

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

**PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, JANUARY 11, 2018**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 11, 2018, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, 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 Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Rob Richardson, Director of Planning; Zach Flanders, Planner; Janet Parker, Administrative Assistant; Jon Stephens, Interim Director of Economic Development; and Captain Steve Haulmark, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Alvey.

INVOCATION was given by Reverend Brady, Bethel Seventh Day Adventist Church.

Mayor Alvey recognized Chuck Sites from Edwardsville City Council.

Mayor Alvey asked if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, a blue sheet has been distributed. We have a new item. We have Item No. 9, a plat for Gloria Willis, it's under the Non-Planning Consent Agenda.

Mayor Alvey said there are two distinct parts of our meeting tonight. The Planning and Zoning portion will be handled first followed by the regular Commission meeting.

PLANNING AND ZONING CONSENT AGENDA

Mayor Alvey asked the Clerk to read the legal statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda. **Ms. Cobbins** read the Planning and Zoning statement.

Ms. Cobbins asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning Consent Agenda. **Commissioner McKiernan** disclosed contact with proponents of A-1, #3154, and contact with proponents of B-5 #SP-2017-70. **Commissioner Philbrook** disclosed contact with proponents of #SP-2017-64. **Commissioner Bynum** disclosed contact with proponents of #SP-2017-58. **Commissioner Townsend** disclosed contact with proponents of #SP-2017-58.

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

Mayor Alvey asked if any member of the commission or anyone in attendance tonight wish to set-aside any item from the Planning and Zoning Consent Agenda. If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Kim Bishop** asked to set-aside Special Use Permit #SP-2017-58.

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the Planning and Zoning Consent Agenda, excluding the set-aside.** Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 1821...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, submitted by Robin Richardson, AICP, Director of Planning. The petitioner is seeking approval 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 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. 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 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, the project team, and the entrepreneurs it supports work toward a common vision.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. A 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.
 - b. Provide documentation regarding the proposed two lot consolidation into one lot, prior to final plan approval.
 - c. 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: 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Change of Zone Application #3154, subject to the stipulations. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

SPECIAL USE PERMITS

ITEM NO. 1 – 1822...SPECIAL USE PERMIT PETITION #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 Richardson, AICP, Director of Planning. 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 of the accessory structures has been removed, per stipulations of the 2015 approval.
Applicant Response: There was never a third structure made or ever was, it's only the house where we live in and the horse structured made which will be 1,000 sq. ft.
4. Please provide proof of building permits obtained for horse stall compliance with all accessory structure regulations, per stipulations of the 2015 approval.
Applicant Response: Applicant is working to obtain a building permit and must present a building permit to the City Planning Commission on Monday, December 11, 2017.
5. Please provide copy of Animal Control permit for one 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):
 - a. 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.
 - b. Provide fresh water daily for the horse.
 - c. 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 horse.

The approval for one horse is subject to the following:

1. Approval for two years

January 11, 2018

2. Removal of one accessory structure within thirty days of approval to validate the special use permit. Applying for a variance to allow two 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 horse.

Public Works: 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2017-57 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 2 – 1824...SPECIAL USE PERMIT #SP-2017-58 – ERIC BISHOP

Synopsis: Special use permit for a maximum of 12 goats at 3552 North 47th Street, submitted by Robin Richardson, AICP, Director of Planning. 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.

Rob Richardson, Director of Planning, said in November, this case was heard by the Planning Commission and the Board of Commissioners. The Board of Commissioners sent that case back to the Planning Commission at that time because we had discovered additional information between the Planning Commission meeting and the Board of Commissioner's meeting. This case was then heard again in December. After the hearing, the Planning Commission recommended this case be denied on a unanimous vote. This case has already been back to the Planning Commission once so any action tonight only requires six votes.

Kim Bishop, 1437 S. 79th, KCK, said you previously met with my husband Eric Bishop in November. He is away on duty tonight. We've lived here in Kansas City, Kansas, for the past 15 years and began buying and renting property in 2013. Our goal is to repair and rent homes in the Wyandotte community that we would want to live in ourselves.

This particular property at 3552 N. 47th St. is our first one with a significant amount of land which seemed ideal for raising animals, especially when you consider the animals that were in and are already in the neighborhood. Unfortunately, at that time, we were unaware of the requirement to obtain a permit or the limit of the number of animals. Our tenants, Russell Vaca and Natalie Elder, have been at the property for over two years. They love animals and share that love with their children.

In October, Eric Bishop began the process to obtain a special use permit. The Planning staff had put in—when we got it in, they had a number of 12 goats so we were already over the property of the number that came in on the application. He held a neighborhood meeting. There were no objections noted and he turned in the forms.

He did meet with the Planning Commission on November 13. That meeting resulted in a recommendation for approval. The tenants were told that they needed to reduce the number of animals that they had.

Subsequent to that meeting, we understand that a complaint was called in about the animals, the number of animals, and the inspector saw too many animals and buildings. We were given two weeks, to December 6, to reduce those. Mr. Vaca had to set out tearing down buildings which included even a playhouse for his kids. He got those all done by the deadline of December 6. That was still in November.

The Board of Commissioners—Eric met before you on November 30. At that time, based on the inspection, the Planning Commission changed its recommendation to disapproval. Eric did respond at that meaning that the tenants were decreasing the number of animals and you voted for a site visit to determine the number of animals.

He went with the Planning Commission again on December 11. At that time, he told them that they were down to 12 goats; however, they did recommend denial. He actually visited the property. As I mentioned before, the compliance date was December 6 and we met that date to get those animals down. We have not heard anything further from that office as far as complying with getting the animals down to 12 goats.

Initially, as I mentioned before, there were more than 12 goats. There were more animals because they had lived there and we did not know about this process. They set out to decrease the number of animals. It took longer than we wanted to, but they were trying to responsibly re-home those animals, making those contacts; some fell through, but they did get them down. I personally went myself this Monday and I counted the number of goats. I know that there are 12 goats there. There was no intent to delay or deceive or ignore the requirements of the notice. We did get that done.

Going forward, should you approve our request for a permit, we now have notice of this process, as do our tenants. We do have good tenants. As I mentioned before, they have been there for over two years. It's been great to have our property rented, occupied by a good family with kids. As you can tell, they love animals. We told them that the maximum number of goats is 12 and should, in the future, a goat become pregnant, they have to reduce it, an adult goat, to keep that number at 12. We discussed that.

We, as property owners, will make regular inspections to ensure compliance with the permit. We will also add an addendum to the lease to clarify the requirements of the permit. Thank you for your time. I respectfully request that you approve our special use permit.

Mayor Alvey opened the public hearing.

The following appeared in support:

Russell Vaca said I'm the renter at 3552 N. 47th St., KCK. When we decided to move into this property, the idea was to be able to have these animals. We drove around, we looked at the neighborhood and there are no less than 15 properties in our area—in our immediate neighborhood that has every manner of farm animal you could imagine, none of which are zoned for agricultural if you look online and the plans for Wyandotte County. It never even crossed our mind that we needed to get a permit to be able to have these animals.

My girlfriend and her children had a farm at one time. They had animals and they had that taken away when their father, when the husband, went to prison for doing unkind things to the children. My goal was to try and give them back what had been taken from them. I've worked very hard to build safe structures for the animals and to keep the food items for the animals in over a period of two years.

Like Ms. Bishop said, in a matter of six, seven days, I dismantled everything that I had worked on every night after work, no questions asked. I got it down. I paid to have it hauled away, wood that I had paid for. We gave animals away that we paid good money for. We don't bother anybody. I just ask that you please really think about it. Please, don't just take this away from my family just to take it away. We're not trying to do anything to bother anybody. I'm just trying to make my children and my girlfriend's dream a reality. I thank you for your time.

No one else appeared in favor.

No one appeared in opposition.

Mayor Alvey closed the public hearing.

Ms. Bishop said I just wanted to reiterate that we have a good understanding of this process. Not very fond of not being in compliance with anything so we have set out to accomplish the requirements that we were told getting the number of animals down. We've done that. The tenants have done that at their own expense. We've set forth a process in the future that we will not have to come before this again. Thank you.

Commissioner Townsend said a couple of clarifying questions for staff. Since the Commission last heard this matter, what was the date of the visit out there? At that date, were the animals: the lamas, the other things we talked about, the donkey still there or have they been removed? **Mr. Richardson** said I believe the inspection was the day of the Planning Commission or the Thursday or Friday before, so that first or second week of December. The animals had been reduced to 12 goats by the time the Planning Commission met in December.

Commissioner Townsend said the thing that's hard for me to accept, based on the information before us, is the 12 goats themselves, according to staff, is too much for that tract of land. Is there another number that that land could better support? Because it's 12, based on that, I would not be in support of it.

To the gentleman who spoke, Mr. Russell who spoke, I appreciate that you may have driven around that area to see what was already there, but I can tell you from the complaints that I've had, you may have indeed been looking at people who were also in violation and may not have had permission. I don't know what you saw, but just because those animals were there, doesn't mean that they were rightfully there either. I have a lot of calls from that area about complaints there. I think I mentioned last time about the rooster situation and others. So just because you see these animals there, doesn't mean they should be there by right either.

Is there some number of goats that this tract of land could work with and be compatible with? **Mr. Richardson** said the Conservation Department indicated that they needed .15 acres per goat of pasture, but this lot is largely treed so a lot of that land is not pasture. Even though there are two acres, there or about two acres there, I believe, that doesn't mean you can have two acres worth of goats. You probably have maybe a fifth of the site, so maybe a quarter of an acre or so that's actually pasture area there, maybe a little bit more, so that might be two or three goats. They also have dogs, cats, and fowl there that under the other ordinances, they are

allowed. They have ducks under the fowl ordinance, and dogs and cats under the domestic animal ordinance there as well. I don't know how all that relates. I haven't asked that question specifically of the Conservation Department.

Commissioner Townsend said there are other animals on the premises besides the goats. I understand the lamas and donkeys and all that are gone now, right? **Mr. Richardson** said correct. Everything now is within the code except the goats.

Commissioner Townsend said as the ask is written and not having that other information, I cannot support it as written for 12 goats based on Conservation's recommendations.

Commissioner Bynum said I have some questions also. I want to make sure I'm understanding. Just to walk back through this process that we've been through now for a couple of months. The first time the application came through Planning and Zoning it was approved and was on our Consent Agenda for approval, correct? **Mr. Richardson** said that is correct. **Commissioner Bynum** said you saw fit to approve this special use permit and send it to us for a consent vote. **Mr. Richardson** said that is correct. They were told that all of the other animals were gone at that time. **Commissioner Bynum** said and all the other animals are gone now. **Mr. Richardson** said now they are. They were not at that time.

Commissioner Bynum said I believe that if I were an attorney, I might say that ignorance of the law is not a defense. I don't think we're necessarily talking about a serious crime. I'm willing to allow for grace, if you will, that not all of the people who live in our community know what the rules are. It is my sense that based on Ms. Bishop's comments here tonight that once made aware of the rules, they've tried very hard to comply.

I also read the Conservation District's Report and also the recommendation the first time around through Planning and Zoning wasn't necessarily the Conservation didn't recommend it, but they did make some recommendations about how to have the goats on the property such that they aren't fed primarily through grazing and also, of course, the clean-up of their waste was what I read in the Conservation Report. Those were the stipulations that were agreed to by the

applicant. I want to make sure I have that correct. Is that right? **Mr. Richardson** said that is correct.

Commissioner Bynum said I would ask that we consider a number less than 12. The property, it's two acres and I have a good sense of what two acres looks like but you are correct, it's not all pasture land. I would be asking for us to perhaps find a compromise and maybe land on a lower number of goats for this property. This is a rural area.

Commissioner Townsend said I think that's what I was getting at, but I would not be willing to endorse that without some more information from Conservation. Maybe the number is 2, maybe it's 4. Just to pick a number out of the air, I'm not comfortable with that. Is there some way that we can refer this back again or get information about what might be sustainable for the amount of land there? Other than that, I would think the number would be maybe 2, but again, I just wouldn't want to pick a number out of the air.

Mayor Alvey said I'm assuming that the goats are fed. They're not dependent upon pasture? **Ms. Bishop** said correct. They are fed sweet feed or cracked corn and hay.

Mayor Alvey asked, Rob, was there any evidence that the goats were malnourished. **Mr. Richardson** said I think the most significant issue was the testimony before the Planning Commission turned out not to be correct which placed doubt on other factors in the case. **Mayor Alvey** said unless the density of the goats on the acreage is too much to handle the waste, if they're being fed, it's not a matter of the pasture, it's a matter of whether the waste is being taken care of. **Mr. Richardson** said correct.

Commissioner Bynum said if we don't allow for some number tonight, and I don't have a problem sending it back for more information from Conservation, but if we do, then that leaves this property owner yet still out of compliance with our rules and regulations. Would that be true? I'd like to let them be in compliance. I feel that they are sincerely trying to be in compliance. I'm trying to find a way to allow them to be in compliance so that's why I'm making that suggestion as I scroll through our agenda looking for the report from the

Conservation District. **Mr. Richardson** said, Commissioner Bynum, this case has already been back to the Planning Commission so it can't go back to the Planning Commission again. The Conservation District comments are on page 9. It's really simply the last paragraph of that. The full report is on pages 14 and 15, but the summative comments are on page 9.

Commissioner Philbrook said I have a question. Is it possible to get more input, as Commissioner Townsend is asking for, on what is recommended for this property in the manner in which these goats are being taken care of, an accurate number of what they recommend? Is it possible without sending it back? Can we just write that in as a recommendation and ask for them to—subject to? **Mr. Richardson** said what you would be saying is to do something that would amend the motion to say up to six goats pending approval of the Conservation District. **Commissioner Philbrook** said yes.

Commissioner Bynum said I would be willing to amend my motion to allow for, again, these property owners to be in compliance with the law, to say up to six goats pending recommendation by the Wyandotte County Conservation District Office. **Commissioner Philbrook** asked will your second change his mind.

Mayor Alvey asked, Mr. Moore, will this bring them into compliance with this motion, if passed, bring them into compliance with the law. **Ken Moore, Chief Counsel**, said I think so. We'd have to get a more definite report from the Conservation Office as to whatever that number is, six or less, would be satisfactory. You'd have to reduce the number to the number they recommend if it was less than six. I assume the other stipulations that were part of the approval before us to the feeding and the waste would also accompany part of this motion. **Mayor Alvey** said does the motion include all of that. **Commissioners Bynum and Kane** said yes.

Commissioner Townsend said I was just seeking clarification on that so that we're not saying it's six, it's whatever number the Conservation recommends and we're saying it's no more than six.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2017-58 for no more than six goats, pending the approval of the Conservation Office, and including the Planning Commission's stipulations. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 3 – 1823...SPECIAL USE PERMIT #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 Richardson, AICP, Director of Planning. 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. It's not visible 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 years. Staff suggests that, when possible, the applicant move 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. 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: 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 years. Staff urges the applicant to begin making progress to move the business and its associated equipment to a commercial property.

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2017-68 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 4 – 1825...SPECIAL USE PERMIT #SP-2017-69 – ANDREW AND CHRISTOPHER FEIN

Synopsis: Renewal of a special use permit (#SP-2014-77) for a garage to store two cars at 102 South 64th Street, submitted by Robin Richardson, AICP, Director of Planning. The applicant wants to use a two-car garage to store and work on personal automobiles. 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 provide 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 jam.

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: 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 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2017-69 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 5 – 1827...SPECIAL USE PERMIT #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 Richardson, AICP, Director of Planning. The applicant

wants to construct a twenty-two space parking lot. 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 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 6' wood fence with masonry columns every 32' shall be constructed.

Applicant Response: The School District requests the fencing requirement 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 were 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 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 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 to eight feet in height. Evergreen trees shall be five to six 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

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 Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-20017-70 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 6 – 1826...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, submitted by Robin Richardson, AICP, Director of Planning. The applicant, on behalf of Frank Perry, wants to use a trailer temporarily as an office at 6801 Inland Drive. 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

Subject to approval, this special use permit shall be valid for two years.

Below are the stipulations from 2015:

Subject to approval, this special use permit shall be valid for two years.

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 and/or provide a copy of a temporary on-site wastewater permit from the Wyandotte County Health Department for an existing holding tank.
 - b. 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.
 - c. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Staff Conclusion

Staff recommends approval based upon these stipulations:

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

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2017-71 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes" Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 7 – 1829...SPECIAL USE PERMIT #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 Richardson, AICP, Director of Planning. The applicant wants to store landscaping materials in conjunction with existing business. The Planning Commission recommended 7 to 0 to recommend approval of Special Use Permit Application #SP-2017-73, subject to submittal of a new site plan within sixty days that generally conforms to what is shown on the current aerial that was taken in 2016 and one year from the approval date to make all the improvements which would include paving and fencing.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2017-73, for two years. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

VACATION APPLICATION

ITEM NO. 1 – 1830...VACATION APPLICATION #R/W-2017-12 – DOUG CLEMENTS WITH USD 500

Synopsis: Vacation of pedestrian right-of-way between 5205 and 51595 Farrow Avenue, submitted by Robin Richardson, AICP, Director of Planning. The applicant wants to vacate the right-of-way to maintain driveway access and off-street parking for the residences on Farrow Avenue and remove pedestrian access to Welborn Elementary School. 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 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

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

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 Kane made a motion, seconded by Commissioner Murguia, to approve Vacation Application #R/W-2017-12. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 1831...PLAN REVIEW APPLICATION #PR-2017-32 – PASTOR GLEN BRADY

Synopsis: Preliminary and final plan review for a church campus at 745 Walker Avenue, submitted by Robin Richardson, AICP, Director of Planning. The applicant is seeking approval 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 Planning Commission voted 7 to 0 to recommend approval of Preliminary and Final Plan Review Application #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

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 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.
 - b. 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.
 - c. 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.

Conservation District Comments

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

- 1. There is one major soil type that was 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.
- 2. There was no timeline 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.
- 3. 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.
- 4. 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.

- 1. 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.
- 2. Top soil needs to be stockpiled to be spread on all areas that are not paved. The stockpile area needs to be protected.

3. New storm sewers will need inlet protection until paving in the area is controlled.
4. All erosion control practices need to be checked weekly and after each rain event.

Any damages need to be corrected immediately.

1. The Best Management Practices in this report can help solve any problems in the area.
2. 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Plan Review Application #PR-2017-32, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

MISCELLANEOUS-ORDINANCES

ITEM NO. 1 – 171357...ORDINANCE

Synopsis: An ordinance rezoning property at 7331 Holliday Drive (#148) from R-1 Single Family District to CP-O Planned Non-Retail Business District, submitted by Robin Richardson, AICP, Director of Planning.

Action: **ORDINANCE NO. O-1-18**, “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.” **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 2 – 171412...ORDINANCE

Synopsis: An ordinance vacating right-of-way (#R/W-2017-11) at 342 South Bethany, submitted by Robin Richardson, AICP, Director of Planning.

Action: **ORDINANCE NO. O-2-18**, “An ordinance vacating a part of publicly dedicated street, to be vacated, platted as Forest Street, now known as Bethany St., located at approximately 342 S. Bethany St.” **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 1828...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, on a temporary basis, for a maximum of 12 adult patients at 4300 Brenner Drive, submitted by Robin Richardson, AICP, Director of Planning. 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.

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.

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. 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

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.

Rob Richardson, Director of Planning, said this case comes to you—the KVC Center was approved, I believe, in the '70s as a youth center for youth with mental illness. At some point in the last few years, the University of Kansas Hospital requested of KVC to be able to put adults in that facility. Apparently, during that process, no one checked the approval of the original facility from the '70s to know that wouldn't be allowed.

Sometime over the summer, KVC requested a special use permit for temporary storage on the site. At that time, neighbors came and said hey, there's adults in this facility. Those weren't allowed by the original special use permit. After research, we discovered that was the case.

KVC applied for an amendment on a temporary basis to the original SUP to allow up to twelve adults until May 2019, until such time the University of Kansas Hospital has its new mental health facility for adults open.

The Planning Commission heard that case. There was significant concern from neighbors because at least one or two or three occasions, there had been adults that had left the facility without proper supervision. One case had at least committed a crime within the neighborhood and broken in a house and stolen a car, I believe was the testimony. The Planning Commission heard the testimony that night and closed the public hearing.

After the public hearing, the Planning Commission requested that staff go visit the facility and understand what the security system was and how it had been changed since the folks had left without supervision and made a motion to hold that case over.

In December, we came back and reported, as staff, as to the security situation. The Planning Commission did not reopen the hearing and voted for approval. I would say the neighbors weren't happy that they were not allowed to speak again that evening after I gave my report. That comes to you this evening recommended for approval.

I did observe the security situation. I'll probably be asked about that at some point in the future or I'll go ahead and talk about that.

Zach Flanders and I went and visited the facility. We toured the adult portion of the facility and portions of the youth parts of the facility. There are double locked doors between the adults and the youth in all cases. The only time the adults can even see a youth is if they are in the outside area, and they can see the kids if they were outside and the youth homes up on the hill 150 yards away or so. If there was a fire and they had to leave that fenced area that's screened, they might come into contact with the children.

The staff explained to me how the folks were able to leave the facility without supervision. What had happened was there had been a patient that had a visitor. As the visitor left, they just walked out with the visitor. Since that time, they've changed their procedure so that when a visitor comes in, the patient is taken back to the secured area before any other doors

are opened for the visitors to leave. That wouldn't happen again. With that change and with what I observed, I don't feel like that would be a problem again. Nothing is fail-safe, but they did observe what the previous situation was and how the incident occurred, and I believe have corrected it.

Ryan Speier, 4300 Brenner Drive, said not having done this process before, do I summarize the whole product or do you time us for a few minutes and want me to give a quick version of that. **Mayor Alvey** said we'll start with the quick version. **Mr. Speier** said fair enough. I'm all for timeliness. We've done some other planning meetings that went until late in the night.

We are operating a 12-bed adult unit. It was a favor asked of us by the State of Kansas coming from the highest power that be in terms of the state. On the east side, at least the metro area, especially the Osawatomie State Hospital is struggling with some issues, and they asked for other providers in the area to provide some care for the adults that weren't finding beds.

What we do is provide the highest level of care for persons who struggling with health issues such as mental health or behavioral issues. They come to us when they're having feelings of self-harm and needing a safe place to stabilize and to seek medication, get some therapy and then return to their families, their homes, their community, back to their jobs so they can live their life as they had before receiving this help. To do that, we run a large children's facility. We were just happening to be flipping a small portion of our building for a different children's program so it was vacant at that moment. It is a singular unit on the vey edge of our building on a separate floor from our children and the farthest one away from children. At that moment, we said hey, we can help out. We can give 12 beds. We have the space open. Anything we can do to help out, people in need, we're all for it. That's what our company does.

We accepted that opportunity. To our fault, full ownership, I did not ask our Legal to review. In our world, site is zoned to site. Anywhere we've gone and done services, children or adult is zoned the same under the same type of zoning. I own the ownership for not looking. There is no excuse for that. I should have done that. I have learned that. I promise I will learn that in my career going forward to never do that again. To that extent, it was unusual for us to not have the same zoning. We didn't realize there was a special use permit and we failed to do that.

We allowed the adult program in and have been operating it now for at least two years, two and one-half. We did have a couple of incidents that he had referenced very early on. We changed our practices and had none since then.

We work closely with Wyandotte, Inc., the local mental health center here. They sing high praises of us and uses us frequently. Our goal is to keep serving the community of Kansas City, as well as Wyandotte County, for those persons who can't find bed capacity in Osawatomie and need that help in that moment. They stay with us for a very short time, maybe on average about a couple of weeks, begin stabilizing, and go back to their home community, which is typically in this Wyandotte area.

Our goal is to maintain this program through the extent of our agreement with the University of Kansas Health System, as Mr. Richardson said, through May 2019. At that point, we'll look to return our campus to a children's services, which is our mission, our goal and what we stand for. That will be what we drive to and do.

Like I said, there was an interim need and the state asked if we were able to fill that. Our goal is not long term. For those asking if we ever go into adult services, it will not be at this location, it will be a separate location. To that end, we recently met with our neighbors to kind of explain in some more details. We had not taken the time to do our due diligence and speak with them, so we recently met with them and had a good conversation about that and just reassured them this is a short-term que population. In short, a que term contract that will end and we'll proceed with our normal business from there.

I ask that you allow us to finish this agreement with our partner to give these beds that are needed to people in need and then allow us to go back to services as normal.

Mayor Alvey opened the public hearing.

No one appeared in support.

The following appeared in opposition:

Pete Kovac, 4023 N. 59th St., KCK, said where all of this began—I'm a lifelong member of the area so I was there before the foundations were laid. The bottom line is, there was a lot of mystery surrounding all of this. We heard Osawatomie, criminally insane, etc., then we learned adults. Needless to say, we became very concerned about that. I must say we've had great

conversations. There was an information vacuum so when you have one of those, that vacuum sucks in all kinds of information that may or may not be accurate. I believe that's the case here.

Specifically, I'm against adults at 4300 Brenner Dr. at the KVC facility. I have come to understand it's a temporary situation and they're honoring a deal they made with the State of Kansas. I have to salute that. The only component that I would literally—the seats all of you—to have add to the staff recommendations from Mr. Richardson is just adding a single phrase. That phrase would be: "KVC has become a good neighbor, and we're working very hard to improve our overall relationship. I think it started last Monday with a very healthy meeting. During that healthy meeting, we filled that information void that we talked about. One of the key things that was not in the staff report was the term violent. We found out that the adults that will be there, even on the short term and now through Spring 2019, are non-violent individuals. I would love to see that term non-violent individuals or history of violence added to this.

In closing, we will work better at being good neighbors across the board. They were kind enough to provide the neighbors, even the ones that the weather kept away tonight, a letter explaining fundamentally our mutual agreements and their commitment. I'd like to add that to the official file if that would be possible.

Andrew Burke, property owner at 3948 N. 59th St., said I'm a fourth generation of people that live in that area. I would just ask that if you haven't had an opportunity to review the council packet in detail and look at the history back from 1984 and just realize what the generational people that have grown up in that area have dealt with with property development in a rural, residential, and agricultural area that is being used as commercial and industrial with special use permits. You'll see a long track history of development in the area that doesn't meet your Land Development Use Plan. Just as a citizen, look at it yourself as a citizen and what goes on in your neighborhood and what you would like to have knowledge of in your neighborhood before it proceeds through to final. You'll find that the people who have lived for up to 40 years in this area have had to deal with reoccurring situations. KVC has kind of fallen into that because they're trying to do their job and they don't know, now they do, but they didn't know the whole history of what people have dealt with since 1984 and prior to 1984 going back into the 70's when you had the BPU plant put in with eminent domain and the water plant with eminent domain and these things have happened over the years. That's why you'll see that those people

in that neighborhood, they're going to come and they're going to voice their opinions, and you're going to get opposition if they're not informed of what's going on. Transparency is a very big deal here.

I would just ask that you please look throughout the entire packet and read some of the history of it if you haven't gotten a chance. I think you'll find it kind of enlightening as to what the citizens of that area have been dealing with.

Mayor Alvey closed the public hearing.

Mr. Speier said I would just second Mr. Kovac's mention of becoming good neighbors and transparency the other gentleman—that is our goal. We will work with them. We'll actually start doing a newsletter with our neighborhood and larger neighbors in the area, as well as hoping to invite them in and actually come in the barn shop and see some of the youth that we have on the property. Our goal is to invite the neighborhood in and be a part of us in what we do. We help a lot of children in need and the children have gone through some unfortunate things in their life and are just looking for a place for stability, same as those adults, but long-term with our children.

We'd note on record that our goal is to be good neighbors in going forward. We've had great conversations and I see no problem in achieving that. We're appreciative of them and looking forward to a long relationship of serving the kids in need in the county.

Commissioner Philbrook said thank you for being a good neighbor and thank you for getting together with the folks so they can finally understand what's going on behind those walls. I personally had a chance to visit the facility multiple times because my Kiawanis Club works with them a lot and that particular facility is pretty tight. I wouldn't want to be one of those people in that end of it because I know I would never to be able to find my way out without somebody helping me.

My comment and question is for Rob. Is there a problem putting an addendum to this recommendation from Planning to state that there is not going to be any dangerous, will not dangerous, but non-violent folks? **Mr. Richardson** said, Commissioner Philbrook, if I had the opportunity, I would add a new staff comment, No. 5, incorporating the letter of January 11,

2018, by Mr. Speier which includes a prohibition on patients with a history of violence and would allow only non-violent patients in the facility. **Commissioner Philbrook** asked how does the petitioner feel about that. **Mr. Speier** asked using the language you have in here. **Mr. Richardson** said that's correct. **Mr. Speier** said absolutely, yes. That's what we're doing.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2017-64 through May 2019 with the stipulations that were stated.**

Commissioner Bynum said I appreciate the motion and second so I'll try to be brief. I also toured this facility. I live not far from the area. I live on property much like what Mr. Burke was speaking about so I do have an appreciation for that.

I would point out that our new colleague up here, Commissioner Burroughs, can probably speak rather eloquently to what I would call destination of funding for mental health services for folks in Kansas. It kind of exacerbates, the need, if you will, for the service that you are trying to provide. There's a reason Osawatimie can't take those folks that so desperately need that help and it's land right here in Wyandotte County. I appreciate the motion and the second, and I'm in full support.

Mayor Alvey said this would require eight votes.

Commissioner Murguia said I just want to make a couple of comments. It's been my political history that since this is not in my district, I sort of defer to the commissioner whose district this facility would lie in. I try to stay fairly quiet when those issues come up. I find this particular situation interesting because a few weeks ago there was a group in front of us who were trying to develop a facility for a similar sort of purpose and there were a number of commissioners that expressed concern about their capacity since they had no history in dealing in a professional setting with this type of clientele. I'm just concerned about things like what you talked about with some of the tenants or clients, however you would refer to them getting out.

I just want to say out loud that I think the work you do is very admirable. There is definitely a need. The cost is incredible. I know that personally and I know that funding has

dwindled for these kinds of facilities, but I will tell you, as long as KVC has been around, I am very alarmed to hear that tenants have managed to leave a facility, especially ones with significant mental health issues that can hurt themselves. I'm no expert or a psychologist on mental health issues, but I will tell you if they would hurt themselves, I would question how they could not be a danger to other people.

Like I said, I'm going to follow the lead of the in-district commissioner on this, but I have significant concerns. I just want to keep the playing field level for everyone that comes in front of us with these kinds of requests. I just felt like the last time we had this discussion, I, in particular, was concerned about the other group's capacity and they had never had an incident and have had foster children in the past. You are a large organization. Frankly, I would expect more from an organization like yours.

I'm also very concerned about the comments that the residents have made. It sounds like they're on board now. I was a little confused who stood up during opposition, but it sounded like there was an endorsement going on there so that's fine if they're okay with it. I really do think it's important when we make these kinds of decisions that the community that actually lives in Wyandotte County, that actually resides here, raises their children here, pays taxes here even though you're doing good work, we have to protect them as well. Frankly, they would be my first priority. I'll just end with those comments.

Mr. Speier said I was just going to clarify the levels of care. The place you're referencing is a non-locked facility. Ours is a lock. We did have that incident, but in our almost 50 years, it is a rarity. It was something we took very seriously. It was an infancy program and we learned quickly and rectified that. I believe with what you're stating and your seriousness. Obviously, that is what we aim to hit everyday.

Mayor Alvey said to allow services on a temporary basis for a maximum of 12 adult patients with additional language limiting it to non-violent patients. Correct? **Mr. Richardson** said and incorporating the letter with that language. Yes.

Roll call was taken and there were nine "Ayes," Bynum, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, and one "No," Burroughs.

NON-PLANNING CONSENT AGENDA

Mayor Alvey asked if anyone in attendance tonight or any commissioner or staff member would like to set-aside an item from the Non-Planning Consent Agenda. If you would like to set an item aside, please step forward to the microphone. Any item not set aside will be voted on by a single vote. .

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve the Non-Planning Consent Agenda.** Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 1 – 1838...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.

Action: **RESOLUTION NO. R-1-18,** “A resolution establishing a regular schedule of Unified Government Commission meeting times and dates through January 30, 2020.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 2 – 171423...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.

Action: **RESOLUTION NO. R-2-18**, “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”. **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 3 – 171422...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.

Action: **RESOLUTION NO. R-3-18**, “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.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 4 – 171424...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.

Action: **RESOLUTION NO. R-4-18**, “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.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 5 – 1837...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 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.

Action: **ORDINANCE NO. O-3-18**, “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.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 6 – 171462...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations to 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.

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 7 – MINUTES

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

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 8 – WEEKLY BUSINESS MATERIAL

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

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

Item No. 9 - 1843...PLAT: GLORIA WILLIS ELEMENTARY SCHOOL

Synopsis: Plat of Gloria Willis Elementary School, 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

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 1834...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.

January 11, 2018

Doug Bach, County Administrator, said this item comes to you this evening. It's brought forward in compliance with the direction given by the Commission to negotiate this contract. We reached agreement with this group. They have approved it and forwarded to us for approval. I recommend approval of this agreement.

Action: **RESOLUTION NO. R-5-18**, "A resolution authorizing the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas a 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." **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

Commissioner Kane recused himself from Item No. 2

ITEM NO. 2 – 1842...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.

Doug Bach, County Administrator, said this item comes to you in accordance with the direction we were given for negotiating our contract. I recommend approval.

Action: **RESOLUTION NO. R-6-18**, “A resolution authorizing the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, a 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.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley, Walters, Philbrook. (Commissioner Kane previously recused himself.)

ITEM NO. 3 – 1841...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.

Doug Bach, County Administrator, said this sets forth, as you know last year, we started the process of working through our three-year renewal for our Neighborhood Revitalization Act. The item before you tonight just sets out a public hearing date for the February 8 Commission Agenda for this item to come forward and have a public hearing and a presentation.

Mayor Alvey said to be clear, all we will be considering is whether this is a good date or not a good date to set the public hearing.

Action: **RESOLUTION NO. R-7-18**, “A resolution calling and providing for the giving of notice of a public hearing to be held February 8, 2018, on the designation of a neighborhood revitalization area; the adoption of a revitalization plan; and providing for the giving of notice of said hearing.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call

was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:03 P.M.
January 11, 2018**

Bridgette D. Cobbins
Unified Government Clerk

tk

January 11, 2018