, 12743 Walker Ave., said I didn't plan on speaking but I just kind of felt compelled to do so as I was sitting here writing down some information. I did a little research, I know people on both sides, I did a little research and I really couldn't find enough efference to support having such a facility. I like to deal in facts. When you're making your decision please consider the facts in this case. Hearing the pro side that wants to have this in, I heard a lot of emotional plea, I didn't hear a whole lot of facts. Has anybody done a survey or study of how many of these types of facilities have been opened here in Wyandotte County? How many of them are still operating? Has anybody done that? How many have failed for one reason or another. I do not have any facts myself to write down because like I said I did a little research and

I'm kind of going off the top of my head right now, but the information is there, you just have to Google it, it's there.

One thing I did want to mention, I did hear someone mention that this borders or racial bias. To me that's kind of an emotionally charged statement. Like I said, I like to deal in facts. Give me the facts of something. If this does warrant on racial bias, then what's that based on? In close, I'd just like to say, please consider the facts when you're making your decision.

Don Crawford, 6309 Roswell, said I think everything been talked about here. The lawyers said something about in the last meeting also, three weeks ago, he kept saying pass it. Let it go. It's needed and then let the state of Kansas take care of it. Make sure it works. If we've already lost 70 kids in the state of Kansas, foster kids, that's already on the news, so we know that's not a very good thing. The lawyer wanted to know whether we were against the children or against the Avery's. For me it's a little bit of the Avery's, Mr. Avery.

When this first started before summer, I wanted to know more about it and what the community felt. I went out and one of the board members or whatever they are upstairs, said would you mind if I gave Mr. Avery your number. I said that's fine. He said are you going to call him? I said no, I'm not going to call him, start trouble. He called me and I offered him to go walk with me through the neighborhoods to get acquainted with the people that he was going to be working with or in. I know we don't really count but since we're outside the 200 foot, whatever is. I offered him and he said he would go. I waited and then I waited and I said this isn't right. I took off and got about two doors up and he called and said I'm on my way. I said I ain't waiting but I will be within two or three doors. He never showed and then when I tried to call him, he never answered. Mr. Avery is not very trustworthy, in my opinion. That's not a way to run a business and that's not a way to get into a community. He hasn't called back since either, in six or eight months, not done anything except what he's doing now. He only has to go to 200 feet.

Nancy Crawford, 6309 Roswell, said I'm nervous as you can tell. I hadn't plan to speak either but I had a whole thing prepared to say last meeting and I did not come. My thing is there is a need. I think we know that but the location, again, for me is not proper. If you do some research I kind of went out on Google, has anybody heard of Boys Town? I think that's what we need in

this community. It does not fit in where the Avery's are wanting to put the facility. It needs to be single family houses with up to six kids per unit. You can razor and put maybe two or three houses in that lot, I would support that, but not 45 to 50 kids in one unit.

Tony Lasley, 6333 Roswell Ave., said I wasn't planning to speak in this event, but what the Avery's are doing, I ain't going to lie, I grew up off of Quindaro Blvd, 2819 Hiawatha. I know several of these people in this room here that I grew up with but it's the facility that he is putting this at, you go just a half a block down the way, drug activity, bums walking up and down the street to the liquor store by that Family Dollar over there. You get one or two of those kids to get out of line or get out of that facility, anything can happen over there. That's my only biggest concern. You look at the Marillac Center, look at Creative Center, KVC, those places are not in residential areas right off of the main streets. They are in rural areas for a reason. Somebody get out, kid has room to play and have yards to move around in. I can see both sides of this deal. It just the facility to me, that's the only thing that's shooting this down.

Mayor Holland said I don't see anyone else speaking in opposition. I would offer those who are here in opposition whether you spoke or not, if you'd like to stand and show your opposition to the Commission, I'd ask you to stand at this time.

Mayor Holland said I will close the public hearing and I will offer the applicant, if you would like to make any short summative comment, you're welcome to do that and then I'll turn it over to the commissioners.

Court Kennedy said in listening to the opposition it seems as though it can be summarized by it now only being the location of the facility but a ostensibly not just because they don't want it there but because of safety concerns. These are concerns that have been brought up repeatedly both before this governing body at the last meeting and also the two times we were in front of the Planning Commission. They were also brought up in the individual meetings we had with the landowners. We addressed those concerns by appointing out a number of things. First, there is sufficient play area both within the facility courtyard itself and the Avery's also purchased the property right nextdoor. It's a house, its got additional green space for these children. Moreover

as stated in the business plan provided to the governing body, the Avery's are going to have a one to five or six ratio child to staff, or staff to child which is greater than that which is mandated by the Kansas regulations. We've also pointed out time and time again that these kids aren't going to be outside roaming the streets as it seems to be perceived. They're not going to be leaving the facility unless they have adult supervision. The idea that Kansas regulations and my clients and their business and their community leader's commitment to following those regulations aren't good enough to provide the safety that is concerned about is not sensible, ignores regulations and frankly is just a judgement that somehow my clients aren't going to follow the regulations which is not true.

The comments about the facility and it in general not being safe, I encourage the board to look at the documentation, the written responses we've made to the opposition and the explanation for how we're addressing those concerns and I'd also point out, as the board knows, that road they're working on putting sidewalks on that road right now. I just don't see and just to continue to say, well there's safety concerns, just ignores what we've been saying time and time again.

In closing, I'll say that also if not this location and not my clients stepping up to want to do this, then where, and when and who. There's a shortage of these facilities. There's no question about that. With that I want to take a brief second to consult with my client. With that I'm finished.

Mayor Holland said the Public Hearing is now closed. I'll open it up to the commissioners, the Commissioners may either discuss, make a motion, either.

Commissioner Bynum said this process started in May. That's when it came to my attention was when I first saw the item being published for what I think at that time would have been the June Planning & Zoning meeting. It had several delays and as you know two trips here to the Commission now and two trips back to the Planning and Zoning Board. Here we are, a full six months later dealing with this issue. For myself, I've been observing and participating in the Planning & Zoning process now for over 20 years. Nine of those years was as the Director of the Leavenworth Road Association. The passion and the emotion around this issue, I do completely understand. It seems unfortunate to me that so many times, time after time with planning and

zoning issues it becomes extremely adversarial. That is too bad frankly, since I think what we all want is to make where we live better and do the best we possibly can for the community we live in. Every concern that was expressed tonight is valid and I don't think that any of the concerns that we heard on either side should be brushed aside. This is not as you can clearly tell from all the testimony a simple issue and it doesn't have a simple solution.

I have a couple of questions actually for the petitioner. I would like to ask those questions, but I would also like to just quickly express some clarification around the notion of what is the responsibility of a sitting city or county governing body and what is the responsibility of the state. The notion that some of this is just too hard and we don't want to deal with it so we will just advocate that to the state and we'll just let them decide. I don't think that is quite correct. The state of Kansas in my short time here as an elective official, has already removed frankly several of the powers that we once had as a governing body. We do not look to them for just passing something off to them that we don't want to handle. There are parts of this that are ours to handle and there are parts of this by law that are not. That's just the way it is.

The part that is ours to handle is this Special Use Permit Application. The licensing, the regulation of this facility is not ours to handle. That is the States to handle. Whether we agree with what they've said or done around these children is frankly not part of the discussion tonight because that is not our part of this. I have to say that it makes it more difficult knowing that what we're dealing with is a vulnerable population and knowing that as has been shared by several of you tonight, some of those state agencies have failed. That is difficult for you and us both.

What I would like to know from the petitioner and I don't know if you want to, I just have a couple of questions. If you receive approval tonight, then when would the facility be able to be open to receive the young people. I don't need an exact date, I need to know is that three months from now, is that six months from now. **Mr. Avery** said we're looking at three months from now, January, February, well more so February is possible. **Commissioner Bynum** said so your best guess, your most educated guess is about 90 days. **Mr. Avery** said yes, 65 to 90 days. **Commissioner Bynum** said because I want to clarify with our legal staff. If we approve a Special Use Permit tonight for a duration of time does the clock start tomorrow or does it start when the facility opens? **Ken Moore, Chief Legal Counsel**, said it would start upon—**Commissioner Bynum** said upon publication. **Commissioner Bynum** said if you do not receive approval tonight, then what will—have you thought about what your plan would be? **Mr. Avery**

said we're kind of in a sticky situation, we own the facility at this point. We feel we've done everything on our end to ensure this petition does get approved, so we already own the property so there is no turning back at this point. We're all in. **Commissioner Bynum** said I'm looking here for some level of compromise if one can exist in this situation. **Mr. Avery** said absolutely. **Commissioner Bynum** said Mr. Richardson, a question for you. A one-year permit is allowable, yes? **Rob Richardson, Director of Planning**, said correct, you all can set the initial term up to two years.

Commissioner Bynum said also, just to clarify the conditions that have already been set through the planning and zoning process include no more than 50 children, that we adhere to the child in need of care definition of the children who through no fault of their own have been removed from their home, am I understanding that correctly? **Mr. Richardson** said correct, there are multiple layers of what a child in need of care or sync child is. The recommendation from the Planning Commission was based on those children that were removed to protect them from something else, not that they had done something to deserve to be removed themselves. Not that that necessarily means that they're a bad kid, but the definition we use was a child removed from their home for their own protection. **Commissioner Bynum** said the reason why I would offer a one-year Special Use Permit is because that's a very, frankly a very short period of time and it's a very finite period of time. It would allow the petitioner the opportunity to open and demonstrate whether you do or don't have the capacity basically to handle this. I do want to just say that I don't doubt the heart of you and your family that want to do this, I don't doubt that. **Mr. Avery** said absolutely. **Commissioner Bynum** said I do believe it's sincere and I also the concerns that have been shared, like I said before, are real and they need to be taken seriously.

Mayor Holland said I want to jump in on the one-year peace. I understand, and I hear your heart for compromise on this. The one issue I would raise, and I've struggled with this project as well, a one-year application basically they would need to be hiring staff for nine months. They would have to have people presumably leave other jobs to take these jobs to be hired for nine months and that's not the kind of job security that your going to get high quality staff probably to take a job for only committed for nine months. If we approved it for two years, the thing about special use permits, if this group home fails to perform or begins to violate codes, begins to ramp up calls

for service, we've seen this actually with a nightclub where we have an opportunity to do revocation hearings to take a special use permit away if it doesn't meet it which is possible. If we did one year, I'm just afraid that we have set it up to make it very difficult and while I won't be here to enjoy this conversation again, most of you will and I just think that a two year is a short term. It gives them a chance to hire staff and gives them an opportunity to perform. If they don't, this time next year if the place is completely out of control and we have police and ambulances lined up on the outside, this body would have the authority to take that permit back. I just wanted to throw that in for my two cents worth when we think about a one year permit. That's my two cents.

Mr. Kennedy said we just want to say that, that's exactly what we were about to say in response to the suggestion of a one-year term. It would set us up for failure. I think it would prevent us to hire staff and there's no need for it because as you said there is an oversight process if we are in violation of our permit we can get revoked. There is a one-year review for the State of Kansas as well.

Commissioner Townsend said I felt the same as you did Mayor about the one-year recommendation. I appreciate the people trying to come to some mutual acceptable resolution here. The parameter that I have not heard addressed is the amount of space that is by law needed to facilitate x number of children in a home like this. We're talking about 50, I think the initial number was and it down to 35. The question that I have is spatially, what is the amount of square footage that the state of Kansas says should be provided and do we have in the facility enough space to accommodate 35 or less children adequately.

Before we get to that because that's one of my main concerns, I do want to thank everyone on both sides who came from their heart and statistics as they new them to voice their concerns particularly those people like Mr. Coolidge, McKinney, Blade, Jones who talked very personably about their situation and also all of the people who want to come forward and help with this project. Dr. Mayberry in training if he is still in the room and anyone else he has contacted. The Whitens, its also been my experience with the Leavenworth Road Association, that they are very supportive of kids. I believe their concerns. I would have the same thing since the last meeting on this issue with this body. I've driven again around there but I didn't get a chance to go inside.

I understand their concerns about the physical location and the safety of the kids. However, for me would probably weigh into where would those kids be without possibly this location. It would certainly be up to the Avery's, the proprietors, to make sure that those kids are safe in an environment like that. I'm encouraged to hear you bought additional property. These kids would be school age, I guess they would have some recreational opportunities with schools or through the schools. I appreciate the concerns of the Leavenworth Road Association but where would these kids go otherwise? I'd like to hear about the square footage issue per child? **Frederick Avery** said I do not have the exact square footage, but what I can tell you is it's actually suited for 70 youth. It's 35 bedrooms, two youths per bedroom. We actually compromised and we're down to 50 as well as the other compromises that we've made as well, 50 youth in the property but it is suited for 70. The medical lodge actually had a capacity of 90 to 99 in that facility.

Commissioner Townsend said if you don't have the numbers, how do you know it's suited for 70 kids per square foot. **Mr. Avery** said DCF came out and did an initial walk through already. **Commissioner Townsend** said who is saying that you can accommodate up to 70? **Mr. Avery** said DCF came out, DCF came out and did the initial walkthrough with us in the beginning. **Commissioner Townsend** said I'm not sure that I believe we are comparing with apples to apples when we're talking about the kids that you're going to have there and senior citizens who are people who were in beds and wheelchairs. I'm not particularly persuaded by that argument. You're talking about different populations in use of space. **Mr. Avery** said absolutely and maybe I misunderstood the question. Are you asking the square footage of the entire facility? Like how many square feet the facility is? **Commissioner Townsend** said in essence, I'm asking do you have enough square footage based on what the state of Kansas says to accommodate how many kids you're asking for, initially it was 50, 35, I don't believe I've heard anything that says what is allowable by state regulations. What is the spatial requirement?

Mr. Kennedy said I reviewed all the statutes and regulations a couple of times, although I am not an expert at them as some of the folks that spoke tonight. What I can tell you is that I don't believe the regulations and statutes dictate a specific square footage per child ratio. It doesn't work like that. It really wouldn't make much sense to me for it to work like that because every facility is a lot different. Again, this is something that is very particularly regulated by the State

of Kansas. It's a decision that they make when they do the review of the facility for the licensing requirements.

Under KSA 65-504, subsection A, says a license granted to maintain a center or child care facility shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or children and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children that is authorized in the license shall be kept on those premises and the business shall not be carried on in any building or place not designated in the license. Commissioner, I'm glad you brought up that question because that was something that I thought was very important. Reviewing the statutes is that we will have people that are used to regulating these types of things, coming to the facility, doing review and making those kinds of decisions. Even if the board ultimately grants this application with a 50-child restriction, does not mean the state of Kansas won't limit it even further, if they choose to do so. That is something, regardless of what that is will be put into license and will have to be abided by.

Commissioner Townsend said I think we're still talking around the question that I asked. I guess there is no spatial requirement by the state of Kansas. **Mr. Avery** said yes, I just Googled it, there is a spatial requirement. It's 70 square feet per child. DCF came and verified at the time when they came and did our walkthrough that we have 35 bedrooms that are suitable for 70 children. We did our initial walkthrough already. DCF had their initial walkthrough already. I'm sorry I didn't have that number off the top of my head, but we are compliant with that number, to answer your question. **Commissioner Townsend** said the present request is for 35? **Mr. Avery** said 50. We can fit 70, we're going for 50. **Commissioner Townsend** said I hope you do go, if this goes through, go with the lower number, just to see, given the concerns especially with Leavenworth Road and I see where they are going with that. Can people who are related to these children come visit them at your facility. **Mr. Avery** said yes. **Commissioner Townsend** said what I'm going through there again is this corner, limited parking and all of that.

Commissioner Murguia said, Mr. Avery, I just wanted to say to you that I really do appreciate your passion for children and your entrepreneurial spirit in purchasing a building and following your dream and your vision there. However, as I told you last time what I was concerned about is your capacity. The biggest single most red flag for me and looking at your capacity to handle a

facility like this is that you purchased a building before you had the permission to use in the way in which you wanted to use it. That's concerning. Your eagerness should be, like I said your entrepreneurial spirit is admired and I really appreciate that. I am like Commissioner Townsend and Commissioner Bynum concerned about the number of children in the facility. Before I say anything else, Commissioner Bynum did you make a motion? **Commissioner Bynum** said I did not. **Commissioner Murguia** said you did not. **Commissioner Murguia** said I would tell you what, based on the information that I've gathered here and based on the unanimous approval by the Planning & Zoning Commission, I would make a motion that if it's possible to restrict the use to 35 kids and the special use permit to be approved for 18 months. I hope you would, I hope if that is seconded, you would take this 18 month opportunity to prove yourself to this entire Commission. **Commissioner Murguia** said that's a motion.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve 18 months Special Use Permit Application #SP-2017-36 for 35 kids.**

Mayor Holland said the question would be for the applicant, if it works? Or if it is based on your modeling if your business plan even works with 35 kids and 18 months.

Mr. Avery said this just puts me in a very awkward position. I'm sorry, I didn't come prepared to, we already lowered it from 70 initially, down to 50. We're trying our best to compromise with the community. We have all these stipulations on it already. We're trying our best to work with the community as much as we can. We keep bringing the numbers down. Is there any way you guys can compromise with us whatsoever? Down from 2 years to 18 months, 70 to 35, is there anyway that we can we—**Mayor Holland** said I'll just chime in here in speaking in terms of the motion. I very much appreciate the opportunity to compromise, I think that's something we value and something we've tried in a number of places. My concern, and I struggle with this because I as a former foster parent myself, I've worked in residential group homes for four years. I know the need, I know the need in our community and I know the need generally. I'm concerned about huge group homes. I think I am concerned about the number. I also know we have a huge number of kids that need it. I don't think it is an optimum situation, but I don't have a better idea.

My concern is the facility is very large. It's going to take capacity to be successful. There is an economy of scale in this size of facility. I think they have compromised once with 50 down from 70, which is a significant reduction. I think anything under a two-year plan to give them which we give to everybody else, anything under two years just doesn't give them a chance to hire staff and do a good job. I would speak against the motion though it is motion and a second properly before the Commission. I think we should, if we're going to give them a chance we need to vote it approval, if we're not going to give them a chance we need to vote it down and let them move on with their lives. I think they have already compromised significantly and I would just think, I don't think the neighbors, anything the neighbors have said changes going from 50 to 35. I think everything the neighbors said is still in effect whether is 35 or 50. I think everything the neighbors said is still in effect with 18 or 24 months. I think we just give them a chance or don't give them a chance, but putting them in limbo and making their financial model a struggle with 35 kids, I just think is a set up to fail. I just want to speak against it. I want to appreciate very much both of our commissioners that are working to compromise on this.

Commissioner Philbrook said first I want to say that this has been very grueling for everybody I know that's been involved with it. I'm speaking for everybody on both sides. It has been absolutely heartbreaking for I'm sure most everybody on both sides. I don't believe anybody is going to be happy on both sides because of this. It is very emotional and it is our lives and we all do care about children and we don't want children to be mistreated or not cared for properly. I have to agree with Commissioner Bynum on when she says that we do have limitations on what we are allowed to do as commissioners.

First, I would like though to ask Rob if you have anything that you would like to add since you were present at both of the hearings earlier and have anything that you would like to put into this that you think could be helpful? **Rob Richardson, Director of Planning**, said I think that it's been fairly well covered this evening. I think that the comment indicating that they do have to come back. It can't look like a hangout. They have to do a good job because there is a limited term to the special use permit. Most cases that we deal with, those stipulations and those I guess you may call them a warning what it's going to be like when they come back are very effective, at least 9 out of 10 cases that we do. **Commissioner Philbrook** said so you are satisfied with what the, although you don't get a chance to really be satisfied or not, I shouldn't have even asked you

that. That was unfair. Sorry Rob, put you right on the spot. Otherwise what has been put forth to us from the Planning & Zoning you recommend approval on? **Mr. Richardson** said they adopted the recommendation that the staff made at the Planning Commission meeting.

Commissioner Philbrook said I would ask if the second would be able to rescind his second.

Commissioner Murguia said she's asking you to rescind your second.

Commissioner McKiernan said I have a comment and then we'll carry on with that.

Commissioner Bynum said I could be in agreement with 35 kids in 18 months. My question is, I thought that I read in some of this previous material that for you to be approved you would initially start with a smaller group. **Mr. Avery** said yes. **Commissioner Bynum** said such as a group of 35. **Mr. Avery** said the capacity was 50, we're going to scale up to that number. As we hire we're going to scale up to that number. **Commissioner Bynum** said I guess that's what I'm saying. **Mr. Avery** said absolutely. **Commissioner Bynum** said I guess that's what I'm saying, you will scale up to 50. **Mr. Avery** said yes. **Commissioner Bynum** said 35 might be a number you would start with for 18 months. **Mr. Avery** said excuse me? **Commissioner Bynum** said I'm just trying to make sure that I understand because earlier, not tonight, but in a previous presentation I read in the packet that you would scale up. **Mr. Avery** said yes. **Commissioner Bynum** said I took that to mean that if you got approval when you opened your doors you would not have 50 kids, you might have 20, you might have 25, you might have 30. **Mr. Avery** said absolutely. **Commissioner Bynum** said I guess what I'm saying is the reason why I could support 35 for 18 months is because again that's another attempt at a compromise, but 35 kids at the 18 month period you would have demonstrated that you have the capacity that you've shown us that the facility can be a place that would work for the children, that there is green space, that there is a place for the children to play, that it can be safe and then we can all come back here and with no fanfare whatsoever provide you a special use permit that ultimately gets you what you wanted in the first place. I just wanted to clarify in the beginning, in a previous session we did hear that if you were approved you would start at a smaller number? That's all I'm trying to get

at. **Mr. Avery** said absolutely, and we planned on being at our capacity within a year, space based on the models that we created.

Commissioner Walker said I don't understand why we're compromising, what we're compromising, who we're compromising for or who it benefits. The people that spoke in opposition don't want it and the people that are in favor of it do. Why are we trying to make a compromise? Our Planning Commission, which everyone of us appoints people to, unanimously twice approved this for two years. Our Planning Department approved it based on factual information. I can say this is probably not an ideal location. I have expressed concerns in my mind from my association with a woman for 40 years that worked in child psychiatric that you're blending 5 to 17 year old's are going to cause you problems down the road. That's not my problem, I'm not the professional here that can make that evaluation. The state of Kansas seems to be fine with it. I say give them the two years, track record is going to be brought back to this group, minus two of us, and you'll be able to present evidence or there will be a lack of evidence. I don't know what we're compromising for. Just make somebody a little happier, well, they only got 18 months instead of two years. If there is not a motion on the floor, I'll make a motion.

Mayor Holland said there is a motion and a second.

Commissioner Walker said I'm not going to vote for the motion that's on the floor. That's the whole point to why I am making my statement.

Mayor Holland said thank you, that was a speech against.

Commissioner McKiernan said Commissioner Johnson is going to come in behind me. One of the points that I wanted to make was that you said that if we only approved 12 months we were setting you up to fail. I would say that in some way presupposes that the special use permit won't be renewed at the end of those 12 months. I would suggest that when you hire people you are hiring them for the long term because the operation of your facility is going to be such that it will be approved and reapproved and reapproved and reapproved. My point would be that whether it's 12 months or 18 months, or 24, you're going to come back here with evidence and you're

going to demonstrate success, you're going to demonstrate compliance, your going to demonstrate that you can do the job. I think that you'll come back with such a strong case that your special use permit will be renewed at that time whether it's 12 or 18, or 24 months from now. I would suggest that that's the attitude that you want to take into this. You can take the converse. If we give you 24 months and something goes south in three months, I guarantee you we'll see you back here in three months and we'll be at the point of having to revoke because of non-compliance with the conditions of the special use permit. My suggestion would be whether it is 12 or 18 or 24, you come back with the attitude that you are going to demonstrate success and we're going to go heck yes, that is a successful place. I would further say that you said that you would get to 50, your original plan was to get to 50 children in one year. **Mr. Avery** said yes, based on the models. **Commissioner McKiernan** said that's how you kind of have projected that you're going to be sustainable as to get to the 50, in one year? **Mr. Avery** said yes. **Commissioner McKiernan** said then at that point, if Commissioner Murguia is acceptable, then what I would propose is an alteration to replace her original motion with 50 children, with a special permit use time of one year at which time you'll make your case again.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan,** to replace my motion with 50 kids for a year.

Commissioner Murguia said don't look panicked Mr. Avery. All this is about, it's giving you an opportunity and its making you accountable to the community that your building your facility in. That's the only thing that it is.

Mr. Avery said do you mind if I talk to my mom, just really, really quickly, please?

Commissioner Murguia said I'm okay if the Mayor is fine.

Mayor Holland said let's be clear procedurally. You've made a motion for 50 for one year. That's the motion and the second on the table. We're in the discussion mode of whether or not we'd approve it, whether or not we agree with that.

Commissioner Johnson said I agree with Hal. It's been to the Planning & Zoning Commission two times and it's been approved unanimously two times with staff recommendation. I don't know why we're going back and forth. They've approved this and sent it back to us. I had a chance to watch the proceedings and learn some things but staff has reviewed this, they've made their recommendation. Planning & Zoning has vetted it, they approved it twice and they sent it back to us. I just as soon go with the recommendation of what's been presented to us.

Mayor Holland said I'll take that as a speech against the motion.

Commissioner Bynum said just need clarification. One of the stipulations is the child in need of care, that we limit it to the child in need of care. My question is how will we know as this body if that is a point of revocation, then how will we know that has been complied with? **Mr. Richardson** said the state will review the terms of their special use permit because they have to show their local zoning authority and that stipulation with the seven criteria that are in the blue sheet tonight that indicate that this is for kids that are taken out for their own protection. Those are the only types that are allowed and that should be the only types that the state would send to them because it would violate the zoning.

Commissioner Walker said my final word on this, I've sat here as a commissioner, I've been here as the attorney, I have seen us approve bars, restaurants, used car lots. I could give you a whole litany of other quote businesses in which we have given special use permits for two to five years in order that the business has an adequate time to establish a track record. I hate to put it in those terms. This is a business as well as it is for the children. They've got to be able, I guarantee you that I wouldn't invest in this business if I only knew he had one year. I wouldn't invest in a bar if I knew I only had one year. I have to go with the idea that we're always up here going on about entrepreneurial, we love entrepreneurs that come in here and try to make a business in Wyandotte County and have it succeed. Somehow, I don't get this whole one year, 18 months, two-year deal. It's not our job to make that decision.

I've heard the men, the people speak about the state of Kansas and they've had some major, major problems. I'm going to blame that on the legislature and the governor for not funding it adequately to do the job. I know we have a representative out here, I'm not wishing to

insult and I don't blame him or his faction up there, but why are we wanting to—somebody explain to me why we only want to give him one year? Is it because we are really really worried that they're not going to do the job when this special use permit can be revoked at any time if there's abuse, sexual problems, staff or whatever it might be. I don't get who we're trying to accommodate. We're not accommodating anybody. I'm sticking with two years and as is and they'll have to come back, and they'll have to produce that they, and I'm sure they'll bring in a group of witnesses. My final point is every time we make one of these businesses and I know we had a bar we made come back every six months or a year because there were fights and shooting. **Mayor Holland** said shootings. **Commissioner Walker** said every time you make somebody come back for a special use permit, especially one that is controversial, you're costing them a great deal of money and time. For our convenience, it's not a big deal. We have a staff of lawyers on fulltime. They've got to hire a lawyer, put this together. Sometimes it can be minor, sometimes it can be very expensive so when you're telling people to come back every year to get a review just for some public reason, you're not really doing the job. I'm sticking with what I said, that's how I feel about it. If they can't produce in two years, then off with their heads.

Mayor Holland said I am confident for the record the commissioner means that figuratively. I would take that as a speech against the motion. If it comes to me, I would vote against the motion as well for the same reasons Commissioner, for many of the same reasons Commissioner Walker gave us. **Commissioner Walker** said except for the off with the head part. **Mayor Holland** said except the off with the head part, I do not support that.

Commissioner Philbrook said where I am in this as of now is that I haven't heard any additional evidence that would affect my consideration of the factors set forth so far. Therefore, I don't see any reason to overturn the Planning Commission's recommendations regarding those factors. Period, two years, as put before us is where I am. **Commissioner Kane** said second.

Mayor Holland said there is already a motion, that's a speech against. I will take your second as another speech against the motion.

Commissioner Townsend said I'm speaking only because I raised the issue about the square footage, but you satisfied that. That was not something that was addressed before. In a previous life I did work for the Small Business Administration wondering why certain businesses failed and certain succeeded and it is important to give people enough time and enough resources to try to succeed. I do believe two years would be the appropriate time and up to 50, hope you get there gradually, as originally put forth.

Mayor Holland said we have a motion and a second before us. I've heard six speech's against and three for. We are ready for a vote.

Commissioner Kane said which one are we doing?

Mayor Holland said we are voting on 50 children for one year. That is the motion before us, 50 children for one year. If that motion fails, then there would be another motion for something else.

Roll call was taken on the motion and there were three "Ayes," Bynum, McKiernan, Murguia and six "Nos," Walters, Philbrook, Walker, Townsend, Johnson, Kane, Markley.

Commissioner Walker said we accept the Planning Commission's recommendations of two years and 50 children.

Action: **Commissioner Walker made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2017-36 for two years and 50 children.** Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Mayor Holland said we will take a five minute recess. We'd encourage you to take your time. We have additional business to do.

Mayor Holland reconvened the meeting.

Mayor Holland said as I mentioned at the break we have now completed one item. **Commissioner McKiernan** said two if you count the Consent. **Mayor Holland** said two if you count the Consent votes, so that's right.

ITEM NO. 2 – 171410...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 H. Richardson, Director of Planning. The applicant is seeking approval for the use of a personal storage unit at 32 North 74th Street. The Planning Commission voted 6 to 0 to uphold its previous decision and recommends approval of Special Use Permit Application #SP-2017-50 for one year.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-50 for one year.** Roll call was taken on the motion and there were ten "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 171411...SPECIAL USE PERMIT APPLICATION #SP-2017-58 – ERIC BISHOP

Synopsis: Special Use Permit for a maximum of 12 goats at 3552 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-58, subject to:

Urban Planning and Land Use Comments:

1. How often will goat waste be disposed of and in what way?

Applicant Response: Goats waste will be used to fertilize other areas of the yard and the garden. It will be taken care of at very least bi weekly.

2. What is the goats' diet?

Applicant Response: They will eat a mixture of show goat pellets, cracked corn

and hay.

3. Do you plan to have a fence for the twelve goats that meets the R-1 Family District regulations?

Applicant Response: Yes

4. Do you plan to put in a rotational grazing plan to keep a sustainable pasture, per the Conservation District comments?

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

5. What is the square footage of the fenced area where the goats will graze?

Applicant Response: The pen is 78 ft. by 84 ft. for a total of 6552 SF. We plan to expand the existing fence to make the pen even bigger.

6. How often will you clean up the goats' waste?

Applicant Response: No more than bi-weekly and weekly if weather permits.

7. Where on the property will the twelve goats be held?

Applicant Response: The property is almost 2 acres and is in a long narrow rectangular shape. The goats will be kept entirely in the back two-thirds where there are significant stands of trees/brush on three sides to serve as a buffer between the neighbors and the goats.

8. How many structures are on your property? What are the dimensions of each structure?

Applicant Response: 1 House, 1 storage shed, 1 grain shed, 2 animal sheds. Each animal shed is approximately 10x12.

9. How will you ensure pastures are rotated so that there can be regrowth of grass, per Conservation District comments.

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

Public Works Comments: None

Mayor Holland said this next item is Item B3. Special Use Permit 2017-58 for Eric Bishop. I'd invite Mr. Bishop to come forward and make presentation. Then we'll open the public hearing.

Before you make presentation, I'm going to ask our staff to say why it was pulled off the Consent Agenda.

Rob Richardson, Director of Planning, said following the Planning Commission meeting and the recommendation vote, we found out that some of the information that we thought we heard at the Planning Commission meeting, the basis of that my recommendation and the vote of the Planning Commission was incorrect, as to the animals that were actually on the site. I've asked it to be removed for further consideration or to be referred back to the Planning Commission for them to establish what the facts are. **Mayor Holland** said you believe that the 12 goats is inaccurate. **Mr. Richardson**, said at some point between then and now, yes. At the time of the Planning Commission the animal numbers were inaccurate.

Eric Bishop, 1437 S. 79th St., said I own the property at 3552 N. 47th St. I rent it out. I am a landlord. I have seven properties here in the Kansas City, Kansas area. Just a little background, about two years ago when that tenant came to me and I was renting it out, they came with the understanding that they would be able to raise animals because it is about a two acre lot. We made the wrongful assumption that that was allowed because there are neighbors that have animals and the property goes deep enough the animals are far enough back from the street that we did not think that that was a problem. I allowed the tenant to have those animals out of ignorance for the city code and I'll admit that now. Those animal's kind of grew and grew and we got more and more. When the city found out that we had the animals and fined us that's when this process started.

We had more animals. Once the permit was filed for we had more animals than what the permit was asking for. Some of that due to, like we had a Llama and two donkeys that actually belonged to someone else. Friends that needed somebody to take care of the animals so we had them there. That's why we didn't mention them at the Planning Board Commission meeting because they were only temporary. Since that time those donkeys have been removed and gone back to their owners and the Llama also. We also have some ducks and chickens that we're getting rid of this weekend. The excess goats, because at one time they had up to 20, they are already in the process of being removed also. We pledge we will get down to that number of 12 goats and 12 goats only if this is approved.

Mayor Holland said I will open it up, we need to open it up for public comment. Is there anyone here tonight who would like to speak in favor of the application? Let the record show that no one is moving forward to speak in favor. Is there anyone who would like to speak in opposition to the application? Again, let the record show no one is speaking in opposition. We will close the public hearing since there are no comments to make a summative response to, we won't have that. We've heard from the staff, its open to the Commission.

Commissioner Philbrook said did I, yes, I know guys you're going to make fun of me, its about the goats right. No. What its about is land use and how we treat our property. Did I read it properly that that particular piece of property is not appropriate for 12 goats to be on. **Mr. Richardson** said the Conservation District indicated that and I believe that was subject to some potential things they could do with the property to make it fit for the goats. **Commissioner Philbrook** said that they could do? **Mr. Richardson** said yes. **Commissioner Philbrook** said where are you on this now since he stated there's other things gone. Do you still want to review this some more? **Mr. Richardson** said if it was just the 12 goats and it they were down to the 12 goats, I would keep the same recommendation that we had. **Commissioner Philbrook** said I guess what I'm going to say is you have questions. So, I'm going to recommend that we pay attention to Rob Richardson and let it go back to them to explore.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to send Special Use Permit Application #SP-2017-58 back to Planning and Zoning.**

Commissioner Townsend said I'd like to know exactly what staff's recommendation is. I'm understanding that with the revelation of the goats, the chickens and the Llamas and the roosters. **Mayor Holland** said the donkeys. **Commissioner Townsend** said and those. I forgot the donkeys, that staff is not in favor of this application, is that correct? **Mr. Richardson** said after the Planning Commission recommendation we concurred with that. The approval would be two years, daily disposal of goat waste. The goats diet be fed to them and not grazing so that the grass isn't over grazed. Than goes to the Conservation District comments that if the land were to be

over grazed then it would be a potential pollution source, and then to obtain the animal control permits for 12 goats.

Commissioner Townsend said I think this probably should go back so we can clarify exactly what animals are there or not. This property is in District One. I've had a lot of complaints from residents in that area, the Sorter Dr. and 49th St., and 39th St., that have resulted in a code enforcement to have to deal with a lot animals and foul that shouldn't be there. The foul have run afoul of the codes. I'm not sure why there's a need for 12 goats. I am concerned about the comments made by the Conservation District. If it hasn't been seconded, I would second that to go back for further consideration. I am really watching these menageries that are springing up in this area.

Mayor Holland said there is a motion and a second and a speech in favor of sending it back to the Planning & Zoning Commission. I would just note before the vote, for all the goat owners and other animal owners, full disclosure at the Planning & Zoning meeting is critical to approval and to retaining your special use permit. It could have gone through and then we find out that there's donkey's and Llama's and it could have been revoked altogether and the goats would have had to go away too. There's a risk to your special use permit for not doing full disclosure. With that I don't see any further comment, roll call.

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

Mayor Holland said it has been sent back to what date. **Mr. Richardson** said December 11th. **Mayor Holland** said December 11th Planning & Zoning. **Mr. Richardson** said yes, we have time to verify that now in short order.

ITEM NO. 4 – 171404...SPECIAL USE PERMIT APPLICATION #SP-2017-59 – MONICA CABRERA

Synopsis: Renewal of a Special Use Permit (#SP-2015-41) to keep one horse at 1411 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicant wants to renew a

special use permit to keep one horse on their residential property. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-59, for two years, subject to:

Urban Planning and Land Use Comments:

1. Applicant must provide update on the property; please provide photos of the site showing stall and condition of the yard.

Applicant Response: Photos attached to this staff report.

2. Please provide current update on horse's diet and operation plan, including how and where food is being stored.

Applicant Response: The horse's diet consists of grain (Vitality perform 14, Omolene 200 and Oats) and hay (alfalfa or brome). We give the horse 5 gallons of water first thing in the morning. The water is checked at noon and if it needs to be refilled it is. This always depends on the weather. We give the horse another 5 gallons every evening around 5 p.m. We also give the horse additional vitamins and supplements. They are usually in a liquid form that is mixed with the grain. We have a block of salt that is available for the horse too. All of the feed and hay will be stored inside the shed to avoid moisture.

3. Please provide current update on how animal waste is being disposed of and in what way.

Applicant Response: As in regards to the disposal of the horse manure, it will be removed from the stall on a daily basis and placed in a closed trash bin. We have two trash bins and when they are both filled up (about every 2 weeks), we take them to a friend of ours who has a small farm and can use the manure. As sort of a backup, we know that the landfill in Johnson County takes manure as a special waste.

4. Please provide proof of additional seed/sod to the area in an effort to establish better ground cover, per stipulations of 2015 approval.

Applicant Response: Applicant indicated a variation of horse seed was placed on the ground for the horse to eat and the grass to grow over.

5. Please provide proof of building permits obtained for horse's stall in compliance with R-1 Single Family District accessory structure regulations, per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a building permit and is working to obtain a building permit before the City Planning Commission meeting on November 13, 2017.

6. Please provide copy of Animal Control permit for one horse per stipulations of the 2015 approval.

Applicant Response: Applicant currently does not have a permit and is working to obtain an Animal Permit before City Planning Commission meeting on November 13, 2017.

Public Works Comments: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-59 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 5 – 171405...SPECIAL USE PERMIT APPLICATION #SP-2017-61 – RUBY MARTIN WITH HILLTOP SADDLE CLUB

Synopsis: Renewal of a Special Use Permit (#SP-2015-12) for a trailer for monthly meetings and to keep supplies at 5025 Muncie Drive, submitted by Robin H. Richardson, Director of Planning. The applicant requests a special use permit to continue to use a small office trailer on the site of the Hilltop Saddle Club at 5025 Muncie Drive. The members of the club have a ring for riding horses and there is a barn on the adjacent property for stabling the horses. The initial special use permit was approved in 1999. This is a renewal of the permit from 2015 (#SP-2015-12). The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-61, subject to:

Urban Planning and Land Use Comments:

Please provide the following information:

1. Update on how many people are attending the meetings inside the trailer at a time.

Applicant Response: Applicant has indicated 15 to 20 people attending the meeting inside the trailer at a time.

2. What types of meetings are being held in the trailer?

Applicant Response: Meetings concerning operations of the organization and saddle club meetings.

3. Update of what type of materials will be placed inside the trailer.

Applicant Response: Applicant has indicated the materials inside the trailer are a file cabinet, office supplies, 30 chairs, folding tables, and saddles.

4. Please provide photographs of the trailer.

Applicant Response: Applicant has provided a photo that is attached to this staff report.

Public Works Comments: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-61 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 6 – 171406...SPECIAL USE PERMIT APPLICATION #SP-2017-66 – RANDEL VANBEBER

Synopsis: Renewal of a Special Use Permit (#SP-2015-16) for two goats at 3415 North 63rd Street, submitted by Robin H. Richardson, Director of Planning. Applicant is requesting renewal of a special use permit to continue to keep two goats on 1.4 acres of property. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-66, subject to:

Urban Planning and Land Use Comments:

1. Please provide photos of the completed fence addition on property; per stipulations of the 2015 approval as well as the current condition of the land (grass cover in area where animals are kept, etc.).
Applicant Response: Applicant has indicated the fence is completed and it is enclosed.
2. Please provide current operation plan including how and where goat food is kept, current diet of goats, and when and how waste is removed, etc.

Applicant Response: Applicant has indicated goat food is kept on the porch. Goats are feed molasses, corn, oats, hay, carrots and cabbage, and drink warm water for their gums. Goat waste is mixed in with compost and thrown into the garden.

3. Please provide copy of Animal Control permit for two goats per stipulations of the 2015 approval.

Applicant Response: Applicant has not obtained an animal permit for their two goats. However; the applicant is working to obtain the animal permit before their case is heard by the City Planning Commission on November 13, 2017.

Public Works Comments: None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-66 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

VACATION APPLICATION

ITEM NO. 1 – 171412...VACATION APPLICATION #R/W-2017-11 – WIL ANDERSON WITH BHC RHODES FOR THE BOARD OF PUBLIC UTILITIES

Synopsis: Vacation of right-of-way at 342 South Bethany Street, submitted by Robin H. Richardson, Director of Planning. The applicant, Wil Anderson with BHC Rhodes on behalf of the operator, Board of Public Utilities has submitted this application. Mr. Anderson wants to vacate a portion of South Bethany Street in order to build a guard house establishing a control checkpoint for the BPU facility. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application #R/W-2017-11, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. With the proposed building addition and site expansion, what is the intended use of this BPU facility compound?

Applicant Response: The use of the property is unchanged. The improvements will provide better storage capabilities and site access.

3. Will the three buildings be constructed in phases or will all of them be built at the same time?

Applicant Response: The project is anticipated to be built within one year period in two phases.

4. Since the guard house is adjacent to a single-family residence, what are the hours of operation of the facility and will the guard shack be manned during those hours? Will there be speakers for site communication?

Applicant Response: The guard house will have 24 hour operation. Speakers should not be required as guards are to greet visitors and deliveries.

5. Are the majority of the parking stalls between the three buildings for employees or for fleet vehicles? Based on the 57 parking spaces between the two park areas, three accessible stalls are required.

Applicant Response: The overall number of employees remains unchanged. Parking will be a mix of employee and fleet vehicles.

6. The 6' privacy fence between the single-family homes to the north and the BPU facility shall have masonry columns every 32'.

Applicant Response: A masonry encased column is anticipated.

7. A light cut sheet was provided, but a photometric plan was not. All lighting, whether installed in the parking lot or mounted on a building shall have 90-degree cutoff fixtures. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot-candle as measured from said property line.

Applicant Response: A photometric plan for the only proposed outdoor light has been provided in the latest resubmittal dated September 20, 2017. Footcandle measurements are given and meet the above criteria.

Public Works Comments:

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 storm line upstream of MH 059-098 shall be a private line and maintained by BPU. Plans submitted for construction permit shall show this line as a private line.

- b. The County Surveyor may make separate technical review of right-of-way vacation exhibit, and submits comments directly to the preparer of the vacation documents. If approved, provide revised right-of-way vacation and exhibit(s) in accordance with County Surveyor comments.
 - c. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - d. From field investigations and meetings, there are private sanitary sewer lines combined with storm drainage lines on the BPU site. These are considered “illicit discharges”, and BPU shall separate storm drainage and sanitary sewer lines and coordinate with Public Works and Water Pollution Control Departments for review, inspection, and approvals.
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 Johnson, to approve Vacation Application #R/W-2017-11 subject to stipulations. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

MISCELLANEOUS-ORDINANCES

ITEM NO. 1 – 171413...REZONING ORDINANCE #3147

Synopsis: An ordinance rezoning property at 4229 Swartz Road from C-1 Limited Business District to R-1(B) Single Family District, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-68-17**, “An ordinance rezoning property hereinafter described located at approximately 4229 Swartz Road in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to R-1(B) Single Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was

taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 171414... VACATION ORDINANCE #P/E-2017-10

Synopsis: An ordinance vacating a pedestrian easement at 3928 Rainbow Boulevard, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-69-17**, “An ordinance vacating all of the Pedestrian Easement located a approximately 3928 Rainbow Boulevard, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 171415... VACATING ORDINANCE #U/E-2017-8

Synopsis: An ordinance vacating a utility easement at 9000 Haskell Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-70-17**, “An ordinance vacating a utility easement located at approximately 9000 Haskell Avenue, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

NON-PLANNING CONSENT AGENDA

Mayor Holland said we have now finished our Planning & Zoning portion. It now brings us to our Non-Planning Consent Agenda. I will ask if anyone in attendance tonight, any staff member or commissioner would like to remove an item from the Non-Planning Consent Agenda. Any item not so removed will be voted on by a single vote.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the Non-Planning Consent Agenda.

Mayor Holland said let the record show that no one is moving to the microphone to remove an item. It is properly before us.

Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 1 – 171378... NORTH 31ST & KIMBALL SANITARY STREAM CROSSING IMPROVEMENT

Synopsis: A resolution declaring the necessity and authorizing a survey and description of lands necessary for the North 31st & Kimball Sanitary Stream Crossing Improvements Project (CMIP #6301), submitted by Ryan Haga, Assistant Counsel. On November 13, 2017, the Public Work & Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-47-17**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, and also tree clearing and access for rehab and repair of the sanitary sewer infrastructure North 31st – 34th South of Kimball, CMIP 6301, all in Wyandotte County, Kansas.” **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 171379... RESOLUTION: INLAND & HOLLIDAY DRIVE SEWER MAIN EXTENSION

Synopsis: A resolution declaring the necessity and authorizing a survey and description of lands necessary for the Inland & Holliday Drive Sewer Main Extension Project (CMIP #6301), submitted by Ryan Haga, Assistant Counsel. On November 13, 2017, the Public Work & Safety

Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-48-17**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the maintenance, operation, and construction of new sanitary sewer main extension at Inland & Holliday Drive, CMIP 6301, all in Wyandotte County, Kansas.”
Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 171395...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

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

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 4 – MINUTES

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

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

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

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

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

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

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, approved and authorize the Mayor to sign the plat. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

ADMINISTRATOR’S AGENDA

Mayor Holland said that brings us to the Administrators Agenda Item No. 1, sale of General Obligation Refunding Bond.

ITEM NO. 1 – 171393...RESOLUTION: SALE OF GENERAL OBLIGATION REFUNDING BONDS

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

Doug Bach, County Administrator, said our Chief Financial Officer Kathleen VonAchen is working to determine if we can do refunding and save our city a considerable amount of money. I would ask Kathleen to come forward and offer a brief presentation about what she is proposing

and the reason this is going directly to full commission is also noted because there is a potential change in federal legislation that we want to take advantage of this year.

Kathleen VonAchen, Chief Financial Officer, said the Congressional Tax Bill, if it were to be approved, would potentially eliminate the opportunity to do advance refunding's which in other words, it's a refinancing of the existing debt prior to the call date. As a result, we identified amongst our many bond issues which ones would be potentially eligible to do an advance refunding. We found that the 2010A would be, which is the first one list in the resolution, would be eligible. We would save approximately on a net present value basis \$4.4M over the next 10 years or 12 years. The refunding because it's a crossover advance refunding, the savings wouldn't be incurred until 2020. It would be for 10 years. The annual savings is about half million dollars to our city Bond & Interest Fund beginning in 2020.

The list of other four items are three other bond issues, taken out in 2010 under the Stimulus Bill during the recession. They have a unique financing in that they're issued on a taxable basis. Then we get kind of a federal subsidy credit check from the Feds to give us the difference between the interest rate that you would have paid had we issued them as GO Bonds and tax exempt. We've been getting those checks. Unfortunately, if the Congressional Tax Bill does pass, there is a risk that those subsidy checks would stop coming because the Presidential OMB office would decide that there needed to be extraordinary sequestration taken place in order to reduce the federal deficit.

There are some risk that we would stop getting those checks. As a result, we have listed these as also potentially we're in our those but we're still kind of weighing our options. The savings would only be for the next three years, roughly, or into the late next two years, its about a \$1.4M. That would be only if the OMB stopped paying us all together. In 2020 then we can go ahead and refund it using our current funding, refunding, which is allowed by the current tax bill. We are still weighing our options, but we're definitely going to be doing the advance refunding on the 2010A.

Action: **RESOLUTION NO. R-49-17**, "A resolution authorizing the offering for sale of General Obligation Refunding Bonds of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner McKiernan made a motion,**

seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken on the motion and there were ten “Ayes,” Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley.

Mr. Bach said I would just note that the pricing for those bonds will come forward to this discovering body on the 14th and that will allow us to complete that. **Mayor Holland** said December 14th, two weeks.

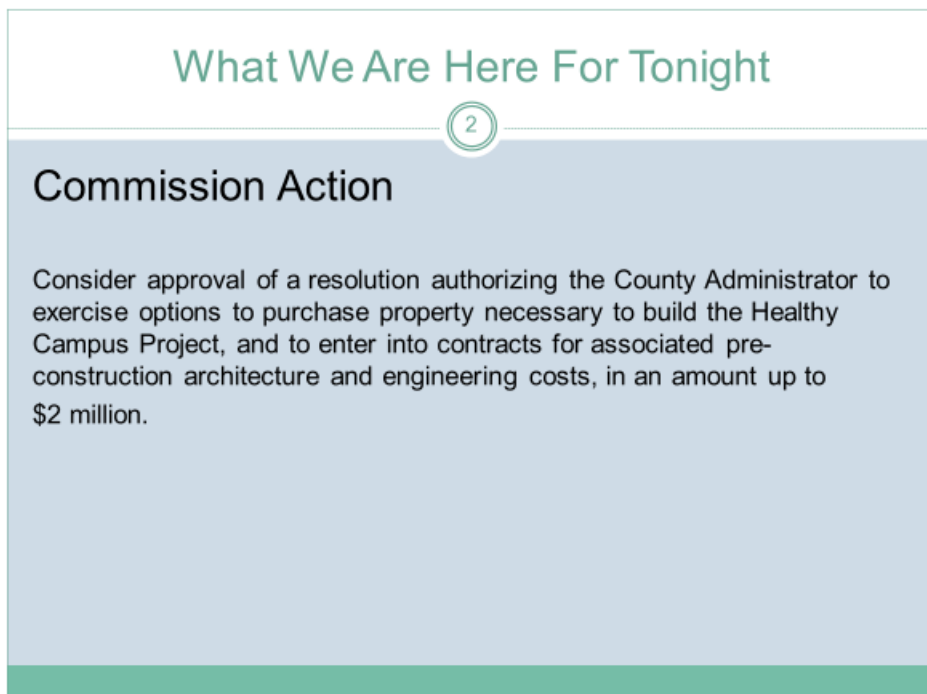
Ms. VonAchen said I apologize Doug, there was a recent development and unfortunately, we’re not able to get our schedules coordinated with S&P. They’re not going to be able to give us a rating until the 15th. On the 14th we’re actually going to be providing you a resolution with some parameters for the pricing and ask that you grant authority to the County Administrator or the Mayor to go ahead and sign the documents accordingly. The pricing is going to take place around the 19th instead and we do need to have that done two weeks prior to the end of the fiscal year because we need to allow for a closing period. It all has to happen before December 31st.

Mayor Holland said that brings us to our final item. It is a resolution to exercise options to purchase property for the Healthy Campus District. We had a comprehensive presentation and discussion at the 5:00 knowing that the 7:00 was going to be a long meeting. We just guessed that it would be and we guessed right. So, we did the presentation on the Healthy Campus at the 5:00 but this is going to be a very brief presentation and then we will open it up for public comment and then a vote.

ITEM NO. 2 – 171419... EXERCISE OPTIONS TO PURCHASE PROPERTY FOR HEALTHY CAMPUS PROJECT

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

Jon Stephens, Interim Economic Development Director, said as the Mayor stated at 5:00, Special Session that was opened to the public and available we gave a very comprehensive update as to this action as well as the overall Healthy Campus Project as proposed.



What We Are Here For Tonight

2

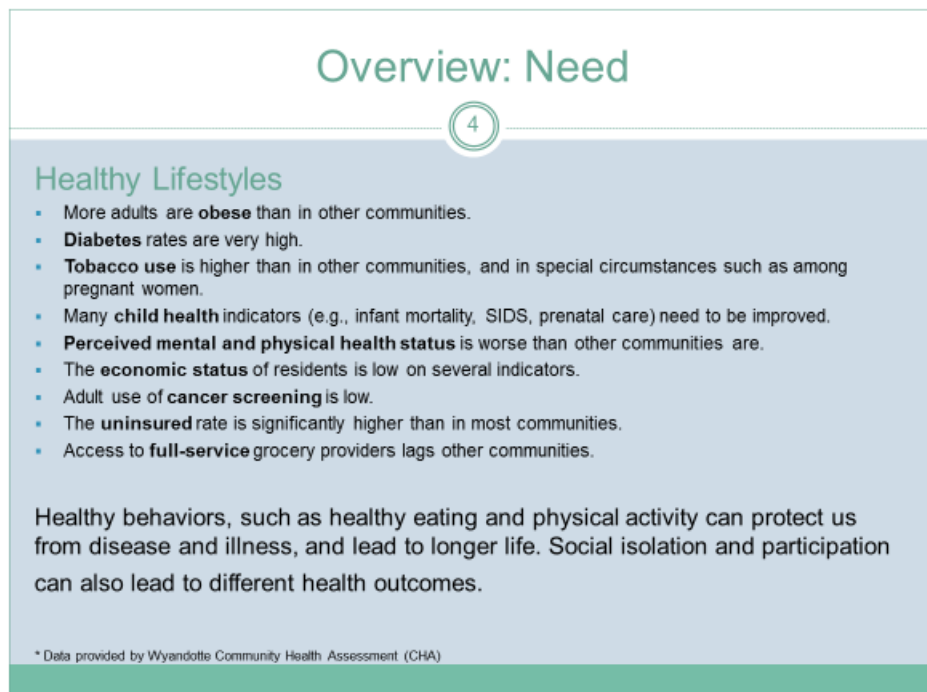
Commission Action

Consider approval of a resolution authorizing the County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, and to enter into contracts for associated pre-construction architecture and engineering costs, in an amount up to \$2 million.

The action tonight is to authorize up to \$2M be expended at the discretion of the County Administrator in order to move engineering and architecture forward for the project as well as to exercise option on the purchase of the block of property. This would not actually be purchasing, it would be exercising the options to, “control the land for the project”.



The very brief overview as I outlined it here, we are going to briefly touch on the need and the outcomes, the project outline, the schedule and why this is before you tonight. Then, the financials and then next steps and action.



Without going through all of this I'll just state as it was discussed extensively tonight, the Wyandotte Community Health Assessment, the CHA, continually outlines that there are a lot of

health and wellness needs in the community, particularly in underserved areas around the downtown area. Many of those we believe are due to the lack of health facilities, lack of a lot of wellness facilities, access to those services as well as full service grocery.

Overview: The Project

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Healthy Food

A high-quality, full-service grocer committed to more than simply selling food. The proposed grocer strives to buy local, offers healthy food programs, cooking programs and plans to partner with the YMCA on cooperative programming.

Healthy Lifestyles

The YMCA of Greater Kansas City is a charitable organization committed to strengthening communities - With a focus on youth development, healthy living and social responsibility.

Healthy Outcomes

Combining a community center, grocery store, and healthcare services in one transit accessible location offers the best possibility for quantifiable improvements in health outcomes for Wyandotte County citizens.

The project, the Healthy Campus has outlined is to prove a high quality full service grocer that will be committed to more than just selling food. The proposed grocer as is outlined would buy local, offer healthy food programs, cooking programs and has had discussions and will partner with the YMCA for cooperative programming for the benefit of the community. Additionally, the YMCA would be the community center partner. They're a longstanding 150 plus year old Kansas City, organization with a focus on healthy living and social responsibility. Finally, by combining those, this project believes that combining those along with the healthcare service provider would be the best possible way to provide quantifiable improvements and health outcomes.

Overview: The Project

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\$37.1 million Project

Facilities (Approximate design plan)

- 35,000 sq/ft full-service YMCA with aquatics and a health service provider
- 32,000 sq/ft of retail
 - Minimum of 12,000 sq/ft full-service grocery
- 63,000 sq/ft parking/outdoor plaza

The projects itself is a \$37.1M project as outlined. The approximate design plan is 35,000 square foot full service YMCA with aquatics as well as a health service provider. 32,000 square feet of retail of which 12,000 square feet would be a full-service grocery. Then, a 63,000-square foot parking and outdoor plaza area that would join the two and provide access and parking and availability as well as some outdoor programming space.

Overview: The Project

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The location, as you can see, is between 10th and 11th on the north side of Minnesota Ave., and the south side of State. That is the block, it's on steep grade, as we move through you can see the programming. There will be green space as well as the retail on the eastern portion and the YMCA on the western portion, with the parking and plaza splitting between.

Overview: The Project

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Here's a little bit closer of the current site plan as projected. You can see the CSO space, the green space, which would be water retention and other needs that would also service the area as well as the two-story fitness facility, the YMCA and then the retail grocery on the far-right side of the presentation.



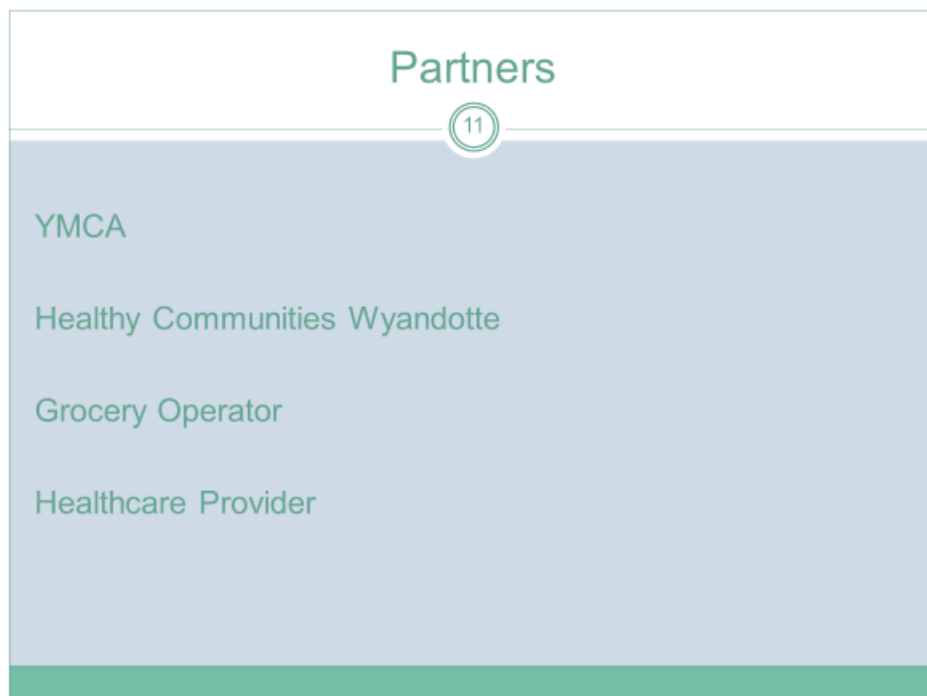
They've already been done, and I might add we have CBC with us. They're a partner that's been working with us, Bill Crandall and Peter Ho. With the architecture team, this is some initial massing study and layout and design scheme as they work through this that shows the view looking northeast over Minnesota Ave. to the YMCA as well as the grocery and retailer.

Overview: The Project

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Here's another view showing the grade change of the site from Minnesota Ave. to State Ave., it drops considerably. That would allow for a single story, for the YMCA on Minnesota with a two-story structure, two-story visibility on the State Ave side. It would also allow with the parking for access under the garage into that.



The partners as I mentioned are the YMCA, Healthy Communities Wyandotte, and I believe all the Commissioners and the Mayor have been distributed a letter that was mentioned by the President/CEO of Healthy Communities Wyandotte, Kathy Harding, in the 5:00 session in support of their \$1M grant that they have already allocated.

Financials: Sources & Uses

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	Community Center	Parking Plaza/ Sitework/ Utility Relocate/ Streetscaping	Grocery / Retail	Totals
SOURCES				
UG Community Center Commitment (GO Bond Proceeds)	\$ 6,000,000	\$ -	\$ -	\$ 6,000,000
Additional UG GO Bonds for Community Center	1,390,000	-	-	1,390,000
UG GO Bond Proceeds for parking plaza, utility relocation and streetscaping	-	7,950,000	-	7,950,000
YMCA Capital Campaign Contributions	6,825,000	-	-	6,825,000
Health Foundation Grant	1,000,000	-	-	1,000,000
New Market Tax Credits (NMTC)	2,355,787	-	7,054,213	9,410,000
TIF Sales Tax Special Obligation Bond Proceeds (revenue @ 1.938%)	-	-	2,153,193	2,153,193
CID Sales Tax Special Obligation Bond Proceeds (revenue @ 2%)	-	-	2,416,110	2,416,110
TOTAL SOURCES:	\$ 17,570,787	\$ 7,950,000	\$ 11,623,516	\$ 37,144,303
USES				
Land Acquisition	530,343	427,433	2,608,442	3,566,217
Construction Costs	12,375,959	6,365,000	4,310,094	23,051,053
Professional Services	1,625,094	618,750	830,462	3,074,306
Fixtures, Furnishings and Equipment	740,000	180,000	1,500,000	2,420,000
Contingency	737,053	358,817	332,028	1,427,898
NMTC Closing and Interim Financing Costs	812,338	-	2,042,491	2,854,829
Community Center Start-Up Costs	750,000	-	-	750,000
TOTAL USES:	\$ 17,570,787	\$ 7,950,000	\$ 11,623,516	\$ 37,144,303

The financials, the total project is \$37.1, this breaks this out. The community center, the sources of funding is \$17.5M of which \$6M would come from the previously discussed GO Bond proceeds for community center commitment. A \$1.39M GO Bond for the community center. I think that it's important to point out that the YMCA has designate that they would contribute \$6.8M plus the \$1M health foundation. Plus, we will be seeking the urgency for some of this as the application process on Federal New Market Tax Credits. That's the \$2.3M. Then, for grocery retail would be \$7M. That would be your total. I also will quickly mention that there will be a TIF and a CID on that.

Next Steps

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Commission Action

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

The next steps are tonight, the resolution authorizing the County Administrator to expand, not to exceed \$2M, to keep the project moving. Continue with architecture and engineering, as well as enter into contracts on the land site so it's under control so that we can have this project will be "shovel ready", for the New Market Tax Credit allocation, which as I outlined provides a large chunk of the financing.

Mayor Holland said what I am going to do is because this has come directly to the Commission, I'm going to open it up. If anyone would like to speak in favor or in opposition to this proposal, you would have three minutes. As I told the previous group, you're not obligated to use all three minutes, but there are three minutes available to you. If you'd like to come forward. I would like to ask anyone who'd like to speak in support to come speak first.

Anthony Arnold said I am in support of this project. I was asked by a couple of people from the media why I was in support of this project, particularly when it involves so much money from the city coffers. Well let me tell you, private development will not happen in the central cities of Wyandotte County until we step up as a body and demonstrate some success stories. I believe this

would represent the first of many success stories that could happen in our central city communities. I would urge this body to support this endeavor.

Dan Welch, 6221 Armstrong, said as this Commission knows I come to support the parks every time. There are some things that we could help this group with, in documenting some of the things that they may want to adjust their plan for. We've got quite a bit of information available that's widely unknown. My answer to this project is go.

Frank Lavender, Historic Northeast Business Association, said I'm in support of this project. We've been trying for a number of years to do something about our food desert. It seems like an opportunity to make it happen, I'm in full support of it.

Beth Lowe Smith said I'm here on behalf of KC Healthy Kids to speak in favor of the resolution for additional funding for the Healthy Campus. KC Healthy Kids rally's communities to improve access to healthy food and spaces for safe physical activity. We do that because when our neighborhoods provide opportunities for and support for physical activity and healthy eating and other healthy habits, people are less likely to experience obesity and obesity related diseases.

The Healthy Campus matters because most of the neighborhoods north of State Ave. and east of 635 are low access to healthy grocery retail according to the USDA. Furthermore, hundreds of families in the neighborhoods adjacent to the proposed Healthy Campus—hundreds of families in the neighborhood adjacent to the Healthy Campus don't own a car or other vehicle and they don't live within a half mile, estimated comfortable walking distance of a full-service grocery store. That's a problem. Putting affordable, high quality, healthy grocery stores in the neighborhoods where these folks live and accessible to them is crucial to improving health outcomes.

Unfortunately, securing a grocery operator for a project such as this is often pretty difficult. It's really important to act quickly when the opportunity for that sort of partnership arises, we encourage you to invest in the Healthy Campus now, while such an opportunity exists. We hope that you will approve this resolution.

Wil Anderson, Downtown Shareholders of Kansas City, Kansas, said at the board meeting on Tuesday we were fully in support of this. We see this as a good catalyst to continue the effort in downtown Kansas City, Kansas, hope you support them.

Wes McKain, said I live a couple blocks away from here and I also work at the Health Department with the Healthy Communities Wyandotte Initiative. I've only lived here for about nine years now, it's not that long. It's long enough to remember the Apple Market at 7th & Minnesota. The place was a disgrace. I shopped there a couple of times, only when I had to, then it closed. I think the people in the downtown area and the people on this side of the county deserves something better, a place that's better than that. It's hard, cities know that it's hard, and they've known it's hard for a long time to build the grocery stores and gyms and places for people to be active in low income neighborhoods. They've known for a long time that people need those things because they're convenient. I think what we've learned in the last couple of decades, especially the last decade, is that it's more than convenience, it about health. If people done have full service affordable grocery stores with healthy options and places to be active that are also affordable it effects their health. We have learned that more and more and that more evidence comes out all the time that's important. At least for me that's the biggest reason why I think that's important for this area.

Katherine Kelly, Executive Director of Cultivate Kansas City, said I am speaking in support of the proposed investment in the Healthy Campus. I served on the Advisory Committee that helped do the initial planning for it. My commitment to the project has not waivered over the long time period we've been involved in. I want to speak specifically to the grocer that is potentially, that is committed to be involved in this process. They are known for their support of local farms and local businesses and as somebody who represents farmers we have a farming community that will benefit from their presence. The store will take local food dollars and reinvest them back into the community. They will work with local farmers, they will work with local food processing businesses and we'll see some really excellent economic development activities as a result. I support you in supporting this investment.

Lynn Kuluva, said I'm an owner of Rental City at 833 Minnesota Ave. However, said I am here this evening as the Chairman of the Advisory Board for our Downtown Improvement District. Our board voted to adopt a resolution in support of the Healthy Campus and in support of the action your considering this evening. Its brief, I'd like to read the resolution to you. It summarizes our position. A resolution in support of the Unified Government of Wyandotte County in Kansas City, Kansas action to allocate funds for land acquisition and initial development planning for the Healthy Campus Project. Whereas, the mission of the Downtown Improvement District, technically the Self-Supportive Municipal Improvement District, is to promote and develop downtown Kansas City, Kansas into a vibrant district for people to work, shop and dine including the development promotion and support of community events and activities open to the general public and whereas a planned Healthy Campus is within and adjacent to the Downtown Improvement District. Whereas, the planned Healthy Campus Project is to include features and amenities that will enhance the quality of life for all Wyandotte County residents. Whereas, we believe that the Healthy Campus Project will attract residences and businesses to the downtown businesses and residential districts. Whereas, we believe the Healthy Campus Project will lead to increased investment and increased property values in the downtown area. Whereas, we believe that this increased investment and rising property values will improve the futures of not only downtown businesses and residence, but that those benefits will also extend to the entire county.

Now, therefore, it is hereby resolved that the Advisory Board of the Downtown Improvement District, SSMID, strongly supports the Healthy Campus Project and urges the Commission to approve the resolution authorizing the County Administrator to exercise options to purchase property and so forth and so forth. We support the Healthy Campus and we are urging you to approve your resolution. I have left copies with the Clerk for all the commissioners and the Mayor.

Broderick Crawford, 824 State Ave., Executive Director of the NBC Community Development Corporation, said I am here to support the Healthy Campus on behalf of the NBC Community Development Corporation and also New Bethel Church.

Emily Brown, 4307 Wood Ave., Chief Executive Officer of Food Equality Initiative, said we're a local Kansas City based non-profit that helps low income families diagnosed with food allergies and celiac disease access safe food. We are in support of the Healthy Campus because we believe that all members of our community deserve resources to help maintain their health.

William Boyce said I am a business owner of 64 years in our community. Also, a member of the Douglas Sumner Neighborhood Group. I'm in favor of the Healthy Campus and to the grocery store something that has been much needed for many, many years. I hope that we approve this proposal.

Vonzel Soyer said I am one of the board members from the Wyandotte Health Foundation. I'd like to speak in support of the Healthy Campus. Not for all the other reasons that everyone else stated, but there is something else that it does for our community. There is also a need for an emotional spiritual social uplift of our community as well. When you see something going on and something happening, everybody wants to see what's going on. I think that's one of the things that is needed for the area for people to be able to rally behind and to see that something is happening where I live because that does good for everybody involved. I just want to say I support it not only for the reasons of food, for health, but also for the well-being of the culture and the people of Wyandotte County.

Mayor Holland said I don't see anyone else moving forward to speak in support. I would offer anyone here in support if you would like to stand to show your support to the Commission.

Mayor Holland said I'll offer the opportunity for anyone who would like to speak in opposition to this proposal to please come forward.

Carolyn Wyatt, 359 Troup Ave., said I know we need a grocery store, but is this for a Healthy Community or for the YMCA. It seems like it's more for the YMCA. What's more important to our community. Everybody else has a grocery store already. I think if we were going to break ground for the grocery store first, I think that would be great. Then, I'd probably be in support but if you're going to put it second, then that's not what the community is looking for. We have a

food desert sure enough, a lot of times you try to go get some eggs and bread, Dollar Store is out of bread, so you have to go to the service station on 8th Street to get some bread which is probably two or three days old. What I'm saying, we want our community to go forward, but we want it to go forward like we need because your needs are already filled. Our needs aren't filled because we don't have it.

We have a YMCA, I have a membership there. Like I said, what's more important for the healthy community is a grocery store first. We have so many grade schools in the area. We have people on Quindaro, 27th St, we got 1st St. You have plenty of people that will support the grocery store. I go up north, I go where I can go to get it. I go up north, I go up Johnson County, but I shouldn't have to leave my community. We don't have an operator yet anyway so that means its not going to be first. What makes a health community, not really a YMCA? What makes a health community is kids growing up or born is fresh fruit and vegetables. Food, not the Dollar Store. We've got so many Dollar Store's, you know, sure I go there sometimes but mainly they don't have what you want, what you really need, for health wise. I just wanted to state that, let you know how I feel and how the community probably feels too.

Mayor Holland said is there anyone else that would like to speak in opposition. I would offer the same offer for those who are in support. If there are others here who are in opposition, whether you spoke or not, if you would like to stand and show your opposition you're welcome to do so at this time. Every vote counts, Amen. We are going to close the public hearing and now open it up to the Commission.

Commissioner Walker said for the audiences benefit we had a lengthy discussion which if you want to and you can't sleep you can probably go home and watch a rerun of it tonight. It highlighted the need to either move forward or not at this particular time because of something that I am, I don't have the capacity to explain to you. As was said, there's not many people in the country that would know but its called New Market Tax Credits. We have to do something now if we're going to take advantage of them which is a cost benefit to this project. Apart from that and the benefit of that, moving this project forward is an opportunity, again, to do something and what we have decided is the 635, east of 635 urban corridor where we all know for the most part very little is happening.

I've stated publicly my belief that corporate America doesn't want to invest in a community where there are people of color, poor people. The law protects them in that capacity for the most part. It takes the opportunity to receive heavy incentives to get a business to come to this food desert, the urban core. There ought to be a law, is what it ought to be. You shouldn't be able to build all your properties out in the south Johnson County where there is a higher rate of affluency and not have some reciprocal obligation to invest in another area. It's about money and money is more important to corporate America it would seem. Rather than go on I'm going to make a motion.

Action: Commissioner Walter made a motion, seconded by Commissioner McKiernan, to approve the resolution to exercise options to purchase property necessary to build the Healthy Campus Project and to enter into contracts for associated preconstruction architect and engineering cost in an amount up to \$2M.

Commissioner Walker said having done that, I want to be clear, this project just takes another step. Down the road Commissioner Elect Burroughs, Commissioner Elect or Mayor Elect, this Commission, they're going to have to keep evaluating as this project goes on whether it's viable. We need to take this step today to keep it viable.

Mayor Holland said there was a motion and a second.

Commissioner Markley said as Commissioner Walters appropriately put it, this is irrelevant today because its my month to be at the end of the roll call, if you haven't noticed, I'm the last one to vote which means everything kind of passes or doesn't by the time it gets to me. I'll put it like this, it's true. If the majority of this Commission wants to move this forward, I don't have a problem with that. What I will say is I would look to staff to schedule time as quickly after January 8th as possible for us to have a more in depth discussion about how the ultimate cost, not this \$2M cost necessarily, but the ultimate cost of this project fits into our long term budget planning. We've done a lot of work a Commission to plan both current year budget and to look at our long-term planning. These costs have not been figured into that planning. I think its

important for us to talk about that before we're stuck on another date where we have to take a quick vote.

Commissioner Kane said I think Commissioner Markley is correct. We have three on three's, we had some time to talk about it. Today we had a meeting and we found out it is \$1.3M more than what we anticipated. There is no doubt that we need a grocery store down here. That's what we have to do, Hal, we have to make the steps forward to make it work. After we purchase this property, before we move forward, we need to make sure we have a signed contract, not a wishful think we're going to do this. Then, after it's all said and done and this project goes forward, I want to see local contractors do the work.

Commissioner Murguia said I echo Commissioner Markley's comments and a lot of the other comments that were made here tonight in regard to access to fresh food and a healthy life style. This is my concern, there is no grocery provider. Currently the Unified Government does not have a grocery tenant. There is no legal binding contract with any provider to occupy that grocery space and provide groceries. Traditionally every economic development deal that we do up here at the Unified Government you have to have tenants in order to have incentives. I would tell you with all the expenses that we have within the Unified Government, I am reluctant to spend \$2M on the hopes that a grocery store provider will sign a deal. I am absolutely an advocate for a grocery store in the northeast. I don't think it's an unrealistic expectation to have a deal signed with a grocery store provider prior to spending that \$2M. I feel very strongly about that, that's the way that we've consistently done business up here at the Unified Government in the past. I would not be in favor of spending the \$2M without a grocery store provider in hand.

Commissioner McKiernan said I'm going to also echo that I totally agree with Commissioner Markley that there's a lot of work that needs to be done yet. My second is to move this project forward, but before I would approve a final development agreement I would have to see it and study it. It would have to make since for all of us to commit to that development agreement, but because this moves us forward and gives us some time to reach that signed agreement with a grocery store provider and because it puts us on tract towards New Market Tax Credits, I think it's the right thing to do to take this step today, but before it's all said and done we have to make sure

that the ultimate deal and the development agreement that is created is a smart move for not only downtown, but for all of Wyandotte County.

Commissioner Philbrook said I agree with what you just said sir. I believe that it actually shows that we're willing to put some more money into the game, but we have to show that we're willing to move forward to put the \$2M in so we can create the picture that there are other people willing to give us grants on, or money not grants, but to give us bonding on it. Without that information, they're not going to do it. Either we move forward or we stall. I am for moving forward.

Mayor Holland said before we vote I just want to say a few words. Obviously, I've asked my staff a number of times in the last four years if I could've picked a more difficult signature project for my administration and they said no. Grocery stores are very difficult in urban areas. We know that, we built them. We built six grocery stores in the last eight years. In every place, the further east it is the more subsidy is being required by the Unified Government. Building a full service recreational facility, I believe our kids deserve a first-class world class facility with aquatics, the No. 2 cause of death among urban children, accidental death, is drowning because there simply aren't facilities in urban America to teach kids how to swim. This checks a lot of boxes on the Health Communities Wyandotte wish list. It's also a huge economic engine and economic opportunity which is why we've had over \$6M committed from the philanthropic community to move this project forward and why as we've talked to allocation holders for New Markets Tax Credits they're very excited about the joint program of not just a grocery store and not just a community center, but the two being built together. It's really a terrific project. It has taken a long time and it has been very difficult. This step is important. I do believe it fits into the Master Plan of our long-term financial range. We had committed about \$.5M of financing for this five years ago.

This additional \$1.3M is a heavy haul. I think the question that we need to ask, and this Commission will need to continue to answer as we move forward, are we prepared to actually spend money in the urban area? We spent money all over this county on entrepreneurial vision, \$20M out west to the Legends for 400 acres without a single tenant, but a belief that it was possible. We invested in urban area and what we seen at the Legends has been transformative for our entire community. A \$1.3M investment is significant particularly in the financial situation that

we're in, additional to the \$500,000. It's a full \$1.8M capital investment, annual investment. I think that northeast deserves it. It's not enough to do \$150,000 master plan if we're not willing to put money behind it to actually invest in the amenities that the community is asking for.

We did a full service public engagement in this room asking people what do you want, they wanted a community center, they wanted a grocery store and we have an opportunity to move this forward. The New Markets Tax Credits are critical. The signing of the LOI with the grocer is critical. It's all moving down the road. Its on track. I think we have the opportunity to do something special for downtown. Downtown is everyone's downtown; every community deserves a thriving downtown. This will be the largest capital investment in downtown in two generations. I'm very excited about the opportunity to have led it this far. I'm turning it over to the next administration and hopefully they will continue to move it forward and get it across the finish line.

Action: **RESOLUTION NO. R-50-17**, "A resolution authorizing the Unified Government County Administrator to exercise options to purchase property necessary to build the Healthy Campus Project, as well as entering into contracts for any associated pre-construction architecture and engineering costs, in an amount up to \$2.0 million dollars." **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley and one "No," Murguia.

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 10:15 P.M.**

Bridgette D. Cobbins
Unified Government Clerk

mbb

November 30, 2017

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

REGULAR SESSION
THURSDAY, DECEMBER 7, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 7, 2017, with ten 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; and Holland, Mayor/CEO, presiding. Philbrook, Commissioner Eighth District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Harold Johnson Jr., Faith Deliverance Church of God in Christ.

Mayor Holland said that brings us to our Consent Agenda. Would anyone in the audience tonight, commissioner or staff, like to pull an item from the Consent Agenda? Anything not pulled will be voted on by a single vote. **Bridgette Cobbins, UG Clerk**, said Mayor we have a blue sheet that's been distributed. **Mayor Holland** said yes, I'd like to hear about that first. **Ms. Cobbins** said under the Mayor's Agenda we have two new items. Item No. 1, we have the Commission's Salary. Item No. 2, we have the Mayor's Salary.

CONSENT AGENDA

Mayor Holland said let the record show no one is moving to remove an item. It is properly before us.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the Consent Agenda. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

Mayor Holland said I will draw attention to the fact that this action cancelled our December 14th meeting and called our December 21st meeting and it does conclude the lengthy process of Emergency Management. I want to thank the Emergency Management team for all the months of work that you’ve put in to updating this plan for our community. It’s one of those plans we hope we never use, but we know we will and so we just want to thank you very much for your hard work. It’s also very anticlimactic when it goes through on the consent calendar, but it is a 3’ document and we didn’t want you to read the whole thing for us tonight so thank you very much, well done.

ITEM NO. 1 – 171435...PROPOSED REVISIONS: COUNTY EMERGENCY OPERATIONS PLAN

Synopsis: Request approval of proposed rewrite of the County Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director. Base plan and individual Emergency Support Function Annexes were submitted to the Standing Committee, chaired by Commissioner Bynum, over the previous 14 months and received unanimous approval.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 171436...PROPOSED REVISIONS: COUNTY DEBRIS MANAGEMENT PLAN

Synopsis: Request approval of proposed revisions to the Debris Management Plan, submitted by Matt May, Emergency Management Director. On October 23, 2017, the Public Works and

Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 171420...ORDINANCE: REVISING THE CITY LIMITS OF KANSAS CITY, KANSAS

Synopsis: An ordinance adjusting the Kansas City boundaries due to the previous de-annexation of land near Lake Quivira and a portion of Holliday Drive, Susan Alig, Legal Department. On June 29, 2017, the Commission unanimously approved Ordinance Nos. O-14-17 and O-15-18 excluding the following properties from the city limits of KCK: 3025 S. 78th St., 7910 Holliday Dr., and 7909 Holliday Dr.

Action: **ORDINANCE NO. O-71-17**, “An ordinance revising the city limits of Kansas City, KS.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 16827...RESOLUTION: ADOPT UNIFIED GOVERNMENT-OWNED BUILDING AND PARK RENAMING POLICY

Synopsis: A resolution adopting a policy regarding the naming of Unified Government-owned buildings and parks, submitted by Ryan Haga, Assistant Counsel. On November 28, 2016, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-53-17**, “A resolution relating to the policy of the Unified Government Board of Commissioners for naming Unified Government-owned buildings and parks.” **Commissioner McKiernan made a motion, seconded by**

Commissioner Johnson, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 171437...ORDINANCE: AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS NOT TO EXCEED \$46M FOR DAIRY FARMERS OF AMERICA, INC.

Synopsis: An ordinance authorizing the issuance of industrial revenue bonds not to exceed \$46M for Dairy Farmers of America, Inc., submitted by Jon Stephens, Interim Director of Economic Development. On October 1, 2015, the Commission unanimously approved Resolution of Intent R-63-15 to issue \$46M in industrial revenue bonds for Dairy Farmers of America.

Action: **ORDINANCE NO. O-72-17**, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project – Building), Series 2017A and subordinate Taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project – Land & Personal Property), Series 2017B, in an aggregate principal amount not to exceed \$46M for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping of a commercial office facility, including, land, buildings, structures, improvements, fixtures and personal property; and authorizing and approving the execution of certain documents and the taking of other actions in connection with the issuance of said bonds.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 6 – 171432...NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Kevin Jones for the Golf Advisory Board, 12/7/17 to 3/31/22, submitted by Commissioner Philbrook.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 7 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 30, 2017.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to receive and file. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 171440...RESOLUTION: CANCELLING THE DECEMBER 14, 2017 COMMISSION MEETING

Synopsis: A resolution amending Resolution No. R-13-17 by cancelling the Commission meeting date of December 14, 2017, submitted by Ken Moore, Chief Legal Counsel.

Action: **RESOLUTION NO. R-54-17**, “A resolution amending Resolution No. R-13-17 by cancelling a Commission meeting (December 14, 2017) and repealing that portion of Resolution No. R-13-17 which conflicts with this resolution.” Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters.

MAYOR’S AGENDA

ITEM NO. 1 – 171443...COMMISSION SALARIES

Synopsis: Implementing a COLA initiative in January of 2022 by placing Commission compensation at the annual rate it would have been had it been annually adjusted, and make the annual COLA adjustment as it is done for other elected officials of the UG going forward,

submitted by Mark Holland, Mayor, CEO. This item will be considered and evaluated at the December 21, 2017 full Commission meeting.

ITEM NO. 2 – 171444...MAYOR'S SALARY

Synopsis: Setting a new salary for the Mayor, effective January of 2022, submitted by Mark Holland, Mayor/CEO. This item will be considered and evaluated at the December 21, 2017 full Commission meeting.

Mayor Holland said so we have on the Mayor's Agenda two items and my plan originally was to bring this to the Commission in our Strategic Plan in February. You will still have the Strategic Plan in February, but I won't be there and one of the things I had said that I wanted to take care of before I left was to address Commission salaries and the Mayor's salary. I believe they are both too low and it is much easier for an outgoing mayor to propose this than it is for an incoming Mayor to propose this. Just from a cleanest because this will not benefit me in any way, but according to our charter when we make changes to compensation it needs—not only according to our charter, but according to general ethical standards for elected officials, when you make a change to your compensation it needs to go through an election cycle so it would be postponed for four years.

Everyone that just ran for office ran for office with the understanding of the existing salaries and agreed to that as did I four years ago. To get into office and say the salary's too low and then change it is problematic, but if a change were made now then we would be able to go through 2022. The commissioners who went through an election in two years would need to wait two additional years for that change and the other commissioners who go through an election of four years including the Mayor would see the change in salary at that time if this is adopted but it is up to you. It is up for discussion tonight if you want to talk about it. For presentation purposes, I'm not going to take a vote on this tonight. I want to wait for two weeks so if there is public comment or we want to think about it some more and then vote on it on the 21st, but I just want to put this out for consideration and I thought two week's notice was a lot more transparent than just the normal weeks' notice that we have. It is open. I'll give you some of the logic behind it. I'll just walk you through this real quick.

Unified Government
Commission and Mayor Salary Increase Analysis
December 2017

Mayor Salary Increases Since Year of Consolidation		Commission Salary Analysis	
		(Below are what Commissioner Salaries would have been if they had the same increase as the Mayor's salary)	
		<u>Commissioner</u> Annual Salary	Commissioner <u>At-Large</u> Annual Salary
Date of Increase	Increase Pct.	<i>Beginning Salary, \$12,000</i>	<i>Beginning Salary, \$14,400</i>
1/1/1997	3%	\$12,360	\$14,832
1/1/1999	3%	\$12,731	\$15,277
1/1/2000	3%	\$13,113	\$15,735
1/1/2001	3%	\$13,506	\$16,207
1/2/2003	3%	\$13,911	\$16,694
1/1/2004	3%	\$14,329	\$17,194
1/1/2005	3.5%	\$14,830	\$17,796
1/1/2006	3%	\$15,275	\$18,330
1/1/2007	3%	\$15,733	\$18,880
1/1/2008	4%	\$16,363	\$19,635
1/1/2013	3%	\$16,853	\$20,224
1/2/2014	2%	\$17,191	\$20,629
1/1/2015	1%	\$17,362	\$20,835
1/1/2017	2%	\$17,710	\$21,252

Budget Impact	
Commissioner Annual Salary, Current	\$124,800
Commissioner Annual Salary, with Mayor Pct. Increases	\$184,181
Net Annual Budget Impact	\$59,381

Other Commission Stipends	District Commissioner	Commissioner At-Large
Monthly Car Allowance	\$300	\$360
Monthly Technology Service Support Stipend	\$275	\$275
One-Time Technology Equipment Assistance <i>*Provided every 4 years</i>	\$1,000	\$1,000

On the Commission's salary, the Commission's salary was set at \$1,000 a month for the in-district commissioners and \$1,200 for the at-large. That was set in 1997 and there was no cost of living increase attached to it, so it has set idle for 20 years and in fact based on the cost-of-living

December 7, 2017

the salary has actually gone backwards. What we did was other salaries, other elected official's salaries including the Mayors were set to get the average increase that the employees would get so the Mayor's increase would be whatever the average of the employees. If some employees got 3%, some got 1%, you would average it. So, you can see the column on the sheet the increase percentage. What I've done here is if you take the original salary of \$12,000 and apply the increases that came through in various years, though you can see there were some years where no increase came through. If you apply those increases, the base salary would have gone to \$12,000 to \$17,700 for the in-district and from \$14,400 to \$21,252 for the at-large.

The proposal in here, and again this is your document now. You can do with it what you want. The proposal would be to institute the \$17,700 and the \$21,200 now and let it continue to—if there are cost-of-living increases, there will be cost of living increases for the other employees, let it increase and attach a COLA to then have it be implemented in 2022. Then you can also see down below the monthly car allowance and technology support.

Elected Official Annual Salaries in Select Kansas & Missouri Entities

	Latest Population Estimate	Annual Salary	Year of Data	# Commissioners/ Council	# At-Large Commissioners/ Council	Note
<u>Commission / Legislatures</u>						
Johnson Co., KS	584,000	\$53,589	2016	6	1	
Douglas Co., KS	118,000	\$33,862	2017	3	0	
Leavenworth Co., KS	80,000	\$40,995	2016	3	0	
Sedgwick Co., KS	512,000	\$91,285	2017	5	0	
Shawnee Co., KS	178,000	\$52,000	2017	3	0	Chairman makes \$57,200
Miami Co., KS	33,000	\$28,200	2017	5	0	
Platte Co., MO	96,000	\$64,421	2016	3	0	
Cass Co., MO	102,000	\$64,207	2017	3	0	Presiding Comm. makes \$66,207
Clay Co., MO	236,000	\$59,085	2017	3	0	Presiding Comm. makes \$61,085
Ray Co., MO	22,000	\$28,166	2017	3	0	Comm. salary (exclude presiding) is an average; Presiding makes \$32,380
<u>City Council</u>						
Kansas City, MO	481,000	\$61,569	2016	6	6	

On the next page you can see the pay of other elected officials. By and large county commissioners are paid in the state of Kansas and city council members are not and we do both. We are the City Council. We're also the County Commission and if you look at the comparison sheet, the Johnson County Commissioners for instance get \$53,000. It's nearly a full-time job for them. This is proposing \$17,000 for this group and you can just look through the different cost—Sedgwick County in Wichita, their county commissioners get \$91,000 each. Kansas City, Missouri City Council does get paid and they get paid about \$61,000. So, if you look it gives the

population of the cities, it gives the annual salaries for those folks. If there are other comparatives that you'd like in the next two weeks we can gather that data for you, but I do think that at \$12,000 a year and you look at the other salaries in other communities, this is far too low.

What I'd like you to think about is if this is something you're interested in doing. If it is something you're interested in doing what would you propose in terms of an amount? This is a baseline and then we would have the ability to vote on it on the 21st. I have checked with Legal. It would be a change to the charter and it would require eight votes to change it. If there's not consensus on the Commission to do it then it won't pass, but I do think this is something that's long overdue.

On the other side and I'll just finish my presentation then we can open it up. I also suggested the Mayor's salary. I did not set a suggested amount for that, but what I did instead is compared what other people are making. I looked at the Johnson County Chairman, Kansas City, Missouri Mayor and then I looked at the elected officials and District Court Judges in the Unified Government.

Elected Official Annual Salaries in Select Kansas & Missouri Entities

	Latest Population Estimate	Annual Salary	Year of Data
<u>Chief Executives (city and county)</u>			
Johnson Co. Comm. Chairman	584,000	\$83,640	2016
Kansas City, MO - Mayor	481,000	\$123,156	2016
<u>Unified Govt. Elected Officials & District Court Judges</u>			
Mayor/CEO	164,000	\$89,232	2017
District Court Judges		\$120,037	2016
Sheriff		\$108,530	2017
District Attorney		\$140,670	2017
Register of Deeds		\$85,904	2017

So, if you look at that back page, the Mayor makes \$89,000, District Court Judges, \$120,000, Sheriff, \$108,000, District Attorney, \$140,000 and Register of Deeds, \$85,000. So, it gives you a comparison of the Mayor's salary. I would suggest that this leadership position is on par with the District Court Judge and should be paid similarly. We have sixteen judges who make that, and this role is every bit as taxing as being a judge, so I think it would be an appropriate salary to look at maybe matching it to the District Court Judge's salary, around \$120,000. That's what's before you right now for your consideration for the next two weeks. If it's not the Commission's

intent, you can simply vote against it and it will go away for the next 20 years, but if you would like to take action I decided it is in the community's best interest for me as an outgoing Mayor to take the initiative on this so if people are going to be mad, it's going to be mad at someone for whom it doesn't matter, any discussion.

Commissioner Murguia said Mayor, I have a question for you. So, on the back page it says Johnson County Commission Chairman, his annual salary is \$83,000. **Mayor Holland** said yes. **Commissioner Murguia** said the chairman, is that a full-time position? How does that differ from us? **Mayor Holland** said I don't think it's a full-time position. **Commissioner Murguia** said I was going to say. Is that still Mr. Eilert? **Mayor Holland** said it is. **Commissioner Murguia** said and he has a full-time job besides—**Mayor Holland** said well he's retired but he did. **Commissioner Murguia** said okay and then the Kansas City, Missouri Mayor is full-time. **Mayor Holland** said that's right. **Commissioner Murguia** said after the resetting of the salary for the Mayor would that instead doing this again, would we just give COLA increases to the Mayor. **Mayor Holland** said so the Mayor's salary has had COLA. It was in the high 50's in 1997 and it has grown to \$89,000 so it has grown with a COLA. The suggestion is to make the shift and put it at a different level from the base and have it continue with the COLA and again begin four years from now. **Commissioner Murguia** said so, what was your thinking—this is my last question. What was your thinking in regard to extending it to 2022? I know we need one election per the charter but what was the idea behind the 2022. **Mayor Holland** said so for the Mayor's office I think it has to be because you need to go through an election for the Mayor's office and we've already had an election, so it would be four years out. **Commissioner Murguia** said oh I see. **Mayor Holland** said the other piece is for the commissioners, half of the Commission was just elected and wouldn't be elected again for four years. The other half of the Commission will be elected in two years. It seems odd to have some commissioners paid at a different rate than the others. So, if you do it at 2022 at a date certain, then all of the commissioners would receive the pay increase at the same time. **Commissioner Murguia** said say that last part again, the last part again. I got everything else. **Mayor Holland** said because half of the Commission is up for election in two years so theoretically they could get the pay increase by our charter in two years after the election, but then you'd have those five being paid at a higher rate than the original five so if you put it all at 2022 all the commissioners stay the

same and then at one time it takes a leap, and everyone makes the same pay all the time. **Commissioner Murguia** said what you're saying though is that per our charter every commissioner has to experience an election in order to receive this pay increase. **Mayor Holland** said that's my understanding from our charter. **Commissioner Murguia** said or is it just an election has to occur.

Ken Moore, Chief Legal Counsel, said the concept basically is that you don't vote for a raise that it would occur during your term so if it occurred in two years, everyone who was just elected would vote for a raise that occurred during their term, that is why it goes through the election cycle. By going four years then everyone would have to be reelected for it to go into effect. **Commissioner Murguia** said so I may not have understood that. I guess what I would say is that if we move on this action before the new commissioners and the new Mayor are installed, if we did that before and then we don't implement this until 2020 where the other commissioners that haven't ran for election will go through an election cycle. **Mayor Holland** said I think it's a problem. I would not have proposed this before the election because it looks like you're gearing yourself up if you're reelected to get that money and so by doing it now it's the cleanest place to do it because it's doing it for future people. Whoever runs for office in four years, whether it's the incumbent running again for Mayor or another person, that person would receive the raise. That's the key to making it clean. If I had done this before this election and I had been reelected I would have voted for my own salary. You see what I'm saying. **Commissioner Murguia** said so you're saying really a better way for me to look at it is that there are some sitting commissioners that would vote on this that just got reelected. **Mayor Holland** said that's right said and it should go through an election. If we had done it a month ago or two months ago the election would have happened, and the sitting commissioners would have been eligible to get it and it would have looked like we were just doing it for ourselves. **Commissioner Murguia** said but if the commissioners that just got reelected are waiting until 2020—**Mayor Holland** said 2, oh 2020 for two years, well instead of giving yourself a \$6,000 raise, you'd be giving yourself a \$3,000 raise because you'd still get half of it. **Commissioner Murguia** said well for me, I have to go through an election again because I have another election. **Commissioner Walker** said 2022. **Mayor Holland** said no, she was saying 2020 but I'm proposing 2022. **Commissioner Murguia** said I'm just saying that I was trying to figure it out, but I see what you're saying, there

are commissioners here that—**Mayor Holland** said right. **Commissioner Murguia** said I would just say, for me I agree with you, Mayor, that I think this should happen and for me whether it's 2020 or 2022, for me personally in order to receive any benefit from this I would have to go through an election again, right. **Mayor Holland** said that's right. **Commissioner Murguia** said for me 2020 doesn't bother because whoever sits in this seat will have to go through an election to earn that new 2020 pay. Now if it doesn't matter, for me, if it doesn't matter to the ones that just got elected that it's 2020 instead of 2022, I'm fine with either. That's all I just wanted to say. For me, again for District 3 and for the other four people, I think it's McKiernan and Markley. I remember that because we are the M's. We run at the same time. **Commissioner Johnson** said Johnson. **Commissioner Murguia** said and Johnson. We'll all have to win another election to benefit from this. **Mayor Holland** said that's right. **Commissioner Murguia** said but if the others don't care, I think I agree with you when you say it's long overdue.

Mayor Holland said any other discussion, questions. Alright, that's the agenda tonight. Again, we have not taken action on this. It will up for consideration in two weeks. The public is welcomed to contact any or all of us with your opinion on that.

Action: Item 171443 and 171444 were discussed together and will be considered and evaluated on December 21, 2017.

PUBLIC HEARING AGENDA

No Items

STANDING COMMITTEES' AGENDA

No Items

ADMINISTRATOR'S AGENDA

No Items

COMMISSIONERS' AGENDA

December 7, 2017

No items

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items

PUBLIC ANNOUNCEMENT

No items

**MAYOR HOLLAND
ADJOURNED THE MEETING AT 7:17 P.M.
December 7, 2017**

Bridgette D. Cobbins
Unified Government Clerk

tpl

December 7, 2017

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

SPECIAL SESSION, THURSDAY, DECEMBER 7, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, December 7, 2017, with ten 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 (arrived at 5:32 p.m.); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Holland, Mayor/CEO, presiding. Philbrook, Commissioner Eighth District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Melissa Sieben and Gordon Criswell; Assistant County Administrators; Bridgette Cobbins, Unified Government Clerk; Mike Taylor, Public Relations Director; and Officer Doug Bailey, Sergeant-at-Arms.

Also present: Senator Pat Pettey representing Senate District 6, Representative Kathy Wolfe Moore representing District 36. Representative Stan Frownfelter and Senator David Haley arrived at 5:40 p.m.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, December 7, 2017, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building for a legislative dinner/program.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in

such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Holland said this is the third year that we've hosted our Legislative Delegation for a discussion about our legislative issues for the Unified Government to have an open dialogue about it ahead of the session and to have a dinner. Often, we've tried to squeeze a dinner in before our conversation. We thought if we put the food afterwards, it would accelerate the conversation so this is our strategy this year. We will see if it works, but thank you all for being here.



Mike Taylor, Public Relations Director, said I appreciate you all being here this evening. I did hear from a couple of Legislators who had intended to be here this afternoon; Representative Winn is still stuck in Topeka and some others may show up here in the next few minutes, but it's been a very busy week. There were four different committees meeting in Topeka this week. I had a number of RSVPs that suddenly ended up in kind of a traffic jam in getting here so some may show up yet.

What we want to talk about is what we view as some of the issues that we will be looking at in the 2018 session.

2018 Legislative Landscape

- New Governor?
- School Finance
- Tax Increases?
- Governor up for election in November
- 125 House seats up for election in November

I will start with kind of giving you a legislative landscape of what we will face. The first thing is we may or we may not have a new Governor. As you know, Governor Brownback has been nominated by President Trump to serve as Ambassador for International Religious Freedom. He has been approved by the Senate Committee, but there has not been a Senate confirmation vote scheduled yet so Lt. Governor Jeff Colyer who would step into that role has been taking on a lot more duties. Right now the Governor is still in charge, but Lt. Governor Colyer is working on the budget and perhaps may do the State of the State Address, perhaps he won't. It just depends on when the Senate decides to do the confirmation. That creates a little bit of uncertainty as we head into the Legislative Session; who's really in charge and how much control will Lt. Colyer have or will Governor Brownback still be there. That's one issue.

The biggest issue this session will undoubtedly, as you've read, will be School Finance. The Supreme Court has put a deadline of April 30th for the legislature to come up with basically more money, we don't know exactly how much, to fund schools and there is a committee that has been meeting this week to decide that. We don't honestly know—the court did not say how much money, but after a large tax increase last year to help bring the budget more into balance, the court has now said you're still shorting public education. You need to come up with more money. The folks representing the school districts say that could be another \$600M to \$700M a year. We just don't know. So, that's going to take up a lot of discussion and a lot of the debate this year. It will be the major issue that probably dominates everything.

The next issue is then will there be tax increases to help fund schools. The whole thing could go the other way and we could end up with, as some legislative leaders have said, a

constitutional crisis where the legislature tries to cut the Supreme Court out of this and basically, we would have a faceoff between the legislative branch and the judicial branch of government. We will just have to see what happens, but again, that's going to be a dominate issue and we could be seeing another tax increase from the state.

The Governor's office is up for election in November. Governor Brownback, whether he is here or not, that position would be term limited even if he is still here. Right now between the Democrats and the Republicans have 21 candidates running for Governor which is a record. Several of those are teenagers who have filed who aren't old enough to vote, but under Kansas law would be old enough to serve if they got elected which I think we will probably see a change in statute there because there are no qualifications to be Governor interestingly. So, a 16-year old who couldn't even vote yet could actually be elected and serve as Governor.

Today we had another candidate enter and becomes the 21st as an Independent. Maybe if you may remember Greg Orman. He ran as an Independent against Senator Pat Roberts back in 2014. He has now entered the race as an Independent for Governor so it's going to be a very interesting field. That will play a role in some ways into what happens in the State House in 2018. You can't ignore those election politics.

Also, 125 seats in the House are up for election this year so election year politics will play a major role in what happens in Topeka.

One of the reasons that our priority agenda which is what I will go through with you quickly are issues that I have identified as things we know we are going to be facing. This was not the year to particularly bring a lot of great, good government, progressive, good ideas initiatives because they just wouldn't get heard given everything else going on.

Unified Government Priority Issues

- **Asset Forfeiture**

The Unified Government and KCK Police Department support the use of asset forfeiture as an important component in reducing the financial gains from criminal acts while providing civil due process. All assets forfeited, or the proceeds from the sale of assets, should remain with the local government that seizes the property.

The first issue on our list deals with something that's been in the works for a couple of years and it has to do with Asset Forfeiture. Asset Forfeiture is when police, law enforcement; for example, I will just give you a scenario; they stop a car on I-70 and they find \$50K in cash and 10 pounds of meth in the car. They would probably confiscate that and keep it because many times people don't come back and claim that. If it's illegal money, they don't. There have been some cases, and the reason this is becoming an issue, is because there have been a couple of cases around the state where monies or vehicles have been confiscated and the person was never charged or convicted. The argument becomes if that's the case, then shouldn't they be given their property back. In a couple of cases, one involving the Highway Patrol, that didn't happen so there has been a big discussion. This issue has been in front of the Judicial Council for over a year and they're looking at some model legislation on how to reform, asset forfeiture laws and make sure that we can still take assets that are being used for criminal enterprise, but not doing it in a way that violates people's constitutional civil rights. There will be a balance involved there. It is one that our Police Department and Sheriff's Department are very interested in so we will be keeping a close eye on that.

Unified Government Priority Issues

• Property Tax Lid Election Process

The Unified Government supports repeal of the tax lid. If repeal does not occur, the Unified Government supports additional exemptions to make the law more workable and replacing the current election process with a protest petition. The current election procedures do not coordinate with local government budget timelines and are unworkable. The costs of holding an election are excessive and unnecessary.

The Property Tax Lid; that was imposed on us a couple of years ago, a number of exceptions. We still support repeal of the tax lid and I'll just be very blunt; that will not happen. It's not going to happen. We won't repeal the Tax Lid, but what we may be able to do, and have a good possibility, is tweaking it a little bit more. We were not anywhere close to having to have an election to raise our taxes. In fact, we as you all know, cut the property tax rate again this year. One of the things that we got put in as an exception—that we're pushing to get put in as an exception that we've actually got through the Tax Committee deals with employee benefits. The House Tax Committee passed that measure out. It's now sitting on the House calendar for debate by the full House of Representatives and we think has some strong support. By employee benefits we're talking primarily about healthcare benefits, the cost of insurance, and KPERS. Those are two things that the Unified Government or any City Council or County Commission really can't control. Healthcare costs rise; if the legislature orders that we have to put more money into KPERS, that is something we just have to do. We can't control it so we are arguing that we think that would be a reasonable exception to put in. That would give us a little more headroom, if you will, under that lid in future years. We seem to be getting a lot of strong support for that and I think we can get that passed this year.

Unified Government Priority Issues

• STAR Bonds and Economic Development

STAR Bonds have proven to be one of the most effective economic development and job creation tools in the State of Kansas. The Unified Government encourages the Kansas Legislature to continue a workable STAR Bond policy with maximum flexibility and without unnecessary restrictions. The Unified Government encourages the Kansas Legislature to work with local governments in developing innovative economic development tools.

I was in Topeka earlier this week for an Interim Committee Hearing on STAR Bonds and other economic development tools. There has been from some legislators some criticism of the way statewide STAR Bonds and some of those other tools have been used; Community Improvement Districts, Transportation Development Districts, and they feel like maybe there isn't enough oversight. We learned today that the two Chairs of that; Representative Les Mason who Chairs the House Commerce Committee and Senator Julia Lynn who is on the Senate side of Commerce are going to ask for legislation to be introduced. They are working closely with Secretary of Commerce Nick Jordan to make what we hope are just a few tweaks to the STAR Bond legislation and hopefully it won't do any harm for future projects. That's why the language that we've adopted says that we would want to continue a workable STAR Bond policy with maximum flexibility and without unnecessary restrictions. I testified five different times last year during the legislative session and told the Village West story, which by the way in all these discussions about STAR Bonds, 99% of the time we get praised for the way we use STAR Bonds and the fact that the Village West bonds are paid off. It's considered a success. There are some other cities and other projects around the state that maybe aren't quite as strong and that's kind of where the criticism has come in, but we just want to make sure they don't go overboard and do something that makes the tool ineffective.

Unified Government Priority Issues

- **I-70 Improvements**

The Unified Government supports state and federal funding to assist in making needed improvements to the I-70/Turner Diagonal interchange and the I-70/I-435 interchange near Village West. The improvements to these major interchanges are critical to economic development efforts that will attract new businesses and create new jobs, as well as for the safety of the driving public.

I put this in, we're all very well aware that KDOT doesn't have any money, but I wanted to bring this to the forefront. We've talked about this locally. In fact, we've met with KDOT and the State is very well aware of this, that if we could make some needed improvements to the I-70/Turner Diagonal, we could open up hundreds of acres of land for industrial development that's quite honestly pretty much ready to go. It would create thousands of jobs and would be a great economic boost. The I-70/I-435 interchange also would be helpful. We've tried for several years to get funding to do that. If you drive out that way when there is a soccer game at Sporting, Sporting KC playing, and look at the traffic that backs up on 435 trying to get into Village West; it clearly needs to be done and KDOT agrees with this. I just put that out there in hopes that maybe there is a way that we could by talking about this issue more find some money that we could get, I'll use the word earmarked, budgeted, set-aside to help pay for this improvement.

Unified Government Priority Issues

- **Election Commissioners**

The Unified Government supports legislation that allows counties to oversee the budgets and personnel policies affecting county operations to ensure accountability to local taxpayers.

This issue involves County officials, specifically the Election Commissioner, there are four counties in the state; the four major urban counties, Sedgwick, Shawnee, Wyandotte and Johnson that based on statute that has existed for years the Secretary of State appoints those Election Commissioners. In the rest of the counties the County Clerk is also the Election Commissioner, but in the four big counties it was set-aside decades ago in statute the Secretary of State gets to appoint that Election Commissioner. The Attorney General just handed down an opinion that basically says—the way the statute reads that a County Commission shall budget and approve whatever budget those four Election Commissioners recommend. That became an issue in Shawnee County where the Election Commissioner for two years in a row ran hundreds of thousands of dollars over budget and the County Commission was put in a box where they simply had to come up with that money even though they didn't approve that budget. The four counties have come together and we're working with the Kansas Association of Counties to clarify that statute and say that we support legislation that allows counties to oversee the budgets and personnel policies affecting county operations to ensure accountability to taxpayers. There is nothing personal here. We just think that one position shouldn't be allowed to submit whatever budget they decide they need and then as County elected officials you all would automatically approve it. We're asking for a clarification in that to say the County Commissioners ultimately are responsible to taxpayers and you should be able to have some final say on whatever budget.

The other thing we realized was that potentially affects personnel policies so hypothetically an Election Commissioner appointed by the Secretary of State could decide he

doesn't want to follow a particular counties personnel policy and could adopt his own just for that office. We don't think that's a good idea either. The legislation that will be introduced in cooperation with Johnson County, Sedgwick County, and Shawnee County will help clarify all of that.

Unified Government Priority Issues

- **Property Valuations and Appeals**
The Unified Government supports legislation to eliminate “Dark Store” techniques in the valuation and assessment of all properties, including big box stores. Such legislation should value all properties at their highest and best use and would prevent the use of anti-competitive deed restrictions in determining property at fair market value.
- The Unified Government supports procedural changes to the tax appeals process that are balanced and sensible for both the taxpayer and county government.

Several big issues here. You all are aware of some situations that have gone on and now they are starting to spread nationally. It's gotten the name of the “Dark Store” valuation and basically the way that works is you have a large box store—Walmart has started picking up on this around the country in other states, we've got some big retailers here. Basically, the crux of the argument is our building is so big that if we weren't in it, no one would buy it, no one would be in it; therefore, you should value it as worth zero for property taxes. Yes, but you did \$400M worth of sales out of that building last year. It doesn't matter if we weren't here, no one would buy the building, it was empty; therefore, it's worth zero or close to zero and it's called the “Dark Store” theory. It's been successful with the Board of Tax Appeals. We're hoping working with the Appraisers to get some legislation introduced that corrects that because clearly, we think it's wrong and clearly, we think it hurts revenues and assess values for counties all over. As I said, it's starting to be a trend that's spreading nationally. We are going to work and introduce legislation that tries to address that. It could be a tough fight, but we think it's worth bringing up.

One of the other things that happens on that, and I will explain one of the lines where it talks about anti-competitive deed restrictions, a lot of times the big box stores will put in

restrictions in their deeds that say alright if we go out of business—we're an electronic store in our big building. If we go out of business we have in our deed that building could not be sold to another business down the road that sells electronics, so that puts obviously what we think as an anti-competitive restriction on the sale of that building and they do that deliberately to say the building is not worth anything. They restrict who it can be sold to by wanting it to be anti-competitive so that's another thing we're going to try to get corrected and a lot of this will work through the Board of Tax Appeals as well. We think if we can get some legislation on the books, it will be helpful.

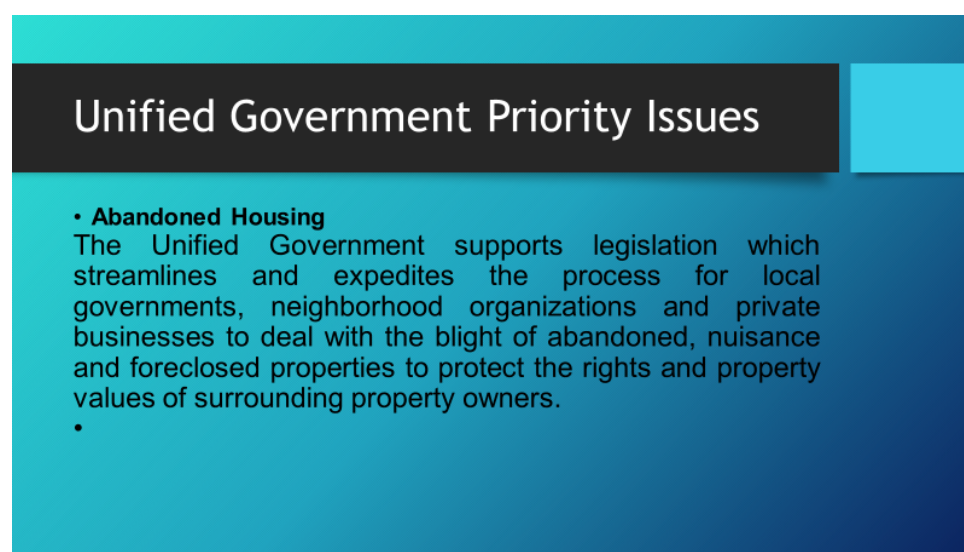
The slide features a dark blue header with the title 'Unified Government Priority Issues' in white. Below the header, on a lighter blue background, is a bullet point: '• **Alcoholic Liquor Taxes**'. The text continues: 'Changes in the way alcoholic liquor taxes are classified, taxed, or where they are sold should be done in a way which avoids a loss of revenue to local governments.'

As you all recall, there has been a huge debate over the past five or six years about selling liquor in grocery stores and convenient stores. A compromise was reached in that industry last year that will allow starting in 2019 what is known I guess as strong beer or liquor store beer to be sold in grocery stores and convenient stores. The difference being, if you're not familiar, there is 3.2 beer which is allowed to be sold in grocery stores and convenient stores and there is the stronger beer that can be sold in liquor stores so now grocery stores will be able to sell that stronger beer in grocery stores. The weaker beer, the 3.2, is actually not beer at all by statute. It's actually legally classified as Cereal Malt Beverage. It's still beer, but it's legally classified as Cereal Malt Beverage. We get to collect sales tax on that and whatever sales tax at the grocery store where it's located—if our local sales tax is 8% or 9%, then that's what's paid on that six pack 3.2 beer. When you buy it in the liquor store, the 6% beer, the strong beer, you pay a liquor tax which goes to the state. Here is the concern, we were worried that if strong beer can

be sold in the grocery stores, the Cereal Malt Beverage, the 3.2 beer will probably start to get phased out or people will buy less of it. That will affect our sales tax revenues.

We had originally worked, and I say we meaning cities and counties around the state, had worked a deal with the industry and we would be held harmless. There will be a formula put in that we wouldn't lose that—if that sales tax revenue started to decline, we would be made whole. That got left out of the final bill surprisingly so we're coming back this year, and we've already been meeting again, municipalities are meeting with the industry saying we need to fix this so there are several proposals out there to try to correct that so that we don't end up by this change end up losing sales tax revenues that we have traditionally always collected. That is what this issue is about.

What our proposal, I think will be, is that if you buy it in the grocery store whether it's 6% beer or 3.2% beer, you still pay the sales tax. If you buy it in the liquor store, you pay the liquor tax like you always have so instead of taxing it the way it's the product, you go ahead and continue the way we have been doing it. You buy it in the grocery store, the convenient store, you pay the sales. If you buy it in the liquor store, you pay the liquor tax. That's what we're proposing and I think we have some support from the industry for that so that's what that issue is.



Unified Government Priority Issues

- **Abandoned Housing**
The Unified Government supports legislation which streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance and foreclosed properties to protect the rights and property values of surrounding property owners.

Oh, my goodness, I wish Representative Frownfelter had made it. Abandoned Housing; this will be year number eight that we've had the abandoned housing issue on the legislative platform. The bill is still alive. It's sitting in the Senate Local Government Committee. We had it on the

Senate floor last year and it ended up being kicked back to committee and that's where it still sits so we're trying to work through it. In the meantime, locally through our SOAR Initiative we have implemented some things that we can do locally without needing statutory authority that we are doing and making some progress there. Several of the cities, Topeka is a huge supporter of this legislation as is the City of Wichita and there are several others. We've all kind of huddled and talked about—the bill has gotten so, as my dad used to say, cobbled up through compromises that we're not sure it's even workable anymore the way it sits right now. We're going to see if we can't maybe take a different approach or just decide what we can do locally and maybe we don't need legislation because this has obviously touched off a lot of resistance and fights. We've overcome a lot of that opposition, but in the process, we had to make so many compromises with realtors and landlords and others that the bill, I hate to say it, probably is not very effective the way it sits right now. I left it on there out of sentimentality and in honor of Representative Frownfelter and all the rest of us trying to deal with this issue. I don't want to give up on it yet, but it's been disappointing.

Unified Government Priority Issues

• Medicaid Expansion

The Unified Government supports the expansion of Medicaid. The refusal of the state to expand Medicaid increases the burden on local governments to plan and fund health care for the poor. Wyandotte County has an overall uninsured rate of 19% compared to 12% in Kansas. Refusal to expand Medicaid burdens local healthcare facilities with providing tens of millions of dollars in uncompensated care every year.

The final issue is one that led our priority issues last year and that's Medicaid Expansion. We came so close last year. It passed the House, passed the Senate, the Governor vetoed it, and we fell three or four votes short of overriding that veto. Given what's going on in Washington with the failure to try to repeal the ACA and we're not sure exactly where that's going, there is still a window open for Kansas to actually expand Medicaid. It would be very beneficial to our residents which is why the Unified Government is weighing in on that and taking the issue on.

It's not a direct local government issue, but it would benefit thousands of our residents which is why we're taking up that cause and have worked on it. There was, in fact, a meeting in Topeka yesterday with the coalition that's working to push this and they're energized again to try to continue and get this done. That's why I put it on our priority issues to carry it over.

Those are the priority issues that I see coming next year. We always end up playing defense on a number of things that pop up and the rest of this program, and I know one of the commissioners commented how much stuff there is in here; most of these other pages are simply are broad platforms that give me the leeway to know that you have approved this. So, if it's an issue that, for example, falls under restricting home rule—I know you all have approved a platform that says no, we support home rule and we will fight issues that restrict our home rule. I can pick up that issue and oppose it without having to come back to you every week with every piece of legislation that's been introduced so that's what the rest of this is.

I would like to now open it up for questions on what I've talked about or just allow some discussion amongst all of you.

Commissioner Kane said I'm not sure I agree with this Unified Government supports measures which assist The Woodlands in reopening as a gaming facility as long as they provide benefits to the local community. I thought last year we stayed out of it and when I was at the State I found out we didn't stay out of it. I think we need a way to figure out a way to get them open. **Mr. Taylor** said, Commissioner, this is exactly the same language that we had in the platform last year. **Commissioner Kane** said I disagree with that for one. **Mr. Taylor** said that's why we're here for discussion. **Commissioner Kane** said the other is that we need to be—when it says support legislative measures which assist The Woodlands, in my mind we need to figure out a way where they—if you look at what the community would get, maybe we could modify a little bit of that but I don't think by just saying you've got to stick to this that's the way it should be. That's my opinion.

Mayor Holland asked does anyone else have a thought on the Casino Gaming piece.

Commissioner Bynum said just really a question. Kind of more for discussion and the question I have is and I think we would all like for The Woodlands to be open, would this local body not want some agreement in writing with them as to what they are and are not going to do there. I guess I'm asking you, do you agree with the written agreement part? **Commissioner Kane** said yes. We need a written agreement that says this is what they will provide or this is what they won't provide. I don't know if it has to be the exact same thing, but I think we're losing money by it being closed. **Commissioner Bynum** said I agree and I was just hoping to hear you say you still agree that some sort of agreement with them is necessary at the local level. **Commissioner Kane** said yes. **Commissioner Bynum** said that's kind of where I am on it.

Representative Kathy Wolfe Moore said on the Election Commissioner issue, I support that obviously. Do you know yet—a couple of questions, is there a bill written yet? **Mr. Taylor** said yes, there's language. In fact, we had a meeting the other day between the four counties and kind of decided on what language and there will be a bill introduced. I think it's really, quite honestly, probably coming out of Johnson County. They've kind of driven this and actually did a bill draft so it has not been introduced yet, but as soon as the session comes there is language out there that would. **Representative Wolfe Moore** asked when you have that language available, would you share it with us. **Mr. Taylor** said yes. **Representative Wolfe Moore** said I hope they are also educating all of their legislators ahead of time. It makes the process so much easier when we get there if Sedgwick, Shawnee and Johnson all have heard the same story. **Mr. Taylor** said exactly. I agree with you Representative and I think we're all on board with that and there is some disagreement and criticism I think in lieu of the AGs opinion. It was kind of a mixed, a little bit of a crazy opinion, but clearly it said you shall fund whatever the Election Commissioner says you should fund and we just think that needs to be corrected. I don't think there will be a lot of opposition to it, but we will see.

Senator Pat Pettey said I should have jumped in a little faster. I just want to go back to The Woodlands. I think I heard that there was agreement that there should be a development agreement. Does that also include a master plan for overall development? **Commissioner Bynum** said it does for me. **Commissioner Kane** said absolutely, just like anybody else. Here's your plan, here's what you're going to do in the first three years, here's what you can do

the next three years, here's what you're going to do the next three years and spell it out. If they have to modify it as we go, then they have to modify it as we go, but absolutely they should have some plan that says we're tearing this down, we're going to fix that up, later on we might do this again, but yes, absolutely.

Senator Pettey said then back to the Asset Forfeiture, I will say I've listened to the Asset Forfeiture presentation now several times so we will see what happens with that this year.

On the Property Tax Lid election process, Mike, you talked about wanting to add employee benefits. I know that came up as a discussion last year and it didn't move ahead, but what about the protest petition that's on there. That seems to be a very important issue. **Mr. Taylor** said that I think is an issue that we advanced last year. We sort of advanced the additional exception for the employee benefits and the protest petition idea. We got some pushback from the Chairman of the House Tax Committee on the protest petition and from the Speaker of the House quite honestly. They seem to be more amenable to the idea of the exception on the employee benefits so that's kind of the avenue that we, and I say we, along with the League of Kansas Municipalities and the Associated of Counties pursued because it seemed to have more support. I will tell you that in the State of Kansas this year there had to be three elections held because of the Tax Lid and in two cases the community approved the increase in the mill levy and one community which is Pretty Prairie Kansas right outside of Hutch, they turned that down so the Pretty Prairie City Council had to go back and revamp and redo their entire budget. In those cases, the County Clerks who ran that election said yes, we made it work, but again, the timetables are askew in the bill from when budgets have to be done and approved to when an election has to be held. Our idea was instead of mandatorily requiring election, if someone doesn't like the fact that you raised it, let them go like in other processes do a protest petition and force that election through a protest. It doesn't seem to have as much support so this is really a political calculation, Senator, is that going ahead with pushing for the employee exemption is the better way to go right now.

Again, as I say, we clearly in the first sentence we would like to see the whole thing repealed, but we know that's not going to happen. **Senator Pettey** said it's going to continue to be in the priority issues here about the protest petition, but you're going to be really working on adding to the list. **Mr. Taylor** said we're working on the employee exception because we've already gotten that advanced out of committee and on to the House calendar ready for debate at

any time when the session comes back in. We will continue to push for the protest petition idea. I'm just saying it's not picking up a lot of political wind so we think we're better off going with the exception although we're going to still work all those angles, but politically the exception is our best bet. **Senator Pettey** said and this is a priority for both the County and the League of Municipality as well. **Mr. Taylor** said yes, it's a priority for the League of Kansas Municipalities, Association of Counties, and most cities now are putting it as one of their priorities as well to stay in step with municipalities in general.

Commissioner Townsend said I would like to go back to the Asset Forfeiture issue because as I'm reading it, a couple of questions. Going back to your mention of situations where persons are not prosecuted and assets have been seized, are we saying by this that even if they have not been prosecuted those persons, the holders of that material, that we still support those assets remaining with the local government. **Mr. Taylor** said no, not necessarily. There have been some proposals out there, Commissioner, that would say if assets are forfeited or taken, that they would have to go to the State and the State would keep them and then choose what to do with them and dole them back maybe or maybe not to the local community. That's why we're saying that if our KCK Police confiscate a ton of drugs out on I-70 from somebody that's driving through from Nevada or somewhere, that the assets once that's finally resolved that we should be able to keep those assets; that they shouldn't go to the State. We're not making an opinion—clearly if someone is not prosecuted, not convicted, and have proven that they didn't do anything wrong than I think even Chief Ziegler and our Legal Department would say no, we shouldn't be able to just take your stuff. The problem it gets into is so many times when something like that is confiscated the folks disappear and no one comes back to ever claim it because it's illegal. It's illegal money, it's dirty money, it's drug money, it's drugs itself; nobody wants to step up and claim it so they just disappear so what do you do with it then.

As I said, there's model legislation being drafted through a committee called the Judicial Council that's made up of lawyers, judges, and law enforcement. They have been working for a year on this idea to try to come up with something that is equitable and fair to both the community and law enforcement and that also to someone that has property taken maybe under questionable circumstances. Many times there is no question about it at all. It's clearly illegal drug money and it's a pound of cocaine, no, we're going to keep it. **Mayor Holland**

asked, Mr. Taylor, do we not destroy the cocaine. We don't keep the cocaine. **Mr. Taylor** said yes, it is destroyed. **Commissioner Townsend** said as long as the legislation is preserving the rights of someone who is not found to be illegal—but you're right, a lot of times people may not just come back and I don't have any problem with that. I just wanted to be clear. **Mr. Taylor** said I agree and I don't think anything would be for it and we certainly wouldn't support something that would just allow us to grab someone's property with no sound reason or legal process behind it. In fact, that's why we talk about use of asset forfeitures as an important component in reducing the financial gains from criminal acts while providing civil due process.

Commissioner Bynum said I have a couple of kind of broad questions for our State Delegation folks and kind of a specific question. First, I just want to thank you all for coming and taking time because it's a busy time of year and I know that some of your colleagues are out of town and so we just really appreciate that you're taking the time to come and visit with us. My two sort of broad questions or three; there's a date after which you won't introduce any new legislation. Isn't that correct and when is that? When does that typically happen, February, March? Isn't there a date after which you won't—**Senator Pettey** said it's like February 28th, 22nd. (Someone made a comment but was not at a mic). **Commissioner Bynum** said but at some point, midway through or so you're going to deal with what's in front of you and no more. **Senator Pettey** said not really. **Commissioner Bynum** said okay, I guess as things come we just want to make sure we're in contact with you and then we will know from there.

I'm curious from you all really, not only are you hearing our agenda, but are there things you hope to work on personally or are there items that you feel will come up or that other people or groups have already brought to you and said please work on this, please do something about this. To be very specific on that, particularly around kind of the Abandoned Housing Act, it kind of goes hand in hand with that, but it's a blight issue and locally we still deal with Contract for Deed issues. What I'm wondering is, is there anything you can think of at the State level that could be helpful to the local government in dealing with those who abuse that, but not hurting those who don't; if that makes any sense at all. Can you think of anything at the State level that helps that?

Senator David Haley said I apologize. I talked to Mike Taylor earlier. I'm a little ill. I just wanted to get out this is a crucial, certainly in my mind, a crucial meeting and much appreciated that you, the Mayor, and the Commission would meet with us. I'm the senior member of the Legislative Delegation I believe and we don't have this enough; the discussion between the interests that we have for our county and our state and how we can augment each other's concerns. I generally thank you for the time we're sharing here today and I apologize for my condition because of the weather shift.

On the issue, and you and I visited briefly the other day and I'm sorry if this has been covered, abandoned houses and blight will continue to be an issue. I know that Representative Frownfelter has worked tirelessly and there has been no greater advocate in the UG, Mr. Taylor's stela representation for a need to streamline the ownership of properties that continue to plague our Wyandotte County. There is actually a news story that was out, we're not alone in Wyandotte County in having to do something about these properties. What can the State of Kansas do to take these properties out of the hands of those who have been, just for lack of a better term, solely responsible as to demeaning the rest of us. How we do that has always been my quandary by not overly penalizing those who are having a marginal effort to try and to meet the responsibility of property ownership. In other words, I feel there shouldn't be an economic litmus test. I fail at this to say I've been concerned, and you may have touched upon this already, about the occupancy, the vacancy, the new ways to, if you will; approach empty properties. We visited about the vacancy ordinance that now if a property is vacant that it might be after a certain point and time occupied by a third party who would otherwise be unaffiliated with that property. We look at also what is the definition of blight in and of itself, of abandonment and other terms.

I'm saying all of this and I appreciate your patience because I have been recalcitrant and I have done everything I can to prevent property owners being stripped of their property rights until we give them an opportunity to cure and governments intervention in the same troubles me. In closing, now we're looking at next week's tax sale here in Wyandotte County where there will be a quantum shift on the 14th for properties that are listed that are two or more tax delinquent and we've gone through time and again and we see that most of those properties come from my district, the Fourth District, the inner-city. People who have a certain income level that they are unable to have met their tax obligation and watching this happen and knowing

that there are other properties that are also two plus years tax delinquent that are found in the other three quadrants of Wyandotte County, but we are taking people's property. The Unified Government and it's through the Sheriff sale through existing law disproportionately in one particular area.

When you ask what can we do to partner, and as I welcome this opportunity to do so, please understand philosophically that I just want on behalf of the Fourth District to see equity when it comes to enforcement of blight, abandonment, vacancy, and property distribution and the deformation of people's property rights with existing statute because I want to partner with the UG in ensuring that we do cure the same. Thank you for hearing me out.

Mayor Holland said, Senator, I just want to ask; you know well as we do the vast majority of these properties are deadbeat absentee landlords who do not live anywhere near Wyandotte County. The number of properties that are being taken from people who are owner occupied are a fraction of those and we do everything through the Area Agency on Aging, through CDBG money, through Gordon Criswell's work; we do everything we can to help grandma and grandpa if they're in a bind and they can't afford to take care of their property. The vast majority of properties that are taken in this community are from deadbeat absentee landlords who are out of city, out of state, out of mind and don't care anything about the Fourth District. My concern is, we need to—we should be out of patience with deadbeat absentee landlords who are running our city into the ground. I believe your efforts to protect their property rights are misguided. We need to take these properties away from people who don't care about our community and put them in the hands of people who do.

I understand you're opposed to our Vacancy Registry. Is that accurate? **Senator Haley** said, Mayor, I don't know enough about it but from what I've heard it's probably would be something I would fight. If it's not unconstitutional, it certainly is immoral. **Mayor Holland** said so you're concerned about that and why are you concerned about our Vacancy Registry because I think registering our vacant properties is one of the first steps to getting them out of the hands of people who don't care about our community. **Senator Haley** said I don't believe, Mayor, that a house or property sitting vacant is and of itself reason for it to be occupied by someone else. We have a real estate market that ebbs and flows and if a property does not have an occupant for whatever reason, the bigger question or the larger question I would think, would

be how is that property maintained whether or not the people that are a part of that property are partnering with the neighbors to ensure that it's not an eyesore. The fact that it's occupied—maybe I don't understand enough about why it needs to be occupied in order for it to not appear on your registry.

Mayor Holland asked would you recuse yourself from the vote at the State on an issue on a vote around abandoned properties? **Senator Haley** said not at all. **Mayor Holland** asked do you own abandoned properties in our community. **Senator Haley** said no, I don't own abandoned properties. I own empty properties that are vacant property. **Mayor Holland** said you have some vacant properties, but even though you own vacant properties in Wyandotte County you would vote at the State to prevent us from registering that and finding people who own vacant property? **Senator Haley** said absolutely. I feel to see the correlative between having a property that is vacant and suggesting that is tantamount to it being abandoned. I don't see the parallel and I have not seen the parallel nor do other established organizations that suggests because a property finds itself vacant that it is abandoned. **Mayor Holland** said we do have some criteria about what's a vacant property and how long it has been vacant and what the definition of blight is and how a property should look and be cared for. We have properties in this community that look terrible, we have landlords who have the means to take care of them who chose not to and they should have that property registered. It's an attraction of crime. We have a major drug problem in our community and that drug activity centers around abandoned properties and we need to be aggressive in taking that property out of circulation and these outdated laws at the State that protect deadbeats instead of protecting people who want to take care of the homes is completely unacceptable.

I want to just ask you to be an advocate. I know you voted against the property right pieces several times and I think that's hurting our community. We need advocates in our legislator who are going advocate for getting rid of these blighted properties. We have 4,000 abandoned homes in Wyandotte County, 4,000, and we've done everything we can to address this and we would like some more help at the legislature.

Representative Frownfelter had his hand up. I appreciate you're coming. I know this has been a passion of yours and I would love to hear your input as well.

Representative Stan Frownfelter said I'm going to take it from another angle—I'm sorry I was late. I thought it was 6:00 p.m. Looking at it from another angle and I can only speak for my area. I can't speak for the north, east, west; I can only talk about my south area. My homes are somewhere between slab homes of 800 to 1,000 sq. ft. You get it about seven on an acre of land. When you're talking about a house in Piper that sits on an acre of land that goes for \$500-\$400K, that sounds like a lot. When you figure 7 x 80,000; that's \$560K sitting on an acre of land in my area. Now, if one house is bad, it takes away from all of them. Now, do those other six houses have any rights? **Mayor Holland** said that's right. **Representative Frownfelter** said where do their rights come from? I mean we keep talking about property rights, they have a right to maintain their property. What about these other six people around them, what about their property rights. Do they have any rights? We've taken their rights away from them to live in a healthy, safe neighborhood and that's all I'm saying. I think that the other six or seven people that live around that one piece of property has a right too and we're ignoring their rights.

Commissioner Bynum said I just wanted to say I'm more than happy to have this conversation that we're having and I feel like, Senator Haley, to the points you're making Melissa Mundt and Gordon Criswell, and for that matter Mr. Bach with the Administrator's Office; locally here we've done a lot of work around the policy that we're trying to use through our blight reduction program that we're working on. It might be good to have conversations with not only us, but staff to make sure that maybe you're not misunderstanding something we're trying to do or maybe you have a better understanding and you and anybody else in the delegation of what our end game is. We have a Strategic Plan and it's a five-year plan and we adopted it in '17 and it speaks to our desire for the people who live in our community to live in safe and healthy neighborhoods and homes. I'm just asking—you know maybe that's just something for further conversation because I think we actually want the same things and I think maybe it's just a matter of how we get there.

But, all of that being said, the question that I was wondering about was for anybody in the delegation that might have an idea, is there a State level action or position that could be taken that has to do with the specific Contract for Deed pieces of what we deal with locally? That was one piece of where I was going, not that I don't want to have the whole conversation, I do.

Mayor Holland said, Mr. Taylor, do you have insight on that? **Mr. Taylor** said we actually, Commissioner, did a little bit of research. I worked with Legal a year or so ago on this issue. The last time we could find any piece of legislation that had to do with Contract for Deed was over 20 years ago. It wasn't anything significant. It was a minor sort of thing. There just has not been anything. I just don't think it's really been brought up in the legislative arena as an issue to this point.

Commissioner Bynum said, again, I think maybe there are folks who use that technique and tool to be helpful and help people own a home. I think there are others that are using it in a predatory way and again—**Commissioner Walker** said it's very, very simple. The Contract for Deed should be invalid or null and void unless it's filed with the Register of Deeds. The problems for landlords is that they are trying to avoid the creation of—it's called an Equitable Mortgage where I've lived in this house for 15 years and had an economic reversal, I've always paid, but now I've missed a couple of payments and bam he throws you out. There is nothing on file or sales the house out from underneath you to someone else so it seems to me a very simple piece of legislation would be that Contracts for Deed are not valid. They are in effect rental agreements unless filed with the Register of Deeds and that would stop that because many of our landlords just enter into serial Contracts for Deeds, lead people on, put in some money and then you know they lose their job, somebody dies, whatever the circumstances are and then they can't meet the contract so they're out and then the next guy is in buying this property and it's bought over and over and over. That would stop if you had a protected interest. Nobody will buy that house until the claim of the Contract for Deed holder is resolved. It will be an exception to any title so the landlord or owner will have to clean it up. That's the problem, they don't want to do that, too much work, too much lawyers, too much difficulty; but it's a really simple fix but I don't know that this is a state where simple fixes are ever followed.

Mr. Taylor said I would say, Commissioner, it's an issue that I think would take some—it's not something that I would propose we bring up in this upcoming session. I think it would take more of an issue—laying the groundwork and talking to groups that might likely oppose that or try to build that coalition to get some support. It would be something I would be glad to try to talk about in the next session after this one. **Mayor Holland** said I would like to see our Legal team

see if we can do something locally even if the State doesn't and maybe create a model for the State.

Commissioner Kane said I agree with what you just said. We need to keep as much of it here as possible because every time we get up in Topeka the waters are muddied and, Senator, you remember that you flogged Representative Frownfelter and myself a couple years ago because we brought this issue up there and I was upset then. This plan that we put in place took a long time to get there. We tried to think about every single thing that was there and come up with a plan that we could all work with and we would rather have your support than saying no. If we don't agree here in Wyandotte County when we get there, then what are those people from Johnson County, Sedgwick County, anywhere else think about well your rednecks can't get it together. I think this plan that we have is an outstanding plan and it works when it's done right.

Representative Wolfe Moore said kind of in the same topic area we have a program that I think has been particularly effective in the Unified Government Rental Licensing program that I thought when it was started was innovative. It meets the needs of our county particularly because of the absentee landlords, the many blighted rental properties and so a couple years ago, as I'm sure you all remember, we couldn't stop the changes that were made to that rental licensing ordinance which we can knit significantly I believe. You know that's been a couple years ago. We have a bit of a new legislator now who seems to be a little more reasonable. I guess I wanted to check in and see have you been able to work around those changes, is it something we need to look at in the legislative session or how much damage was done to that and how effective is the rental licensing ordinance still with the changes that were made at the State level? **Mayor Holland** asked, Mr. Bach, are you familiar with that. **Mr. Bach** said I am familiar with it. I don't know that I would be in a position—I don't know, Gordon, if you have an answer to it. I would probably have to go back and look at it and see what we've done for the work around from the perspective. I think you're referring a lot to access to rental housing and how those issues have come into play and how much that has stopped us. Mr. Criswell, do you have any?

Gordon Criswell, Assistant County Administrator, said I think in general the statute hurt our ability to do effective enforcement. We found the workaround by really developing relationships with that property owner to allow our code officers into the property basically allowing us to come in and look for code violations that we could not see from the outside. If you can get a property owner who was willing to cooperate, we can do the enforcement. If the owner of the property and/or the renter of the property refuses to allow us to enter, then we don't know what that family is—what kind of conditions they are living in. That's kind of the 80K foot experience with that change. I think Melissa has some comments too.

Melissa Sieben, Assistant County Administrator, said following on what Mr. Criswell has just said we actually with our SOAR Program this year decided given the challenges presented by the change of the State Legislature that we actually needed to be proactive in trying to work more with our tenants. We've actually sent out a letter to every rental tenant here this year letting them know about their rental rights. We've updated portions of our websites. We have more to work on letting folks know about their rental rights. Ideally that's not perfect, but it's the best we can do given the challenges we face is to help people understand we're there for them. Moving into next year we really want to activate our Good Landlord Program where we recognize landlords who have done all those right things like letting us in to do inspections and highlighting them on our website for being people that do care about their tenants. That's the bent that we've taken with SOAR and what Gordon is saying is absolutely true. We do what we can to get in. His staff does it with NRC, but where they can't, we're really stuck so we can only try to help people understand we're there to help.

Representative Wolfe Moore said if you find you know through the course—this is going to be a pretty full and busy year, but tweaks that maybe we could offer to that legislation, keep us informed.

Mr. Criswell said I would only offer that between Melissa and I we've talked with communities all over Kansas who have the same dilemma. Blight is blight whether you live in a community where you have 4,000 properties or you live in a community where eight, you know where the 4,000 are, you know where the eight are and the affect is the same. It runs down the

neighborhood, decreases property values, increases fear of crime and such and so if speaking to the League of Municipalities is any indicator, there are communities all over our State who would love to have a way to address this problem. **Mayor Holland** said this is on the agenda, the League of Kansas Municipalities, we just passed our approval last Friday.

Senator Haley said I continue to want to partner very much in addressing this. Senator Pettey and I started—I started in the House when Senator Pettey was in the House and we had a similar discussion about the Land Bank and the Land Bank was not in place back then. My concern then and one of the reasons I did not support the Land Bank is for a provision that would allow the adjacent property owner, the one that was cutting the yard, if you will; to be the first one that I would have to line up with everyone else who would bid on the property. What I’m saying is, now fast forward many years later, I would like to see commonsense measures implemented when we look at what is abandonment, what is blight even and also the equal enforcement of our ordinances and our laws. I will tell you today that I am more convinced now than I was even then that we don’t have an even application of laws. Representative Frownfelter was very correct in saying the law that he has advocated for so many years would not impact—very little impact the district he represents. While we appreciate his eleemosynary intent to provide for the common good, there are some of us who want to ensure that we protect our interest or the interest of people who we actually represent. That has been my concern.

Let me say this, where we can find an owner, because you alluded to Mayor, that the absentee owner and we also talked about that with the Contract for Deed issue. If we can find a person or party even if they don’t have the simple or full vested property interest but they are willing to say I might have some property interest in this property that has caught the attention and the ire of any local government and that party is willing to look at the taxes or caring for the property, I would feel as if I could then support the legislation that would be applied to all of these absentee landlords or unknown that have no agency or anyone to stand up for them. That’s been something that we’ve changed in the incarnation of Representative Frownfelter’s bill which originally said that it would be inflected on anyone. Again, I represent the people or try to represent those people who can’t afford to come to City Hall because they are—and maybe put out of their house as it would because it’s been vacant or a property that has belonged to a parent. I won’t go into the various examples that we could give now, but if we have someone who is

willing stand up and speak on behalf of that property and we not inflect them with whatever the bill number was, then I would certainly fully support it or having that opportunity.

Commissioner Murguia said I don't really want to belabor the issue. Everybody has already made really good points. Have you ever, Senator Haley, proposed alternative language to the bill that's being proposed on abandoned housing? **Senator Haley** said I really like the latest bill that was in 2017 and the only amendment that I offered would be exactly that—actually, Commissioner Murguia, that we would—if the owner can be or someone who is a punitive owner that is willing to stand in the shoes if they had the legal right to stand there, then that bill would not apply. That was my amendment to the bill so it's not my bill, it was just an amendment to it and I think that it got some traction. I would fully support the entire measure if it's outside the purview where there is someone who is willing to come to court, if you will or whatever.

Mayor Holland said let me just ask you; your amendment is if the deadbeat landlord says nope, I'm here, then there are no sanctions. **Senator Haley** said exactly. When I say that—you can characterize it as that, Mayor, but if the deadbeat landlord, to use your words, can be served and can show up in court or can be held responsible for the back taxes or can be held responsible for the maintenance of the property, then in the alternative the law which has been proposed by Representative Frownfelter would not apply where a third party, CHWC—**Mayor Holland** said go ahead Commissioner Murguia. **Commissioner Murguia** said so, if you can find them, this absentee landlord, if you can find them and they're willing to be held accountable when you use that language, do you mean—and they're willing to pay the taxes and we let them pay and then they keep their property, right and then Representative Frownfelter's bill does not apply, correct? **Senator Haley** said pay the taxes and then there is also the blight. There are other elements, but pay the taxes. **Commissioner Murguia** said alright, so we will just use that one though. What if we can find them, but they're not paying their taxes, that they're not going to do it anyway? **Senator Haley** said if they're not paying their taxes, Commissioner, right now on December 14th the UG has a huge tax sale that's already being implemented. That tool is already in the box and they could then be listed and sold to another party if they're not paying their taxes. My concern is not so much the delinquent taxes—**Commissioner Murguia** asked what if you can't find them. **Senator Haley** said if there is no such person that can be identified,

then I would be open to, I keep pointing to Representative Frownfelter, but to the legislation that has made it through various levels. **Representative Frownfelter** was speaking but was partially inaudible due to not speaking in the mic; said we even gave a longer time period to find them. We extended the length of the abandonment, we extended all of that.

Commissioner Murguia said I will just tell you I would agree with all the commissioners and in particular Commissioner Kane that we all live in the same community, we all need to be supportive of one another. Based on what you're saying here tonight I would be willing to volunteer to work with both of you. If you provide some alternative language specifically in writing in regard to Representative Frownfelter's bill, I would just like to see in black and white what those changes would be compared to what the law is now. If we can come to an agreement and move it forward on the united front, I just think that would be better. **Senator Haley** said it will sail through our committee if we are able to do that. **Commissioner Murguia** asked could I be copied on what changes you would like to see made to Representative Frownfelter's bill. **Senator Haley** said Mr. Taylor may have the latest or at least—you may have access to it because it did appear. It actually sits below the line I think. **Mr. Taylor** said it actually, Senator, got sent back to local government. It's in the Senate Local Government Committee again. **Commissioner Murguia** said I just want to make sure that your input as a member of this community—I would like to see what your input is on that bill that Representative Frownfelter is trying to bring forward. Do you have something like that in writing? **Senator Haley** said if we can get what was sent back to committee, that would be the latest. **Mr. Taylor** said I can provide you, Commissioner, I've got files that thick on everything that's been on this bill. **Commissioner Murguia** said I want the differences highlighted. I want the differences highlighted is all I want.

Mayor Holland said because every time we go up there with Representative Frownfelter with one idea and we're lobbying for it and then you work against it, you're killing it. **Senator Haley** said I don't know if I have that much power, but thank you for saying that. I think other people agree that it's not a good idea.

Commissioner Murguia said I would just like to see the highlighted areas that are different. I don't need a stack of papers this thick. I just want to see what's different in what Representative Frownfelter is proposing and what about it that you disagree, those highlighted areas.

Mr. Taylor said one thing I want to clarify again, because there may be confusion in this, is and I have said this in testimony for eight years; we're not talking about a property that someone has an interest in. We're talking about an abandoned property—**Mayor Holland** said that is right—**Mr. Taylor** said where through a process we cannot find an owner or anyone who claims to want to have anything to do with it. **Mayor Holland** said that's right. **Mr. Taylor** said that's the kind of property this bill would affect, not someone who has an interest in it. I will give you one quick example to wrap this up. There is a house in Topeka, probably a \$300K home at one point in its time, the older woman that lived there died. She had three grown children who lived all around the country. The City of Topeka tried for five years to get one of those children to come forward and claim that home. None of them did. Certified mail, they ignored it; no one would take that home. It sat and literally fall in on itself. It's in a neighborhood with \$340K homes. That's an abandoned property. No one stepped forward to claim that property. Three grown children, no one wanted it. That's the kind of situation that the bill we're working on tries to deal with. **Mayor Holland** said the only thing we would add in our community is we would put a crack house in that abandoned house and we would have crime all the way around it and we would have people working against us to fix it.

Commissioner Townsend said when you made the gesture to show how thick that was that gave me second pause to also insert my request to see this because—to see the legislation. Like Commissioner Murguia, I would just like to see the highlighted edited parts. **Mr. Taylor** said I would be glad to show you that.

Commissioner Townsend said a lot of what we're talking about would obviously impact homes unfortunately in District One and I think you just hit on the key; the key word is abandoned, not that you can't find somebody attached to it, but it's abandoned because those people you could attach to it are not fulfilling their obligations or do not want to fulfill the attenuated obligation. We have to do something about those. I know there was a concern from what I've read that people's property was being taken, but that's analytical to the word abandoned. They have abandoned their obligations and with the Northeast Plan and what we're trying to do to develop, we want to do everything we can at the local and the State level to make these areas more conducive to people who want to come in. If people have had the opportunity and they have, if it's abandoned to fix up a house, pay the taxes; I know I live in an area—you

know where I'm working on these, right across from where I live, thank heaven for this administration and the staffs desire to see this thing through and that we have a rehab program that this house has gone to. It could have been a site for crack transactions or arson so we have to focus on the word abandoned, people's property rights are not being taken, they have abandoned those rights by not fulfilling their obligation as a property or homeowner.

Mayor Holland said we're going to wrap up our discussion. I want to thank everyone for coming tonight. We do have a meal for everyone and so the next 45 minutes is going to be an informal meal and so we will have a chance to come out here and eat and then we will be downstairs for our 7:00 p.m. meeting.

This legislative program, both State and Federal, will be up for a vote at our meeting on December 21st so everyone will have an opportunity to vote on it at that time.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 6:15 p.m.

dt

Bridgette D. Cobbins
Unified Government Clerk

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

SPECIAL SESSION, THURSDAY, DECEMBER 21, 2017

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, December 21, 2017, with seven members present: Bynum, Commissioner At-Large First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Holland, Mayor/CEO, presiding. Walker, Commissioner At-large Second District; Townsend, Commissioner First District; Kane, Commissioner Fifth District; Philbrook, Commissioner Eighth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Joe Connor and Melissa Sieben, Assistant County Administrators.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, McKiernan, Murguia, Johnson, Markley, Walters, Holland.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, December 21, 2017, at 4:30 p.m. in the 9th floor conference room of the Municipal Office Building for a farewell appreciation dinner. At 5:30 p.m.; the Commission will convene into Executive Session in the 9th floor conference room regarding labor, litigation, and personnel.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

The Special Session concluded at 5:30 p.m.

At 5:30 p.m. Mayor Holland asked do we have a motion for Executive Session.

Executive Session:

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into Executive Session until 7:00 p.m. to discuss the performance evaluation of the County Administrator, a private personnel matter related to a specific non-elected employee, confidential matters regarding employer/employee negotiations, and confidential matters related to pending litigation under the attorney/client privilege; all as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion and that we reconvene in open session at 7:00 p.m. here in the Commission Chamber located on the 1st floor. Motion carried unanimously.

Present for the Executive Session: Bynum, Commissioner At-Large First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Holland, Mayor/CEO presiding. **Staff present for Performance Evaluation of the County Administrator at 5:30 p.m.:** None. **Staff present for a private personnel matter related to a specific non-elected employee at 5:30 p.m.:** Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Joe Connor and Melissa Sieben, Assistant County Administrators; Renee Ramirez, Director of Human Services; Shakeva Christian, Human Resources; and Maureen Mahoney, Asst. to Mayor/Chief of Staff. **Staff present for confidential matters related to pending litigation under the attorney/client privilege at 6:12 p.m.:** Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; and Maureen Mahoney, Asst. to Mayor/Chief of Staff.

MAYOR HOLLAND ADJOURNED

THE MEETING AT 6:27 p.m.

dt

Carol Godsil
Deputy Unified Government Clerk

December 21, 2017



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: December 21, 2017

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl/cg

Attachment

1. LAKE QUIVIRA ORDINANCE:

Ordinance No. 135 declaring the new boundary of the city limits of Lake Quivira.

Action: Received and filed.

2. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
786808	3/11/2016	\$42.62	790	Stale Dated	Spangler	12/22/2017
805268	12/30/2016	\$244,005.10	790	Stale Dated	Security Bank	12/22/2017
808331	2/17/2017	\$7,088.48	790	Wrong Vendor	First Com Bank	12/22/2017
818923	7/28/2017	\$9,773.08	790	Wrong Vendor	Indust State Bank	12/22/2017
823751	10/13/2017	\$66.26	110	Wrong Address	Legal Directories	12/22/2017
826357	11/22/2017	\$182.44	263	Lost Warrant	Herr	12/22/2017

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 19, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Annetta C Ashley	Sheriff/Admin	12/28/17	Clerk
Todd T Hicks	Sheriff/Juvenile	12/28/17	Juvenile Care Worker I
David Israel	B&L/Security	12/28/17	Security Officer
Jessica R.P. McKinney	District Attorney	12/14/17	Admin Support Specialist
Nick R Vega	B&L/Security	12/14/17	Security Officer

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Bennie Bush Jr	PW/Parking	12/14/17	School Crossing Guard	School Crossing Guard
Jesseka J. Davis	Appraiser's Office	1/11/18	Lead Fiscal Support	Appraiser
Brian S Duncan	PW/WPC	12/14/17	Asst Utility Maint	Plant Operator III
Johnnie L Montgomery	Comm Corr/ISP	12/14/17	Mechanic	ISO Drug Coordinator
Theresa A Sublette	Del Real Estate	12/14/17	Juvenile ISO	Real Estate
Clinton D. Widman	Del Revenue	12/14/17	Admin Support Supv	Abstractor
		7	Fiscal Support Assistant	Admin Suppt Spec

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Bruce S Andersen	Air Quality	12/13/17	Engineer Manager
Brooke A Beery	NRC/Codes	12/11/17	Inspector I
Jonathan R Clair	Fire/Suppression	12/5/17	Fire Captain
David B Clintsman	Sheriff/Admin	12/20/17	Deputy
Ken R Golisch	PW/Fleet	12/15/17	Fleet Maint Tech II
Jimmy D Jones	PW/Engineering	12/13/17	Construction Inspect. II
Steven M Long	Fire/Suppression	12/20/17	Master Fire Captain
David L Pittaway	Fire Equip Supplies	12/20/17	Battalion Chief
Steven P Salazar	Fire Prevention	12/20/17	Fire Inspector I
John W Zimbelman	Fire Admin	12/20/17	Deputy Fire Chief

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Juanita C Soto	Finance/Treasury	12/29/17	Fiscal Support Asst
Guadalupe V. Torres-Ramirez	Finance/Treasury	12/29/17	Fiscal Support Asst

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 21, 2017:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Louis C Hughes	PW/Parkin	12/28/17	School Crossing Guard
Dwight A Johnson	B&L/PW	12/28/17	Caretaker
Daniel P Pacheco	B&L/PW	12/28/17	Building Trades Painter

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Vickie I Furch	Parks and Rec	12/6/17	Program Aide
Antonio C Roark	Fire/Training	12/12/17	Fire Pre Trainee
Tonya R Wells	Police/Services	12/13/17	Lead Dispatcher

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jeanette Hendrix	Municipal Court	12/30/17	Court Clerk II

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Nathan J Wichman	Emerg Managmt	ACD code change effective 12/28/17

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Shirley J. Lopez, 5754 Greely Ave., KCK, through David K. Duckers, Attorney, 748 Ann Avenue, KCK, alleging property damage due to flooding after the BPU turned water service on at 1229 Rowland Ave.

Carlos Murguia, 2502 Strong Ave., KCK, alleging damages to the backyard fence due to flooding on August 27, 2017.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Alan Howze, Knowledge Dept., travel to Atlanta, GA, December 12 – 14, 2017, to attend the MetroLab Annual Conference.

Casey Meyer, Legal Dept., Pamela Waldeck and Terry Zeigler, Police Dept., travel to Las Vegas, NV, April 17 – 20, 2018, to attend the Collective Bargaining for Public Safety training, Employee Training/Travel.

Action: Approved by the Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

Allied Universal Topco, LLC
Champion National Security, Inc.
ISS Unigard Security, Inc.
Loomis Armored US, LLC
Metro Public Safety & Investigations
TAPS of KC, Inc.
Thomas Protective Service, Inc.
Whelan Security Co.

Action: Referred to License.

8. BUSINESS BONDS:

AC Contractor's Bond
AC For Less, LLC

Electrical Contractor's Bonds:
Arrow Circle Electric, Inc.
Brookside Electrical Project Services, LLC

Current Electric, LLC
Richard Davis DBA Davis Electric
Facility Solutions Group, Inc.
Gordon Graham
H & S Electric, LLC
Justin Hatfield
Infinity Sign Systems
Jay-Mar Electric, LLC
Jayhawk Power Systems, Inc.
Lyric Enterprises LTD DBA L & M Electric (2)
Master Electric, LLC
Mathis Contracting, LLC
Kg Moats & Sons, LLC
John Mueller
O'Neal Industrial Electric, LLC
Phaze One Electric, LLC
Premier Electric & Lighting Design, Inc.
Sosaya & Sons Construction, Inc.

HVAC Bonds

Action Heating & Cooling, LLC
Dunco
Robert Holsinger
Wilson Mechanical, Inc.

Mechanical Contractor's Bonds

Alex HVAC Services, LLC
American Boiler Services, Inc. DBA American Boiler & Mechanical (2)
Central Industrial Sheet Metal Works
MMC Contractors National, Inc. (2)
Metro Air Conditioning Co.
Rogelio Mendiola
Western Enterprise, Inc.

Mechanical/HVAC Bonds

Able Air, Heating & Cooling, LLC
Associated Mechanical, Inc.
Balance Point Heating & Cooling, Inc.
Cobb Refrigeration, LLC
DPD, Inc. City Wide Heating & Cooling
Avery Hedgecock Fire and Ice and Cooling, LLC
Mr. Plumber, LLC
Overland Park Mechanical Co., LLC (2)
Wyatt Heating & Air Conditioning, Inc.

Plumber's Bonds

A & S Heating, Cooling & Plumbing, LLC
Action Plumbing of Lawrence, Inc.
Hamden Abdalla DBA Abdalla Plumbing (2)
Above and Beyond Plumbing, LLC
Baldwin Plumbing Company, LLC
Diamond Plumbing, LLC (2)

Roy Herriott & Sherry Beets DBA Express Septic
Gerald & Sarah Wheeler DBA GRT Plumbing
John M. Marshall DBA J & S Plumbing Pros, LLC (5)
KC Water Heaters
Bobby Burkeen DBA Knee Deep Plumbing
Lutz Plumbing, Inc.
MMC Contractors National, Inc. (2)
Mr. Plumber, LLC
Anthony Ficara DBA Quick Relief Plumbing
Scott's Square Deal, LLC
Western Enterprise, Inc.
Wheatland Contracting, LLC

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds

Elite 1 Electric, LLC
Greenway Electric, Inc.
Guilding Light Home Repair, LLC
Jay-Mar Electric, LLC
The Lamar Company, LLC
Midwest Comfort Homes, LLC
M Electric, LLC DBA Mr. Electric
Gerald Reinhold
Alan Knight DBA Sparke Electric

Mechanical Contractor's Bonds

Chief Heating & Cooling, Inc.
Gieske Custom Metal Fabricators, Inc.
Koch Heating & Cooling, Inc.
Lippert Mechanical Service Corp.
MVP Electric, LLC
O'Dell Service Company, Inc.

Mechanical/HVAC Contractor's Bond

LBA Air Conditioning, Heating & Plumbing, Inc.

Miscellaneous Bonds

Romved, Inc. DBA Al-Ham Heating & Cooling
Norman Barnett DBA Barnett Construction
Elvin's Refrigeration, Inc.
Sherry DBA Express Septic
Kasa Electric, LLC
Max Electric, Inc. (2)
Precision Plumbing, Inc. (2)
Pryor Mechanical, LLC
Riden Service Company, Inc.
Scott's Square Deal, LLC (2)
TSI Global Companies, LLC

Plumber's Bonds

Action Plumbing, Inc.
LBA Air Conditioning, Heating & Plumbing, Inc.
Adam Leon DBA Lions Plumbing Co.
Plumbing Plus, Inc.
Santa Fe Trails Plumbing, Inc.
Schoeller Plumbing, Inc.
Paul H. Scott DBA Paul Scott's Plumbing
The Total Home Co., Inc.

Sign Hanger's Bonds

Infinity Sign Systems
The Lamar Company, LLC

Action: Referred to License.

10. NOTICE OF REINSTATEMENT:

HVAC Bond – Dunco

Action: Referred to License.

11. RIDERS:

Bond

Change Bond #5519960 to 55214582

Mechanical Contractor's Bond

Change name from Environmental Mechanical Services to Environmental Mechanical Contractors, Inc.

Action: Referred to License.

12. VERIFICATION CERTIFICATE:

JV Electrical Solutions, LLC DBA JV Protection

Action: Referred to License.

13. APPLICATIONS FOR CMB LICENSE (PKG):

AW Cheema, LLC/Ahmed Ibrahim DBA Quick Shop 7, 7347 Leavenworth Rd.
BHAHB, Inc./Amy Nelson DBA Rapid Way, 7552 State Ave.
Bonito Michoacan 3 LLC/William Hutton DBA Bonito Michoacan 3, 1150 Minnesota Ave.
Four B Corp/Marvin Custer DBA Hen House, 8120 Parallel Pkwy.
Four B Corp/Marvin Custer DBA Price Chopper 6, 7600 State Ave.
Four B Corp/Marvin Custer DBA Sunfresh 44, 241 S. 18th St.

M and H Mart, Inc./Wanda Gibbs DBA Quick Mart, 2406 S. 51st St.
Money Talks, Inc./William Hutton DBA Chips and Coins, 720 Minnesota Ave.
Supermarket El Torito, Inc./Ramiro Romo-Viramontes DBA Supermarket El Torito, 1409 Central Ave.

Action: Referred to License.

14. APPLICATIONS FOR CMB LICENSE (PKG):

Bonito Michoacan 13, LLC/William Hutton DBA Bonito Michoacan 3, 1150 Minnesota Ave.
Money Talks, Inc./William Hutton DBA Chips and Coins, 720 Minnesota Ave.
Four B Corp./Marvin Custer DBA Hen House 27, 8120 Parallel Pkwy.
Four B Corp./Marvin Custer DBA Price Chopper 6, 7600 State Ave.
M and H Mart, Inc./Wanda Gibbs DBA Quick Mart, 2406 S. 51st St.
AW Cheema, LLC/Ahmed Ibrahim DBA Quick Shop 7, 7347 Leavenworth Rd.
Bhahb, Inc./Amy Nelson DBA Rapid Way, 7552 State Ave.
Four B Corp./Marvin Custer DBA SunFresh 44, 241 S. 18th St.
SuperMarket El Torito, Inc./Ramiro Romo-Viramontes DBA SuperMarket El Torito, 1409 Central Ave.

Action: Referred to License.

15. APPLICATIONS FOR CMB LICENSE (OP):

Italian Delight, Inc./Frank Brumetti DBA Italian Delight, 8145 State Ave.
Josefina Saenz/Frederick Zimmerman DBA El Pirata, 1031 Central Ave.
Pizza Stop So, Inc./Ruth Addie DBA Pizza Stop, 7541 Leavenworth Rd.

Action: Referred to License.

16. APPLICATIONS FOR DRINKING ESTABLISHMENT:

Dotlander, Inc./Patrice Robinson DBA Dotlanders Bar, 1705 Central Ave.
Samuel Sparks DBA Club Sparks, 1436 Kansas Ave.

Action: Referred to License.

17. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

Khanthaly Vongsinnasone for a temporary permit for Dec. 31, 2017, 7:00 p.m. to 2:00 a.m., 722-724 Minnesota Ave.

Action: Referred to License.

18. APPLICATION FOR PRIVATE CLUB CLASS B:

Mark Robinson DBA April's Firelight Lounge, 2046 N. 18th St.

Action: Referred to License.

19. APPLICATION FOR PRECIOUS METAL DEALER'S LICENSE:

Jung Park DBA Han's Jeweler, 7700 State Ave.

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: December 28, 2017

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, held a public auto auction on December 14, 2017, at 10:00 a.m.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 26, 2017:

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Roberto J Valencia	PW/WPC	12/29/17	Electrician

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Nicholas Kohrs	Police	ACD code change effective 12/21/17
Michelle Fouse	Police	Amend PAC 12/1/17 to correct step, effective 11/30/2017

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 28, 2017:

Section II-Transfers

Name	Department/Division	Eff, Date	Former Job Title	New Job Title
Stephen R Leiker	PW/WPC	12/28/17	Wastewater Coll Manager	Manager
Christopher T Bergman	Fire	12/21/17	Senior Fire Captain	Battalion Chief

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Zeta M Bates	Police/Operations	1/3/18	Patrolman I
Lindsay A Behgam	Mayor's Office	1/7/18	Exec Coord to Mayor
Mark R Holland	Mayor's Office	1/7/18	Mayor/CEO
Scott B Johnson	Police/Comm	12/29/17	Public Safety Dispatcher

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIM FOR DAMAGES:

James W. Howarth, 3405 N. 51st St., alleging vehicle damages due to hitting manhole.

Action: Received and filed. Copy previously forwarded to Legal Department.

5. SUMMONS:

Unified Government of Wyandotte County, Kansas City, KS vs. Ralph & Genevieve Fleming and Janelle Mussorici, et al., Case No. 2017-CV-000983.

Action: Received and filed. Copy previously forwarded to Legal Department.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 4, 2018

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
824981	11/3/2017	\$2,115.72	560	Lost Warrant	Kincaid	1/5/2018
828484	12/29/2017	\$879.33	110	Wrong Vendor	Howell	1/5/2018

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 2, 2018:

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Zachary R.A. Brown	Police/Patrol	1/5/18	Patrolman II
Robert E Cheatum	Police/Patrol	1/5/18	Patrolman II
Jeramey M Cox	Police/Patrol	1/5/18	Patrolman II
David C Evans	Police/Patrol	1/5/18	Patrolman II
Tyler A Freeman	Police/Patrol	1/5/18	Patrolman II
April D Hagan	Police/Patrol	1/5/18	Patrolman II
Jordan A Hill	Police/Patrol	1/5/18	Patrolman II
Yesenia P Jurado	Police/Patrol	1/5/18	Patrolman II
Marshee C London	Police/Patrol	1/5/18	Patrolman II
Reed C Murkin	Police/Patrol	1/5/18	Patrolman II
Greg Dorsett	Police/Patrol	1/2/18	Master Sergeant
Angela Joyce	Police/Narcotics	1/2/18	Master Sergeant
Phillip Trusskey	Police/COPPS	1/2/18	Master Sergeant
Jose Viera	Police/Pub Safety	1/2/18	Master Sergeant
LaTonya A Nolan	Police/Animal	1/6/18	Office Assistant III
James M Gunzenhauser	Police/Investigation	1/17/18	Master Detective

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Laura E Monslow	Police/Animal	12/28/17	Office Assistant III	Professional Assistant

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 4, 2018:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Andrea G Leon Madrigal	District Court	12/14/17	Secretary I General Maint
David D Beedle	PW/WPC	1/11/18	Worker Public Safety
Georgina Bryant	Police/Services	1/11/18	Dispatcher

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jeremy M Martin	Parks and Rec	1/11/18	Caretaker	Groundskeeper I
Delaney J Pieper	Comm Corr/Prog	1/11/18	Prof Program Asst	Cog Ed Coordinator

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Justin M Folsom	Health	12/26/17	1/25/18	Unpaid Military Leave

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Michael A Grimm	Finance/Admin	12/28/17	Manager
Bradley W Plowman	PW/Street	1/13/18	Equipment Operator
Jonathon M Wilson	Parks and Rec	1/27/18	Horticulturalist I

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Mark E Grandstaff	Transportation	ACD code change effective 1/1/18
Sherry L Johnson	Transportation	ACD code change effective 1/1/18
Colleen M Radford	Police/Operations	Reinstatement effective 11/27/17
Kristina McCullough	Police/Dispatch	ACD code change effective 1/11/18

Action: Received and filed. Copy previously forwarded to Payroll.

4. TRAVEL REQUESTS:

Dave Andrews and Brandon Cole, Fire/Operations/Operations, travel to Indianapolis, IN, April 22 – 28, 2018, to attend FDIC, Employee Training & Travel.

Mark Dupree, WYCO District Attorney's Office, travel to Washington, DC, January 22 – 24, 2018, to attend National District Attorney Association Capital Conference, Employee Training & Travel.

Chance Grey and Dan Smith, Fire/Operations/Haz Mat, travel to Baltimore, MD, June 6 – 11, 2018, to attend IAFC Haz Mat Conference, Employee Training & Travel.

Jennifer Johnson, Fire/Operations/Investigations and James M. Zeeb, Fire/Training/Training, travel to Dallas, TX, August 7 – 11, 2018, to attend IAFC Fire Rescue International Conference, Employee Training & Travel.

Phillip Lockman, Community Corrections, travel to Salina, KS, October 17, 2017, to attend the KCCA Meeting, Adult ISP/Juv ISP.

Eric H. Scruggs, Fire/Suppression/Training, travel to Socorro, NM, January 28 – February 1, 2018, to attend Incident Response to Terrorist Bombings Class.

Action: Approved by the Administrator's Office and received and filed.

5. CERTIFICATE OF INSURANCE:

Clarence M. Kelley & Associates of Kansas City, Inc.

Action: Referred to License.

6. BUSINESS BONDS:

Electrical Contractor's Bonds:

Capital Electric Line Builders, Inc.
The Ceiling Fan Man Electrical Service, LLC
Celeste Installation and Repair, LLC
Richard A. Davey DBA Lesser Electric
Electrical Associates, LLC
Facility Solutions Group, Inc.
Mark One Electric Co., Inc.
Midwest Electrical Service, Inc.
Pillar KC, LLC
Psalm-1 Electric, Inc.
Pro Electric, L.C.
Redstone Electric, LLC
Shavers Electric, LLC

HVAC Bonds:

One Seventy Services, LLC
Adam Schack

Mechanical Contractor's Bonds:

American Boiler Services, Inc. DBA American Boiler & Mechanical
F&J Company DBA Polar Aire Heating & Cooling Service
Overland Park Heating & Cooling, Inc.
Stadium Sheet Metal

Mechanical/HVAC Bonds:

Anthony Plumbing, Heating and Cooling
E & Q Heating and Cooling, Inc.
Gradient Company, LLC DBA Gradient Company, LLC
Harrington Brothers, Inc. Heating & Cooling
Jones Lang LaSalle Americas, Inc.
Pinnacle Mechanical
Preston Refrigeration Company, Inc.

Plumber's Bond:

Anthony Plumbing Heating, and Cooling

Sign Hanger's Bond:

M & P, Inc. DBA American Lift & Sign Service

Action: Referred to License.

7. CONTINUATION OF CERTIFICATES:

Electrical Contractor's Bonds:

D Electric, LLC
JMC Services, Inc.
MC Power Companies, Inc.
Baldrige Electric
Cimmaron Electric, Inc.
Clayco Electric Company
Gary Ferrell
PAR Electrical Contractors, Inc.
Simmons Electrical

HVAC Bond:

B. L. Air, Inc.

Miscellaneous Bonds:

Romved, Inc. DBA Al-Ham Heating & Cooling
Salvador Zumba DBA Tecsai Heating and Cooling

Mechanical Contractors Bonds:

BA Barnes Electric, Inc.
Alexander Mechanical Contractors, Inc.
McCarty Mechanical, Inc.
Koch Heating & Cooling, Inc.
Total Comfort Heating & Cooling, Inc.
B & C Mechanical Services, LLC

Plumbers Bonds:

Hydro-Tech Plumbing Services, LLC
Reliable Mechanical Services, Inc.
Plumbing by Fisher, Inc. (2)
TD Plumbing, LLC

Ray Morrison Plumbing
Midwest Heating, Cooling & Plumbing, LLC

Second Hand and Junk Dealer's Bond:
Quick's Auto Salvage, Storage and Tow, LLC

Sign Hanger's Bond:
Miller Sign Shoppe, LLC

Sign Hanger, Sign Installation & Service Contractor's Bond:
Northern Ventures, Inc.

Action: Referred to License.

8. APPLICATIONS FOR CMB LICENSE (PKG):

C & J Management Services, Inc./Joellen Watterson DBA Sun Fresh, 2803 S. 47th St.
Govinda Commercial, LLC/Govinda Regmi DBA Quick Mart, 2859 State Ave.
Hariom Corporation/William Hutton DBA 7-Eleven #35783A, 10950 Parallel Pkwy.
K and Y Corporation/William Hutton DBA 7-Eleven #36101A, 4431 Shawnee Dr.
Khan Petroleum Corp/David Brown DBA Phillips 66, 1233 Merriam Lane
Mayan Commercial, LLC/ Govinda Regmi DBA Fast Trip, 4039 Metropolitan Ave.
My Store III, Inc./Terri Hadley DBA Speed Stop, 9801 Parallel Pkwy.
My Store III, Inc./Xiao Jun Song DBA Lucky Chinese Buffet, 7818 State Ave.
Prabhrit Corporation/Gurmeet Singh DBA 7-Eleven #132420, 2924 S. 47th St.
Quick Start, LLC/Gurmeet Singh DBA Phillips Gas Station, 954 State Ave.
Walgreen Co./Shawna Akers DBA Walgreens #10125, 2850 State Ave.
Walgreen Co./Shawna Akers DBA Walgreens #07550, 7739 State Ave.
Yuvraj, LLC/Binay Sharma DBA Conoco, 616 S. 7th St.
Yuvraj, LLC/Binay Sharma DBA Phillips 66, 2701 Fairfax Trfwy.

Action: Referred to License.

9. APPLICATIONS FOR CMB LICENSE (OP):

Caporales Mexican Food, LLC/Pablo Flores DBA Caporales Mexican Food, 1260 Merriam Lane
The Corkhouse, LLC/Lisa Lugar DBA Wyandotte County Corkhouse, 509 Armstrong Ave.
Maura DeAnda DBA Tacos El Matador, 1230 Merriam Lane
Fronteras Supermarket, Inc./Victor Orozco DBA Fronteras Restaurant, 765 Central Ave.
Micheladas Coliacan, LLC/Ivonne Madriles DBA Micheladas Coliacan, 1618 Central Ave.
Adam Novosel DBA Hickory Log BBQ, 5047 Welborn Lane
Rosedale Drive In Theatre, Inc./Brian Neal DBA Boulevard Drive-In, 1051 Merriam Lane
Soccer Nation KC, LLC/Guadalupe Rodriguez DBA Soccer Nation, 520 S. 55th St.
Gary Wilson DBA Wilson's Pizza and Grill, 1801 Quindaro
Kenneth Yarnevich DBA St. John's Catholic Club, 414 Barnett Ave.

Action: Referred to License.

10. APPLICATIONS FOR DRINKING ESTABLISHMENT:

William Bloyd/Richard Rehorn DBA Amigos Grill and Cantina, 2737 S. 47th St.
Granite City of Kansas, LTD/William Hutton DBA Granite City, 1701 Village West Pkwy.
Robert Borberg/June Broderson DBA Borberg Pizza, 1713 Village West Pkwy.
Joyce Stehney/Joseph Connolly DBA Joe's Kansas City BBQ, 3002 W. 47th Ave.

Action: Referred to License.

11. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT:

Latin Quarters, Inc./Anthony Russo DBA Latin Quarters, 508 Kansas Ave.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 1834

Full Commission Meeting Date: 1/11/18

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
01/04/2018	Melissa Sieben	x5017	msieben@wycokck.org	Administrator's Office

Item Description:

A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with Plumbers Local Union No. 8, for the period of January 1, 2018 - December 31, 2019.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution, MOU

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

That the County Administrator of the Unified Government of Wyandotte
County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of
the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified
Government Clerk is hereby authorized and directed to attest the signature of said County
Administrator and to attach the seal of the Unified Government thereto as the voluntary
act of the Unified Government to the following:

- (1) Memorandum of Understanding between the Unified Government of Wyandotte
County/Kansas City, Kansas, and the Plumbers Local Union No. 8, effective
January 1, 2018, through December 31, 2019.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2018.**

David Alvey
Mayor/CEO

ATTEST:

Unified Government Clerk

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNIFIED GOVERNMENT OF

WYANDOTTE COUNTY,

KANSAS CITY, KANSAS

AND

PLUMBERS LOCAL UNION NO. 8

JANUARY 1, 2018 – December 31, 2019

MEMORANDUM OF UNDERSTANDING

ARTICLE I – INTENT AND PURPOSE.

This **MEMORANDUM OF UNDERSTANDING** by and between the Unified Government, Wyandotte County, Kansas City, Kansas, and the Plumbers and Gas Fitters Local No. 8, Kansas City and Vicinity, is entered into for the purpose of establishing rates of wages and specified working conditions. The Local Union Working Agreement or "Agreement" (Joint Agreement between Mechanical Contractors Association and Plumbers Local Union No. 8, marked exhibit A and attached hereto) shall be recognized except as amended, deleted, modified or supplemented by the provisions of this Memorandum.

ARTICLE II – RECOGNITION.

The Unified Government of Wyandotte County, Kansas City, Kansas, (hereunto the U.G.) recognizes and acknowledges the above stated Plumbers and Gas Fitters Local No. 8, Kansas City and Vicinity, (hereunto the "Union") as the exclusive bargaining representative pursuant to the Public Employee Relations Act for all Plumbers employed by the Building and Logistics Department of said U.G.

ARTICLE III – EMPLOYER'S RESPONSIBILITY.

Section 1. Except as specifically set out herein, nothing in this Memorandum shall be construed as divesting the U.G. of any of its management rights vested by the Kansas Public Employee Relations Act or as delegating to others the authority conferred by law on the U. G. or in any way abridging or reducing such authority.

Section 2. The right to hire, promote, layoff, assign, transfer, discharge or discipline for cause and to maintain discipline and efficiency of employees is the sole responsibility of the U.G., except the Union member shall not be discriminated against due to their Union membership. Persons subject to this agreement shall be considered as employees of the U.G. and subject to all policies, orders, and directives, written or oral, of the Unified Government, Wyandotte County, Kansas City, Kansas, the Commissioners, the County Administrator and such other persons designated as supervisors of said employees except as modified or provided elsewhere herein. In the case of promotion, the U.G. agrees to recognize qualifications (including training, education, experience, ability and past performance) of the affected employee and then recognize standard seniority rules and practices. In the case of layoff the U.G. shall use seniority as the determining factor in selecting the employees to be laid off.

Section 3. The U.G. may adopt additional reasonable rules and regulations and amend the Human Resources Guide and other policies, orders and directives from time to time, and the U.G. and the Union will agree that any such changes, additions or amendments not in conflict with this Memorandum of Understanding shall be in full force and effect. Disputes concerning the application or interpretation of any changes,

additions or amendments as provided in this section may be submitted by the Union to arbitration as provided hereunder. To the extent practical, the U.G. will give prior notification of such rules and regulations to the Union.

Section 4. This memorandum shall be construed as requiring the employees to follow the provisions herein in the exercise of the authority conferred upon the U.G. by law.

ARTICLE IV – FILLING OF VACANT POSITIONS.

When a permanent job vacancy exists in a bargaining unit position, the U.G. may determine within forty-five (45) days from the declaration of the vacancy by the U.G., whether such position shall be filled. If it is determined that the position is to be filled, it shall be posted within sixty (60) working days from the determination to fill it or within a reasonable time thereafter. However, even if the U.G. initially determines not to fill a position, the U.G. expressly reserves the right, at any time, to determine that such a position should be permanently filled and then post the same for bid.

If the U.G. determines that a position is to be filled, the following procedure shall govern:

- (a) Such job vacancies shall be posted for ten (10) working days along with the information related to the qualifications required for the position is assigned. The affected bargaining unit local will be sent a copy of the job vacancy posting.
- (b) Applicants desiring to apply for a job vacancy may do so by being qualified and/or certified. In order for an applicant to be considered, a U.G. employment application and related application materials must be submitted to Human Resources within the specified guidelines.
- (c) Such vacancies shall be awarded to the best qualified applicant considering the applicants training, education, experience, ability and past performance as long as such selection does not contravene any affirmative legal responsibility place upon the U.G. and the applicants successful completion of a drug screen and physical examination.

ARTICLE V – WAGES.

Section 1. The basic rate of pay for the Plumbers as enumerated in the Agreement shall be:

Effective Date	Wage Rate/Hour
1/1/18	\$33.73
1/1/19	\$34.40

Section 2. Employer shall be responsible to pay the full cost of fringe benefits and supplementary dues in accordance with the current Master Agreement entered into by the Local Union and Mechanical Contractors Association of Greater Kansas City. The parties agree that in the event the two current bargaining unit members of the union are no longer employed by the Employer as bargaining unit members, the contract will be reopened. In the event that a current bargaining unit member is no longer employed as a bargaining unit member for disciplinary reasons, the contract will not be reopened until any grievance is resolved. If the grievance results in the current bargaining unit member being reinstated, then the contract remains in effect. If not, then the contract will be reopened.

Section 3. As fringe benefits change under the Agreement, the craft shall obtain from the Plumbers Union Local #8 a written statement of the changes and the effective date thereof, and upon written notice sent by registered mail, to the County Administrator and the Human Resources Department, the U.G. will adjust the fringe benefits to conform to the changes in the Agreement provided the notice of the change is received within forty-five (45) days of the effective date of the pay and fringe benefit change.

Section 4. Bargaining unit members shall be permitted to contribute up to \$10.00 per hour to the defined contribution plan of the Union.

Section 5. No person subject to this Memorandum shall be eligible to purchase, receive or participate in any health insurance contract, program or benefit provided to other U.G. employees, including all preferred provider organizations, health maintenance organizations or indemnity policies and coverage unless said person bears the cost of said insurance or coverage without any U.G. contribution. All such persons shall be eligible to participate, receive or purchase any dental insurance provided by the U.G.

ARTICLE VI – WORKING CONDITIONS.

All working conditions including vacations, paid holidays, sick leave, jury duty, maternity leave, injury leave, discharge, discipline and all other matters constituting working conditions shall be subject to and regulated by the policies of the U.G. as expressed in the Human Resources Guide, and amendments thereof except as may be inconsistent with the terms of this Memorandum of Understanding.

ARTICLE VII – STRIKES AND LOCKOUTS.

Section 1. There shall be no stoppage of work either by strike or lock out because of any dispute over matters relating to this Memorandum.

Section 2. There shall be no work stoppage in the event of any construction industry strike or problems or lockouts.

ARTICLE VIII – UNION SECURITY.

Notwithstanding any provisions of the attached Agreement and specifically Article IV of said Agreement, to the contrary, the Union recognizes and acknowledges that the Kansas Constitution at Article 15, Section 12 and K.S.A. 75-4324 provide and guarantee an employee the right to work regardless of union membership or affiliation and the parties hereto are bound thereby. Under the provisions of said law, the Union recognizes that the U.G. cannot require as a condition of employment that all employees of the U.G. covered by the attached Agreement will be members of the Union in good standing while so employed by the U.G.

Article IX – FRINGE BENEFIT PROGRAM.

If it is held by a Court of competent jurisdiction that the U.G. is prohibited from entering into or becoming a party to the provided trust agreements or funds set out in the Agreement at Article V, then the U.G.'s obligation to continue its commitment hereunder shall cease.

Article X – HOURS OF WORK, OVERTIME, AND SHIFTWORK.

Sections 1-10 of Article IX of the Agreement are deleted and the subjects expressed therein shall be governed by the provisions of the U.G.'s Human Resources Guide.

Eight hours constitute a day's work. Any time worked in excess of eight (8) hours per day or any work performed on a Saturday or Sunday shall be paid at the rate of one and one-half (1 1/2) times the actual hourly rate.

An employee called in to perform services related to the job shall be paid in accordance with the Agreement. In no event shall an employee receive less than two (2) hours compensation at the overtime rate of pay for every call-in on days off, furlough days, holidays or other scheduled leave time. Management retains the right to schedule the employees in accordance with the best interest of the Unified Government. Employees designated to be "on-call" on a weekend day (Saturday or Sunday) or on a holiday shall receive two hours "on-call" pay at the overtime rate in addition to any hours actually worked.

No foreman shall be required on any project unless three (3) or more fulltime plumbers are employed by the Unified Government. If three (3) fulltime plumbers are so employed, the Unified Government shall designate one (1) person as a fulltime foreman.

Article XI – PAYDAY AND PAYROLL CHECKS.

The U.G. has adopted a bi-weekly payroll system. Represented employees are paid each two weeks, as opposed to weekly. This practice shall in no way modify the amount of compensation to be received by the represented employees as provided herein.

Article XII – GRIEVANCE AND ARBITRATION PROCEDURE.

In the event of any dispute or grievance arising under the terms and provisions of the Memorandum or of any difference between the parties as to the interpretation or application of this Memorandum, it shall be processed through the grievance procedure. The parties shall make sincere and determined efforts to settle meritorious grievances at the voluntary steps of the grievance procedure and to keep the procedure free from any unmeritorious grievances. A union representative may be present during any step of the grievance procedure.

Step 1: Within ten (10) days of the occurrence or events giving rise to the grievance or dispute, or within ten (10) days of when the affected employee or employees became aware of such occurrences or event, whichever is longer, the matter must be taken up between the involved employee or employees and their supervisor. First, the employee shall verbally explain to his supervisor the nature of the grievance. The supervisor must communicate his decision to the grievant verbally within five (5) days of the Step 1 meeting.

Step 2: If the grievance is not satisfactorily adjusted under step 1, a written grievance shall be submitted to employee's supervisor within five (5) days after the supervisor has provided his verbal decision pursuant to Step 1. Within five (5) days thereafter, the supervisor must submit a written answer to the grievance.

Step 3: If the supervisor's written answer does not resolve the matter, a written appeal shall be made to the division head within five (5) days after the U.G. receives the supervisor's written report pursuant to step 2. The division head shall attempt to resolve the matter, and shall give a written answer within five (5) days after receiving the written appeal.

Step 4: If the division head's written answer does not resolve the grievance, a written appeal shall be taken to the department head within five (5) days after the receipt of the division head's written response. The department head shall attempt to resolve the matter in a meeting of the concerned parties, and shall give a written answer within five (5) days after the receipt of the written appeal of the division head's decision.

Step 5: If the matter has not been resolved in Steps 1-4, it may be submitted to the County Administrator within five (5) working days after receipt of the department head's written decision. The County Administrator shall render a decision in writing within ten (10) days thereafter.

Step 6: If the County Administrator's decision is not satisfactorily to the Union, or if the parties are otherwise unable to satisfactorily resolve the dispute, arbitration may be requested by the U.G. or the Union, in the following manner:

- (a) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Step 5.
- (b) Within fifteen (15) calendar days after the notice is delivered, the parties will mutually agree upon an arbitrator or jointly obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service (FMCS), and the parties will alternately and independently strike unacceptable arbitrators from such a list with the last remaining arbitrator being selected. If the party upon whom a properly executed FMCS panel request is served fails to execute and send such request within fifteen (15) calendar days of service thereof, then the grievance shall be found in favor of the non-defaulting party.
- (c) The arbitrator shall have the authority to determine the procedural rules of arbitration, and shall have the ability to make such binding orders as necessary to enable him to act effectively. He shall observe the rules of evidence, and his decision shall be final and binding on all parties.
- (d) Once an arbitrator has been selected by the parties, the parties shall act with all deliberate speed to schedule a hearing for the arbitration.
- (e) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
- (f) The cost of the arbitrator shall be shared equally by the U.G. and the Union.

Article XIII – SUBCONTRACTING.

Article XVI of the Agreement related to subcontracting is hereby deleted.

Article XIV – DURATION.

Article XV of the Agreement is deleted. This Memorandum shall be in full force and effect from January 1, 2018, (effective date), to and including December 31, 2019, (expiration date), and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the Memorandum is served by either party upon the other not less than thirty (30) and not more than ninety (90) days prior to the expiration date. The attached agreement shall be deemed a part of this Agreement.

When no such cancellation or termination notice is served and the parties desire to continue said Memorandum, but also desire to negotiate changes or revisions in this Memorandum, either party may serve the other a written notice not less than thirty (30) and not more than ninety (90) days prior to the expiration date advising that such party desires to revise or change terms or conditions of such Memorandum.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals below.

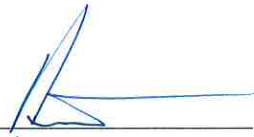
EMPLOYER

UNION

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY, KANSAS
CITY, KANSAS

PLUMBER'S LOCAL UNION NO. 8

By: _____
Doug Bach
County Administrator

By:   _____
Matthew Harris
Business Representative

Date: _____

Date: 12/21/2017

Renee Ramirez
Director of Human Resources

Approved as to form:

Kenneth J. Moore
Chief Counsel

ATTEST:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 1842

Full Commission Meeting Date: 1/11/18

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 01/08/2018	<u>Contact Name:</u> Melissa Sieben	<u>Contact Phone:</u> x5017	<u>Contact Email:</u> msieben@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with Construction and General Laborers Local No. 1290, for the period of January 1, 2018 - December 31, 2019.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution, MOU				

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

That the County Administrator of the Unified Government of Wyandotte
County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of
the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified
Government Clerk is hereby authorized and directed to attest the signature of said County
Administrator and to attach the seal of the Unified Government thereto as the voluntary
act of the Unified Government to the following:

- (1) Memorandum of Understanding between the Unified Government of Wyandotte
County/Kansas City, Kansas, and the Construction and General Laborers Local
No. 1290, effective January 1, 2018, through December 31, 2019.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2018.**

David Alvey
Mayor/CEO

ATTEST:

Unified Government Clerk

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS

AND

THE CONSTRUCTION AND GENERAL LABORERS
LOCAL NO. 1290

JANUARY 1, 2018 – DECEMBER 31, 2019

MEMORANDUM OF UNDERSTANDING

ARTICLE I – INTENT AND PURPOSE.

THIS MEMORANDUM OF UNDERSTANDING by and between the Unified Government of Wyandotte County/Kansas City, Kansas, and Laborers' Local No. 1290 of the Western Missouri and Kansas Laborers' District Council of the Laborers' International Union of North America, AFL-CIO, is entered into for the purpose of establishing rates and wages and specified working conditions. The Local Working Agreement or "Agreement" (Joint Agreement between Builders' Association of Missouri and the Union, marked Exhibit "A" and attached hereto) shall be recognized except as amended, deleted, modified or supplemented by the provisions of this Memorandum.

ARTICLE II – RECOGNITION.

The Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter the "UG") recognizes and acknowledges the above-stated Laborers' Local 1290 District Council (hereinafter the "Union") as the exclusive bargaining representative pursuant to the Public Employee Relations Act for all persons defined by said UG as laborers and employed by the Building and Logistics Department of said Unified Government.

ARTICLE III – EMPLOYER'S RESPONSIBILITY.

Section 1. Except as specifically set out herein, nothing in this Memorandum shall be construed as divesting the Employer of any of its management rights vested by the Kansas Public Employee Relations Action or as delegating to others the authority conferred by law on the Employer, or in any way abridging or reducing such authority.

Section 2. The right to hire, promote, layoff, assign, transfer, discharge or discipline for cause and to maintain discipline and efficiency of employees is the sole responsibility of the Unified Government, except that Union members shall not be discriminated against due to their Union membership. Persons subject to this agreement shall be considered as employees of the UG and subject to all policies, orders and directives, written or oral, or the Unified Government of Wyandotte County/Kansas City, Kansas, the Commission, the UG Administrator and such other persons designated as supervisors of said employees except as modified or provided elsewhere herein. In the case of promotion, the UG agrees to recognize qualifications (including training, education, experience, ability and past performance) of the affected employee and then recognize standard seniority rules and practices. In the case of layoff, the Unified Government shall use seniority as the determining factor in selecting the employees to be laid off.

Section 3. The Unified Government may adopt additional reasonable rules and regulations and amend the Human Resources Guide and other policies, orders and directives from time to time, and the Unified Government and the Union will agree that any such changes, additions or amendments not in conflict with this Memorandum of Understanding shall be in full force and effect. Disputes concerning the applications or interpretation of any changes, additions or amendments as provided in this section may be submitted by the Union to arbitration as

provided hereunder. To the extent practical, the Unified Government will give prior notification of such rules and regulations to the Union.

Section 4. This Memorandum shall be construed as requiring the employees to follow the provisions herein in the exercise of the authority conferred upon the Unified Government by law.

ARTICLE IV. WAGES.

Section 1. The hourly rate for employees during the term of this Memorandum shall be as follows:

	1/1/18	1/1/19
Wage Rate	\$25.86	\$26.37

Section 2. If any of the Skilled Trade bargaining units (Painters, Plumbers, Carpenters, or SEIU) reaches an agreement with the Unified Government which increases the base wage rate received by members of that bargaining unit at a percentage greater than 2% for 2018 and/or 2% for 2019, then such increases shall automatically be provided to the members of the bargaining unit covered by this Memorandum of Understanding. Salary increases shall be by the same percentage increase as was received by the bargaining unit members covered by the other agreements.

Section 3. In addition to the wage rate above, Employer will pay for the entire term of this Memorandum of Understanding one hundred percent (100%) of the fringe benefits specified in the Agreement, with the exclusion of the following: administrative account, and industry advancement. The employer shall contribute to the training fund at the rate of \$0.25/hr. The employer's obligation to make payments for the health and welfare fund is contingent upon such fund's qualification under the Affordable Care Act. Bargaining unit employees are not eligible to participate in the Unified Government's Dental and/or Vision plans.

Section 4. As wage rates and fringe benefits change under the Agreement, the craft shall obtain from the contracting association a written statement of the changes and the effective date thereof, and upon written notice sent by registered mail, to the County Administrator, Human Resources Director and the County Chief Legal Counsel, the UG will adjust the basic rates of pay and fringe benefits to conform to the changes in the Agreement provided the notice of the change is received within forty-five (45) days of the effective date of the pay and fringe benefit change. Any increases to the Health/Welfare and/or Pension plans after January 1, 2018 are to be paid out of each bargaining unit employee's wages.

Section 5. No person subject to this Memorandum shall be eligible to purchase, receive or participate in any health insurance contract, program or benefit provided to other UG employees, including all preferred provider organizations, health maintenance organizations or indemnity policies and coverage unless said person bears the cost of said insurance or coverage

without any Unified Government contribution. Bargaining unit employees are not eligible to participate in the Unified Government's Dental and/or Vision plans.

Section 6. Any employee subject to the terms of this Memorandum of Understanding may not suffer a reduction in wages, but may be required to forego future increases or a portion thereof to bring a balance in equity or as part of a city-wide austerity or comprehensive cost-cutting measure.

ARTICLE V – WORKING CONDITIONS.

All working conditions including vacations, paid holidays, sick leave, jury duty, maternity leave, jury leave, discharge, discipline and all other matters constituting working conditions shall be subject to and regulated by the policies of the Unified Government as expressed in the Human Resources Guide, and amendments thereto except as may be inconsistent with the terms of this Memorandum of Understanding.

ARTICLE VI – STRIKES AND LOCKOUTS.

Section 1. There shall be no stoppage of work either by Strike or Lockout because of any dispute over matters relating to this Memorandum.

Section 2. There shall be no work stoppage in the event of any construction industry strike or problems or lockouts.

ARTICLE VII. UNION SECURITY.

Notwithstanding any provisions of the attached Agreement and specifically Article I of said agreement, to the contrary, the Union recognizes and acknowledges that the Kansas Constitution at Article 15, Section 12, and K.S.A. 75-4324 provide and guarantee an employee the right to work regardless of union membership or affiliations and the parties hereto are bound thereby. Under the provisions of said law, the Union recognizes that the Unified Government cannot require as a condition of employment that all employees of the Employer covered by the attached Agreement will be members of the Union in good standing while so employed by the UG.

ARTICLE VIII – FRINGE BENEFIT PROGRAM.

If it is held by a Court of competent jurisdiction that the UG is prohibited from entering into or becoming a party to the provided trust agreements or funds set out in the Agreement at Article VIII, then the UG's obligation to continue its commitments hereunder shall cease.

ARTICLE IX – WORKING REGULATION.

Section 1 of Article VI of the Agreement is deleted and the subjects expressed therein shall be governed by the provisions of the Human Resources Guide. Sections four (4) through

thirteen (13), and seventeen (17) through twenty-one (21) are deleted, as the same are inapplicable to the Unified Government's physical plant and/or operation.

ARTICLE X – PAY DAY AND PAYROLL CHECKS.

Article VII of the Agreement is deleted. Employees subject to this Memorandum of Understanding shall be paid bi-weekly in the same manner as any other UG employee is paid bi-weekly.

ARTICLE XI – NEW EMPLOYEES.

Article IX of the Agreement is deleted. The parties agree that in the event that a current bargaining unit member is no longer employed by Employer, the contract will be reopened.

ARTICLE XII – TERM.

Article XIX of the Agreement is deleted as alternative provisions on that subject are provided in Article XVI herein.

ARTICLE XIII – ANNEX A STIPULATION.

The UG does not agree to execute the proposed Addendum 1 stipulation.

ARTICLE XIV – GRIEVANCE AND ARBITRATION PROCEDURE.

In the event of any dispute or grievance arising under the terms and provisions of this Memorandum or of any difference between the parties as to the interpretation or application of this Memorandum, it shall be processed through the grievance procedure. The parties shall make sincere and determined efforts to settle meritorious grievances and the voluntary steps of the grievance procedure and to keep the procedure free from unmeritorious grievance. A union representative may be present during any step of the grievance procedure.

Step 1. Within ten (10) days of the occurrence or events giving rises to the grievance or dispute, or within ten (10) days of when the affected employee or employees became aware of such occurrences or events, whichever is longer, the matter must be taken up between the involved employee or employees and their supervisor. First, the employee shall verbally explain to his supervisor the nature of the grievance. The supervisor must communicate his decision to the grievant verbally within five (5) days of the Step 1 meeting.

Step 2. If the grievance is not satisfactorily adjusted under Step 1, a written grievance shall be submitted to the employee's supervisor within five (5) days after the supervisor has provided his verbal decision pursuant to Step 1. Within five (5) days thereafter, the supervisor must submit a written answer to the grievance.

Step 3. If the supervisor's written answer does not resolve the matter, a written appeal shall be made to the division head within five (5) days after the Employer receives the

supervisor's written report pursuant to Step 2. The division head shall attempt to resolve the matter, and shall give a written answer within five (5) days after receiving the written appeal.

Step 4. If the division head's written answer does not resolve the grievance, a written appeal shall be taken to the department head within five (5) days after receipt of the division head's written response. The department head shall attempt to resolve the matter in a meeting of the concerned parties, and shall give a written answer within five (5) days after receipt of the written appeal of the division head's decision.

Step 5. If the matter has not been resolved in Steps 1-4, it may be submitted to the County Administrator within five (5) working days after receipt of the department head's written decision. The County Administrator shall render a decision in writing within ten (10) days thereafter.

Step 6. If the County Administrator's decision is not satisfactory to the Union, or if the parties are otherwise unable to satisfactorily resolve the dispute, arbitration may be requested by the City or the Union, in the following manner:

- (a) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Step 5.
- (b) Within fifteen (15) calendar days after the notice is delivered, the parties will mutually agree upon an arbitrator or jointly obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service (FMCS), and the parties will alternately and independently strike unacceptable arbitrators from such a list with the last remaining arbitrator being selected. If the party upon whom a properly executed FMCS panel request is served fails to execute and send such request within fifteen (15) calendar days of service thereof, then the grievance shall be found in favor of the non-defaulting party.
- (c) The arbitrator shall have the authority to determine the procedural rules of arbitration, and shall have the ability to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules of evidence, and his decision shall be final and binding on all parties.
- (d) Once an arbitrator has been selected by the parties, the parties shall act with all deliberate speed to schedule a hearing date for the arbitrator.
- (e) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
- (f) The cost of the arbitrator shall be shared equally by the Unified Government and the Union.

ARTICLE XV – SUBCONTRACTING.

Article V of the Agreement related to subcontracting is hereby deleted.

ARTICLE XVI – DURATON.

This Memorandum shall be in full force and effect from January 1, 2018, (effective date), to and including December 31, 2019, (expiration date), and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the Memorandum is served by either party upon the other not less than thirty (30) days and not more than ninety (90) days prior to December 31, 2017, (expiration date) or January 1 of any subsequent contract year. The attached agreement shall be deemed a part of this Agreement. Except as to wages and fringe benefits, subsequent amendment or supplemental agreement between the Union and contracting association shall be deemed included herein.

When no such cancellation or termination notice is served and the parties desire to continue said Memorandum, but also desires to negotiate changes or revisions in this Memorandum, either party may serve upon the other a written notice not less than thirty (30) days and not more than ninety (90) days prior to December 31, 2019, (expiration date) or January 1 of any subsequent contract year, advising that such party desires to revise or change terms and conditions of such Memorandum.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals below.

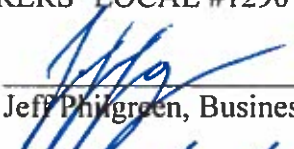
EMPLOYER

UNION

THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/
KANSAS CITY, KANSAS

LABORERS' LOCAL #1290

By: _____
Doug Bach
County Administrator

By: 
Jeff Philgreen, Business Representative

Date: 12/27/17

Date: _____

By: _____
Building & Logistics

Renee Ramirez
Director of Human Resources

ATTEST:

Unified Government Clerk

Approved as to form:

Kenneth J Moore
Chief Legal Counsel
Unified Government



Staff Request for Commission Action

Tracking No. 1841

Full Commission Meeting Date: 1/11/18

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: Yes 01/18/2018

<u>Date:</u> 01/08/2018	<u>Contact Name:</u> Jon Stephens	<u>Contact Phone:</u> x5749	<u>Contact Email:</u> jstephens@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> A resolution calling and providing for the giving of notice of a public hearing on the designation of a Neighborhood Revitalization Area (NRA) and the adoption of the 2018-2020 Neighborhood Revitalization Plan.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution				

(Published in *The Wyandotte Echo* on _____, 2018
and _____, 2018)

RESOLUTION NO. R-_____-18

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE
OF A PUBLIC HEARING ON THE DESIGNATION OF A NEIGHBORHOOD
REVITALIZATION AREA; THE ADOPTION OF A REVITALIZATION PLAN;
AND PROVIDING FOR THE GIVING OF NOTICE OF SAID HEARING.**

WHEREAS, K.S.A. 12-17,114 *et. seq.* (the “Act”) authorizes the governing body of any city or county to designate an area as a neighborhood revitalization area within such jurisdiction, and to adopt a plan (“Plan”) for the revitalization of such area;

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) intends to designate as a neighborhood revitalization area, and adopt a Plan for the area encompassing Turner USD 202, Piper USD 203, Bonner Springs/Edwardsville USD 204, Kansas City Kansas USD 500, and the Kansas City, Kansas Community College; and

WHEREAS, the Act provides that prior to designating an area as a neighborhood revitalization area and adoption of a Plan, the governing body shall, by resolution, direct and order a public hearing thereon, and to give notice of the hearing by at least two publications, once each week for 2 consecutive weeks in the official newspaper;

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

SECTION 1. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance the provisions of the Act, said public hearing to be held on **February 8, 2018 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, in the Commission Chambers, lobby level of the Municipal Office Building, 701 North 7th Street, Kansas City, Kansas, under the authority of the Act.

SECTION 2. Notice of Hearing. The Unified Government Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form attached hereto as ***Exhibit A*** in the official newspaper. Such notice shall be published at least once each week for two consecutive weeks.

SECTION 3. Effective Date. This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 11th DAY OF JANUARY, 2018.**

Unified Government Clerk

Exhibit A

**NOTICE OF PUBLIC HEARING
NEIGHBORHOOD REVITALIZATION PLAN**

A public hearing is scheduled for Thursday, February 8, 2018 at 7:00 p .m. during a regularly scheduled Unified Government of Wyandotte County/Kansas City, Kansas Commission Meeting. This meeting will be held in the Commission Chambers immediately to the south of the main floor lobby of the east Unified Office Building, 701 North 7th Street, Kansas City, Kansas. The purpose of the hearing is to discuss:

Adoption of a Neighborhood Revitalization Plan in an area encompassing the Turner USD 202 School District, Piper USD 203, Bonner Springs/Edwardsville USD 204, Kansas City Kansas USD 500, and the Kansas City, Kansas Community College. The Plan offers tax rebates for rehabilitation, conservation or development.

A copy of the proposed Neighborhood Revitalization Plan is available for public inspection at the office of the Unified Government Clerk located on the 3rd Floor of the East Unified Office Building and may be inspected prior to the public hearing during regular business hours. All persons or anyone wishing to be heard either for or against this matter is invited to attend.

This Notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation within the City.

UNIFIED GOVERNMENT CLERK

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. R-_____ -
18 of the Unified Government of Wyandotte County/Kansas City, Kansas adopted by the Governing Body on
January 11, 2018 as the same appears of record in my office.

DATED: _____, 2018

Unified Government Clerk
