

UPDATE
MARCH 1, 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 CYNTHIA SMART, MASON MEMORIAL UNITED METHODIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 1, 2018 AGENDA**
 - BLUE SHEET – ADMINISTRATOR’S AGENDA NEW ITEMS**
 - No. 1 – MOU with the United Brotherhood of Carpenters and Joiners of America, St. Louis-Kansas City Carpenters Regional Council
 - No. 2 – MOU with the Fraternal Order of Police, Lodge #4
- 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. REGULAR 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: MAJOR KENT ANDERSON

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3151 - TYLER EDWARDS WITH MENARD, INC.**

Synopsis: Change of Zone from A-G Agriculture District to CP-2 Planned General Business District for a Menard's home improvement retail store at 1301 North 98th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)

Tracking #: 18106

2. **#3153 - DON GRAY WITH BOARD OF PUBLIC UTILITIES**

Synopsis: Change of Zone from A-G Agriculture and R-1 Single Family District to M-3 Heavy Industrial Districts for an existing power plant at 4240 and 4240R North 55th Street and 4400 and 4800 North 47th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 18107

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2017-55 - VERONICA WESSELHOFT**

Synopsis: Special Use Permit for a party hall at 2120 Park Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 18108

2. **#SP-2017-72 - DIEGO TOTO WITH XM AUTOMOTIVE**

Synopsis: Renewal of a Special Use Permit (#SP-2015-67) for an automotive repair shop at 4439 Shawnee Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 18109

3. **#SP-2017-74 - WIL ANDERSON WITH BHC RHODES FOR WINIFRED ANDERSON**

Synopsis: Renewal of a Special Use Permit (#SP-2015-52) for recycling of pavement, truck weigh scale and fill site at 626R North 47th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 6 MONTHS)**

Tracking #: 18110

4. **#SP-2018-6 - BLAIR A. THEDINGER**

Synopsis: Special Use Permit for 2 goats at 411 Stine Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18111

5. #SP-2018-13 - LEE RYHERD WITH UHL ENGINEERING

Synopsis: Special Use Permit for a lot to be used as overflow storage and staging area for a used car lot at 1401 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18112

6. #SP-2018-14 - COREY R. FISCHER

Synopsis: Home Occupation Special Use Permit for an AIRBNB at 4451 Eaton Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18113

7. #SP-2018-16 - ADRIENNE BORTZ WITH GABEL RENTALS LLC

Synopsis: Special Use Permit for a short-term AIRBNB at 1101, 1103, 1107 and 1109 North 79th Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18114

C. VACATION APPLICATION

1. #U/E-2018-1 - EARL FREEMAN

Synopsis: Vacation of utility easements at 12940 and 12934 Hubbard Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 18115

D. PLAN REVIEW APPLICATION

1. #PR-2017-36 - KEVIN QUINN

Synopsis: Preliminary and Final Plan Review for expansion of Legends Honda parking on Lot 2 and Lot 4 for a private car wash and detailing facility to be used by the car dealership at 2200 North 99th Street and 10010 Lafayette Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 18116

E. MISCELLANEOUS - ORDINANCE AMENDMENT

1. ORDINANCE AMENDMENT removing the special use permit requirement for mobile grocery markets and a new definition for "mobile market" submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT *BOARD OF COMMISSIONERS AGENDA FOR MARCH 1, 2018*

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

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

REGULAR CONSENT AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. **ORDINANCE: 55TH STREET BRIDGES 109 AND 111 - CMIP 2134**

Synopsis: Authorizing the Chief Counsel to commence legal proceedings to acquire the property necessary for the 55th Street Bridges 109 and 111, CMIP #2134, submitted by Ryan Haga, Assistant Counsel.

On June 19, 2014, the Commission unanimously adopted Resolution No. R-39-14, declaring the project to be a necessary, valid public improvement and authorizing a survey of land to be acquired for said project.

Tracking #: 18118

2. **MINUTES**

Synopsis: Minutes from regular session of January 25, 2018.

Tracking #: MINUTES

3. **WEEKLY BUSINESS**

Synopsis: Weekly business material dated 22, 2018.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

1. **PUBLIC HEARING: 2019 PROPOSED UNIFIED GOVERNMENT AND COMMUNITY DEVELOPMENT BUDGETS**

Synopsis: Conduct the first public hearing to receive citizen comments on:

- UG 2019 proposed Operating and Capital Budget
- Community Development Block Grant Budget

Tracking #: 18121

XII. STANDING COMMITTEES' AGENDA

1. **GRANT: "BEAT THE PACK" PROGRAMS**

Synopsis: Request acceptance of a \$107,000 Special Initiative Grant from the Health Care

Foundation of Greater Kansas City for "Beat the Pack" programs, submitted by Terry Brecheisen, Health Department Director. No match is required, though in-kind support will be provided from the Health Department's FY2018 Chronic Disease Risk Reduction grant.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on February 26, 2018. It was requested, and approved by the Mayor, to fast track this item to the March 1, 2018 full commission meeting.*

Tracking #: 1864

2. RECOMMENDATION: BIKE SHARE EXPANSION PLAN

Synopsis: Recommended strategies and specific grant opportunities to expand a regional bike share system, operated by Bikewalk KC, into Kansas City, KS, submitted by Rob Richardson, Planning Director. The Rosedale Master Plan and additional planning work includes the expansion.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on February 26, 2018. It was requested, and approved by the Mayor, to fast track this item to the March 1, 2018 full commission meeting.*

Tracking #: 1891

3. GRANT: CONGESTION MITIGATION/AIR QUALITY, SURFACE TRANSPORTATION BLOCK GRANT PROGRAM, TA SET-ASIDE

Synopsis: Authorize staff to apply for federal funding through MARC to construct new sidewalks, submitted by Rob Richardson, Planning Director. The \$500,000 grant would require a 20% match (\$100,000) to be paid from the 2018 budgeted sidewalk funds.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on February 26, 2018. It was requested, and approved by the Mayor, to fast track this item to the March 1, 2018 full commission meeting.*

Tracking #: 18101

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, MARCH 1, 2018**

XIII. ADMINISTRATOR'S AGENDA

NEW ITEMS

**Item No. 1 – 18122....RESOLUTION: MOU WITH THE UNITED
BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, ST.
LOUIS-KANSAS CITY CARPENTERS REGIONAL COUNCIL**

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the United Brotherhood of Carpenters and Joiners of America, St. Louis-Kansas City Carpenters Regional Council, effective January 1, 2018, through December 31, 2019, submitted by Doug Bach, County Administrator. This represents the sixth of 12 union labor contracts to be ratified.

**Item No. 2 – 18123....RESOLUTION: MOU WITH FRATERNAL ORDER OF
POLICE, LODGE #4**

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Fraternal Order of Police, Lodge #4, effective January 1, 2018, through December 31, 2019, submitted by Doug Bach, County Administrator. This represents the seventh of 12 union labor contracts to be ratified.



Staff Request for Commission Action

Tracking No. 18122

Full Commission Meeting Date: 3/1/18

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>
02/28/2018	Doug Bach	x5027	dbach@wycokck.org	Administrator's Office

Item Description:

A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the United Brotherhood of Carpenters and Joiners of America, St. Louis-Kansas City Carpenters Regional Council, effective January 1, 2018, through December 31, 2019. This represents the sixth of 12 union labor contracts to be ratified.

Action Requested:

Request adoption of the resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Blue Sheet, 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 United Brotherhood of Carpenters and
Joiners of America, St. Louis-Kansas City Carpenters Regional Council, 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

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA, ST. LOUIS – KANSAS CITY
CARPENTERS REGIONAL COUNCIL

January 1, 2018 – December 31, 2019

MEMORANDUM OF UNDERSTANDING

ARTICLE 1 – INTENT AND PURPOSE.

This MEMORANDUM OF UNDERSTANDING by and between the Unified Government of Wyandotte County/Kansas City, Kansas and the United Brotherhood of Carpenters and Joiners of America, St. Louis – Kansas City Carpenters Regional Council, is entered into for the purpose of establishing rates of wages and specified working conditions. The Local Union Working Agreement or “Construction Agreement” (Joint Agreement between Builders’ Association of Missouri and the Union, effective May 1, 2013 marked Exhibit “A” and attached hereto) shall be recognized except as amended, deleted, modified or supplemented by the provisions of this Memorandum.

ARTICLE 2 – RECOGNITION.

The Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter the “U.G.”) recognizes and acknowledges the above-stated Carpenters Regional Council (hereinafter the “Union”) as the exclusive bargaining representative pursuant to the Public Employee Relations Act for all carpenters employed by the Building and Logistics Department of said Unified Government.

ARTICLE 3 – 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.

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 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 U.G., and subject to all policies, orders and directives, written or oral, of the U.G., 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 4 – FILLING OF VACANT POSITIONS.

When any 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 posts 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 and the department which 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 the Human Resources Department within the specified guidelines.
- (c) Such vacancies shall be awarded to the best qualified applicant considering the applicant's training, education, experience, ability, and past performance as long as such selection does not contravene any affirmative legal responsibility placed upon the U.G. and the applicant's successful completion of a drug screen and physical examination.

ARTICLE 5 – WAGES.

Section 1. During the term of this Memorandum of Understanding, the employees covered by this MOU shall receive the following wages in lieu of those wages provided for under the Agreement:

	1/1/18	1/1/19		
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Carpenter and Lather	\$31.68	\$32.31		
Foreman Carpenter and Lather	\$35.50	\$36.21		

All wages include one dollar (\$1.00) per hour vacation benefit contribution and twenty cents (\$.20) per hour Market Recovery Fund contribution. In addition, all wages include supplemental dues, which are calculated by dividing the U.G. straight-time wage by the Kansas City Area 1 Commercial outside journeyworker straight-time wage, and multiplying the quotient by the supplemental dues amount specified in the Kansas City Area 1 Commercial outside agreement for journeyworker carpenters.

The parties recognize that the wage rate increases for both 2018 and 2019 reflected above are two percent (2%) in each year. In the event that the Unified Government agrees to a wage rate increase in excess of two percent (2%) for either 2018 or 2019 with any of the other trade unions (Plumbers Union, L. No. 8, Construction and General Laborers L. No. 1290, Service Employees Int'l Union L. No. 1, and/or District Council No. 3 of the International Union of Painters and Allied Trades), then the bargaining unit members represented by the Union shall receive the same wage rate increase.

Section 2. In addition to the wage rate above mentioned, the U.G. will pay one hundred percent (100%) of the fringe benefits specified in the Agreement.

Section 3. Fringe benefits change under the Agreement, the craft shall obtain from the contracting association a written notice sent by registered mail, to the County Administrator and the Human Resources Department, the U.G. will adjust 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. The U.G. agrees that members of the carpenters craft employed as regular part-time employees shall be paid one hundred percent (100%) of the wage rate specified in this MOU and one hundred percent (100%) of the proportionate fringe benefits of the applicable carpenters craft and time for the purposes of this Memorandum part-time employees who are employed for a future specified limited period of time not to exceed ninety (90) calendar days.

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 not be eligible to participate, receive or purchase any dental or vision insurance provided by the U.G.

ARTICLE 6 – 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 7 – 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 8 – 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, 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 9 – 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 agreement or funds set out in the Agreement in Article V, then the U.G.'s obligation to continue its commitment hereunder shall cease.

ARTICLE 10 – WORKING RULES.

Article XI of the Agreement is deleted and the subjects expressed therein shall be governed by the provisions of the Human Resources Guide.

ARTICLE 11 – SPECIAL MILLWRIGHT WORK RULES.

Article XI of the Agreement is deleted.

ARTICLE 12 – PAYDAY AND PAYROLL CHECKS.

The U.G. has adopted a bi-weekly payroll system. Represented employees are paid each two (2) 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 13 – 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 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 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 receipt 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 or designee within five (5) days after receipt of the department head's written decision. The County Administrator or designee shall render a decision in writing within ten (10) days thereafter.

Step 6. If the County Administrator's or designee'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 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 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 the parties have selected an arbitrator, the parties shall act with all deliberate speed to schedule a hearing date 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 U.G. and the Union shall share the cost of the arbitrator equally.

ARTICLE 14 – NEW EMPLOYEES

The parties agree that in the event a current bargaining unit member of United Brotherhood of Carpenters and Joiners of America, St. Louis – Kansas City Carpenters Regional Council is no longer employed by the Employer as a bargaining unit member, the contract will be reopened. In the event that the 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.

ARTICLE 15 – DURATON.

Article 16 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) days and not more than ninety (90) days prior to December 31, 2019, (expiration date) or January 1 of any subsequent contract year. 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 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

THE UNIFIED GOVERNMENT

By: _____

Doug Bach
County Administrator

Date: _____

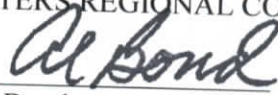
By: _____

Renee Ramirez
Director of Human Resources

UNION

ST. LOUIS – KANSAS CITY
CARPENTERS REGIONAL COUNCIL

By: _____


Al Bond
Executive Secretary-
Treasurer

Date: _____

By: _____


Kim Gillihan
Business Representative

Approved as to form:

Kenneth J. Moore, Chief Counsel

ATTEST:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 18123

Full Commission Meeting Date: 3/1/18

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 03/01/2018	<u>Contact Name:</u> Doug Bach	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> dbach@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Fraternal Order of Police, Lodge #4, effective January 1, 2018, through December 31, 2019. This represents the seventh of 12 union labor contracts to be ratified.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				

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 Fraternal Order of Police, Lodge #4 of
Kansas City, Kansas, 2018-2019.

**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 and Kansas City, Kansas

and

Fraternal Order of Police, Lodge #4
of Kansas City, Kansas

2018-2019

**Memorandum of Understanding
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DEFINITIONS

COMMANDER: Commanding officer of the police Department (Captains and above)

BUREAU: Major division within the Police Department

CHIEF: The Chief of Police

UNIFIED GOVERNMENT (UG): The Unified Government of Wyandotte County /Kansas City, Kansas

DEPARTMENT: The Kansas City, Kansas Police Department

DIVISION: Sub-section of a bureau or the Chief's office

F.O.P.: Fraternal Order of Police, Lodge #4

GENDER: The male shall include the female and the female shall include the male

IMMEDIATE SUPERVISOR: The person directly above the employee in rank

LODGE: Fraternal Order of Police, Lodge #4

MEMORANDUM: The Memorandum of Understanding

OFFICER or EMPLOYEE: A sworn Police Officer of the Kansas City, Kansas Police Department within the bargaining unit

SPECIALIZED UNIT: (Subject to modification by addition or deletion by the Department)

- (a) S.C.O.R.E Unit
- (b) C.S.I. (Crime Scene Investigations Unit)
- (c) Training Unit
- (d) Motorcycle Unit
- (e) K-9 Unit
- (f) School Resource Officer (S.R.O.)

MEMORANDUM OF UNDERSTANDING

WHEREAS, the parties hereto desire to maintain a harmonious relationship, to advance mutual interest in the preservation of public safety, law and order; to promote standards and conditions of employment for police officers of the City of Kansas City, Kansas; to achieve harmonious and peaceful adjustment of differences which may arise; and to establish standards of wages, hours, benefits and other conditions of employment.

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER CONTAINED, THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS, AND THE LODGE HEREBY AGREE AS FOLLOWS:

ARTICLE 1: RECOGNITION

The Unified Government of Wyandotte County / Kansas City, Kansas (hereinafter the "Unified Government") and the Kansas City, Kansas Police Department (hereinafter the "Department") recognize and acknowledge the Fraternal Order of Police, Lodge #4 (hereinafter the "Lodge") as the exclusive bargaining representative for all patrol officers, Detectives and Sergeants employed by the Department for the purpose of negotiating collectively with the Unified Government and Department pursuant to the Public Employer-Employee Relations Act of the State of Kansas, with respect to conditions of employment, as defined by the Act. The recognition herein afforded extends only to those classifications of officers who are in the bargaining unit for which the Lodge received certification as exclusive bargaining representative by the Public Employee Relations Board in Unit Determination Case UDC _ 6TG2817.DOC

69175. Excluded from the representation herein afforded are all non-sworn personnel of the Department, all confidential and supervisory officers, and all officers of the rank of Captain and above. However, nothing in this Article shall preclude any officer or individual excluded from the bargaining unit from becoming or remaining a member of the Lodge.

ARTICLE 2: LODGE STATUS AND RIGHTS

Section 2.1 Right of Organization

Officers shall have the right to join and participate in the Lodge.

Section 2.2 Right of Representation

Officers shall have the right to be represented by the Lodge to negotiate collectively with the Unified Government, in the determination of their conditions of employment, and the administration of grievances for the purpose of administering this Memorandum.

Section 2.3 Dues Deduction

The Unified Government agrees to deduct dues from the wages of employees in the bargaining unit who voluntarily provide the Unified Government with a written authorization which shall be terminable at the end of any year of its life by the employee giving at least thirty (30) days written notice of such termination; otherwise, the authorization will automatically renew for another year. In the event that no wages are due the employee, or that they are insufficient to cover the required deduction, the deduction for such calendar month shall nevertheless be made from the first wages exceeding \$100.00 next due the employee and will thereupon be transmitted to the Lodge. The Unified Government will be afforded a thirty (30) day written advance notice of any dues increase before it is obligated to deduct said dues

increase.

Section 2.4 F.O.P. Days

Bargaining unit members designated by the F.O.P. may be entitled, in accordance with the provisions herein stated, to draw upon a bank of one hundred seventy (170) work days, with pay, for the purpose of conducting business of the Lodge and/or police association business of members of the bargaining unit.

The bargaining unit business referenced herein includes, but is not limited to, state and national conferences of the Fraternal Order of Police organization, or to attend educational conferences in which the F.O.P. or bargaining unit members participate or sponsor, or civic events in which the F.O.P. or bargaining unit members participate or sponsor.

Included within the events covered by this section are any days where officers are released to be engaged in the following:

1. State F.O.P. Convention
2. Local representation at State F.O.P. Board Meetings
3. Local representation at National F.O.P. Convention
4. Local representation at educational conferences
5. Fundraisers
6. Young Hunters Safety Clinic
7. State Legislative Committee
8. Youth Camp
9. Special Olympics

10. F.O.P. Pro Rodeo

11. Activities of minority Police Officers Associations

This list is not exhaustive of all items covered by this section.

The Lodge, when possible, shall notify the Chief in January of each year covered by this Memorandum of the activities for which the Lodge on behalf of bargaining unit members will be requesting released time hereunder. All such leaves are subject to approval of the Chief. If as a result of these leaves a shortage of manpower exists then the Department shall have the right to cancel such leaves. The Lodge will notify the Chief of such requests at least thirty (30) days in advance of the leave days requested.

Once the bank of one hundred seventy (170) days is exhausted, no further leaves may be granted under this section. The lodge shall be permitted to carry over up to ten (10) F.O.P. days from one calendar year to the next year. The carryover F.O.P. days must be used during the subsequent year and the lodge shall draw upon those carry-over F.O.P. days before drawing upon the newly allotted days.

Section 2.5 Lodge Business

The Unified Government agrees that the President, Vice-President, Secretary, Treasurer and Chief Lodge Steward of the Lodge may conduct authorized Lodge business during regular working hours at the Unified Government Office Building or elsewhere as necessary. If any lodge position listed herein is held by a retired member of the lodge, the lodge president, upon notification to the department, shall be allowed to designate another fop executive board member, not listed herein, to participate in contract negotiations during regular working hours.

Prior to engaging in Lodge business at locations other than Department facilities, the Lodge representatives shall provide written notice to the Chief, via e-mail, with a copy to such Lodge representative's immediate supervisor, that they are engaging in Lodge business, and the Chief shall provide consent to such requests as soon as possible thereafter. Consent shall not be unreasonably withheld. The President and Chief Lodge Steward shall be assigned a daylight tour of duty, with weekends off, unless mutually agreed to otherwise. The Lodge shall notify the Department within ten (10) days of an election which results in any changes to the Lodge leadership. The Department shall have thirty (30) days from the date of the notification to change the assignments of the President and Chief Lodge Steward. The Chief will give consideration to the FOP duties of the President and Chief Lodge Steward in determining their appropriate assignments.

Section 2.6 Lodge Meetings

The President, Vice-President, Second Vice-President, Secretary, Treasurer, Sgt. At Arms, three (3) trustees and Chief Lodge Steward of the Union shall be allowed reasonable time to attend not to exceed one (1) regular meeting and one (1) special meeting per month of the local Union. Afternoon shift stewards may be allowed reasonable time to attend, manpower permitting, one (1) regular meeting per month, with consent of their Commander. If the steward is not available to attend the meeting then the alternate shift steward shall be sent in his place. The Chief shall be given written notice at least seven (7) calendar days in advance of such regular meetings and shall be given written notice and must consent to these Union officers being granted time off for any special meetings.

Section 2.7 Bulletin Board & Inter-Office Mail

(a) The Lodge shall have the privilege of the use of designated bulletin boards for the purpose of posting of notices of its legitimate activities. All notices so posted shall contain a letterhead which clearly indicates that the notice relates to activities of the Lodge and shall be dated and signed by an officer of said Lodge and submitted to the office of the Chief of Police prior to its posting. If the Chief believes any posting to be inappropriate he may communicate same to the FOP President/Chief Lodge Steward, who shall then take the appropriate action. It shall be the responsibility of the Lodge to remove notices which are outdated, unauthorized or inappropriate.

(b) The Lodge shall have the privilege of the reasonable use of the existing inter-office mail service for transmittal of communications for the official business of the Lodge to its members, as allowable by law. The use of said system shall be limited to communications within the Unified Government Office Building itself and to outlying divisions of the Police Department. Said communications shall be limited to an amount of correspondence to each member of the Lodge not to exceed five (5) separate mailings per month. The correspondence shall contain the same letterhead and signature and submittal required in the preceding subsection. The Lodge will not use, nor permit to be used, the Department's and/or Unified Government's, office machines, computers, copiers or supplies for communications, correspondence, or any other Lodge business without approval from the Chief of police, his designate or in accordance with Department policy.

(c) The Lodge shall have access to and use of the inter-department email system for

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purposes of communicating with members regarding upcoming Lodge events, meetings and/or elections of Lodge officers. The Lodge emails shall be sent by the President, Secretary or Chief Lodge Steward. Emails shall be restricted to preclude the recipients from replying to the original communication. The emails shall be in good taste. If the Chief believes that such emails are inappropriate, he shall inform the Lodge President or Chief Lodge Steward, and they shall take appropriate action to rectify the situation. If such inappropriate e-mails persist after being brought to the attention of the FOP the privilege of e-mail communication may be discontinued for a one year period of time.

Section 2.8 Negotiators Pay

The Unified Government will not allow Lodge members time off with pay for purposes of engaging in collective bargaining sessions with the Unified Government except when the Lodge negotiators request to use their accumulated vacation time, compensatory time or regular overtime days for these purposes or as provided in Section 2.5 herein. Additional Lodge negotiators may also use FOP days to attend negotiations.

ARTICLE 3: LODGE COOPERATION MANAGEMENT RIGHTS

Section 3.1 Lodge Cooperation

The Lodge and the Unified Government have entered into this Memorandum for the purpose of facilitating the peaceful adjustments of differences that may arise from time to time and to promote harmony and efficiency and to the end that the police officers and the Unified Government and the general public may mutually benefit. Consistent with this general purpose, the Lodge recognizes that an obligation rests upon each officer to render honest,

efficient and courteous service to the Unified Government and its citizens. The Lodge agrees to cooperate with the Unified Government in its efforts to strengthen the good will between the Police Department and the general public.

The Lodge recognizes the need for improved methods in providing police services to the citizens of the City/County under the jurisdiction of the Unified Government and agrees to cooperate with the Unified Government and Department in the installation of such methods, in suggesting improved methods in the education of its members and the necessity for such changes and improvements. The Lodge, the Unified Government, and the Department recognize that the philosophy of community policing problem solving benefits the entire community.

Section 3.2 Management Rights

By entering into this Memorandum, the Unified Government has agreed to certain specific limitations on its right to manage the Police Department and direct the personnel. However, it is the intention of the parties hereto that the Unified Government retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations thereon. The Unified Government has, by certain specific articles of this Memorandum, relinquished a portion of its exclusive management rights and it is understood that those articles shall supersede the reservation of rights to the extent of the Article in conflict.

The exclusive rights of the Unified Government which are not abridged other than by this Memorandum shall include, but are not limited to, its right to determine the existence or

nonexistence of facts which are the basis of a management decision; to establish or continue policies, practices and procedures for the conduct of the Department and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations or to discontinue their performance by sworn police officers; to select, determine and schedule the number or type of employees required; to assign work to such employees in accordance with the requirements determined by the Department; to establish and change work schedules and assignments; to determine the facts of lack of work; direct the work of its employees; hire, promote, demote, transfer, assign and retain employees in positions within the public agency; discipline, suspend or discharge employees for proper cause; maintain the efficiency of governmental operation; to lay off officers; take actions as may be necessary to carry out the mission of the Department in emergencies; determine the methods, means and personnel by which operations are to be carried on; to unilaterally develop Standard Operating Procedures, General and Special Orders and Rules and Regulations not in conflict with this Memorandum; to establish and maintain reasonable standards for wearing apparel and personal grooming; and all other prerogatives and responsibilities normally inherent in management of the Unified Government or Police Department which are not in conflict with the specific provisions of this Memorandum. All management rights, power, authority and functions other than those relinquished by the Unified Government in this Memorandum shall remain vested exclusively in the Unified Government.

Neither the Unified Government nor the Lodge through their officers, members,

representatives, agents or committees, shall engage in any subterfuge of any kind for the purpose of defeating or evading the terms of this Memorandum.

ARTICLE 4: NON DISCRIMINATION

The Unified Government and Lodge agree that they shall not directly or indirectly discourage or deprive or coerce any officer in the enjoyment of any rights conferred by the laws of the State of Kansas or the United States; that the Unified Government shall not discriminate against any officer with respect to hours, wages or any other term or condition of employment by reason of his membership in the Lodge or his participation in any of its activities, collective negotiations with the Unified Government or his institution of any grievances, complaints or proceedings under this Memorandum with respect to any terms or conditions of employment; and that the Unified Government and Lodge will fully comply with applicable laws and regulations regarding discrimination against any employee due to such person's race, color, creed, religion, national origin, sex, age or disability.

ARTICLE 5: PROBATIONARY OFFICERS

New officers shall be considered Probationary Officers until six (6) months after they have been released from the F.T.O. program. Any interruption of employment (leave, sickness, injury, etc.) during the probationary period in excess of seven (7) working days per year shall not be counted as part of such probationary period. Probationary-Officers may be discharged or disciplined at the sole discretion of the Department without recourse to the provisions of this Memorandum; however, they shall have the right to appeal a discharge to the Chief or his designee whose decision shall be final and binding.

Probationary Officers shall not accrue seniority until the completion of their probationary period. Upon the completion of the probationary period, the officers' seniority date will be measured from their date of hire as provided in Article 6.

ARTICLE 6: SENIORITY

Section 6.1 General

Seniority shall be measured by continuous service as a sworn police officer in the Department from the date of last hire, unbroken by other than vacation, military leave or other authorized leaves of absence of not to exceed ninety (90) days, and lay-off not in excess of three (3) years. Seniority shall be broken by discharge, resignation, retirement, lay-off in excess of three (3) years, permanent disability, or suspensions of four (4) months or more or leaves of absence of ninety (90) days or more. Provided that, in the case of break in seniority caused by suspensions of four (4) months or more, or leaves of ninety (90) days or more, seniority shall be reduced only by the length of the suspension or the number of days in excess of ninety (90) days for leaves of absence. In cases of disputes concerning seniority the Department's records shall govern. The seniority of officers who graduated in the same Police Academy class and have the same date of hire, shall be established by the individual officer's class rank in his graduating class.

Section 6.2 Reduction in Force

In the event of a reduction in force, seniority will be the determining factor in selecting the officers to be laid off. Officers will be recalled to duty in reverse order of their layoff.

Section 6.3 Seniority Sergeants and Detectives

Seniority for Sergeants and Detectives shall be measured by time in grade. For promotions occurring on or before June 1, 2015, if time in grade is equal, continuous service shall control; and, if continuous service is equal, ranking on the applicable eligibility list, from which they were promoted, will control. For promotions occurring after June 1, 2015, if time in grade is equal, ranking on the applicable eligibility list from which they were promoted will control.

A Detective or Sergeant promoted out of the bargaining unit will retain his full seniority rights, including time spent at a rank outside of the bargaining unit, upon return to the unit, if such return occurs within six (6) months. If the individual returns to the bargaining unit after more than six (6) months, he shall be credited with seniority only for the time actually served in bargaining unit classifications, and he shall begin to accrue seniority from the date of his return to the bargaining unit. If a commander is reduced to the rank of sergeant or detective, he shall commence earning "time in grade" seniority from the date he last assumed the duties of that previous rank. If a commander is reduced to the rank of police officer, he or she shall be credited for seniority purposes for all time spent in a bargaining unit position regardless of rank of that position.

Section 6.4 Seniority Roster

The Lodge will be provided with an up-to-date seniority roster containing names, length of service (time in grade for Sergeants and Detectives), and rank of each officer represented by the Lodge. This seniority roster will be provided to the Lodge and will be posted not later than

fifteen (15) calendar days prior to the opening of the annual bid period in December. In the event an officer believes an error has been made as to his position on the seniority roster, he shall have ten (10) calendar days after the roster is posted to file his protest, in writing, with the Chief through the Lodge.

ARTICLE 7: HOURS OF WORK

Section 7.1 General

The work week shall extend from 0001hours Thursday to 2359 hours the following Wednesday. The standard work day shall be eight and one-fourth (8-1/4) hours of work per day; the standard work week shall be forty-one and one-fourth (41 1/4) hours of work per week. Normally, each employee's assignment will consist of five (5) consecutive days of work with two (2) consecutive days off, except when an officer bids and changes positions. Relief personnel will work the hours and days assigned, in accordance with §8.3.

The pay period shall be Thursday to Wednesday.

Section 7.2 Criminal Investigations Bureau

The normal work week in the Criminal Investigations Bureau shall consist of five (5) consecutive days of work with two (2) consecutive days off during the work week; however, it is recognized that certain personnel within the Criminal Investigations Division will necessarily be required at periodic intervals to work more days than specified herein.

Section 7.3 Shift Assignments

There may be three basic work shifts within the Bureau of Operations and Crime Scene Investigations Unit. There may also be a flexible umbrella shift in the Bureau of Operations

and Identification Unit. The hours for these basic shifts shall be established by the Department. The Lodge shall be notified in advance of modification to these hours. The work shift for officers shall begin fifteen (15) minutes before their scheduled tour of duty. This time shall be considered part of the normal work day and not subject to overtime compensation.

Section 7.4 Community Oriented Policing Unit

Community police officers' work hours shall normally be in accordance with Section 7.1. At the officer's discretion, and with unit supervisory approval, for the purposes of fulfilling the objectives of Community Oriented Policing, the officer may split his eight and one-quarter (8-1/4) hour work day. If the work day is split, one hour of travel time shall be granted to the officer as part of the eight and one-quarter (8-1/4) hour work day.

Section 7.5 Meal Period and Coffee Breaks

Each officer shall be allowed a thirty (30) minute meal period per tour of duty. Such meal periods shall be taken between the second and seventh hours of such tour except under extenuating circumstances and with permission of the officer's field supervisor. An officer will be subject only to priority calls during his meal period. Officers will be allowed to take periodic coffee breaks as long as they are not out of service and properly perform their assignments.

ARTICLE 8: WORK ASSIGNMENTS

8.0 General:

The Department will use consistent methods and procedures when implementing the provisions of Article 8.

a.) Absentee Bid – Failure to Bid

In the event an officer is going to be absent during the entire period that a job is posted for bid, or call for resume and qualified bid, the officer shall have the opportunity to submit a request to fill the bid, call for resume, or qualified bid by proxy. The proxy shall be signed by the officer. One copy of the proxy request shall be given to the President of the Lodge or his designee, who shall exercise it and one copy to the Chief. The officer who makes such a proxy request must fulfill the selection provisions of the bid that other officers are required to fulfill.

b.) Spousal Supervision

The Department and the Lodge recognize the unique nature of marriage, the marriage contract and spousal privilege. Therefore, spouses may not directly supervise spouses. The subordinate officer spouse must select a position that is not supervised directly by the supervising or commanding officer spouse. The parties agree that the language contained in this paragraph shall not be applicable to the Acting Sergeant provisions in Section 8.6(a). In the event that a bargaining unit member is made Acting Sergeant during a shift in which his/her spouse is also working, that member will recuse himself/herself from directly supervising him/her on any incidents which may occur. In those instances, the Acting Sergeant will call upon another supervisor to direct the activities of the affected spouse.

Section 8.1 Annual Bid for Bureau of Operations

a) Bidding Procedure

Officers assigned to the Bureau of Operations shall be assigned annually to their respective shifts and stations by the Bureau Director on a bid basis in accordance with seniority. Bidding for shift, station assignments and days off in the Bureau of Operations shall occur annually in December of each year. Probationary Officers shall have no seniority and

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may be assigned at the discretion of the Bureau Director.

Bidding shall begin by December 15 and shall be made at the designated place between the hours of 0700 and 1700. Officers shall be assigned a time at which to bid in accordance with their seniority. Once an officer has submitted his bid, he shall immediately leave the bidding area. The result of the bidding shall become effective the beginning of the first pay period in January. If, after the date of the annual bid, and before the effective date of the annual bid, an officer's active status changes to injured on duty, as described in Section 21.7 (Injury Leave) of the Memorandum of Understanding, that officer shall have ninety (90) days from the effective date of the annual bid to fill the annual bid position. If any such affected officers fail to fill the bid position within ninety (90) days, the position shall be considered vacant and shall be re-bid within ten (10) days thereafter. The affected officer will be ineligible to bid until a release from full duty is submitted from the treating physician. Any other officer who is incapable of fulfilling the position which he has successfully bid, within ten (10) calendar days of its effective date, then the position shall be considered vacant and shall be re-bid within ten (10) calendar days. That forfeiting officer shall be assigned at the discretion of the Bureau Director. That forfeiting officer cannot re-bid this vacant position until the position has been filled and becomes open and is posted for bid again.

No officer shall be required to work two consecutive shifts as a result of the annual bid. Officers affected by this circumstance may use an accrued vacation, holiday or compensatory time for the first shift of the new bid if so desired.

b) Absentee Bid – Failure to Bid

In the event an officer is going to be absent during the period he is assigned to bid he shall have an opportunity to exercise his bid rights by proxy in accordance with Article 8.0 (a).
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The proxy shall be signed by the officer and specify four (4) alternative bid choices. If the absent officer is unable to obtain a bid position with any of his alternate choices, then he shall be assigned to an unbid position by the Bureau Director.

Officers who do not exercise the opportunity to bid during the appropriate period shall forfeit their right to bid. These officers may be assigned to any unbid position by the Bureau Director.

All bids shall be tabulated and certified by the Bureau Director or his designee and the Lodge President or his designee.

c) Temporary Re-assignment.

Officers and Sergeants, who are assigned to Patrol, may be temporarily re-assigned from their bid position to another station or assignment in Patrol to provide additional staffing. The days off and the regular shift hours of these Officers and Sergeants will not be changed as a result of this temporary re-assignment. Furthermore, previously approved days off shall not be rescinded as a result of a temporary re-assignment to another patrol division or station. Sergeants' reassignments shall be offered to all sergeants who are working the same shift in the same Division on a voluntary basis. If there are no volunteers, the sergeant reassignment shall be done on the basis of reverse seniority of the involved sergeants of the affected shift.

Section 8.2 Extra Relief Positions

a) Assignments

Officers bidding extra relief assignment shall bid for shifts, days off and primary station assignment. However, officers filling extra relief positions may be temporarily transferred

between stations at the discretion of the Department.

Additional extra relief positions shall be put up for bid if the open position is to be filled.

b) Filling Injured on Duty Vacancies

Vacancies created by an officer on injury leave will be offered to the extra relief officers on the same shift according to seniority. If the vacancy is not then filled, the Department may then assign an extra relief officer in reverse order of seniority. Provided, that extra relief officers, who fill vacancies created by an officer's having been injured on duty, may not remain in such positions for more than six (6) months. At the end of such temporary replacement period, the extra relief officer involved shall be allowed to return to his bid position.

Section 8.3 Bidding and/or Assignment for Vacancies (other than annual bid).

a) Bureau of Operations

1. Permanent bid vacancies which exceed sixty (60) days, regardless of the cause of such vacancy (other than injury leave under section 21.7) shall be filled on a bid basis and must be posted for at least ten (10) calendar days prior to the expiration of the sixty (60) day period. Using Department e-mail, the Department shall notify successful bidders on the day the bid closes. The position must be filled no less than seven (7) calendar days and no more than twenty (20) calendar days from the date the bid closes. Provided that vacancies created by an officer being injured on duty shall not be subject to bid for six (6) months from the date of injury. Provided further, that probationary officers can be placed at the discretion of the Bureau Director. Positions which did not exist at the last annual bid and are being filled by probationary officers are not required to be posted for bid.

2. Officers in the Bureau of Operations entitled to bid shall have the right to successfully bid for vacancies not more than two (2) times in any calendar year, excluding the annual bid, call for resume and qualified bid positions; provided, that, upon an officer's successful bid for a vacancy, other than the annual bid, he shall be required to serve a minimum period of three (3) months in that position before he may bid for another new or vacant position in a patrol station within the Bureau of Operations.

3. If an officer is incapable of fulfilling the new or vacant position which he has successfully bid, within ten (10) calendar days of its effective date, then the position shall be considered vacant and shall be re-bid. The forfeiting officer shall then be prohibited from rebidding that particular position until said position has been filled and becomes open for bid again.

4. The assignment of officers to fill vacancies of a duration of less than sixty (60) days shall be at the discretion of the Director of Operations.

b) Qualified Bid Procedure

1. Vacancies which exceed sixty (60) days, regardless of the cause of such vacancy (other than injury leave under section 21.7) must be posted, commencing no later than the expiration of the sixty (60) day period, and must be posted for at least ten (10) calendar days. The positions must be awarded, no more than thirty (30) calendar days from the date of the posted deadline. If an officer is incapable of fulfilling the new or vacant position, which he has successfully bid, within ten (10) calendar days of its effective date, then the position shall be considered vacant and shall be filled by another officer from the same bid, unless the officer is unable to fill the bid because the

officer is on approved injury leave pursuant to Section 21.7 in which case the officer shall have ninety (90) days to fill the position.

(A) When vacancies occur or new positions are created in Community Policing, Traffic Support Unit, School Resource and Dare, Homicide, Child Abuse, Crime Analysis, Property/Logistics Unit, Threat Assessment Unit, Vice/Narcotics Unit or any Specialized Unit, the Department shall notify the Lodge and all members of the vacancy via interdepartmental e-mail and the Department will also post a copy of the notice on appropriate bulletin boards in all divisions. Specific training courses shall not be made prerequisites for filling any unit entry level bid vacancies. Successful bidders in the Threat Assessment Unit must have the approval of any outside agency / task force with whom they will be working.

(B) The posting of the new or vacant position in the units listed above in section 8.3(b)(1)(A) shall:

1. Identify the vacant or new position by name and the rank of the position;
2. List the days off for the position;
3. Identify the Unit where the position is located;
4. Identify the hours of work for the position;
5. Identify the date on which the applications for the position must be received and to whom the application should be delivered;
6. Reference the specific Standard Operating Procedure containing the specific job description for the vacant or newly created position;
7. Provide the entry qualifications for the position; and,
8. List the following factors or circumstances which disqualify an officer

from bidding the position. An officer will be disqualified:

- a. The officer fails to meet the entry qualifications for the position as identified on the posted bid;
- b. If the officer has had eight (8) or more sick leave occurrences within the twelve (12) month period prior to the bid being posted;
- c. If the officer has had two (2) or more negligent accidents within the twelve (12) month period prior to the bid being posted;
- d. If the officer has had two (2) or more major violations within the twelve (12) month period prior to the bid being posted;
- e. If the officer has had two (2) or more founded internal investigations within the twelve (12) month period prior to the bid being posted; or,
- f. If the officer has received or accumulated major discipline of thirty (30) days or longer within the twelve (12) month period prior to the bid being posted.
- g. Officers who have a sustained violation of Rule 3.23 – Dishonesty / Lack of Honesty, shall be prohibited from bidding positions in the Crime Scene Investigation Unit (CSI) or the Homicide/Major Case Unit. For purposes of this section, “sustained violation” shall mean the Chief of Police issued a final disposition of a disciplinary action citing Rule 3.23 and the

Lodge chose not to challenge the finding through arbitration or challenged the disciplinary action to arbitration and the arbitrator issued a decision sustaining the violation. This section shall not apply to any officer in the CSI Unit or in the Homicide/Major Case Unit on February 1, 2018; however, officers assigned to the Homicide or CSI units on February 1, 2018, who have a prior sustained violation of Rule 3.23 as described herein and who leave the unit for any reason, shall not be allowed to subsequently bid back into either unit.

(C) Officers shall submit their bid to the Chief of Police or his designee within the time prescribed in the bid position posting. Once the deadline has passed, the Chief of Police or his designee shall review the bids and determine if any or all applicants meet the entry qualifications or are disqualified from the position. If after such review, more than one bidder remains eligible for the position, the position shall be awarded to the senior bidder. If the need arises to change the entry qualifications, the Department shall notify the Lodge, in writing, and articulate the reasons necessitating such a change. The Department's obligation to notify the Lodge of a change in the entry qualifications will in no way abridge its management rights set forth in Article 3.2. The parties agree that the disqualifiers for each position shall not be changed, altered or amended without the consent of both parties. The parties further agree that the hours of work and the days off in the positions in units listed in Section 8.3(b)(1)(A) may be flexed with the exception of the positions in the Property/Logistics Unit, Crime Scene Investigation, and the Training Academy, excluding the positions of

Range Master and Assistant Range Master. The hours of work for Child Abuse may be flexed in accordance with Section 8.3(d)(1).

(c) Positions Filled at the Discretion of Chief of Police

1. Officers assigned to the Dignitary Protection, Crisis Intervention Team, Recruitment, Planning and Research, Vice or Narcotics Unit as undercover officers, who receive special duty pay as set forth in Article 22, and officers who are selected to participate in Task Force assignments with outside agencies, shall be selected at the discretion of the Chief of Police after posting and the submission of resumes. Any other position or vacancy for Patrol Officer, Detective or Sergeant in the Vice or Narcotics Units shall be filled by the procedure in 8.3(b)(1) with the additional stipulation that personnel who submit names for positions with an outside agency must have approval of that outside agency or task force with whom the officer will work. Whenever there is a Task Force opening, all interested officers shall be considered by the Chief.

d) Criminal Investigations Bureau (CIB)

1. Permanent Vacancies

Permanent vacancies in the Criminal Investigations Bureau, regardless of the cause of such vacancy (other than injury leave under section 21.7), shall be filled on a bid basis within a reasonable period of time after the vacancy occurs. Except as outlined in Section 8.3(b)(1)(A), positions will be awarded to qualified candidates on the basis of seniority. The successful bidder shall be required to serve a minimum period of three (3) months in that position before he may bid for another new or vacant position in the Criminal Investigations Bureau. All bid notices and qualified bids for all positions in the Criminal Investigations

Bureau shall list the shift and regular days off for each position. Shifts are subject to change on a temporary basis as operations dictate. Days off and hours of work for Homicide Detectives may be changed at the discretion of the Bureau Commander. When the Bureau Commander determines that the need for the change no longer exists, the Homicide Detectives shall be returned to their regular shift and days off.

2. Metro Squad Assignments

Detectives may be assigned to investigator positions on the Metro Squad by seniority on a rotating basis within their unit in the CIB. No Metro Squad assignments may cause a shortage of manpower within any CIB units which within the Bureau Commander's opinion renders that unit unable to perform its regular duties and the Bureau Commander may alter such assignments to protect against such occurrences. Metro Squad "Report" and "Lead" officer assignments are excluded from these assignment provisions as well as homicide officers.

3. Internal Affairs Unit of the Staff Support Division

New or vacant Detective positions in the Internal Affairs Unit shall be filled by initially allowing all Detectives to respond to a call-for-resume posting. After review of the resumes submitted, the Department will select a suitable Detective from those Detectives who submitted resumes. If, at the Department's discretion, no satisfactory Detective has been identified at this point the Department can select and fill the position with any Detective, who has not yet reached the rank of Master Detective. Detectives who are selected to work in Internal Affairs must remain there for twenty-four (24) months, even if during this period they

have reached the rank of Master Detective. If, at the end of twenty-four (24) months, the Department and the Detective both agree, the assignment may be extended in twelve (12) month increments up to a maximum of forty-eight (48) months. Upon completion of their tour of duty in the Internal Affairs Unit, Detectives shall have the right to bump into any position in the Criminal Investigations Bureau their seniority will allow them to hold, except for the Homicide and Child Abuse Units. When a vacancy occurs in the Homicide Unit or any newly created Detective positions, any Detective assigned to the Internal Affairs Unit may submit a bid, or qualified bid for that position. Detectives assigned to Internal Affairs shall receive special duty pay as outlined in Article 22.

e) Specialized Units

1. Vacancies

Permanent vacancies or temporary vacancies, regardless of the cause of such vacancy (other than injury leave under section 21.7), known to exceed sixty (60) days at the time they occur shall be filled on a bid basis in accordance with the procedure outlined in Section 8.3(b)(1). Specific training courses shall not be made prerequisites for filling any unit entry level bid vacancies. Only officers who have achieved the status of Patrolman First Class may bid a position in a specialized unit. An officer who successfully bids a position in a specialized unit shall be required to remain in that position and shall not have the right to bid upon another position for a period of Eighteen (18) months from the date he is notified that he is the successful bidder, subject to the provisions of Article 9.2 of the Memorandum of Understanding. The foregoing provision requiring an officer to remain in a position for eighteen (18) months shall not preclude the Department from exercising its management right to abolish such position.

Bidding for positions in the specialized unit will be done only when a vacancy occurs.

2. New Positions

Bidding for new positions in any specialized unit will be done in accordance with the procedure outlined in Section 8.3(b)(1).

3. Tactical Unit

Bidding for a new or vacant position in the Tactical Unit will be done in accordance with the procedure outlined in Section 8.3(b)(1). Any officer filling a position within the Tactical Unit will be required to maintain physical fitness and training requirements for members of the unit in accordance with applicable Department policy and such requirements will be part of the selection process for assignment to this unit. Successful bidders in the Tactical Unit must have the approval of any outside agency / task force that they will be working with.

4. Motorcycle Unit

Bidding for a new or vacant position in the Motorcycle Unit will be done in accordance with the procedure outlined in Section 8.3(b)(1).

5. Bidding Work Assignments - Crime Scene Investigation Unit

Bidding for a new or vacant position in the Crime Scene Investigation Unit (CSI) will be done in accordance with the procedure outlined in Section 8.3(b)(1). An officer assigned to CSI may not exercise his seniority for callouts until he has received a certification and/or a rating of proficient or better on an evaluation in the areas of fingerprinting, blood spatter, trace evidence and forensic photography. The officer must be given such evaluation within ten (10) days of submission of a request for an evaluation, absent exigent circumstances. Any subsequent request for evaluation will be limited to one (1) evaluation every ninety (90) days.

Section 8.4 Police Training Officers

Officers may be selected to serve as Police Training Officers (PTO's) by the Chief of Police. PTO's selected and assigned to train recruits shall receive monthly special duty pay as outlined in Article 22 for the full year. Once selected, PTOs shall remain in their position until they express a desire to leave the position or the Department removes them from the position for cause. PTO's may also be selected and assigned by the Chief to train newly promoted sergeants and detectives. PTO's assigned to train sergeants and detectives shall receive an additional \$4.00 per hour as special duty pay for time during which such PTO's are actively engaged in training. PTO's however shall not receive special duty pay for any time associated with providing instruction at the police academy. These officers shall be trained and properly certified by the Department and shall be assigned to their duties of recruit training, academy instruction and other assigned duties at the direction of the Chief. Seniority of the PTO's shall not be a consideration in assigning recruits or other duties but their assignments shall be determined solely at the discretion of the Department.

Section 8.5 Bumping

Officers of each of the following two (2) categories will be allowed to exercise their seniority by bumping into another filled or unfilled bid position:

- 1) Officers, whose jobs were abolished by the Department between annual bid periods; and
- 2) Officers who are no longer eligible or qualified to hold the positions for which they have bid because the requirements for those positions have been changed since the last bid.

When such bumping is allowed, each officer affected by the bump also will be allowed to exercise his seniority in a like manner.

The Department, when feasible, will abolish jobs at the end of a bid period, allowing affected officers to bid in the annual bid.

Officers may not bump into specialized units, qualified bid or call-for-resume positions.

Section 8.6 Assignment Out of Rank

The Lodge recognizes the need for individual officers to perform, from time to time, the duties of officers of the next higher rank.

a) Acting Sergeant

Patrolmen on each shift may be assigned by their immediate and/or unit supervisor to temporarily perform the duties of a Sergeant, at the per diem pay of a Sergeant. Such temporary vacancies will be filled by individuals on the same station and shift, or same unit and shift, according to their relative position on the Sergeant's eligibility list. If an officer on the same shift and station, or same unit and shift is on the Sergeants' promotion eligibility list then that officer shall fill the temporary vacancy. If there is no one available on the same shift and station, or same unit and shift, who is listed on the Sergeant's eligibility list, then the Department's seniority list shall be used starting from the most senior to the least senior officer. If no one accepts the temporary assignment from the Department's list, then the least senior patrol officer on that shift, station, or unit and shift shall fill the temporary vacancy. Probationary officers are not eligible for acting Sergeant Assignment.

b) Acting Detective

Patrolmen may be temporarily assigned to the Criminal Investigations Bureau as acting Detectives. Such temporary assignments shall be filled by the individual who is highest on the

Detective eligibility list, if such individual so chooses, and that individual shall receive the per diem pay of a Detective.

In the Narcotics Unit, unit patrol officers shall be assigned by their unit supervisor to temporarily perform the duties of an acting Detective in Narcotics Unit at the per diem rate of a Detective. Such temporary vacancies shall be filled by individuals in the Narcotics Unit according to their relative position on the Detectives' eligibility list. If an officer is on the Detective promotion eligibility list then that officer shall fill the temporary vacancy. If no one is available who is listed on the Detective's eligibility list, then the Department's seniority list shall be used starting from the most senior officer to the least senior officer. If no one accepts the temporary assignment from the Department's list, then the least senior patrol officer on that shift, station, or unit shall fill the temporary vacancy. Probationary officers are not eligible for acting Detective assignment.

In the event of special investigations which require special education, training or experience, which qualifications are not held by existing Detectives or Master Detectives, then patrolmen possessing the required special qualifications may be assigned to Acting Detective positions. Such officers shall receive the per diem pay of a Detective during the time actually served.

c) Acting Captain

Detectives and Sergeants on the Captain Promotion Eligibility List shall be given an opportunity to serve as an Acting Captain, at the per diem base pay of a Captain, to fill temporary vacancies in the following manner:

Each vacancy in the Department known to be temporary at the time it occurs will be filled by the individual highest on the Captain's Eligibility List for that station and shift, or unit and shift. If there is no one available in the station and shift, or unit and shift, who is on the Captain's Eligibility List, then the Department Seniority List from that station and shift, or unit and shift, will be used. If no one on the Department Seniority List from that station and shift, or unit and shift, volunteers, then the Senior Sergeant or Detective from that station and shift, or unit and shift shall be used to fill the vacancy. For the Bureau of Operations the acting Assistant Division Commander will come from Shift 1 and the acting Division Executive Officer will come from Shift 3. Per Diem Pay shall commence on the first day of such service following the Captain's regular days off.

d) Procedure

The following rules shall apply when determining if and how an out-of-rank assignment should be made in the four patrol stations in the Bureau of Operations:

1. Only one hard stripe or acting Sergeant or acting Captain is required for any given shift.

2. When a "hard" Captain is working, and no Sergeant is working, a Sergeant will be held over from the previous shift and a Sergeant called in early from the next shift to fill the vacancy. When a Sergeant is held over and brought in early no acting Sergeant will be made. If no hard Sergeant is available to either hold over or come in early to fill the vacant shift, an acting Sergeant will be made to cover a vacancy that cannot be filled by a hard Sergeant.

3. On a shift where two Sergeants are assigned, an acting Sergeant may be

utilized, manpower permitting, to allow a Sergeant a day off on the regular day off of the other Sergeant.

ARTICLE 9: TRANSFERS

Section 9.1 Personal Requests

Any officer may request a transfer of assignment from one shift to another or one station to another. All such requests for transfer shall be in writing and served on the station or unit commander with copies to the appropriate Bureau Director and to the Lodge. Requests for transfer shall be granted only for legitimate personal reasons or the officer's inability to adequately perform assigned duties and provided there is an open position available or another eligible qualified officer will consent to trade shift, station or assignment with the officer seeking the transfer. If the Bureau Director denies the transfer request, the officer may appeal that decision to the Chief. Officers shall not be allowed time off or be paid for the extra days worked if the transferred officer fails, as a result of the transfer, to receive the requisite two (2) days off during the work week of the transfer. No transfers between Bureaus or into Specialized Units shall be allowed under this section.

Section 9.2 Departmental Transfers

Officers may be transferred by their Bureau Director, either temporarily or for the duration of an annual bid period, to another shift or station. Such transfers shall only be for the following reasons:

- 1) Providing adequate police services;
- 2) Inability to perform assigned duties;

- 3) Inability to successfully complete training requirements of his position; or
- 4) Inability to function within a given area without an unusual incidence of founded complaints.
- 5) In cases of alleged sexual harassment, temporary transfer pending completion of the investigation.

The officer affected and the Lodge shall receive notice, in writing, of the transfer and the reasons therefore. Departmental transfers, for the purpose of affording necessary police service, shall as far as practicable be in reverse order of seniority on each shift. Officers transferred at the request of the Department shall be paid one and one-half (1-1/2) times their normal rate of pay for all hours worked over forty-one and one-fourth (41-1/4) in the event they do not receive their requisite days off.

The Department shall have the right to fill vacancies created by transfers made under this section for up to sixty (60) days without being required to place said vacancies up for bid. Such vacancies shall be filled by the least senior officer at the station and shift to which the transferred officer has been assigned. At the end of sixty (60) days, the officer who has temporarily filled the vacancy shall return to his original position and the transferred officer shall either be returned to his former position or his former position shall be declared vacant and filled on a bid basis in conformity with Section 8.3(a), unless an annual bid has occurred in the interim.

Officers within the Bureau of Operations or Services who have been transferred under subsections (2) (3) or (4) of this section, will not have the opportunity to re-bid the position or

station from which they were transferred for a period of one (1) year, if within the Bureau of Operations, or two (2) years if within the Bureau of Services.

ARTICLE 10: JOB CLASSIFICATIONS

Section 10.1 General

The Department has full discretion in establishing, modifying, abolishing or re-establishing job classifications, determining the job descriptions and job requirements for a particular job classification, the number of personnel needed or assigned to a particular classification, and determining the qualifications of the officers for particular job classifications consistent with the Department's requirements. The Lodge shall be notified of any new job classification prior to implementation and afforded an opportunity to consult with the Department regarding new classifications.

Section 10.2 Job Classifications

The job classifications for officers of the Kansas City, Kansas Police Department covered by this Memorandum shall be as follows:

Sergeant

Detective

Patrolman

(a) Sergeant

A Sergeant is responsible for supervision of and assistance to patrolmen and other subordinates on his tour of duty. His duties include performance of required paperwork, in addition to patrol work, taking command of more difficult situations and giving instructions to

subordinates to accomplish tasks. When a Captain is not regularly assigned to a particular shift and station, or unit, and a Sergeant is thereby required to perform a Captain's work, no assignment out of rank pay (as specified in Section 8.6) shall be paid to said Sergeant. The senior Sergeant on that particular shift and station, or unit, will complete the required paperwork.

(b) Detective

Detectives are ranking officers who have been promoted into the Criminal Investigations Bureau and who are then specially trained in criminal investigation and assigned to the investigation of crime. Detective duties are as more fully set out in the Department's Standard Operating Procedure & General Orders.

(c) Patrolmen

Patrolmen perform general police work involving patrol and traffic activities, enforcing state and municipal laws, regulations and ordinances protecting life and property.

Section 10.3 Sergeant - Bidding Between Bureaus

Sergeants may bid between bureaus when a vacancy occurs. In the event a position is not filled by an active Sergeant, then a Sergeant will be appointed from the appropriate eligibility list to fill the vacated position.

Section 10.4 Non-Sworn Personnel

It is recognized that non-sworn personnel must be knowledgeable of the police function, and they are not called upon to exercise the powers and authority of sworn police officers. Therefore, personnel, other than sworn police personnel, may be employed as

administrative specialists to fulfill administrative and non-field functions of the Department.

Section 10.5 Prerequisites Promotion to Sergeant and Detective

Patrolmen shall not be eligible to take the written test for Sergeant or Detective until they have served four (4) years as police officers with at least three (3) years in the Bureau of Operations as members of this Department.

The three years in the Bureau of Operations as members of the Department requirement for police officers shall commence with the time that those officers received their serial numbers from the Department.

Section 10.6 Prerequisites Promotion to Captain

Only Sergeants and Detectives shall be eligible to obtain a position on the promotion list for the rank of Captain. The required time in grade before a Sergeant or Detective may seek to qualify for promotion to Captain shall be three (3) continuous years prior to taking the written test for promotion. In the event a Sergeant or Detective promoted to Captain fails to successfully complete the six (6) month probationary period, he shall be returned to his former position.

ARTICLE 11: PROMOTIONS

Section 11.1 Merit Promotion Qualification

Promotion to the positions or ranks of Detective, Sergeant and Captain shall be on merit. Each candidate for promotion must participate in the Departmental promotional testing, which shall comply with all Federal Equal Employment Opportunity Standards. The promotional testing shall be prepared and administered by an outside testing firm. The purpose

of the testing shall be to determine an officer's suitability for the particular rank sought. All officers who take the written examination shall be eligible for further consideration for promotion.

(a) Written Examinations

1. Separate written examinations shall be administered for promotions to the classifications of Detective, Sergeant and Captain.

2. The written examinations for Sergeant, Detective and Captain shall contain a sufficient number of questions to adequately meet the needs of the Department as set forth in Section 11.1 of the Memorandum of Understanding. The precise number of questions and their format shall be left to the sound professional discretion of the outside testing firm retained to develop such examinations.

3. All examinations for promotion to the positions of Detective, Sergeant and Captain shall be administered on the same day, when practical.

4. A candidate will be allowed to review a copy of his or her answer sheet and a copy of the written examination. If required by the testing protocol of the outside firm, the candidate shall return the answer sheet and copy of the written examinations after review.

(b) Interviews

1. Interviews will be conducted by Law Enforcement Examining Boards as hereinafter described for the purpose of determining an applicant's capabilities and relative suitability for the position sought. The general form and substance of the

interview shall be determined by the outside testing firm. No "fact sheets" or other written material about the background or qualifications of the candidates for promotion shall be submitted to the Law Enforcement Examining Boards. To the extent reasonably possible, the interviews for each rank shall last about the same amount of time and be of the same general form and substance.

2. The interview process will be consistent with the guidelines provided by the testing agency. Each candidate will be advised of the six (6) scores that he received from the Examining Board following the interview, provided, however, that the individual board members' scores shall not be identified.

3. The Lodge shall designate one observer. The Lodge observer shall not be present in either the interview room or the preparation room, but shall remain at the testing location until the entire process is completed to determine that the required procedures are followed. The Lodge observer's role shall be to ensure compliance with this Memorandum of Understanding. If the Lodge observer observes conduct which he or she believes is in violation of this Memorandum of Understanding, he or she shall address such issue with the Department representative coordinating testing on behalf of the Department. Nothing herein shall be construed as a waiver of the Lodge's right to file a grievance over observed violations of the testing procedures. The Lodge observer and the Department representative shall endeavor to resolve any such disputes involving the interview process. The Lodge observer shall not actively disrupt the interview process. During the testing period, the Lodge shall designate either the

President, Vice President, Secretary, Treasurer or Chief Lodge Steward as its observer and the Department shall TDY that individual to the testing location for the times and dates of the testing process. No other outside observers from the Unified Government (other than a representative of Human Resources), the Lodge or any other entities shall be permitted in the interviews or other testing conducted before the Law Enforcement Examining Boards. All interviews or other testing before the Law Enforcement Examining Boards and the preparation of evaluations based on such interviews and testing by the Law Enforcement Examining Boards shall be tape recorded. Either the Unified Government or the outside testing firm shall supply sufficient tape recording equipment and audio tapes to record these matters. Either the Unified Government or the outside testing firm shall clearly label each tape with the rank being tested, the date, and the time covered on the tape. All interviews before the Law Enforcement Examining Boards shall be tape recorded. Upon the conclusion of the testing, the tapes shall be delivered to the outside testing firm for safekeeping, along with other test materials.

(c) Law Enforcement Examining Board

1) Sergeant and Detective. All candidates for promotion to the rank of Sergeant or Detective will be interviewed by a panel consisting of three (3) officers of the Kansas City, Kansas Police Department of the rank of Captain or above, selected by the Chief and three (3) officers of the rank equal to that rank being sought (e. g., Sergeant for Sergeant interviews and Detective for Detective interviews) selected

jointly by the Lodge President and the Chief. In determining the total score for each candidate's interview, the high score and low score shall be discarded.

2) Captain. All candidates for promotion to the rank of Captain will be interviewed by a panel consisting of six (6) officers of the Kansas City, Kansas Police Department of the rank of Captain or above, selected by the Chief. Three (3) of the officers shall be from the Bureau of Operations and three (3) from the Department who have served at least three years in the Criminal Investigations Bureau. In determining the total score for each candidate's interview, the high score and low score shall be discarded.

(d) Supervisor's Evaluation

The score of the employee's last supervisor evaluation immediately preceding the creation of the promotion eligibility list shall be considered in accordance with section 11.2. Only those supervisor evaluations which have been validated by the outside testing firm may be used in the promotional process.

(e) Officers on Military Leave

Officers on military leave during promotional testing and interviews shall be permitted to test and interview for promotion upon return from such military leave. Officers returning from military leave shall have 30 days following their return to duty to declare in writing to the department that they desire to test and interview for promotion.

For purposes of determining eligibility to test and interview for promotion, officers returning from military leave must have met the eligibility requirements identified in sections

10.5 and 10.6, above, as of the original written examination date.

Section 11.2 Promotion Eligibility List

An eligibility list shall be established, based on the oral interviews, written examinations and supervisors' evaluations for each rank covered. Each candidate shall be rated on the above-referenced factors and these ratings shall be considered to determine the candidate's overall rating. The weight to be attributed to the various components (written, oral and evaluation) of the system shall be determined by the testing firm based upon the applicable job analysis conducted for each position or rank. These weights shall be made known to the Lodge and Unified Government prior to the administration of the components along with a summary of the basis for such weighing. Officers shall be placed on a promotion eligibility list in the order of their overall rating; any tie among candidates of equal rating shall be broken by the relative seniority of the officers involved. The eligibility list shall be available for inspection and each candidate will be notified of his respective position on the list and his score and percentile on each factor. Promotions shall be made by the County Administrator with the advice of the Chief from the appropriate eligibility list in accordance with the candidate's position thereon. An officer may be passed over for promotion for sufficient cause in which case each officer passed over shall be advised in writing of the reasons therefore, with a copy to the Lodge.

The written test will be administered in 2019. Officers shall not be promoted until they attain the requisite time in grade. An officer may decline a promotion without losing his place on the eligibility list. The eligibility lists existing at the date of execution of this Memorandum

shall govern promotions until the new eligibility list is effective in 2019. The eligibility lists created in accordance with this section shall govern promotions to a time of at least thirty (30) months from the effective dates of these lists or until replaced by subsequent lists after expiration of the thirty (30) months. An officer may decline a promotion without losing his place on the eligibility list.

Officers who have been placed in one of the top six (6) positions on any eligibility list shall be entitled to be promoted provided that corresponding authorized vacancies occur at anytime during the life of the eligibility list.

The top six (6) slots on the eligibility list shall be designated for a corresponding vacancy, if a tie on the eligibility list occurs seniority as defined in Section 6.1 of the Memorandum shall prevail. If the officer is on more than one list the officer must claim the promoted position when asked so that the specific vacant position selected can be designated for that officer. In the event that the current eligibility list expires before the promoted vacancies are filled by the designated officers these designated officers will retain the right to fill these promoted positions when authorized and must be promoted ahead of all officers on the respective subsequent lists.

If an officer on military leave who completes promotional testing upon return from such military leave qualifies for one of the top six (6) positions on the promotion eligibility list, such officer shall be placed in the appropriate position on such list which shall result in the bumping of the officer then in the sixth position down the list. If the officer in the position immediately below the position in which the returning military officer is placed has been

promoted, the returning military officer shall likewise be promoted, retroactive to the date of the individual immediately below him on the eligibility list. If the officer in the sixth position on the list has already been promoted, such officer shall not then be demoted. If an officer on military leave tests on to the promotion eligibility list, rank seniority of such officer and the other officers on the list shall be similarly adjusted.

Section 11.3 Promotion Probationary Period

Officers promoted to higher ranks shall have their names removed from all eligibility lists on the date of promotion and shall be on probation for the first six (6) months of service in the higher rank. During this probationary period, they may be demoted to their former rank by the Chief in which event they shall have the right to grieve to the level of the Grievance Board. If the Grievance Board cannot resolve the issue, the matter may be appealed to Step 5 of the grievance procedure. Any officer who is demoted shall be notified, in writing, by the Chief, of the reasons for such demotion with a copy to the Lodge.

ARTICLE 12: JOINT STANDING COMMITTEES

Section 12.1 Accident Review Board

(a) There shall be an Accident Review Board to review vehicular accidents involving police vehicles. The Accident Review Board shall be composed of two (2) officers appointed by the Lodge and two (2) officers appointed by the Chief. The Chief shall appoint a commander to be the chairman, who shall vote only in case of a tie. Board members who are off-duty at the time shall be compensated at the overtime rate of pay during their attendance at Accident Review Board hearings. The respective members of the Accident Review Board

shall be appointed effective January 1 of each year and shall serve for one (1) year.

Officers who are involved in vehicular accidents while operating department-owned vehicles may be interviewed about the facts of those accidents by employees or agents of the insurance company insuring such vehicles. Such interviews shall be conducted at a reasonable time and place. Nothing in the interviews, and no statements prepared as a result of those interviews, shall be used by the department in any manner in seeking discipline against an officer, nor as evidence in any manner in any accident review board hearing, grievance board hearing or arbitration.

The Accident Review Board shall review accidents involving police vehicles to determine whether or not the officer involved was negligent. Tie votes shall be resolved by a decision of the chairman or in his absence the designated Commander. The Accident Review Board shall be empowered to hold whatever hearings and interviews of witnesses it deems necessary to fulfill its purpose. The Accident Review Board shall conduct its hearings monthly, giving at least five (5) calendar days notice to officers of such hearings. Accidents involving police vehicles which occur less than fourteen (14) calendar days prior to the third Wednesday of a month shall not be heard until the succeeding month's hearing. The Accident Review Board shall report its findings along with reasons in support thereof to the Chief on the date that a decision is reduced to writing. Discipline imposed as a result of the accident review board shall be imposed within fourteen (14) calendar days of the date that the decision of the accident review board is reported to the chief, which time may be extended by mutual written agreement. If the Chief imposes discipline as a result of the findings of the Accident Review

Board, which results in an officer's suspension of four (4) work days or less, the officer shall have no right to appeal this action to the Grievance Board. A suspension of five (5) work days or more may be appealed. Officers may use accumulated vacation, holiday or regular overtime days in order to receive such pay for disciplinary suspensions, provided, if an officer is found negligent in excess of two (2) times in any consecutive twelve (12) month period, he may not use vacation, holiday or regular overtime days in order to receive pay for the third and succeeding suspensions.

(b) Accident Review for Rule and Regulation Violations

The Department shall have fourteen (14) calendar days after the date of a motor vehicle accident involving Department motor vehicles to determine whether the actions of the officers involved will be investigated to determine whether rules and regulations or orders of the Department have been violated. This time limit may be extended for up to fourteen (14) additional days by written agreement between the Department and the Lodge. If the Department conducts such an investigation the procedures of the Accident Review Board may not be invoked. If the Department declines to conduct such an investigation, the officers involved in the vehicular accident may only be disciplined through Accident Review Board procedures.

Section 12.2 Joint Equipment and Uniform Committee

There shall be a Joint Equipment and Uniform Committee composed of two (2) officers appointed by the Chief and two (2) officers appointed by the Lodge. The Chief shall appoint the chairperson. The purpose of the joint committee shall be to study, evaluate, meet with and

make recommendations to the Chief concerning the purchase of new equipment and/or uniforms or the upgrading, utilization, maintenance or upkeep of Department equipment and/or uniforms. No change may be made in uniform or equipment requirements without written notification to the Lodge.

ARTICLE 13: INTERNAL INVESTIGATION PROCEDURES

Section 13.1 General

There shall be an Internal Affairs Unit of the Staff Support Division it that may conduct criminal or administrative investigations. Criminal investigations will involve alleged violations of the criminal laws by an officer. Administrative Investigations shall involve the investigation of complaints against an officer by citizens, fellow officers or the Chief not amounting to a violation of the criminal laws or alleged violations of the criminal laws where only an administrative penalty may be imposed. If at any time during an administrative investigation information is obtained by the Department that presents a reasonable belief that the matter is criminal in nature the provisions of section 13.3, criminal investigation procedures, shall be immediately adhered to.

Section 13.2 Administrative Investigations Procedure

In order to insure that all investigations by the Internal Affair Unit are conducted in a manner conducive to public confidence, good order and discipline, while observing and protecting the individual rights of each officer, the following rules of procedure are hereby established:

(a) An officer who is the subject of an administrative investigation may request that a representative of the Lodge be present during the interrogation. Officers shall be entitled to an

uninvolved Lodge representative during any meeting with management that officers reasonably believe will result in disciplinary action. The Lodge representative may observe the interview/interrogation and consult with the officer and interviewer before the interview/interrogation is concluded for the sole purpose of securing the officers rights pursuant to the Memorandum of Understanding. Upon the conclusion of the Department's questioning, the Lodge representative may ask questions of the accused officer. The Department and the Lodge representative may ask further questions upon the conclusion of each party's questioning and follow up. Neither party shall prevent the other from asking questions or disrupt or interfere with their questioning in any way. This section shall not apply to any truth verification pre-test or test. If the preferred Lodge representative cannot be made available at the designated time and location, the Lodge shall be obligated to provide an alternative representative. The Department shall give no less than twenty-four (24) hours notice of a scheduled interview/interrogation. This representative shall be considered as being on Lodge business pursuant to Article 2 and Article 16.

(b) The interview/interrogation of any officer shall be at a reasonable hour, preferably when the officer is on duty, unless the circumstances of the investigation dictate otherwise, all as determined by the Department.

(c) The interview/interrogation shall take place at a location designated by the investigating officer, usually at a police facility.

(d) The officer shall be informed of the rank, name and command of the interviewing/interrogating officers as well as the rank, name and command of the officer in charge of the investigation and the identity of all persons present during the interview/interrogation. When an officer is directed to report for interview/interrogation his

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commanding officer shall be notified prior to that time when feasible.

(e) The officer shall be informed of the nature and the basic facts (date, time, place and type of incident) and the specific allegations known to Internal Affairs Unit at the time relating to the investigation before any interview/interrogation commences. If it is known that the member being interrogated is a witness only, he shall be so informed.

(f) The interview/interrogation shall be completed as soon as possible not to exceed four (4) hours. Time shall be provided for personal necessities, meals, telephone calls, and rest periods.

(g) The officer shall not be subjected to any offensive language, coercion or promise of reward as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating officer from informing the member that his conduct can become the subject of disciplinary action.

(h) The complete interview/interrogation of the member shall be recorded mechanically or by stenographer. There will be no "off-the-record" conversation except by mutual agreement. All recesses called during the interview/interrogation shall be noted in the record.

(i) When any statement which an officer gives is reduced to writing, he shall be given an exact copy of the signed statement within one (1) business day of making the request; and, if the questioning is mechanically or steno graphically recorded, he shall upon request, be given a copy of such recording and/or transcript, except tapes and recordings of polygraph and CVSA examinations. Any request for a copy of a recording must be made prior to the officer's signing the transcript, after which the recordings may be destroyed. The cost of the officer's tape shall be borne by the officer.

(j) The refusal by an officer to answer questions or give a statement during any non-

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criminal investigation whether as a participant or a witness may result in disciplinary action.

(k) Internal Affairs Unit records shall not be used as a basis for the subsequent discipline of officers after two (2) years and one (1) month. The Department's continued maintenance and use of Internal Affairs Unit information will not change as a result of this section.

(l) The Internal Affairs Unit shall have one-hundred twenty (120) days from the date a complainant signs his Internal Affairs Unit complaint in an administrative investigation or the Deputy/Assistant Chief assigns a Department Investigator within which to report its findings to the Deputy/Assistant Chief, which findings shall be file-stamped by the Chief's office upon receipt. In the case of a complaint which is originally investigated as a criminal investigation, the Internal Affairs Unit shall have ninety (90) days from the date such complaint is converted into an administrative investigation within which to report its findings to the Chief's office, which findings shall likewise be filed-stamped by the Chief's office upon receipt. The assigned Deputy/Assistant Chief shall have thirty (30) days from that date within which to render his decision as to discipline, if any; the assigned Deputy/Assistant Chief must provide the Lodge and the officer with a copy of his decision as to discipline within those thirty (30) days. The assigned Deputy/Assistant Chief may also return the investigation to the Internal Affairs Unit for an additional thirty (30) days and the date on which the investigation is returned to the Internal Affairs Unit shall be file-stamped by both the Chief's office and the Internal Affairs Unit. If the file is so returned, the assigned Deputy/Assistant Chief must provide the Lodge and the officer with a copy of his decision as to discipline within thirty-five (35) days of the date on which the investigation was returned to the Internal Affairs Unit.

(m) An officer shall not generally be required to perform a shooting re-enactment

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within twenty-four (24) hours of any shooting. Exceptions to this may be granted only by the Chief of Police when in the Chief's judgment a re-enactment within a shorter period of time is necessary if the true character of the shooting event is to be captured by the re-enactment.

(n) Officers shall not be ordered to consent, as a condition of employment, to provide a blood, urine or other bodily fluid sample with the exception of testing administered through the Unified Government's Substance Abuse Policy.

(o) Officers shall not be ordered to consent, as a condition of employment, to provide personal financial records, personal phone records or personal passwords to private email accounts or private social network sites.

(p) Officers shall not be ordered to consent, as a condition of employment, to a search of their home or their personal vehicle or any personal property to which such officer has a reasonable expectation of privacy.

Section 13.3 Criminal Investigations Procedure

With the exception of OICIT investigations, which may be conducted by either Internal Affairs or the Major Case Unit, and with the further exception of investigations conducted by other agencies, if an officer is under arrest or a suspect or the target of a criminal investigation, the investigation shall be handled by the Internal Affairs Unit, and the officer shall be advised of his rights pursuant to the appropriate legal procedure as dictated by the United States Supreme Court and the rights granted by the State of Kansas and the United States. If an officer chooses to invoke his protection under the appropriate legal procedure as dictated by the United States Supreme Court at that time, he will not be subject to charges of insubordination or failure to cooperate for that reason. Criminal investigations shall be

completed before the commencement of any administrative Internal Affairs Unit investigations concerning the same matter.

- (a) The interview/interrogation of any officer shall be at a reasonable hour, preferably when the officer is on duty, unless the circumstances of the investigation dictate otherwise, all as determined by the Department.
- (b) The interview/interrogation shall take place at a location designated by the investigating officer, usually at a police facility.
- (c) The officer shall be informed of the rank, name and command of the interviewing/interrogating officers as well as the rank, name and command of the officer in charge of the investigation and the identity of all persons present during the interview/interrogation.
- (d) The officer shall be informed of the nature of the specific allegations and the basic facts (date, time, place and type of incident) known to Internal Affairs Unit at the time relating to the investigation before any interview/interrogation commences.
- (e) The interview/interrogation shall be completed as soon as possible and normally will not exceed four (4) hours. Time shall be provided for personal necessities, meals, telephone calls, and rest periods.
- (f) The officer shall not be subjected to any offensive language or coercion.
- (g) The complete interview/interrogation of the member shall be recorded mechanically or by stenographer. There will be no "off-the-record" conversation except by mutual agreement. All recesses called during the

interview/interrogation shall be noted in the record.

- (h) The officer shall be given an exact copy of any written statement he may execute, or if the questioning is mechanically or stenographically recorded, he shall upon request, be given a copy of such recording and/or transcript, except tapes and recordings of polygraph and CVSA examinations. Any request for a copy of a recording must be made prior to the officer's signing the transcript, after which the recordings may be destroyed. The cost of the officer's tape shall be borne by the officer.
- (i) Internal Affairs Unit records shall not be used as a basis for the subsequent discipline of officers after two (2) years and one (1) month. The Department's continued maintenance and use of Internal Affairs Unit information will not change as a result of this section.

Section 13.4 Interrogation of Lodge Representatives

The Department will not question lodge representatives about conversations between those representatives and the employees they represent when those conversations occur in the ordinary course of the lodge representatives' performance of their official duties on behalf of the FOP and its membership. This does not prohibit the Department from questioning a lodge representative when such representative's conduct is the subject of an Internal Affairs investigation or when such representative is a witness to any conduct which is the subject of an Internal Affairs investigation.

Section 13.5 False Complaints

All complaints against officers which are determined to be unfounded, or in which the officer's conduct is exonerated, shall be reviewed by the appropriate commander for recommendation for prosecution.

Section 13.6 Officer's Privacy

When an officer is under a criminal or Internal Affairs Unit investigation, the Department shall not release an officer's home address, telephone number or photograph to the press without his consent. In these situations, Department press releases containing an officer's name shall not be released.

Section 13.7 Polygraph Examination/Computer Voice Stress Analysis

When a complaint is filed by an identified complaining witness, no officer shall be required to submit to a polygraph examination or Computer Voice Stress Analysis (CVSA) without the complaining witness(es) being required to submit to a polygraph examination or CVSA first. The Lodge recognizes that in agreeing to take such examinations, officers will be required by polygraphers or CVSA examiners to sign waivers of liability. No officer will be required to sign any document which does not accurately state the conditions under which he is taking the examination. No statement of an officer shall be subject to psychological stress evaluation without his being advised that the statement will be so subject before making the statement. The pre-test for and the results of any polygraph examination or CVSA evaluation may not be used in evidence in any manner at any Grievance Board hearing or arbitration arising under this Memorandum of Understanding, wherein discipline of an officer is at issue.

Section 13.8 Internal Affairs Forms; Appendix

The Department and Lodge acknowledge and agree that the Internal Affairs Unit forms, which are attached as appendix A to this Memorandum, comply with article 13. The Department shall supply the appropriate form to each officer. Should the law, which applies to any of the matters set out in article 13, be changed or modified by a court of competent jurisdiction, the parties agree to meet and confer to incorporate the appropriate and/or necessary changes into article 13. The forms which are contained in the appendix are as follows:

1. Witness employee rights.
2. Accused employee administrative proceeding rights.
3. Notice of charges/allegations.
4. Criminal witness submittal.
5. Administrative submittal.
6. Request for Lodge representation.

Section 13.9 Officer Involved Critical Incident Team (OICIT) Investigations.

When the OICIT team is charged with investigating a critical incident involving bargaining unit members, only the Captain of Internal Affairs and one Internal Affairs Detective shall be permitted to ask questions of any officer during an administrative interview although other members of the OICIT team may be present. The remaining OICIT team members may submit questions to the two team representatives to be asked of the involved officers. Officers involved in a critical incident shall be entitled to the same rights and

protections as provided under section 13.2 of this article. OICIT investigations shall be activated within fourteen (14) days of the date of the incident giving rise to the investigation.

Section 13.10 Preparation of Written Administrative Statements.

Officers may be ordered to complete an “Officer Action Form” (“OAF” - Appendix A(7)) for purposes of an administrative investigation. Before completing the OAF, officers shall be afforded the same rights as provided in Section 13.2 of this Article. Officers who are required to complete the OAF shall be given twenty-four (24) hours to complete the form. It is presumed that this twenty-four (24) hour period is sufficient to allow officers who are required to complete the OAF to consult with a Lodge representative of their choosing. Officers shall not be required to complete any other written statements that such officers reasonably believe will result in disciplinary action except for their required reports as provided in this section. This section shall not preclude the Department from conducting an oral disciplinary interview upon less than 24 hours notice. Nothing herein shall be construed as to allow officers to refuse to complete all of the required reports identified in the Department’s General Orders within the time frames provided within such General Orders. Officers shall complete required reports in accordance with directives from their supervisors, including supervisors’ requests to provide further information in their required reports.

ARTICLE 14: DISCIPLINE

The authority to discipline officers is vested exclusively in the Chief. However, the Chief may from time to time delegate this authority to subordinate officers of the rank of Sergeant or above. The Lodge shall be notified in writing of the extent of the delegation and

the rank of the officers and to whom the delegated authority is vested.

Discipline imposed as a result of other than an Internal Affairs Unit, Critical Incident Team or Accident Review Board investigation shall be imposed within fourteen (14) calendar days of the incident giving rise to the discipline or of the incident becoming known, which time may be extended by mutual written agreement. The date of the incident shall be included in the calculation of this fourteen (14) day time period. In the event discipline is not so imposed no disciplinary action shall be taken.

Officers, excluding probationary officers, shall only be disciplined or discharged for just cause. Discipline or discharge for cause shall include, but shall not be limited to, discipline or discharge for violation of Department Rules and Regulations, General or Special Orders.

Whenever an officer is summoned to appear before any command officer and/or Sergeant regarding a violation of the Department Rules and Regulations, General or Special Orders, he will have the right to request the presence of a Lodge steward or elected officer of the Lodge.

Except for exigent circumstances, an officer may not be suspended for any amount of time without first being afforded an opportunity to file his written grievance objecting to the suspension. Any suspension of four (4) days or less may be effectuated prior to the officer being allowed to have the matter heard by the Grievance Board and any suspension of more than four (4) days shall not be effectuated prior to the officer being allowed to have the matter heard by the Grievance Board and/or an arbitrator. Prior to any officer being discharged, he shall be placed on suspension without pay during the pendency of any grievance relating to the

proposed discharge.

Copies of all discipline must be provided to the Lodge.

It is recognized that counseling sessions are not negative discipline but a positive form of discipline whereby corrective action is the best means to address minor occurrences of undesired conduct or performance. Counseling Forms issued by Department supervisors may not be used by the Department for progressive discipline more than 12 months after issuance.

ARTICLE 15: GRIEVANCE PROCEDURE

In the event of any complaint or grievance arising under the terms and provisions of the Memorandum or of any differences between the parties as to the interpretation or application of this Memorandum, it shall be processed through the grievance procedure. An impasse in any negotiations for any Memorandum of Understanding shall not constitute a grievance.

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 unmeritorious grievances. Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of the Public Employee Relations Board, the officer involved may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The officer's election of either procedure, shall constitute a binding election of the remedy chosen and waiver of the alternative remedy. Any time limit set forth in this procedure may be extended by the parties' written agreement to do so. Unless specifically indicated below, no party shall make any audio or video recording of any communications between the parties

under any of the procedures within this Article.

Step 1: The matter shall first be taken up between the officer involved and the supervisor involved. A Lodge representative may be present during any step of the grievance procedure. If the grievance is not adjusted orally, it must be submitted in writing to the officer's station commander or area commander within fourteen (14) calendar days after the occurrence giving rise to the grievance or after becoming known or it shall be considered as dropped. The station commander or area commander shall send a written reply, with copies to the Lodge and the Grievant, within fourteen (14) calendar days after submission or the grievance shall be found in the officer's favor.

Step 2: In case the matter cannot be adjusted under Step 1, the matter will be considered by the officer's Lodge Steward and his Bureau Director. Requests for consideration by the Bureau Director or his designee must be in writing within fourteen (14) calendar days of the decision in Step 1 or the grievance shall be dropped. The Bureau Director or his designee shall send a written reply, with copies to the Lodge and the Grievant, within fourteen (14) days after submission of the grievance to him or the grievance shall be found in the officer's favor.

Step 3: In case the matter cannot be settled under Steps 1 or 2, the matter will then be considered by a representative of the Lodge and the Chief or his designee. For disciplinary matters which have resulted from an Internal Affairs investigation, the initial appeal shall be to the designated Deputy/Assistant Chief who administered the discipline both within fourteen (14) calendar days following the delivery of the letter of discipline or it shall be considered as dropped. The Deputy/Assistant Chief shall send a written reply, with copies to the Lodge and

the Grievant, within fourteen (14) calendar days after submission or the grievance shall be found in the officer's favor. If the matter is not resolved, the Lodge may appeal the Deputy/Assistant Chief's determination to the Chief within fourteen (14) days after Deputy/Assistant Chief's reply or the grievance shall be dropped. Upon such appeal, the matter shall be considered by a representative of the Lodge and the Chief. In case the matter is adjusted under Steps 1, 2 or 3, the settlement will be binding upon all parties. Any adjustment made under Steps 1, 2 or 3 shall not constitute a precedent as to future grievances. The Chief shall send a written reply, with copies to the Lodge and the Grievant, in writing within fourteen (14) calendar days after submission to him, or the grievance shall be found in the officer's favor.

Step 4: If no settlement is reached by the procedure above, the matter shall be resolved as follows.

A. Counseling.

Oral or written counselings shall only be grievable through step 3 above to the level of the bureau director. If a counseling is used for the purposes of progressive discipline, the lodge shall be entitled to challenge the merits of the counseling at a subsequent proceeding.

B. Points.

The assessment of points shall only be grievable through Step 3 above. If points are used for the purposes of progressive discipline, the Lodge shall be entitled to challenge the merits of the assessment of points at a subsequent proceeding.

C. Suspensions of Thirty Days or Less.

Suspensions of thirty days or less shall be referred to the Grievance Board, hereinafter described, for determination. References to the Grievance Board shall be made jointly by the parties within fourteen (14) calendar days after Step 3 or be considered as having been dropped. The Grievance Board shall be composed of one duly designated Lodge representatives (or alternates), chosen by the Lodge, one duly designated Department representatives (or alternates), of the rank of Captain or above, selected by the Chief, and two (2) citizen observers (or alternates) appointed by the Mayor and the Unified Government Commissioners. One additional individual shall be appointed to the Grievance Board, who shall be selected from a panel by the FMCS or as agreed upon by the parties. If the parties do not agree upon the selection of the third member of the Grievance Board, then within fifteen (15) working days of the request for a Grievance Board hearing, the parties shall jointly and in writing, request the Federal Mediation and Conciliation Service (FMCS) to submit a panel of seven (7) arbitrators, from which the parties shall select one individual to sit on the grievance board. Within fourteen (14) days after receiving such a list, the parties, or their respective designees, shall alternately strike names from the list, until only one (1) name remains, who shall be selected to sit on the grievance board. The order of striking names shall be determined by the toss of a coin. All fees, costs and expenses of retention of such individual shall be shared equally by the Union and by the Department. The Grievance Board authority shall be governed by Step 5(4) of this Article. Officers serving on the Grievance Board will be compensated at the overtime rate of pay while serving off duty. The Citizen observers may be

compensated at a rate established by the Unified Government's Board of Commissioners. Officers appearing as witnesses for either the Unified Government or the Lodge, who are off duty at the time, shall be compensated for one hour's straight time pay plus straight time pay for time actually present before the Grievance Board providing testimony. Officers who are on duty at the time that they appear as witnesses for either the Unified Government or the Lodge shall be contacted to appear before the Grievance Board one-half (½) hour before their testimony commences. A majority vote of the Grievance Board on a grievance shall be final and binding on the parties. The deliberations of the Grievance Board shall be confidential. The parties will be advised of the vote of the Grievance Board on a particular grievance, but the manner in which the individual members voted shall not be announced. Each party's appointed representative to the Grievance Board shall be selected on a case by case basis. The Grievance Board shall meet promptly upon call but in any event, not later than sixty (60) days after the selection of the third party Grievance Board member, unless otherwise agreed upon by the parties. A majority determination of the Grievance Board shall be final and binding upon the parties. Each party shall provide to the other at least twenty days prior to any disciplinary hearing before the Grievance Board a list of witnesses who may testify and a copy of exhibits which may be offered at the hearing. Any amendments to the lists of witnesses or exhibits shall be provided in writing at least ten (10) days prior to the hearing. Attorneys at law shall be permitted to appear at Grievance Board hearings as a representative of each party.

D. Contract Interpretation.

Grievances involving matters of contract interpretation which are not associated with

disciplinary matters shall be discussed by Counsel for the Department and Counsel for the Lodge before proceeding to step 5 below.

Step 5: In the event a satisfactory solution cannot be reached between the parties through the procedure set forth above, arbitration may be requested by the Department or the Lodge, in the following manner:

(1) 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 Steps 3 or 4 above. The notice shall set forth the articles or sections of this Memorandum which are claimed to require modification or reversal of the decision previously made. If notice of intent to arbitrate is not delivered within fifteen (15) calendar days, the grievance shall be deemed abandoned.

(2) Within twenty-one (21) calendar days after the above 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 a list with the last remaining arbitrator being selected. If the party upon whom a properly executed FMCS request is served fails to execute and send such request within twenty-one (21) calendar days of service thereof, then the grievance shall be found in favor of the non-defaulting party.

(3) Officers shall not be paid for the time spent in attending an arbitration proceeding other than as a witness on behalf of the Department.

(4) The jurisdiction and authority of the arbitrator shall be bound by the following:

- a) 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 both parties.
- b) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
- c) In the resolution of disputes between the parties of this Memorandum, the arbitrator shall give no weight or consideration to any matter except the specific language of this Memorandum and the facts and evidence presented to him by the parties in the presence of each other.
- d) The arbitrator shall have no authority to substitute his judgment for that of the management of the Unified Government or Police Department, nor shall he have authority to usurp, subtract from, modify or exercise any management right of the Unified Government or the Police Department.
- e) In discipline or discharge matters, the arbitrator shall have the discretion to increase or decrease the discipline imposed, if the evidence so warrants.
- f) The cost of the arbitrator shall be shared equally by the Unified Government and the Lodge.

ARTICLE 16: STEWARDS' RESPONSIBILITIES

The authority of stewards and alternates so designated by the Lodge shall be limited to, and shall not exceed the following duties and activities:

1. The investigation and presentation of grievances in accordance with the provisions of this Memorandum;
2. The collection of dues when authorized by appropriate Lodge action;
3. The transmission of such messages and information which shall originate with, and are authorized by the Lodge or its officers, provided, such messages and information (a) have been reduced to writing, or (b) if not reduced to writing and are not in violation of Article 17 regarding strikes and lockouts.
4. Regular attendance at the monthly FOP membership meetings.

Stewards shall be permitted reasonable time to investigate, present and process grievances without loss of pay during regular working hours, provided enough personnel remain on duty to provide adequate police service. Time spent on Lodge activities or representation of members outside the steward's normal work hours shall not be considered time spent in the employ of the Unified Government or the Department.

Stewards and alternates have no authority to take strike action, or any other action interrupting the Department's operation. In the event of such action by a steward he shall be subject to proper discipline.

There shall be no more than one (1) steward and one (1) alternate per shift, per station or per unit. A list of stewards and alternates shall be provided to the Chief every six (6)

months (January and July) which list shall be updated sooner if modifications occur between these dates.

ARTICLE 17: STRIKES AND LOCKOUTS

The Lodge, on behalf of its membership, recognizes that the protection of the public health, safety and welfare are of paramount importance to itself and the Unified Government. Therefore, during the life of this Memorandum the Lodge will not condone, nor encourage nor instigate any work slowdowns, stoppages or strikes, or any actions that are detrimental to the operations of the Department. The Unified Government agrees that it shall take no actions that could be defined as a lockout nor shall it discriminate against any employee for his actions as a member of the bargaining unit, provided those actions are not proscribed by law.

Any violation of this Article may be the subject of disciplinary action, including discharge.

The Lodge shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein, take all reasonable affirmative action to terminate such conduct.

ARTICLE 18: VACATIONS

Section 18.1 General

After completing one (1) year of service, each officer shall be entitled to vacation pay which will be prorated in accordance with Section 18.4 of this Article for any portion of the initial year of employment occurring before January 1. Thereafter, vacation pay shall be earned from January 1 of each year to January 1 of the next year on the following basis:

- (a) Over One (1) year of service as a sworn officer - 120 hours

- (b) Over five (5) years of service as a sworn officer - 160 hours
- (c) Over eleven (11) years of service as a sworn officer - 200 hours
- (d) Over nineteen (19) years of service as a sworn officer - 240 hours

Officers must have completed the requisite years of service prior to January 1 of a given year in order to be eligible for greater vacation benefits that year.

Section 18.2 Scheduling

When an officer is on vacation and one of the holidays recognized by this Memorandum falls during that period, the officer shall receive one (1) additional day off with pay. The vacation period and schedule of vacations of each qualified officer shall be set by seniority, desire and preference of the officer consistent with the efficient operation of the Department. Vacations will be scheduled between February 10 and April 1 of each year. Officers must select their vacation preference on the date the Department requests the information. Seniority may only be exercised by the individual officer on his first choice for a vacation period. In the event an officer bids to another position or assignment after April 1 of any given year, he shall not be entitled to exercise his seniority for a preferred vacation. Requests for days off using vacation hours, comp time hours, award hours, or holiday hours shall be responded to no later than forty-eight (48) hours before the start of the officer's shift on the requested day off but shall in no instance be permitted to detract from providing adequate police service. If the requesting officer is not on duty it will be the responsibility of the requesting officer to contact the Department for confirmation of denial or approval of the day off request.

Section 18.3 Exception

Officers shall not accrue vacation hours while on leave of absence, lay-off, suspension or while absent due to a non-work related injury or illness unless they are on approved sick leave. In the event an officer is absent from work on an authorized leave of absence, or on lay-off status or due to a non-work related illness or injury for which he is not on approved sick leave, his vacation hours shall be reduced pro rata to the portion of the year he earned and was eligible for vacation privileges.

Section 18.4 Pro-Rata Vacation

For the purpose of computing vacation hours an officer shall earn one-twelfth (1/12) of his vacation hours for each month of service during the twelve month period preceding January 1 of each year. Each month in which an officer works fifteen (15) days shall be considered a month of service. Officers who are discharged prior to taking their vacation shall not forfeit any right to vacation or vacation hours. Vacation time shall normally be taken in the calendar year in which the vacation falls or it is forfeited.

Officers shall have the right to carry over forty (40) hours of their vacation hours each year but the total accumulated carried over vacation hours shall not exceed one-hundred and twenty (120) hours. Such accrued or carried over vacation hours must be recorded separately from an officer's entitlement to regular overtime/compensation time.

Section 18.5 Vacation Buy-Out

Officers shall be entitled to be paid in cash at the time of retirement from the Department for accrued unused vacation pay standing to their credit at the time of their

retirement; in the case of death in service of any officer for any reason, such payment shall be paid to the person or persons designated as that officer's beneficiary or beneficiaries under the Kansas Police and Firemen's Retirement System.

Section 18.6 Cadet Time

All cadets who have become sworn officers in the Department shall receive credit for vacation pay earned as a cadet toward the accrual of vacation pay under Section 18.1 when their cadet service and service as a sworn officer are consecutive and unbroken.

ARTICLE 19: RETIREMENT AND PENSION FUND

All officers shall come under the Kansas Police and Firemen's Retirement System as set forth by the Unified Government, in effective Charter Ordinance and Kansas State statutes.

ARTICLE 20: PROFESSIONAL COURSES

The Unified Government and the Lodge are in agreement that it is in the best interests of the Department that as many employees as possible participate in professional, educational and training courses whenever the same are available. In order to facilitate the availability of such courses to the personnel of the Department the following are hereby adopted:

Section 20.1 Notification and Eligibility

The Chief shall have the authority to determine which unit or units, if any, are in need of any particular training course or seminar. The Chief shall determine who may be excused from work to attend such courses pursuant to the following guidelines:

- a) Education qualifications as may be required for admittance to a course.
- b) Special technical training as may be required for admittance to a course.

c) The applicability of such course to the officer's present assignment.

d) Any established prerequisites or criteria that are mandated by the school, funding agency or the Department.

If the foregoing factors are all equal, seniority within the applicable Unit will prevail in determining officers to be sent to each such course or seminar.

An officer may attend only two (2) conferences or courses outside of the metropolitan area per calendar year unless waived by the Unified Government.

Section 20.2 Classification of Courses

Recognizing the budgetary limitations on the Department, the following classifications of training courses shall be adopted:

a) General In-Service Training. In-service Departmental training shall be available to all officers. The Chief or commanding officers may require attendance of officers who, in their opinion, are in need of the course being offered.

b) Mandatory In-Service Training. State law requires forty (40) hours of in-service training per year for every sworn officer of the Department. If any officer fails to complete this requirement, he or she shall lose their state training certification and automatically be suspended until such time as they so qualify.

c) Metro Squad Training. The Chief shall determine if any officers shall be assigned to Metro Squad Training. Any candidates from the Department to be assigned to Metro Squad Training must first come from the Criminal Investigations Bureau. Detectives within the Criminal Investigations Bureau shall be given the right to bid upon any opening, for training

which they have not previously attended, in accordance with the Detective's time in grade. If no qualified Detective submits a bid to attend the Metro Squad Training being offered, the assignments may then be offered to First Class Patrolmen on the Detective's Eligibility List, in the order of their place thereon.

d) Other Training. All other Training and Courses (including all courses not initiated or conducted by the Department) to which the Department decides to send an officer or officers, whether within or outside the metropolitan area, shall be open provided that monies are available either within the budget or through grants or other monetary programs.

ARTICLE 21: LEAVES OF ABSENCE

Section 21.1 Leaves of Absence

Leaves of absence shall be without pay unless specifically stated that the leave is to be with pay.

Section 21.2 General Leaves of Absence

Any general leave of absence which shall be granted is the decision of the Chief. The maximum general leave of absence shall be for thirty (30) calendar days, but the Chief may extend such leave in writing for a period of up to ninety (90) calendar days. Any officer desiring a general leave of absence shall submit a written request to the Chief stating the reason for such request, at least seven (7) days prior to the commencement of the requested leave, except in cases of emergency. Before an officer may take a general leave of absence, written permission must be obtained from the Chief with notice to the Lodge. The time an officer spends on general leave of absence shall not be counted as time worked in determining any

benefits under this Memorandum. Failure to report at the end of a general leave of absence will be considered a voluntary resignation on behalf of the officer. If an officer on a general leave of absence obtains other employment with a law enforcement agency while on such leave, his Unified Government employment will be automatically terminated and the officer will have no recourse whatsoever under this Memorandum.

Section 21.3 Educational Leave

Educational leaves, not to exceed twelve (12) months, may be granted without pay to an officer. Requests shall be submitted in writing and must be approved by the Chief. The time an officer spends on educational leave shall not be counted as time worked in determining any benefits under this Memorandum.

Section 21.4 Personal Leave

Officers may, with the Bureau Director's and the Chief's permission, take a personal leave with pay. This personal leave shall not exceed five (5) work days and will be charged to the individual officer's accumulated sick leave. Personal leave shall only be granted for causes which materially impair the manner in which the officer would perform his job. No officer shall be entitled to more than one (1) such leave in a calendar year.

Section 21.5 Maternity Leave

A leave of absence shall be granted for maternity upon request. Such request must be presented in writing to the officer's immediate supervisor, setting forth the date each leave is to begin, as soon as that date can be determined by the officer and the officer's physician. Upon receiving the physician's report, the Department shall transfer the officer to a suitable position

to eliminate possible injury to the fetus and officer. Return to work shall be consistent with the officer's rights, and responsibilities, under the Family and Medical Leave Act (FMLA).

Section 21.6 Military Leave

The Department and the Lodge agree that the terms and conditions of employment for those officers who voluntarily or involuntarily enter active duty in any branch of the military service, or who otherwise fall within the protected class of individuals under USERRA or other applicable Federal or State law relating to military leaves of absence, shall be governed by USERRA or such other applicable Federal or State law. Additionally, members of the bargaining unit who are called to active duty will be allowed up to five (5) military leave days per year with pay. Once members have utilized this bank of military leave time, they may use either accumulated leave or be placed in a non-pay status, at their option.

Section 21.7 Injury Leave

a) An officer who sustains injuries arising out of and in the course of his employment shall be covered by the provisions of the Workers' Compensation Act of the State of Kansas. If the officer is temporarily totally disabled, as defined by the Kansas Workers' Compensation Act, because of such injuries, he shall receive the difference between his regular base pay and the workers' compensation benefits received, (hereinafter referred to as (supplemental I.O.D. Pay) for the time period that his total disability continues, but not to exceed the first twenty-six (26) weeks of any such injury leave upon the following conditions:

1. The officer is suffering from a bona fide injury received arising out of and in the course of performance of his duties with the Kansas City, Kansas Police Department, as

determined by the Chief of Police, which injury has resulted in and continues to result in the temporary total disability of the officer, preventing the officer from being gainfully employed by the Department;

2. The officer provides statements from his treating physician at least once every thirty (30) days which statements set forth the officer's current medical condition, the likelihood of said officer's return to work and a statement, based upon reasonable medical certainty, as to when the injured officer may return to his regular duties with the Department and a statement that the injured officer is temporarily unable to return to his duties due to his injuries;

3. If the physician referenced in paragraph number 2 is not of the Department's choosing, the officer must submit, on a periodic basis at the Department's request, to an examination by a physician of the Department's choosing. If such physician agrees that the officer is unable to perform gainful employment with the Department, the officer shall be entitled to receive the supplemental pay referenced herein. If the selected physician disagrees with the treating physician as to the officer's ability to perform Department work, then the officer shall submit to examination by a third physician selected by the FOP President and the Chief. The determination of the third physician shall control.

If the officer does not meet conditions (1) (2) and/or (3) above, he shall not be entitled to receive the supplemental pay set forth herein, but he may continue to be entitled to release from his employment in accordance with the provisions of the Kansas Workers' Compensation Act. In such event, compensation received by the officer shall be governed solely by the

Kansas Workers' Compensation Act. No officer will be entitled to receive more compensation as a result of being involved in a compensable injury than he would have received had he been working during the period on his regular schedule and at his regular rate. Permanent partial disability settlement or award payments are excluded from the terms of this paragraph.

a) In any event, officers on injury leave in excess of twenty-six (26) weeks shall only receive compensation as governed by the Kansas Workers' Compensation Act. Officers who exhaust the twenty-six (26) weeks of IOD leave may use other leaves including sick leave, vacation or compensatory time to cover any further work absences related to the injury. No officer will lose any benefits while on approved injury leave. If fifteen (15) months following the date of the officer's injury he is still unable to return to full duty, he must apply for a disability pension, resign his position with the Department, or be terminated.

b) An officer on injury leave shall be required at least every thirty (30) days to furnish a physician's certificate to the Department stating the officer's medical condition, the likelihood of said officer's return to work and a statement, based upon reasonable medical certainty, as to when the injured officer may return to his regular duties with the Department and a statement that the injured officer is unable to return to his duties due to his injury.

c) An officer injured on duty, must report, in writing, such injury forthwith to his immediate supervisor. The injury shall be recorded by the officer on the appropriate Department reports in accordance with Department General Orders.

d) When an officer is on injury leave the Unified Government may require him to be examined by a physician of the Department's choosing to determine the capability of the

officer to return to duty.

e) Officers on approved injury leave are prohibited from being gainfully employed by an employer other than the Unified Government or being self-employed.

f) The Department may allow officers on approved injury leave to return to light duty if they are able to perform the work, in which event they may be placed at the discretion of the Department. However, any light duty allowed shall not exceed twelve (12) months from the officer's return to such duty.

Section 21.8 Funeral Leave

Each officer shall have, in the event of a death in his immediate family, three (3) consecutive calendar days off with pay, one of which shall be the day of the funeral. The officer may be granted one (1) additional day off with pay for each 500 miles he must travel. The term "immediate family" shall include the officer's spouse, children, step-children, grandchildren, parents, step-parents, grandparents, spouse's grandparents, brother, sister, parents of spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, relative living in the officer's home, or for a person whom the officer served as a legal guardian or primary care provider. The Chief at his discretion may grant funeral leave to an officer to attend the funeral of other relatives, or extend the funeral leave.

Section 21.9 Sick Leave

A. Entitlement

1) All permanent officers shall be allowed leave with pay due to sickness or non-duty related injury at the rate of one and one-fourth (1 1/4) calendar days for each

calendar month of service by such officers.

2) Sick leaves shall not accumulate during General Leaves of Absence, Educational Leaves, Military Leaves, suspension or layoff.

3) Officers must actually work or be credited with working a minimum of fifteen (15) days a month to qualify for that month's Sick Leave entitlement.

B. Limitation of Accumulation

There shall be no limit to the number of sick-hours that the officer may accrue.

C. Transferred Employees

When an officer is transferred to another Department of the Unified Government, any unused sick leave hours that may have accumulated to his credit shall continue to be available for his use, as necessary.

D. Termination

Upon an officer's voluntary resignation, termination for just cause or layoff in excess of three (3) years, any accrued, unused sick leave shall be forfeited.

E. Retirement or Death

Accrued unused sick leave will be forfeited except when an officer who shall have accumulated sick leave and retires in accordance with the provisions of the Kansas Police and Fire Department Retirement Systems Act or is killed in the line of duty. Officers who retire as herein provided shall receive regular straight time compensation for any accumulated unused sick leave, but not to exceed one hundred twenty (120) calendar days and such compensation shall not exceed four (4) months base pay. Thirty (30) days of accumulated sick leave shall be

used for each one (1) months equivalent pay. If an officer has less than the referenced number of accumulated sick leave days, he shall receive the pro-rated one-thirtieth (1/30) of one (1) months pay for each day of accumulated sick leave existing at that time. If an officer is killed in the line of duty, his heirs under the Kansas Policemen and Firemen's Retirement System shall be entitled to receive pay for all accumulated sick leave the deceased officer has on the books at the date of his death.

F. Use Provisions

1) Use of accumulated sick leave by an officer or payment to an officer of paid sick leave shall be subject to the following rules:

(a) Sick leave may only be used for the purpose for which it was intended, that being to provide an officer with protection against a loss of pay due to an actual illness. Sick leave may be utilized for maternity leave or physical or mental illness.

(b) The granting of sick leave shall be at the determination of the Chief or his designee.

(c) The officer shall not be entitled to receive paid sick leave unless he shall notify his immediate supervisor of his illness before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.

(d) The Unified Government shall have the right to have made, from time to time, by its physician at its expense, such examination as it may deem necessary to ascertain an officer's condition during his illness.

(e) If an officer uses sick leave on eight (8) or more occasions in any twelve (12) consecutive month period, he may be notified by the Chief or his designee that he is placed on restrictive sick leave for the next twelve (12) months. If the officer uses sick leave on eight (8) or more occasions during the second twelve (12) month period, he may be subject to termination. The officer shall be notified in writing when he is placed in this category. When an officer is on restrictive sick leave, he shall be subject to the following rules concerning use of sick leave:

1. He shall furnish a statement from a Medical Doctor (M.D.) or licensed Nurse Practitioner on the first day he returns to work to the Chief or his designee. The Statement shall contain the physician's report that the officer was off due to injury or illness and that the officer was unable to work on the days that he was absent.
2. If the officer does not furnish a physician's statement, as provided herein, he shall be subject to the following discipline:
 - a. 1st offense - five (5) work days suspension without pay;
 - b. 2nd offense - ten (10) work days suspension without pay;
 - c. 3rd offense - termination.
3. Shall be restricted from off-duty law enforcement related employment.

(g) Officers not using any sick leave or injury leave from January 1st

through June 30th of any calendar year shall receive one (1) extra work day off with pay July 1st of the same year. Officers not using any sick leave or injury leave from July 1st through December 31st of any calendar year shall receive one (1) extra work day off with pay January 1st of the following year. Such day off may be taken by the officer, schedule permitting and with consent of his supervisor. Officers who are not actively working for the entire referenced time period are not to be credited with the one (1) extra day off with pay. A disciplinary suspension shall not disqualify an officer from receipt of a sick leave award day as provided for within this paragraph.

(h) Officers on sick leave are prohibited from being gainfully employed by any employer other than the Unified Government or from being gainfully self-employed.

(i) Officers may be allowed to donate sick time to sworn officers of the Kansas City, Kansas Police Department who have a catastrophic or life threatening personal or immediate family illness. Immediate family is restricted to individuals currently defined as such by the FMLA. Officers must have at least one hundred (100) hours remaining after donating to participate. Officers may donate up to forty (40) hours. Sick time hours donated will not be converted into any other form of compensation and donated sick time will not be paid upon separation from employment by the officer receiving the donated time. All other accrued leave and/or time must be exhausted before donated

time can be used. Any sick time turned into the Department that is not used by the officer will be lost. Officers who have been disciplined for being in violation of the Department's sick leave policy within the previous twelve (12) months of the dated request shall not be eligible to participate in the process. Officers on disability are not eligible to receive donated sick time. The eligibility of an officer to receive donated sick time will be at the discretion of the Chief of police. The maximum number of donated sick leave hours is Fifteen (15) months.

G. Payment Beyond Accrued Vacation and Sick Leave

Any officer who, on account of a non-job related illness or injury, is absent beyond the period of time for which he has accrued sick leave and vacation leave may apply to be paid at the rate of one-half ($\frac{1}{2}$) his base salary he was receiving at the time the illness or injury commenced, for a period not to exceed six (6) months. The granting of such additional leave shall be at the discretion of the Unified Government's Board of Commissioners. A return to work for a period of thirty (30) consecutive days shall be a prerequisite to the vesting of an entitlement to any second or subsequent period of half-pay for sick leave.

H. Records of Sick Leave

It shall be the duty of the Department to keep a permanent record of sick leave and each officer's accumulation and use of sick leave.

ARTICLE 22: COMPENSATION

Section 22.1 Salary

Officers in the respective ranks shall receive the following minimum monthly salary:

Years of Continuous Service	Rank	1-1-2018	1-1-2019		
1 st and 2 nd Year	Probationary & Patrolman III & II	\$3,666.66	\$3,776.65		
3 rd Year	Patrolman I	\$4,680.74	\$4,821.16		
6 th Year	Senior Patrolman	\$5,609.54	\$5,777.82		
11 th Year	Master Patrolman II	\$6,044.57	\$6,225.90		
15 th Year	Master Patrolman I	\$6,195.69	\$6,381.56		
20 th Year	Senior Master Patrolman	\$6,407.66	\$6,599.88		
0-5 Continuous Years	Sergeants & Detectives	\$6,470.64	\$6,664.75		
6-10 Continuous Years	Senior Sergeant & Detective	\$6,632.38	\$6,831.35		
Over 10 Years	Master Sergeant & Detective	\$6,765.66	\$6,968.63		

Section 22.2 Step Grades

Compensation for officers hired after January 1, 1978, will be determined by time in grade in accordance with the step grade plan. Officers in the respective ranks of Probationary Patrolman III to Master Patrolman shall progress through the steps on an annual basis determined by the officer's anniversary date provided that the officer receives the necessary recommendations for these steps.

Probationary officers who have been suspended for seven (7) continuous work days or

more during their probationary status shall not receive a step grade promotion to Patrol Officer I, 1-3 until they have served at least eighteen (18) months, plus the time of the suspension.

Section 22.3 Special Duty Pay

Officers employed in the following capacities will receive as special duty pay the following amounts per month in addition to their base pay:

A.	Bomb Technician	\$75.00
B.	C.S.I. Specialist I	\$30.00
C.	C.S.I. Specialist II (five continuous years of service With the Kansas City, Kansas Police Dept. C.S.I. Unit)	\$42.50
D	Undercover Narcotics Officer (assigned by the Chief)	\$100.00
E	Internal Affairs Unit Detective	\$100.00
F	Bilingual Officer	\$75.00
G	Canine Officer	\$150.00

Recruit PTO's shall receive \$3,000 per year.

An additional \$30.00 shall be paid to Identification Specialists who have qualified as expert witnesses by a District Court Judge(s) of the State of Kansas on at least two (2) occasions.

Section 22.4 Direct Deposit

The Unified Government shall offer direct deposit to individual officers using the procedures that the Unified Government designates.

Section 22.5 Longevity

The following longevity pay shall be added to the monthly salary of each sworn officer

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of the rank of First Class Patrolman or above who qualifies for such pay:

Police Officer	
5 years	\$46.03
8 Years	\$73.71
12 Years	\$101.32
16 Years	\$140.45
20 Years	\$156.63
25 Years	\$194.88

Section 22.6 College Incentive

New hires shall provide documentation evidencing their college degree to the Department either through the hiring process or to the training academy upon hire. Officers who obtain degrees after their date of hire with the Department shall provide documentation evidencing their college degree to the Chief's office. The following college incentive pay shall be added to the monthly salary of each qualified sworn officer after such officer's completion of their probationary period:

College Degree Achieved or
Hours Earned from
Accredited College

Acquisition of 12 credit hours in Courses enrolled in after 1-1-87 which are required toward a law enforcement degree or acquisition of 47 such hours by new hires of the Department who graduate from the KCK Police Academy after 1-1-90, provided that hours obtained during in-service training after 12-31-2008 shall not be counted toward the required number of hours.	\$ 50.00
Associates of Arts or Sciences	\$ 100.00
Bachelor of Arts or Sciences	\$ 125.00

Master of Arts or Sciences

\$ 155.00

Section 22.7 Tuition Assistance

Any sworn officer is eligible to receive tuition assistance from the Department under the following conditions:

1. The officer completes required credit courses toward a degree in Law Enforcement at an approved university or college with a grade of "C" or better. (The Chief and the F.O.P. President shall prepare a list of approved universities and colleges).

2. The officer may be reimbursed upon verification of completion of the course as provided in No. 1, and satisfactory proof of payment of tuition is furnished.

3. Reimbursement may be received for completion of up to six (6) credit hours in a semester at the maximum credit hour rate of:

Associate of Arts or Sciences	\$ 60.00
Bachelor of Arts or Science	\$ 85.00
Master of Arts or Science	\$110.00

ARTICLE 23: OVERTIME PAYMENT

Section 23.1 Overtime Rate and Scheduling

All officers shall receive one and one-half (1-1/2) times their regular rate of pay (based on 178.75 hours per month) for work performed in excess of eight and one fourth (8 1/4) hours in a given work day. Compensatory time may be paid in lieu of overtime payment if the officer in his discretion so elects. Compensatory time accumulated after April 15, 1986, shall not exceed two hundred (200) hours. The Department will maintain two (2) separate lists of compensatory time; one list for all compensatory time earned prior to April 15, 1986; the other

list shall be for all other compensatory time earned after April 15, 1986. Compensatory time will be calculated at the same rate as overtime pay. Compensatory time will not be paid in lieu of overtime payment for any assignments which are funded by Federal grants or Federal funding sources. Once Federal Funding for overtime compensation for such assignments has been exhausted, the officers will have the option of taking compensatory time or overtime pay.

Overtime within the Bureau of Operations will be offered on the basis of seniority to officers who will work the overtime hours consecutively on the preceding or following shift and within the Division where the overtime becomes available. Absent exigent circumstances pre-shift and post-shift overtime shall be limited to four (4) hours per tour of duty. Overtime or compensatory time shall only be paid for time actually worked and when approved by the Department.

Section 23.2 Unfilled Overtime Positions

If overtime hours are not filled under the provisions of Section 23.1 then reverse seniority shall be used to fill the overtime positions.

Section 23.3 Overtime for Call Back

Any officer who is called into work during his off-duty hours, which hours are not contiguous with that officer's regular shift, shall be paid a minimum of two (2) hours overtime for each call-in. Officers assigned to a twenty-four (24) hour on-call basis will not be compensated under this Article unless they are actually called out to perform a police function. Overtime shall be deemed to have commenced when an officer advises dispatch that he is in-service and en route to the assignment.

Section 23.4 Overtime Within the Criminal Investigations Bureau

This section will apply only to Detectives who are assigned to the Criminal Investigations Bureau.

The need to offer overtime positions for the Criminal Investigations Bureau will be determined by the Bureau Commander, or his designee. Whenever Detectives are needed for overtime positions such overtime shall be assigned by a seniority list, maintained by the Department, based upon time in grade, as set forth in section 6.4 of the Memorandum. The Department shall fill all needed overtime positions in order of seniority. If a Detective on the list is off-duty, an attempt to contact the Detective shall be made by using the telephone number listed by the Detective in the personnel directory. If contact is not made with the Detective by this attempt there is no further obligation to contact the Detective on this occasion. There is no requirement to contact Detectives who are on any type of leave (sick, holiday, vacation, Comp time, FMLA, etc.).

Each separate instance of a determined need to fill overtime positions in the Criminal Investigations Bureau will require that the procedure outlined above be initiated, from the beginning of the seniority list, starting with the most senior Detective.

Any Detective who does not want to be placed upon the list for overtime may, at his discretion, have his name removed from the seniority list for the purposes of forfeiting overtime. Any such Detective may also elect to place his name back on the seniority list, at any time.

If overtime hours cannot be filled under the provisions outlined above then reverse

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seniority shall be used to fill the overtime positions. Detectives who elect not to be on the regular overtime list are not exempt from reverse seniority overtime.

The provisions of this section shall not apply to any special investigative task-force units or to overtime which is related to a Detective's normal assigned duties or cases. This section will also not apply to Metro-Squad Investigations.

Section 23.5 Overtime for Officers Assigned to the Community Policing, Vice, Narcotics and School Resource Officer Units.

Overtime within the Community Policing, Vice, Narcotics, and School Resource Officer Units will be offered on the basis of Department seniority to officers assigned to their unit who will work the overtime hours consecutively on the preceding or following shift. When feasible, pre-shift and post-shift overtime shall be limited to four (4) hours per tour of duty.

This section shall not apply if the overtime relates to a specific ongoing assignment, assigned case, task force, trained skill, geographical responsibility, community group or designated school, of a particular officer.

Section 23.6 Overtime for Report Desk Personnel

Officers who bid the report desk position will not be assigned to any police duties outside the report desk, such as assignment to district cars, during the period of their normal bid/assignment to the report desk, and those officers are not eligible for overtime as outlined in this article, except that, when overtime is created as a result of the absence of a report desk officer, that overtime shall be offered to the report desk officers on the preceding and

succeeding shifts.

ARTICLE 24: COURT TIME

Officers shall receive pay at the overtime rate for a minimum of one (1) hour or time actually worked, whichever is greater, for court appearances arising from the officer's direct employment as a Kansas City, Kansas Police Department Officer, when they are required to appear while off duty. Officers will not receive court time pay for appearances while on duty. Officers so appearing will receive one (1) hour's pay at the overtime rate for travel for each court appearance provided that at least two (2) hours has passed between the termination of one court appearance and the beginning of the next. Officers will not receive court overtime pay for a court appearance arising from off-duty employment. Officers shall have the option of selecting compensatory time or overtime payments for all court time.

ARTICLE 25: CLOTHING - UNIFORM ALLOWANCE

All sworn personnel in the Department of the rank of Probationary Patrolman II and above shall receive a yearly uniform allowance in the following sums:

2018-2019 – One thousand forty-five dollars (\$1,045)

This uniform allowance will be dispersed in a manner designated by the Department. Officers assigned to plainclothes duty for six (6) months or more shall receive a cash clothing allowance, as specified above, to be paid in January or February of each year of this Memorandum. All other officers shall be given the option to receive twenty-five percent (25%) of their uniform allowance in cash in the first quarter of each year of this Memorandum.

Officers who fill a vacant position in a unit which requires a uniform other than a Class

A uniform shall receive three (3) uniform shirts and trousers for that unit if the uniform is different from the previous unit. If the officer leaves the position within twelve months of the issuance of the clothing the three (3) uniforms provided will be returned to the Department.

If an officer requests an item from a vendor in conformity with the general orders and said item is not delivered before the end of the calendar year, the Unified Government shall carry over that item as a purchase order into the next year and it shall not be deducted from the officer's clothing allowance for the following year.

The initial cost of any new issue or newly required equipment shall be fully borne by the Unified Government and will not be subtracted from an officer's uniform allowance.

Detectives promoted after January 1, 1995 shall maintain one Class A uniform and the requisite Class A equipment, if it was issued to them by the Department.

Any officer who fails to maintain his or her uniforms in an acceptable manner may be subject to discipline.

ARTICLE 26: HOLIDAYS

Officers shall receive one (1) day off with pay in compensation for the following holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veterans Day
Presidents Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	

Alternative days off in lieu of a holiday with pay, if not taken within twelve (12) months of the occurrence of the actual holiday shall be forfeited by the officer, except for officers on military leave.

Officers shall, in addition to the above holidays, receive all other holidays declared to be such by the Unified Government's Board of Commissioners for the benefit of other Unified Government employees. This provision shall not apply if the holidays listed in this Article fall on a Saturday or Sunday.

ARTICLE 27: INSURANCE COVERAGE

The Unified Government agrees, during the term of this Memorandum, to offer the officers of the bargaining unit the same medical plans(s) which are made available to the Unified Government's employees generally.

A. Employee Premium.

Each covered employee shall make monthly medical plan premium payments for either single or family coverage elected at the rate of \$30 per month, provided that in 2019 this amount shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium that is also adjusted annually based on an equal percentage as for employee premiums for the least expensive medical plan provided or administered by a major reputable carrier recommended by the joint committee and approved by the Unified Government administrator.

b. Family premium.

Employees electing to obtain dependent coverage under a family coverage under the medical plan(s) will pay 25% of the premium cost of the dependent portion of family coverage in addition to the applicable employee premium cost discussed in subsection a. above, and the Unified Government shall pay the remaining contribution for the least expensive medical plan provided or administered by a major reputable carrier recommended by the joint committee and approved by the unified government administrator.

c. Election of More Expensive Plans.

Should the Unified Government offer a more expensive medical plan(s), and the officer elects to be covered by the same, then the officer will pay any additional premiums.

D. Premium Deductions.

The officer's share of the premiums shall be deducted from his paycheck. Employees may elect to have their insurance premiums paid with pretax dollars.

ARTICLE 28: MISCELLANEOUS PROVISIONS

Section 28.1 Off Duty Responsibility

Any action taken by a member of the force on his time off, which action would have been taken by an officer on active duty if present or available, provided an emergency exists which would constitute a felony violation or potential felony violation or incident which could involve bodily injury, in accordance with the Rules and Regulations of the Department, shall be considered police action, and the employee shall have all of the rights and benefits concerning such action as if he were then on active duty.

The Unified Government will provide each employee a handbook containing the Rules and Regulations of the Department. A copy of this will be posted at Police Headquarters and all Divisions and Bureaus.

Section 28.2 Civil Suits

In the event of a civil suit against an officer arising from the performance of his duties while acting within the scope of his employment, the Unified Government shall provide legal counsel and will indemnify the officer as provided in the Kansas Tort Claims Act K.S.A. 75-6101 et seq.

Section 28.3 Contagious Diseases - Medical Expenses for Officer's Family

The Unified Government agrees to pay all expenses for inoculation or immunization shots for members of an officer's family when such becomes necessary as a result of said officer's exposure to contagious diseases where said officer has been exposed to said disease in the line of duty.

Section 28.4 Burial Expenses Funeral and Reasonable Burial Expenses

The Unified Government agrees to defray all funeral and burial expenses, not paid in accordance with workers' compensation, of any officer of the Police Department killed in the line of duty or who dies a duty related death. The Unified Government also agrees to pay the cost of having such deceased officer's name engraved on the Police Memorial Monument.

Section 28.5 Officer's Rights

Any officer may review at any time the records concerning the individual officer within the Chief's office, Personnel office and the Internal Affairs Unit, and receive a copy of same at

his request.

Section 28.6 Police Range Firearms Qualification

(a) Each employee will be properly qualified with all weapons available for his use. This qualification shall be done at least twice (2) yearly, and not more than six (6) months shall elapse between qualifications. The Department shall maintain a complete record of qualifications, stating therein ammunition used, weapon used, and the score. Any officer who fails to qualify, for any reason, during their assigned qualification period, unless excused in writing by the Bureau Director, shall be removed from the payroll until such time as the officer successfully qualifies.

(b) The Unified Government agrees that it shall provide all necessary equipment to efficiently operate the facilities. Operating expenses will be paid by the Unified Government.

(c) The Unified Government will release all personnel from their duties to qualify with their weapons, at no loss of time to the employee. If the employee is called in on his off duty time, he will be compensated according to Article 23.

(d) All sworn employees will have preference in use of the range under all circumstances.

Section 28.7 Bilingual Officers

1. At least one (1) month prior to the annual bid, the Department shall issue a call for interest for any officer who wishes to serve as a bilingual officer. To be eligible for selection as a bilingual officer, such officer must either be certified as a bilingual officer after responding to the call for interest or must have been previously certified as a bilingual officer. The Department shall cover the cost of such certification. Officers who express an interest in

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serving as a bilingual officer and who either receive a certification attesting to their fluency in a language other than English or have been previously so certified, shall receive \$75.00 per month as special duty pay. The Department shall choose the specific languages for which it determines certified bilingual officers are needed. The Department shall determine the number of certified bilingual officers which are needed for each language chosen. If interest is expressed by more officers than the Department determines is needed for any specific language, the selection of officers to fill the available positions shall be based upon seniority.

2. On-duty certified bilingual officers shall be required to respond to any scene as directed by the Department to provide assistance. Unless otherwise authorized by an on-duty supervisor, no on-duty certified bilingual officer who receives special duty pay may refuse to respond upon request.

3. Spanish Speaking On Call Rotation.

a. The Department shall establish an on-call list based on seniority of Spanish speaking bilingual officers prior to the annual bid. The on-call list shall rotate on a weekly basis. Starting with the most senior officer on the list, one certified Spanish speaking bilingual officer per week shall be designated as on-call from Wednesday at 0001 hrs. to Tuesday at 2359 hrs. After serving for one (1) week the officer shall be placed on the bottom of the list.

b. When called out to respond to an incident, the on-call certified bilingual officer shall receive call back pay plus an additional hour at the overtime rate or the total time working at the overtime rate, whichever is greater.

c. The on-call certified bilingual officer shall respond to any call out during the week they are designated as on-call regardless of whether he or she is on any type of

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paid leave or unpaid regular days off.

d. The on-call certified bilingual officer may switch on-call weeks or individual days with the approval of the Chief or his designee.

e. On-call certified bilingual officers who fail to respond to a call-out situation shall be removed from the list of certified bilingual officers for the remainder of the bid year and they shall forfeit any future monthly special duty pay unless the Chief determines that there is a legitimate reason for the officer's failure to respond. Officers who are removed from the on-call list may re-submit their application to serve as a bilingual officer during the following year's call for interest.

4. On-Call Rotation for Languages Other than Spanish.

a. The Department shall follow the on-call procedure for Spanish speaking certified bilingual officers in establishing an on-call rotation for non-Spanish speaking bilingual officers, except that non-Spanish speaking bilingual officers shall not be required to respond to call outs when they are on any paid leave or are off on unpaid regular days off.

ARTICLE 29: SAFETY AND HEALTH

Section 29.1 Alcohol and Drug Free Workplace

All officers included in the bargaining unit shall be subject to random drug and/or alcohol testing separate from and in addition to testing based upon the reasonable suspicion that the person is under the influence of drugs and/or alcohol. Except as hereafter agreed to in writing by the parties, random drug and/or alcohol testing shall be performed in accordance with the policies and procedures set forth in the Statement and Policy on Substance Abuse and Drug and Alcohol Testing for the Bargaining Unit of the Kansas City, Kansas Police

Department. The provisions of Article 14 and 15 of this Memorandum are not abrogated or amended by the language of this provision. Any discipline for a positive test result shall be imposed solely by the Chief of Police who shall not be bound by the policies applicable to any other Department.

Section 29.2 Smoke Free Workplace

Smoking by employees upon the Department's or Unified Government's premises or in Department owned, operated and controlled vehicles is prohibited except in designated areas. Any violations may subject employees to discipline.

Section 29.3 Physical Fitness

A joint committee of two officers and two commanders shall be appointed equally by the Chief and the Union President to serve on the joint physical fitness committee. The committee shall have a chairman, elected by the committee's members. The committee shall meet regularly and shall report to the Chief and the Lodge on any recommendations it may have concerning programs, testing and facilities, for the development and implementation of a physical fitness program for the Police Department. A physical fitness program, which must be approved by the Department and the Lodge, shall contain voluntary standards, and a bonus/award system of two award days on an annual basis for those who voluntarily meet its standards.

Section 29.4 Americans With Disabilities Act

Both parties are subject to the terms of the Americans with Disabilities Act (ADA).

Section 29.5 Police Firing Range / Lead Contamination

Officers assigned to the police firing range as the Department's rangemaster or assistant rangemaster shall be provided an annual test for lead poisoning. Two officers assigned to the tactical unit, who have had the most exposure at the police range, shall also be provided an annual test for lead poisoning. If the test result(s) is not within OSHA guidelines, the Department will test the remaining tactical unit officers.

ARTICLE 30: ENTIRE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding supersedes and cancels all previous agreements, oral or written, and all existing unwritten practices between the Unified Government and/or the City of Kansas City, Kansas and the members of the Lodge and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein which are subject to City ordinances existing at the date of this Memorandum. Any conflict which may exist between existing City ordinances and provisions of this Memorandum of Understanding shall be determined in favor of this Memorandum of Understanding. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto.

The parties further acknowledge that during the negotiations which resulted in this Memorandum of Understanding, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Therefore, the Unified Government and the Lodge for the life of this Memorandum, each agree that the other shall not be obligated to negotiate collectively, but may if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 31: SAVINGS CLAUSE

Should any term or provision of this Memorandum be in conflict with any State or Federal statute or other applicable law or regulation binding upon Kansas City, Kansas, such law or regulation shall prevail. In such event, however, the remaining terms and provisions of this Memorandum will continue in full force and effect.

If any article or section of this Memorandum shall be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section shall be restrained by such tribunal, the remainder of the Memorandum shall not be affected thereby. The parties shall then enter into immediate collective negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or section.

ARTICLE 32: DURATION

This agreement shall be effective from January 1, 2018 and shall terminate at the close of business on December 31, 2019. This agreement, and any written amendments made and annexed hereto, shall continue in full force and effect until midnight, December 31, 2019 or until the parties reach a successor agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals below.

FOR THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY AND
KANSAS CITY, KANSAS

FOR THE FRATERNAL ORDER
OF POLICE, LODGE #4

DOUG BACH,
COUNTY ADMINISTRATOR

PRESIDENT

CHIEF LODGE STEWARD

TERRY ZEIGLER,
CHIEF OF POLICE

VICE PRESIDENT

NEGOTIATOR,
ASST. CHIEF PAM WALDECK

SECRETARY

NEGOTIATOR,
ASST. CHIEF TYRONE GARNER

TREASURER

NEGOTIATOR,
ASST. CHIEF MIKE YORK

Renee Ramirez
Director of Human Resources

ATTEST:

Unified Government Clerk
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Approved as to form:

Kenneth J. Moore
Chief Legal Counsel
Unified Government



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: March 1, 2018
Re: **Change of Zone Petition #3151**

GENERAL INFORMATION

Applicant:
Tyler Edwards

Status of Applicant:
Operator
Menard, Inc.
5101 Menard Drive
Eau Claire, WI 54703

Requested Actions:
Change of Zone from
A-G Agriculture District to CP-2
Planned General Business District

Date of Application:
September 29, 2017

Purpose:
To build a 210,754 square foot Menards home improvement store

Property Location:
1301 North 98th Street

Existing Zoning: A-G Agriculture District



Surrounding Zoning: **North:** B-P Planned Business Park District
 South: A-G Agriculture District
 East: A-G Agriculture District
 West: None

Existing Uses: **North:** Dairy Farmers of America
 South: Undeveloped land (former Wyandotte County Fairground
 Maintenance Building
 East: Schlitterbahn Vacation Village
 West: Interstate 435

Total Tract Size: 29.57

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment/Commercial District

Major Street Plan: The Major Street Plan classifies North 98th Street as a Class C Thoroughfare

Advertisement: The Wyandotte Echo – January 18, 2018
 Letters to Property Owners – January 17, 2018 and February 22, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission Meeting

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tyler Edwards with Menard's Inc. seeks a change of zone from A-G Agriculture District to CP-2 Planned General Business District to build a 210,754 square foot home improvement store retail building (Menards) at 1301 North 98th Street on 29.57 acres. The development will the retail store, outdoor landscape and garden area, a lumber warehouse, external sidewalks connecting to 98th Street and a multi-purpose trail behind the property.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The immediate neighbors to the north and east are Dairy Farmers of America and Schlitterbahn Vacation Village. The proposed use is near auto dealerships northwest of North 98th Street and France Family Drive. This area of 98th Street between State Avenue and Parallel Parkway is largely commercial development.

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

The zoning and uses of properties nearby is set out above. By following the adopted design guidelines and district regulations, mitigating noise concerns and extensive landscaping, the proposed retail development could be compatible with existing and anticipated uses.

It should be noted that this retail plan is significantly different than what was shown to DFA when they purchased their property. The original plan was for smaller box stores that would not have the need for constant truck and fork truck traffic that have federally required back-up warning devices. Trash compaction noise could also be an issue. The areas of heaviest use for these trucks would be adjacent to the employee amenities developed by DFA. There is a significant noise and to a lesser but important degree an aesthetic compatibility issue.

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. Non-residential development of this site has been contemplated for more than 10 years. Significant infrastructure has been built to allow commercial development.

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

Based on aerial photography, the property has been vacant as zoned since 2010; however, the site was cleared and roughly graded when 98th Street was realigned and constructed during that same time.

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.*

Locating a home improvement store on this property can be viewed as a necessary convenience. It can provide an amenity that is currently lacking in the area. The proposed use may reinforce the type of development along the 98th Street corridor.

Detrimental effects on marketability of the adjacent Class A office property are possible if the proper design steps are not taken. Removal of the agricultural restrictions could negatively affect nearby property with noise including backing trucks and fork trucks (day and night), trash compaction and other noise as well as it could lead to the spread of litter if not properly controlled.

It should be noted that this plan is significantly different than what was shown to DFA when they purchased their property. See # 2 above.

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.*

There are three scales of traffic impact. First at the site level and getting traffic in and out of the site. Second is the intersection with 98th Street and the indication from the traffic study that at least one movement will be level of service F. Finally, in the larger development, the intersection at 98th and Parallel is designed and not built and the traffic study indicates the intersection at 98th and State will have at least one failing movement once Menards opens. See Public Works Comments for further comment.

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

The proposed use conforms to the Master Plan.

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

The impacts of the proposed development do not appear to be significantly different than other types of land use that would be permitted.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by West Patrol, District #225

e. *Fire*

Fire service is provided by Station #6 near 95th and State Avenue.

f. *Transit*

Kansas City ATA does not provide transit service near this property. The closest transit stop is on Village West Parkway, in between State Avenue and Parallel Parkway, Route #101 and #116.

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

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

The proposed use will have a positive economic impact on the community.

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

With revisions, the proposed use is capable of meeting applicable ordinance requirements. However, the applicant is asking for multiple exceptions to the code as well as a significant parking variance.

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

Given the future development scenarios in the area it is not likely to impose hardships on individual landowners.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 24, 2018. According to the applicant, no one appeared in opposition at the meeting.

KEY ISSUES

Compliance with the Commercial Design Guidelines
Public Works Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3151, **stipulating that the staff and applicant continue to work towards compromise on the issues in the staff report (for final plan review) regarding masonry columns, landscaping, and maintenance of materials, subject to:**

Urban Planning and Land Use Comments:

General Planning

1. **Sec. 27-466(c)(1)** All sales, services and storage shall be conducted within a totally enclosed building. No product may be handled, or service rendered which cannot be accommodated within a building always, except that accessory sale and storage of landscaping and gardening supplies, Christmas trees, and vehicles for sale may be kept outside. No sales will be allowed from the parking lot.

Applicant Response: Outdoor storage and pickup and limited sales area will exist within the fenced in lumberyard. This is standard at all Menards retail stores and this site will be no different. Outside of the propane station and a limited number of trailer sales (not to exceed 10 per year), it can be agreed that no sales be conducted in the parking lot.

Staff Response: The applicant is asking for a variance from the Board of Zoning Appeals for a reduction in parking. Based on the 210,254 square foot store, 843 parking spaces are required. The applicant is providing 412 spaces, a violation of 431 spaces. Staff has concerns about the trailer sales on the property which will occur in the parking lot, further reducing the 412 spaces already proposed in the parking lot.

The traffic study indicates the ingress/egress volumes are higher than the proposed parking available on-site. During the Saturday peak, there are 403 vehicles coming into the site and 387 vehicles leaving the site. There are 412 parking stalls in the lot, so the parking lot is at full capacity if nine (9) vehicles do not leave during the Saturday peak, therefore additional parking is needed. Staff cannot support the variance at the level requested and this application cannot be finally approved without the parking variance.

2. **Over the road trucks and trailers may not be kept on the property overnight.**

Applicant Response: It can be agreed that no trucks and trailers will be kept in the parking lot overnight however, it is requested that trucks and trailers be allowed overnight in the outdoor lumberyard as it would be shielded from the general public due to the Menards store and fence. Essentially the general public would not even know if a truck or trailer is sitting back there or not. Idling overnight will not be allowed in any event.

Staff Response: Sec. 27-466(c) No use is permitted that involves the parking, keeping, storage, or continued presence of trucks over 30,000 GVWR rating, semitrailer rigs or portions thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.

Trucks (cabs) and their trailers are not permitted to be parked overnight anywhere on the property. As stated above, trucks that make normal deliveries do not apply, but again, they may not be kept on the property overnight. In order to have trucks and trailers parked on the property, a change of zone to MP-1 Planned Light Industrial and Industrial Park District is required.

3. Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.

The building is 210,754 square feet, so 843 parking spaces are required to be code complaint. A variance from the Board of Zoning Appeals is required to have a reduction in parking than the code allows, in this case 412 spaces.

Applicant Response: A variance will be requested to reduce the required parking.

Staff Response: The traffic study indicates the ingress/egress volumes are higher than the proposed parking available on-site. During the Saturday peak, there are 403 vehicles coming into the site and 387 vehicles leaving the site. There are 412 parking stalls in the lot, so the parking lot is at full capacity if nine (9) vehicles do not leave during the Saturday peak, therefore additional parking is needed. Staff cannot support the variance at the level requested and this application cannot be finally approved without the parking variance.

4. Sec. 27-575(e)(8) Parking should be divided into blocks of 40 to 50 spaces. Where this is not easily defined, groups of 20 spaces should be divided by a landscape island at least the size of one stall.

The parking lot has numerous locations, for example along North 98th Street and along the north property line where parking rows are longer than 20 continuous spaces. Please revise the site plan to include the parking lot revisions.

Applicant Response: We have added parking lot islands to address this concern.

5. Sec. 27-575(e)(10) Cart corrals should be low-profile, created with pavement (e.g. curbs), may include a bollard to deflect parking, and should have low-profile signs, no taller than four feet.

Applicant Response: A detail of a standard cart corral has been attached.

Staff Response: The proposal is acceptable provided a masonry base similar to Walmart is provided. No signage is allowed on the covers.

6. Sec. 27-565(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.

Applicant Response: A sidewalk has been added to the south end of the parking lot which will connect to the sidewalk running along North 98th Street.

Staff Response: The designated walkway begins in the parking lot extending to the main entrance of the building. The pathway is internal to the parking lot and does not connect to 98th Street. For examples, please look at Walmart and Sam's Club at Plaza at the Speedway or Target in the Village West area. This must be revised.

7. It appears as though off-site grading is proposed for this development. Do you have the necessary cross-access easements to perform the work?

Applicant Response: An easement for the off-site grading is currently being worked on and will be obtained prior to the performance of any work.

Staff Response: If the easement is not granted, a retaining wall will need to be substituted. This could alter the site plan.

8. How will on-site OSHA back-up warning noise be mitigated?

Applicant Response: Landscaping and the lumberyard fence will mitigate any noise that is generated.

Staff Response: Please provide a sound study for the Final Plan Review to prove this assertion.

Building Architecture

1. Sec. 27-576(d)(6) Building elements must not function as signage. The appearance of "franchise architecture" where buildings function as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic or a particular business must be unobtrusive and secondary to the overall architectural design.

Applicant Response: We believe we are in compliance with this comment.

Staff Response: This is a classic example of Corporate Architecture. There is no other common retailer that uses this design. The building Architecture must be significantly enhanced, and the corporate identifying portions of the building removed or significantly altered. Examples of this in the past are the best buy store that got a deviation from this requirement. It now sits empty. Reuse requires major reconstruction. It is not surprising it has been vacant except for a temporary Halloween store since closing. A positive example would be Dollar General and other Dollar Stores significantly modifying their architecture of significant objections

but now with one just closing, we have a nice building ready for immediate reuse.

2. Sec. 27-576(d)(8) Accessory structures must incorporate matching design and materials of the primary building.

The outdoor yard area and warehouse are accessory structures and therefore must match the design and materials as the primary building.

Applicant Response: The material of the accessory building does match the accents on the front of the Menards store as well as the material for the rear overhang enclosure. This building is located in the lumberyard and the only neighbor that will see the building likes the design as proposed.

Staff Response: Staff has no indication of support from neighbors other than the property seller. In the past we have relieved the standards on areas not visible to neighbors such as the rear of Sam's Club. However, there are significant areas of concern open to and visible to the public and neighbors. In those visible areas, Menards' must comply.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

3. Sec. 27-575(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

Applicant Response: Revisions to the façades have been made. Please see revised store elevations.

Staff Response: The elevations are still not in compliance with the Overlay Zone. Further revisions are necessary at Final Plan.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

4. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.

While the west elevation incorporates some of the aforementioned techniques, there remain large sections of the façade that do not integrate these features into the design of the building.

When discussing 360-degree architectural design, all elevations must include these elements, not just the façade that faces the street. In the future, there may be development to the south or redevelopment to the east, so quality design is of the utmost importance.

Applicant Response: Revisions to the façades have been made. Please see revised store elevations.

Staff Response: The north building elevations have been revised to add columns and an external staircase from the second floor, however the distance between the 18" columned step in walls is 130 feet. As stated above, a building wall not more than 45 feet in length should be divided into increments of no more than 45 feet through articulation. The proposed distance is almost three times the length of the standard.

The automotive dealerships in Legends Auto Mall and Legends Auto Plaza, Dairy Farmers of America, the medical office building, Premier Automotive all have complied with breaking up their façades into 45-foot increments. Again, a deviation such as this has never been asked for by any other applicant. Modifications must be made.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

5. Sec. 27-576(e)(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

Please review other developments in the area that have used these materials in their building, such as Legends Auto Mall, Plaza at the Speedway and Legends Outlets Kansas City.

Applicant Response: Revisions of the façades have been made. Please see revised store elevations.

Staff Response: The elevations are still not in compliance with the Overlay Zone. Further revisions are necessary at Final Plan.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

5.5 Please describe how this development compares with approved design guidelines for the development.

Applicant Response: *We are not aware of any design guidelines that have been approved for this property. That master developer has approved our proposed design and plans have been submitted to the Unified Government.*

Staff Response: The original development plan had design guidelines and themes still applicable to this area from November of 2005. However, with the change of zone and land owner support, we will consider any modifications as the specific guidelines for this site, but no other. The land owner should make themselves aware of their requirements prior to future submissions.

- 6. Sec. 27-576(e)(2) Exterior building materials shall not include the following:**
- a. Split shakes, rough sawn, or board and batten wood;**
 - b. Vinyl siding;**
 - c. Smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels;**
 - d. Field painted or prefinished corrugated metal siding;**
 - e. Standard single-tee or double-tee concrete systems; or**
 - f. EIFS at the ground level or comprising more than 15 percent of any façade.**

Overall the building does not comply with our Commercial Design Guidelines. The largest non-conformity would be the proposed metal exterior. Several past cases such as Performance Toyota, some tenants within Plaza at the Speedway and every casino application staff reviewed, originally proposed metal. Staff did not support any of those proposals.

The Cerner office building was approved by the City Planning Commission to have precast panels on the ground level and a metal panel skin on the subsequent eight (8) stories. The panels were a high-quality, durable stainless steel that did not require any maintenance. The panel will not rust and due to the nature of the rain screen, it will not weep (drip marks that occur over time). The City has continuously denied any substantially metal buildings in the past and forced applicants to use alternatives.

Staff was concerned about precedence, but what distinguished Cerner's building from other buildings were the two nine (9) story towers and that they utilized high-quality, stainless steel that needed no maintenance over time. Lesser quality stainless was available but was not allowed in that application or any other.

Metal accent, similar to EIFS should not exceed 15 percent per facade. A metal building for the warehouse and outdoor yard area does not comply with the standards in the Commercial Design Guidelines. Under the

commercial design guidelines, no development has been permitted to construct a building using steel siding as their exposed, exterior material.

Applicant Response: It should be noted that the situation at this site is unique compared to many other sites. The front (west) and left (north) elevations are the only elevations completely visible to the public and the green steel on these elevations only serves as accents to the main building material. The right (south) and rear (east) elevations contain non-structural overhangs that are enclosed with green steel, but the fence around these façades impair the visibility of this material to the general public. By allowing the exterior materials as proposed the Menards store will be consistent with other Menards stores in the area while not comprising the intent of this restriction.

Staff Response: The site is not unique, as their site is and will be surrounded by development on three sides. 360-degree architectural design shall be taken into account when designing this building. Metal paneling is considered an accent material and may comprise only 15 percent of each façade. One development in the area, Nissan automotive dealership sought a deviation from the City Planning Commission to have 17 percent metal cladding on their building.

The elevations will need to be revised during the final plan review process to comply with the requirements in the Commercial Design Guidelines.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

7. Sec. 27-576(e)(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

Applicant Response: We believe we are in compliance with this comment. Please approved the current elevations.

Staff Response: The main building is close, but the exterior warehouse does not comply.

Landscaping and Screening

1. The site plan is unclear as to any exterior fencing around the perimeter of the building. Any privacy fencing shall be 8' in height and have masonry columns every 32 feet.

Applicant Response: The portion of the fence adjacent to the parking lot will be comprised of wrought iron. The remaining fence will be 14 feet tall. There will be extensive landscaping around the fence to supplement the appearance.

Staff Response: A variance from the Board of Zoning Appeals is required in order to have a 14-foot tall fence in the CP-2 Planned General Business District. An 8-foot tall fence is permitted in the district. Any approval is not complete until the variance is granted.

2. **Sec. 27-466(g)** A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area.

Based on the site plan, the store property and outside yard areas comprise 21.06 acres. The district regulation requires 131 trees to be planted. The site plan/landscape plan must be revised to include 80 additional trees to meet the base code requirement. If that cannot be accomplished, a variance must be applied for and approved by the Board of Zoning Appeals. Staff will not support the appeal, as all developments in the area have been able to comply with the district requirement.

Applicant Response: See revised landscape plan – an additional 80 trees have been added to the landscape plan to comply with this requirement.

Staff Response: There has been no attempt to meet the overlay zone landscape requirement. This is unacceptable and additional landscape is required. We understand that there are plans to do more work adjacent to the site. Some portion of that work could be counted towards this requirement. Full details and design plans will be required at Final Plan.

3. **Sec. 27-577(a)(5)** Landscaping shall exceed the typical code requirements by at least 75 percent.

Based on the 75% multiplier, the Commercial Design Guidelines require a total of 229 to be planted on the site. To seek a deviation from this requirement, the City Planning Commission must approve the request. The vast majority of the developments in the surrounding area have not sought a deviation from the Commercial Design Guidelines.

Applicant Response: Additional trees have been planted throughout the site in an attempt to accommodate this requirement. Due to the site of the improvements and necessary spacing between trees, 173 trees can be on the property. The applicant respectfully requests that the Planning Commission approve a deviation from the Commercial Design Guidelines to allow 173 trees to be planted for this project.

Staff Response: Staff has never encountered such a substantial deviation request from the Commercial Design Guidelines as what the applicant is asking for with a deficit of 56 trees. Other developments in the Legends Auto Mall and Legends Auto Plaza have complied with the guidelines. The Chrysler Dodge Jeep Ram and Ford dealerships received a small deviation from the Commercial Design Guidelines to reduce the required to

landscape 75% of the foundation. Some effort on this issue must be made. As to the greater requirement, we understand that there are plans to do more work adjacent to the site. Some portion of that work could be counted towards this requirement. Full details and design plans will be required at Final Plan.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

4. All parking lot islands shall be curbed and landscaped. Please revise the site plan by removing the painted hatched islands and replace them with islands that are curbed and landscaped (with trees.)

Applicant Response: Revisions to the site plan to accommodate these comments have been made. Please see revised site plan.

Staff Response: Thank you.

5. All trees must be planted at 2" caliper. All shrubs along the exterior of the site must be planted at a minimum of 5 gallons. Internal shrubs must be planted at a minimum of 3 gallons.

Applicant Response: No issue with this comment. It has been taken into account.

6. All landscaping shall be irrigated.

Applicant Response: No issue with this comment. It has been taken into account.

7. All rooftop mechanical units shall be screened on all sides by the parapet.

Applicant Response: We agree to screen the rooftop units however, it will not be screened by a parapet as one does not exist.

Staff Response: The roofline shall screen the mechanical units. Metal panels will not be instrument to which the rooftop equipment will be screened.

8. Utility boxes (including green transformer boxes) are screened from public view by landscaping that is evergreens and the same height as the box. As an alternative, the applicant could build a screen wall and use shorter landscaping plantings around the perimeter of the wall.

Applicant Response: No issue with this comment. It has been taken into account.

9. Utilities close to the building or mounted on the wall shall be screened by an architectural wall or landscaping. The wall mounted utilities should be tucked in a corner and painted to match the building.

Applicant Response: No issue with this comment. It has been taken into account.

10. Since this building has high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers should be designed so that they are reasonably screened, and all downspouts shall be internalized.

Applicant Response: All downspouts and scuppers are located within the lumberyard area and will be screened by the 14-foot tall fence. Please approve.

Staff Response: Staff will further evaluate this issue during the final plan review. Staff requests site line study from the west to illustrate that the dumpster will not be seen from view.

11. Trash enclosures shall match the building and use the same materials in its construction.

Applicant Response: Trash enclosures are located within the lumberyard and will be screened by the 14-foot tall fence, store and warehouse. Please approve.

Staff Response: Staff will further evaluate this issue during the final plan review. Staff requests site line study from the west to illustrate that the dumpster will not be seen from view.

12. Sec. 27-577(b)(1) 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. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. This distance is to be measured from the public right-of-way or curb line of a private easement.

Applicant Response: Appropriate landscape zones have been established along North 98th Street. Please approve.

Staff Response: This will be verified at Final Plan.

13. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

Applicant Response: Trees have been added along North 98th Street. Please approve.

Staff Response: Shrubs must be added to meet the criteria as well.

- 14. Sec. 27-577(b)(3)** In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
- a. 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.
 - b. 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.

Applicant Response: Trees have been added to the site plan along North 98th Street.

Street Response: This will be verified at Final Plan

Lighting

1. All lighting should be decorative lighting and have 90-degree cutoff fixtures to ensure that residual light is not spilling across the property lines. Any light cast may not exceed one (1) footcandle at the property line.

Applicant Response: Standard 90-degree cutoff fixtures will be utilized. See attached cut sheets. Please approve

2. Exterior parking lot lighting shall have 90-degree cutoff fixtures.

Applicant Response: Standard 90-degree cutoff fixtures will be utilized. See attached cut sheets. Please approve.

3. Wall pack lighting is not permitted. Any lighting mounted on the building shall be decorative.

Applicant Response: No wall packs are proposed for the site.

Trail and Pedestrian Circulation

1. The 8' sidewalk that complies with the Sidewalk and Trails Master Plan must be completely installed upon completion of the realignment of 98th Street between France Family Drive and Parallel Parkway.

Applicant Response: Sidewalk will be extended across the property.

Staff Response: The applicant has also provided an exhibit depicting a walking trail behind their property, extending from the medical office building from the north along the Schlitterbahn river to the Schlitterbahn

ticket building to the southeast.

Signage

1. Signs are reviewed separately and are not part of this approval. When the applicant is prepared to discuss on-site signage, staff requests that the applicant submit an overall sign package for ease of review.

Applicant Response: Agreed.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Comments are listed as stipulations below.
- B) Items that are conditions of approval (stipulations):
- 1) The change of zone will require final development plans to be approved by the Planning Commission prior to construction permit acquisition, and at this time, only preliminary development plans have been submitted as indicated on the application. Final development drawings require construction level drawings and shall include all applicable construction notes, details and final engineering design in accordance with UG standards and criteria.
 - 2) Public improvements are required as part of this project. Separate public improvement plan sets shall be submitted with the final development plan submittal and shall meet all applicable UG and state requirements (KDHE, KDOT, etc.).
 - 3) With the final development plan submittal, provide CCTV to verify the existing sanitary sewer and manholes which are proposed to be reused are accessible and of satisfactory condition.
 - 4) All stormwater quality requirements shall be met in accordance with UG standards and criteria. Additional site area may be required for stormwater BMP's to meet MARC BMP manual and UG requirements. Applicant shall coordinate with Engineering and Planning in order to meet landscaping and stormwater quality requirements.
 - 5) Existing soil percolation tests shall be provided at proposed stormwater BMP locations, with the final development plan submittal.
 - 6) Provide documentation on the existing KCP&L easement vacation prior to final development plan approval.
 - 7) The lot line adjustment shall be approved by the UG prior to final development plan approval.
 - 8) Obtain a KDHE sanitary sewer extension permit and submit to the UG prior to final development plan approval.
 - 9) Obtain all necessary temporary and permanent easements and submit to the UG prior to construction permit acquisition.
 - 10) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - 11) The proposed full access entrance at Menards, i.e., Drive 11 in the Traffic Memo shall provide a longer throat length, i.e., a minimum of 150 ft, or length required per an updated Traffic Study/Memo approved by UG staff.

In addition, the full access shall provide two exit lanes and one entrance lane. The proposed design and layout shall be approved by UG prior to engineering approval of final plans.

- 12) The proposed full access entrance at Menards shall provide shared access for the proposed lot to the south, as originally planned in the Schlitterbahn 2015 traffic study and for access management along the 98th Street corridor. An additional full access will not be allowed between Drive 11 at Menards and Drive 13 at Schlitterbahn entrance.
 - 13) The Schlitterbahn 2015 Traffic Study shall be updated with the existing, and planned development, including an update on all applicable figures, trip generation, traffic re-assignments, level of service (LOS), analysis, and recommendations and approved by UG staff, prior to Menards construction permit acquisition.
 - 14) An updated Schlitterbahn 2015 Traffic Study shall identify if, and when signalization or other traffic measures will be required at the following intersections, and when design and construction of improvements will be planned and executed:
 - a) 98th Street and Troup Avenue (Drive 4)
 - b) 98th Street and France Family Drive
 - c) 98th Street and Drive 11 full access at Menards
 - d) 98th Street and Drive 13, Schlitterbahn entranceIt should be noted that the Unified Government will expect improvements to be made when any movement in the intersection is projected to fail.
 - 15) The proposed public street improvements, including the signalization of State Avenue and 98th Street, and removal of temporary signal at Schlitterbahn and State Ave., shall be designed and constructed by the Unified Government per the development agreement (modified per staff recommendation.)
 - 16) The proposed public street improvements, including signal upgrades and turn lane modifications at Parallel Parkway and 98th Street, shall be constructed and in operation prior to the issuance of a Temporary Certificate of Occupancy (TCO), or a Certificate of Occupancy (CO) for the proposed Menard's project (modified per staff recommendation.)
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Staff Conclusion:

The applicant has proposed a development that does not comply with the district requirements, which will require variances, but also deviations from the Commercial Design Guidelines. Staff recommends approval of this petition subject to the stipulations outlined in the staff report in addition to the following that must be accomplished for the application to be considered approved:

- (1) Approval of a variance for a parking reduction of 431 spaces from the Board of Zoning Appeals.
- (2) No overnight parking of trucks or trailers on the property, including those delivering directly to Menards.

The building and warehouse shall comply with the Commercial Design Guidelines, both architectural design and building materials, and landscaping (per staff verbal recommendation.)

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission. Please see updated highlighted staff comment below:

Landscaping and Screening

1. The site plan is unclear as to any exterior fencing around the perimeter of the building. Any privacy fencing shall be 8' in height and have masonry columns every 32 feet.

Applicant Response: The portion of the fence adjacent to the parking lot will be comprised of wrought iron. The remaining fence will be 14 feet tall. There will be extensive landscaping around the fence to supplement the appearance.

Staff Response: A variance from the Board of Zoning Appeals is required in order to have a 14-foot tall fence in the CP-2 Planned General Business District. An 8-foot tall fence is permitted in the district. Any approval is not complete until the variance is granted.

The applicant has revised the color of exterior perimeter metal fence from emerald green to tan and incorporated 4-foot wide Sierra brick columns spanning every 69'-6" on the metal and wood fences that encloses the Garden Center and outside storage area around the warehouse to the loading docks. This is an upgrade from what was presented to the City Planning Commission. In lieu of using a traditional metal panel for fencing, staff has allowed other developments to use a flat panel stucco.

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 #3151 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Project Details
Site Plan
Grading Plan
Utility Plan
Building Elevations
Sign Package
Proposed Walking Trail

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	February 12, 2018	March 1, 2018
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3151 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 #3151, 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 13:50

CHANGE OF ZONE APPLICATION #3151– TYLER EDWARDS WITH MENDARD, INC. – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-2 Planned General Business District for a Menard's home improvement retail store at 1301 North 98th Street. **Detail Outline of Requested Action:** The applicant, Tyler Edwards with Menard's Inc. seeks a change of zone from A-G Agriculture District to CP-2 Planned General Business District to build a 210,754 square foot home improvement store retail building (Menards) at 1301 North 98th Street on 29.57 acres. The development will the retail store, outdoor landscape and garden area, a lumber warehouse, external sidewalks connecting to 98th Street and a multi-purpose trail behind the 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 February 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 18, 2018; and
7. The Notices to property owners dated January 17, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Carson stated that he talked with Chuck Stites today about another matter and they did not discuss this application.

Present in Support:

- ❖ Tyler Edwards, Real Estate Representative and Applicant, Menard, Inc., 5101 Menard Drive, Eau Claire, WI 54703
- ❖ Eric Gentry, Premier Automotive of Kansas City, LLC dba Victory Chrysler Dodge Chrysler Jeep Ram, 4406 North Sienna Ridge, Riverside, Missouri 64150
- ❖ Jason Wagner, Frontier Justice, 10000 France Family Drive, Kansas City, Kansas
- ❖ Richard Napper, representing the seller, EPR Properties and SVV I, LLC, 909 Walnut, Kansas City, Missouri
- ❖ Alex Bachelor, Dairy Farmers of America, 1405 North 98th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 49.10 - Director Richardson stated it would be unfair to say that Menard's has not made changes to try to accommodate the Overlay Zone and the requirements of the city. He stated that parking was discussed tonight and that is a matter of a variance for later. If their numbers do not match what the traffic study

says, at that point the staff will need evidence as to why there is a reason for the difference in the traffic study numbers and what they are producing along those lines. There are still areas of concerns. If you drive along 71 highway in Missouri, the Menard's has masonry columns at the sides of the fence which he believes he heard Mr. Edwards say that he would not do here. They talk about four-sided architecture and say that two sides cannot be seen except one from the waterpark. There will be a view of this building from several directions in the future: some from the walking trail proposed behind Dairy Farmers of America, some from 98th Street and depending on how the retail is developed from the south, etc. There is another brick and mortar development proposed next to this. The landscaping does not grow right away. They are talking about a 14' fence and the trees planted will be 2" caliper and 6' tall to screen that. He was driving back from Lincoln, Nebraska yesterday and drove past the Menard's in St. Joseph, Missouri and they had recently done work to their 14' wooden wall. There is a worn, unfinished and unsealed wooden wall and then there is brand new yellow-green wood up against it in patch work fashion where the boards have been replaced. That does not present a professional, high-quality appearance (it is good that they are doing maintenance) and there needs to be more to this than an untreated wood on the side of wall because it will be seen. Even with the new landscape plans at final plan review a lot of the wall will be seen. The outdoor racks (that have walls around them and are enclosed) that were described are structures. There is a perimeter on the outside (the wall) with the racks around it and then there is the interior building. In the staff report the staff is not asking them to do the masonry wall twice. But the outside wall should be masonry and he would think that with all the money in this development they could figure out how to get that wall built correctly. Maybe it is not fully masonry, maybe it is some other compromise but for them to say that they are going to only build the wooden fence with landscaping is not what they have done in other cities. If you look on-line at Menard's stores they have different quality elevations for their fronts. Some are concrete, and some have more variations on the face or the top. This project is at the top end of the stores that Menard's does now. Director Richardson stated that given the Overlay Zone, he would have thought that this would have been their first proposal and not their last presentation. He stated that he thinks more needs to be considered with the architecture than just the wooden fence. There are other issues that the staff has, and one is noise (located next to Dairy Farmers of America). There will be forklifts that have Federally required back-up devices and there will be other trucks that have back-up devices. They (Dairy Farmers) have created a serene area for their employees and will be right next to where trucks will be working; he wants to make sure that someone that has just been brought into the area is respected. The staff has stated that they think a sound study needs to be done before final plan review. He stated that he wants to go through the staff reports and see if any of them have been addressed. There have been many discussions with the applicant and developer regarding traffic. In the last meeting with the engineers, the developer's engineers had not shifted the Schlitterbahn traffic from the State Avenue entrance where the lights are just strung across the street to their new entrance on 98th Street. When they realized that Director Richardson asked if that traffic signal will be warranted they said yes. Later staff received a report back that said there is a failing movement, but they do not recommend a signal at this time. The development agreement talks about how it is funded, and it is all funded, but it needs to be specified that when there is a failing traffic movement next to a street like State Avenue that is time to build a signal and that is what the UG Traffic Engineer has said. He could change the stipulation that if it is a UG

responsibility to build the signal, that will be done. It was relayed to him that it was the developer's responsibility, but it is in the development agreement. If it is the developer's responsibility, then it needs to be built and done when the store opens because the traffic will increase. Their engineering study says that the traffic movements will have failing movements in more than one location in the area related to the store. He is not willing to remove stipulations 15 and 16 under Public Works but he is willing to say that if it is the UG's responsibility, then they need to get it designed quickly so it can be built before the store opens. Director Richardson stated stipulation 2 under General Planning they would like to park heavy trucks on this site. That is not a matter of a deviation by this Commission as that is an entirely different zoning district to allow heavy trucks to park there on a regular basis. If they want to do that they will have to apply for a different zoning district or park them at another one of their stores in the metropolitan area. Planning Commissioner Carson asked him to expand on that given the situation with Wal-Mart and the parking of their trucks. Director Richardson stated that the department's zoning enforcement officer is now dealing with Wal-Mart regarding the containers and trucks. He is also dealing with Target and Penney's. Director Richardson has direct control over the enforcement of those now, so they are not allowed to be there overnight. Those sites were not designed to have trucks there overnight. That includes Wal-Mart's front parking lot as Wal-Mart has a nation-wide policy that they let people park RVs and semi-trailer trucks in their parking lots overnight and that is being addressed. He further stated that a variance has been applied for by Menard's and that will be heard next month. They have addressed number 4 in the staff report. Numbers 5 and 6 should be easy for them to comply with. Regarding number 7 they would have to get an easement from Dairy Farmers or build retaining walls. Number 8 speaks to the sound study. Numbers 2 and 3 are the four-sided architecture that has been discussed this evening (along with a little of number 4 but that is more of a break up in the architecture.) Number 5 and 5.5 are still four-sided architecture. He thinks that they are okay now on the percentage of metal (small deviations were granted in the past to the car dealerships and Frontier Justice from 17% of the façade to 15% of the façade.) That was approved by the Board of Commissioners. They do meet the basic code requirement regarding landscaping and they do not meet any of the Overlay Zone landscaping requirements. He further stated that the applicant would like the Commission to consider allowing the developer to do extra off-site landscaping to account for that and to do that between them and Dairy Farmers of America and along the rock way behind their store. Some portion of that is acceptable to put off-site because it is all one development but some of the landscaping requirements along the front of the building should be considered. They have agreed to issue 5 through 10 on landscaping. He wants to see the trash dumpsters and screening on the final plan review. They have agreed to the lighting issues in the staff report. The staff has said that they want to see all the extra landscaping and trail as part of the final plan review, so it can be evaluated whether it is sufficient to screen the wall and to accommodate the rest of the planning requirements for the Overlay Zone. The rest of the Public Works comments will be addressed at the time of final plan review. The staff recommends approval as submitted subject to all the stipulations that have not already been accounted for. He stated that the masonry wall pillars are important (as they have done those at other stores) and they should do those. At final plan review if there is a 14' wooden wall, it should be stipulated that it maintains its uniform look and appearance and if there is landscaping, as it is growing the wall looks nice and is still maintained. It is difficult to build a 14' tall wall with landscaping that is effective year-round in this

climate with the dimensional issues they face in this area. He would modify the exterior requirement that at the time of final plan review, where their wall starts and goes around the building to have masonry pillars and assess how the landscaping is able to screen that wall and how that wall will be maintained (no marks on the wall from the sprinkler head, if boards are replaced they match the wall, etc.) and treated over time. Regarding items 15 and 16 (Public Works comments) he will modify those requirements that if in the development agreement those are the responsibility of the Unified Government, the developer would design those so that they can be constructed before Menard's opens. With those modifications the staff recommends approval subject to the stipulations in the rest of the staff report.

Director Richardson responded to questions from the Planning Commission regarding the stipulations.

The applicant responded to questions from the Planning Commission regarding materials and maintenance at other locations.

Motion and Vote Starts at 1:35:20

On motion by Ms. Jones, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3151 stipulating that the staff and applicant continue to work towards compromise on the issues in the staff report (for final plan review) regarding masonry columns, landscaping, and maintenance of materials:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

General Planning

- 1. Sec. 27-466(c)(1) All sales, services and storage shall be conducted within a totally enclosed building. No product may be handled, or service rendered which cannot be accommodated within a building always, except that accessory sale and storage of landscaping and gardening supplies, Christmas trees, and vehicles for sale may be kept outside. No sales will be allowed from the parking lot.**

Applicant Response: Outdoor storage and pickup and limited sales area will exist within the fenced in lumberyard. This is standard at all Menards retail stores and this site will be no different. Outside of the propane station and a limited number of trailer sales (not to exceed 10 per year), it can be agreed that no sales be conducted in the parking lot.

Staff Response: The applicant is asking for a variance from the Board of Zoning Appeals for a reduction in parking. Based on the 210,254 square foot store, 843 parking spaces are required. The applicant is providing 412 spaces, a violation of 431 spaces. Staff has concerns about the trailer sales on the property which will occur in the parking lot, further reducing the 412 spaces already proposed in the parking lot.

The traffic study indicates the ingress/egress volumes are higher than the proposed parking available on-site. During the Saturday peak, there are 403 vehicles coming into the site and 387 vehicles leaving the site. There are 412 parking stalls in the lot, so the parking lot is at full capacity if nine (9) vehicles do not leave during the Saturday peak, therefore additional parking is needed. Staff cannot support the variance at the level requested and this application cannot be finally approved without the parking variance.

2. Over the road trucks and trailers may not be kept on the property overnight.

Applicant Response: It can be agreed that no trucks and trailers will be kept in the parking lot overnight however, it is requested that trucks and trailers be allowed overnight in the outdoor lumberyard as it would be shielded from the general public due to the Menards store and fence. Essentially the general public would not even know if a truck or trailer is sitting back there or not. Idling overnight will not be allowed in any event.

Staff Response: Sec. 27-466(c) No use is permitted that involves the parking, keeping, storage, or continued presence of trucks over 30,000 GVWR rating, semitrailer rigs or portions thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property.

Trucks (cabs) and their trailers are not permitted to be parked overnight anywhere on the property. As stated above, trucks that make normal deliveries do not apply, but again, they may not be kept on the property overnight. In order to have trucks and trailers parked on the property, a change of zone to MP-1 Planned Light Industrial and Industrial Park District is required.

3. Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.

The building is 210,754 square feet, so 843 parking spaces are required to be code complaint. A variance from the Board of Zoning Appeals is required to have a reduction in parking than the code allows, in this case 412 spaces.

Applicant Response: A variance will be requested to reduce the required parking.

Staff Response: The traffic study indicates the ingress/egress volumes are higher than the proposed parking available on-site. During the Saturday peak, there are 403 vehicles coming into the site and 387 vehicles leaving the site. There are 412 parking stalls in the lot, so the parking lot is at full capacity if nine (9) vehicles do not leave during the Saturday peak, therefore additional parking is needed. Staff cannot support the variance at the level requested and this application cannot be finally approved without the parking variance.

4. Sec. 27-575(e)(8) Parking should be divided into blocks of 40 to 50 spaces. Where this is not easily defined, groups of 20 spaces should be divided by a landscape island at least the size of one stall.

The parking lot has numerous locations, for example along North 98th Street and along the north property line where parking rows are longer than 20 continuous spaces. Please revise the site plan to include the parking lot revisions.

Applicant Response: We have added parking lot islands to address this concern.

5. Sec. 27-575(e)(10) Cart corrals should be low-profile, created with pavement (e.g. curbs), may include a bollard to deflect parking, and should have low-profile signs, no taller than four feet.

Applicant Response: A detail of a standard cart corral has been attached.

Staff Response: The proposal is acceptable provided a masonry base similar to Walmart is provided. No signage is allowed on the covers.

6. Sec. 27-565(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.

Applicant Response: A sidewalk has been added to the south end of the parking lot which will connect to the sidewalk running along North 98th Street.

Staff Response: The designated walkway begins in the parking lot extending to the main entrance of the building. The pathway is internal to the parking lot and does not connect to 98th Street. For examples, please

look at Walmart and Sam's Club at Plaza at the Speedway or Target in the Village West area. This must be revised.

7. It appears as though off-site grading is proposed for this development. Do you have the necessary cross-access easements to perform the work?

Applicant Response: An easement for the off-site grading is currently being worked on and will be obtained prior to the performance of any work.

Staff Response: If the easement is not granted, a retaining wall will need to be substituted. This could alter the site plan.

8. How will on-site OSHA back-up warning noise be mitigated?

Applicant Response: Landscaping and the lumberyard fence will mitigate any noise that is generated.

Staff Response: Please provide a sound study for the Final Plan Review to prove this assertion.

Building Architecture

1. Sec. 27-576(d)(6) Building elements must not function as signage. The appearance of "franchise architecture" where buildings function as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic or a particular business must be unobtrusive and secondary to the overall architectural design.

Applicant Response: We believe we are in compliance with this comment.

Staff Response: This is a classic example of Corporate Architecture. There is no other common retailer that uses this design. The building Architecture must be significantly enhanced, and the corporate identifying portions of the building removed or significantly altered. Examples of this in the past are the best buy store that got a deviation from this requirement. It now sits empty. Reuse requires major reconstruction. It is not surprising it has been vacant except for a temporary Halloween store since closing. A positive example would be Dollar General and other Dollar Stores significantly modifying their architecture of significant objections but now with one just closing, we have a nice building ready for immediate reuse.

2. Sec. 27-576(d)(8) Accessory structures must incorporate matching design and materials of the primary building.

The outdoor yard area and warehouse are accessory structures and therefore must match the design and materials as the primary building.

Applicant Response: The material of the accessory building does match the accents on the front of the Menards store as well as the material for the

rear overhang enclosure. This building is located in the lumberyard and the only neighbor that will see the building likes the design as proposed.

Staff Response: Staff has no indication of support from neighbors other than the property seller. In the past we have relieved the standards on areas not visible to neighbors such as the rear of Sam's Club. However, there are significant areas of concern open to and visible to the public and neighbors. In those visible areas, Menards' must comply.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

- 3. Sec. 27-575(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.**

Applicant Response: *Revisions to the façades have been made. Please see revised store elevations.*

Staff Response: The elevations are still not in compliance with the Overlay Zone. Further revisions are necessary at Final Plan.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

- 4. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:**
 - a. Divisions or breaks in materials;**
 - b. Building offsets (projections, recesses, niches);**
 - c. Window bays;**
 - d. Separate entrances and entry treatment; or**
 - e. Variation in rooflines.**

While the west elevation incorporates some of the aforementioned techniques, there remain large sections of the façade that do not integrate these features into the design of the building.

When discussing 360-degree architectural design, all elevations must include these elements, not just the façade that faces the street. In the future, there may be development to the south or redevelopment to the east, so quality design is of the utmost importance.

Applicant Response: Revisions to the façades have been made. Please see revised store elevations.

Staff Response: The north building elevations have been revised to add columns and an external staircase from the second floor, however the distance between the 18" columned step in walls is 130 feet. As stated above, a building wall not more than 45 feet in length should be divided into increments of no more than 45 feet through articulation. The proposed distance is almost three times the length of the standard.

The automotive dealerships in Legends Auto Mall and Legends Auto Plaza, Dairy Farmers of America, the medical office building, Premier Automotive all have complied with breaking up their façades into 45-foot increments. Again, a deviation such as this has never been asked for by any other applicant. Modifications must be made.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

5. Sec. 27-576(e)(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

Please review other developments in the area that have used these materials in their building, such as Legends Auto Mall, Plaza at the Speedway and Legends Outlets Kansas City.

Applicant Response: Revisions of the façades have been made. Please see revised store elevations.

Staff Response: The elevations are still not in compliance with the Overlay Zone. Further revisions are necessary at Final Plan.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

- 5.5 Please describe how this development compares with approved design guidelines for the development.

Applicant Response: We are not aware of any design guidelines that have been approved for this property. That master developer has approved our proposed design and plans have been submitted to the Unified Government.

Staff Response: The original development plan had design guidelines and themes still applicable to this area from November of 2005. However, with the change of zone and land owner support, we will consider any modifications as the specific guidelines for this site, but no other. The land owner should make themselves aware of their requirements prior to future submissions.

6. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
- g. Split shakes, rough sawn, or board and batten wood;
 - h. Vinyl siding;
 - i. Smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels;
 - j. Field painted or prefinished corrugated metal siding;
 - k. Standard single-tee or double-tee concrete systems; or
 - l. EIFS at the ground level or comprising more than 15 percent of any façade.

Overall the building does not comply with our Commercial Design Guidelines. The largest non-conformity would be the proposed metal exterior. Several past cases such as Performance Toyota, some tenants within Plaza at the Speedway and every casino application staff reviewed, originally proposed metal. Staff did not support any of those proposals.

The Cerner office building was approved by the City Planning Commission to have precast panels on the ground level and a metal panel skin on the subsequent eight (8) stories. The panels were a high-quality, durable stainless steel that did not require any maintenance. The panel will not rust and due to the nature of the rain screen, it will not weep (drip marks that occur over time). The City has continuously denied any substantially metal buildings in the past and forced applicants to use alternatives.

Staff was concerned about precedence, but what distinguished Cerner's building from other buildings were the two nine (9) story towers and that they utilized high-quality, stainless steel that needed no maintenance over time. Lesser quality stainless was available but was not allowed in that application or any other.

Metal accent, similar to EIFS should not exceed 15 percent per facade. A metal building for the warehouse and outdoor yard area does not comply with the standards in the Commercial Design Guidelines. Under the commercial design guidelines, no development has been permitted to construct a building using steel siding as their exposed, exterior material.

Applicant Response: It should be noted that the situation at this site is unique compared to many other sites. The front (west) and left (north) elevations are the only elevations completely visible to the public and the green steel on these elevations only serves as accents to the main building material. The right (south) and rear (east) elevations contain non-structural overhangs that are enclosed with green steel, but the fence around these

façades impair the visibility of this material to the general public. By allowing the exterior materials as proposed the Menards store will be consistent with other Menards stores in the area while not comprising the intent of this restriction.

Staff Response: The site is not unique, as their site is and will be surrounded by development on three sides. 360-degree architectural design shall be taken into account when designing this building. Metal paneling is considered an accent material and may comprise only 15 percent of each façade. One development in the area, Nissan automotive dealership sought a deviation from the City Planning Commission to have 17 percent metal cladding on their building.

The elevations will need to be revised during the final plan review process to comply with the requirements in the Commercial Design Guidelines.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

7. Sec. 27-576(e)(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

Applicant Response: We believe we are in compliance with this comment. Please approved the current elevations.

Staff Response: The main building is close, but the exterior warehouse does not comply.

Landscaping and Screening

1. The site plan is unclear as to any exterior fencing around the perimeter of the building. Any privacy fencing shall be 8' in height and have masonry columns every 32 feet.

Applicant Response: The portion of the fence adjacent to the parking lot will be comprised of wrought iron. The remaining fence will be 14 feet tall. There will be extensive landscaping around the fence to supplement the appearance.

Staff Response: A variance from the Board of Zoning Appeals is required in order to have a 14-foot tall fence in the CP-2 Planned General Business District. An 8-foot tall fence is permitted in the district. Any approval is not complete until the variance is granted.

2. Sec. 27-466(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area.

Based on the site plan, the store property and outside yard areas comprise 21.06 acres. The district regulation requires 131 trees to be planted. The site plan/landscape plan must be revised to include 80 additional trees to meet the base code requirement. If that cannot be accomplished, a variance must be applied for and approved by the Board of Zoning Appeals. Staff will not support the appeal, as all developments in the area have been able to comply with the district requirement.

Applicant Response: See revised landscape plan – an additional 80 trees have been added to the landscape plan to comply with this requirement.

Staff Response: There has been no attempt to meet the overlay zone landscape requirement. This is unacceptable and additional landscape is required. We understand that there are plans to do more work adjacent to the site. Some portion of that work could be counted towards this requirement. Full details and design plans will be required at Final Plan.

3. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

Based on the 75% multiplier, the Commercial Design Guidelines require a total of 229 to be planted on the site. To seek a deviation from this requirement, the City Planning Commission must approve the request. The vast majority of the developments in the surrounding area have not sought a deviation from the Commercial Design Guidelines.

Applicant Response: Additional trees have been planted throughout the site in an attempt to accommodate this requirement. Due to the site of the improvements and necessary spacing between trees, 173 trees can be on the property. The applicant respectfully requests that the Planning Commission approve a deviation from the Commercial Design Guidelines to allow 173 trees to be planted for this project.

Staff Response: Staff has never encountered such a substantial deviation request from the Commercial Design Guidelines as what the applicant is asking for with a deficit of 56 trees. Other developments in the Legends Auto Mall and Legends Auto Plaza have complied with the guidelines. The Chrysler Dodge Jeep Ram and Ford dealerships received a small deviation from the Commercial Design Guidelines to reduce the required to landscape 75% of the foundation. Some effort on this issue must be made. As to the greater requirement, we understand that there are plans to do more work adjacent to the site. Some portion of that work could be counted towards this requirement. Full details and design plans will be required at Final Plan.

Modification based on Planning Commission verbal recommendation: applicant and staff will continue to work together on an acceptable compromise.

4. All parking lot islands shall be curbed and landscaped. Please revise the site plan by removing the painted hatched islands and replace them with islands that are curbed and landscaped (with trees.)

Applicant Response: Revisions to the site plan to accommodate these comments have been made. Please see revised site plan.

Staff Response: Thank you.

5. All trees must be planted at 2" caliper. All shrubs along the exterior of the site must be planted at a minimum of 5 gallons. Internal shrubs must be planted at a minimum of 3 gallons.

Applicant Response: No issue with this comment. It has been taken into account.

6. All landscaping shall be irrigated.

Applicant Response: No issue with this comment. It has been taken into account.

7. All rooftop mechanical units shall be screened on all sides by the parapet.

Applicant Response: We agree to screen the rooftop units however, it will not be screened by a parapet as one does not exist.

Staff Response: The roofline shall screen the mechanical units. Metal panels will not be instrument to which the rooftop equipment will be screened.

8. Utility boxes (including green transformer boxes) are screened from public view by landscaping that is evergreens and the same height as the box. As an alternative, the applicant could build a screen wall and use shorter landscaping plantings around the perimeter of the wall.

Applicant Response: No issue with this comment. It has been taken into account.

9. Utilities close to the building or mounted on the wall shall be screened by an architectural wall or landscaping. The wall mounted utilities should be tucked in a corner and painted to match the building.

Applicant Response: No issue with this comment. It has been taken into account.

10. Since this building has high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers should be designed so that they are reasonably screened, and all downspouts shall be internalized.

Applicant Response: All downspouts and scuppers are located within the lumberyard area and will be screened by the 14-foot tall fence. Please approve.

Staff Response: Staff will further evaluate this issue during the final plan review. Staff requests site line study from the west to illustrate that the dumpster will not be seen from view.

- 11. Trash enclosures shall match the building and use the same materials in its construction.**

Applicant Response: Trash enclosures are located within the lumberyard and will be screened by the 14-foot tall fence, store and warehouse. Please approve.

Staff Response: Staff will further evaluate this issue during the final plan review. Staff requests site line study from the west to illustrate that the dumpster will not be seen from view.

- 12. Sec. 27-577(b)(1) 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. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. This distance is to be measured from the public right-of-way or curb line of a private easement.**

Applicant Response: Appropriate landscape zones have been established along North 98th Street. Please approve.

Staff Response: This will be verified at Final Plan.

- 13. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.**

Applicant Response: Trees have been added along North 98th Street. Please approve.

Staff Response: Shrubs must be added to meet the criteria as well.

- 14. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**

- a. 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.**

- b. 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.

Applicant Response: Trees have been added to the site plan along North 98th Street.

Street Response: This will be verified at Final Plan

Lighting

1. All lighting should be decorative lighting and have 90-degree cutoff fixtures to ensure that residual light is not spilling across the property lines. Any light cast may not exceed one (1) footcandle at the property line.

Applicant Response: Standard 90-degree cutoff fixtures will be utilized. See attached cut sheets. Please approve

2. Exterior parking lot lighting shall have 90-degree cutoff fixtures.

Applicant Response: Standard 90-degree cutoff fixtures will be utilized. See attached cut sheets. Please approve.

3. Wall pack lighting is not permitted. Any lighting mounted on the building shall be decorative.

Applicant Response: No wall packs are proposed for the site.

Trail and Pedestrian Circulation

1. The 8' sidewalk that complies with the Sidewalk and Trails Master Plan must be completely installed upon completion of the realignment of 98th Street between France Family Drive and Parallel Parkway.

Applicant Response: Sidewalk will be extended across the property.

Staff Response: The applicant has also provided an exhibit depicting a walking trail behind their property, extending from the medical office building from the north along the Schlitterbahn river to the Schlitterbahn ticket building to the southeast.

Signage

1. Signs are reviewed separately and are not part of this approval. When the applicant is prepared to discuss on-site signage, staff requests that the applicant submit an overall sign package for ease of review.

Applicant Response: Agreed.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
- 1) Comments are listed as stipulations below.**
- B) Items that are conditions of approval (stipulations):**
- 1) The change of zone will require final development plans to be approved by the Planning Commission prior to construction permit acquisition, and at this time, only preliminary development plans have been submitted as indicated on the application. Final development drawings require construction level drawings and shall include all applicable construction notes, details and final engineering design in accordance with UG standards and criteria.**
 - 2) Public improvements are required as part of this project. Separate public improvement plan sets shall be submitted with the final development plan submittal and shall meet all applicable UG and state requirements (KDHE, KDOT, etc.).**
 - 3) With the final development plan submittal, provide CCTV to verify the existing sanitary sewer and manholes which are proposed to be reused are accessible and of satisfactory condition.**
 - 4) All stormwater quality requirements shall be met in accordance with UG standards and criteria. Additional site area may be required for stormwater BMP's to meet MARC BMP manual and UG requirements. Applicant shall coordinate with Engineering and Planning in order to meet landscaping and stormwater quality requirements.**
 - 5) Existing soil percolation tests shall be provided at proposed stormwater BMP locations, with the final development plan submittal.**
 - 6) Provide documentation on the existing KCP&L easement vacation prior to final development plan approval.**
 - 7) The lot line adjustment shall be approved by the UG prior to final development plan approval.**
 - 8) Obtain a KDHE sanitary sewer extension permit and submit to the UG prior to final development plan approval.**
 - 9) Obtain all necessary temporary and permanent easements and submit to the UG prior to construction permit acquisition.**
 - 10) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.**
 - 11) The proposed full access entrance at Menards, i.e., Drive 11 in the Traffic Memo shall provide a longer throat length, i.e., a minimum of 150 ft, or length required per an updated Traffic Study/Memo approved by UG staff. In addition, the full access shall provide two exit lanes and one entrance lane. The proposed design and layout shall be approved by UG prior to engineering approval of final plans.**
 - 12) The proposed full access entrance at Menards shall provide shared access for the proposed lot to the south, as originally planned in the Schlitterbahn 2015 traffic study and for access management along the 98th Street corridor. An additional full access will not be allowed between Drive 11 at Menards and Drive 13 at Schlitterbahn entrance.**

- 13) The Schlitterbahn 2015 Traffic Study shall be updated with the existing, and planned development, including an update on all applicable figures, trip generation, traffic re-assignments, level of service (LOS), analysis, and recommendations and approved by UG staff, prior to Menards construction permit acquisition.
- 14) An updated Schlitterbahn 2015 Traffic Study shall identify if, and when signalization or other traffic measures will be required at the following intersections, and when design and construction of improvements will be planned and executed:
- a) 98th Street and Troup Avenue (Drive 4)
 - b) 98th Street and France Family Drive
 - c) 98th Street and Drive 11 full access at Menards
 - d) 98th Street and Drive 13, Schlitterbahn entrance
- It should be noted that the Unified Government will expect improvements to be made when any movement in the intersection is projected to fail.
- 15) The proposed public street improvements, including the signalization of State Avenue and 98th Street, and removal of temporary signal at Schlitterbahn and State Ave., shall be designed and constructed by the Unified Government per the development agreement (modified per staff recommendation.)
- 16) The proposed public street improvements, including signal upgrades and turn lane modifications at Parallel Parkway and 98th Street, shall be constructed and in operation prior to the issuance of a Temporary Certificate of Occupancy (TCO), or a Certificate of Occupancy (CO) for the proposed Menard's project (modified per staff recommendation.)
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Staff Conclusion:

The applicant has proposed a development that does not comply with the district requirements, which will require variances, but also deviations from the Commercial Design Guidelines. Staff recommends approval of this petition subject to the stipulations outlined in the staff report in addition to the following that must be accomplished for the application to be considered approved:

- (1) Approval of a variance for a parking reduction of 431 spaces from the Board of Zoning Appeals.
- (2) No overnight parking of trucks or trailers on the property, including those delivering directly to Menards.

The building and warehouse shall comply with the Commercial Design Guidelines, both architectural design and building materials, and landscaping (per staff verbal recommendation.)

Kansas City, Kansas USD 500

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community. The proposed use will have a positive economic impact on the community.

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

With revisions, the proposed use is capable of meeting applicable ordinance requirements.

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

Given the future development scenarios in the area it is not likely to impose hardships on individual landowners.

NEIGHBORHOOD MEETING

The applicant must hold a neighborhood meeting by January 29, 2018. A copy of the sign-in sheet, meeting minutes and neighborhood meeting affidavit must be returned to the Urban Planning and Land Use Department by January 31, 2018 via e-mail, fax, mail or personal delivery.

KEY ISSUES

Compliance with the Commercial Design Guidelines
Public Works Comments

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning

1. **Sec. 27-466(c)(1)** All sales, services and storage shall be conducted within a totally enclosed building. No product may be handled, or service rendered which cannot be accommodated within a building always, except that accessory sale and storage of landscaping and gardening supplies, Christmas trees, and vehicles for sale may be kept outside. No sales will be allowed from the parking lot.

RESPONSE: *Outdoor storage and pickup and limited sales area will exist within the fenced in lumberyard. This is standard at all Menards retail stores and this site will be no different. Outside*

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of the propone station and a limited number of trailer sales (not to exceed 10 per year), it can be agreed that no sales be conducted in the parking lot.

2. Over the road trucks and trailers may not be kept on the property overnight.

RESPONSE: It can be agreed that no trucks and trailers will be kept in the parking lot overnight however, it is requested that trucks and trailers be allowed overnight in the outdoor lumberyard as it would be shielded from the general public due to the Menards store and fence. Essentially the general public would not even know if a truck or trailer is sitting back there or not. Idling overnight will not be allowed in any event.

3. Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.

The building is 210,754 square feet, so 843 parking spaces are required to be code complaint. A variance from the Board of Zoning Appeals is required to have a reduction in parking than the code allows, in this case 427 spaces.

RESPONSE: A variance will be requested to reduce the required parking.

4. Sec. 27-575(e)(8) Parking should be divided into blocks of 40 to 50 spaces. Where this is not easily defined, groups of 20 spaces should be divided by a landscape island at least the size of one stall.

The parking lot has numerous locations, for example along North 98th Street and along the north property line where parking rows are longer than 20 continuous spaces. Please revise the site plan to include the parking lot revisions.

RESPONSE: We have added parking lot islands to address this concern.

5. Sec. 27-575(e)(10) Cart corrals should be low-profile, created with pavement (e.g. curbs), may include a bollard to deflect parking, and should have low-profile signs, no taller than four feet.

RESPONSE: A detail of a standard cart corral has been attached.

6. Sec. 27-565(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.

RESPONSE: A sidewalk has been added to the south end of the parking lot which will connect to the sidewalk running along N. 98th Street.

7. It appears as though off-site grading is proposed for this development. Do you have the necessary cross-access easements to perform the work?

RESPONSE: An easement for the off-site grading is currently being worked on and will be obtained prior to the performance of any work.

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8. How will on-site OSHA back-up warning noise be mitigated?

RESPONSE: Landscaping and the lumberyard fence will mitigate any noise that is generated.

Building Architecture

- 1. Sec. 27-576(d)(6) Building elements must not function as signage. The appearance of "franchise architecture" where buildings function as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic or a particular business must be unobtrusive and secondary to the overall architectural design.**

RESPONSE: We believe we are in compliance with this comment.

- 2. Sec. 27-576(d)(8) Accessory structures must incorporate matching design and materials of the primary building.
The outdoor yard area and warehouse are accessory structures and therefore must match the design and materials as the primary building.**

RESPONSE: The material of the accessory building does match the accents on the front of the Menards store as well as the material for the rear overhang enclosure. This building is located in the lumberyard and the only neighbor that will see the building likes the design as proposed.

- 3. Sec. 27-575(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.**

RESPONSE: Revisions to the façades have been made. Please see revised store elevations.

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While the west elevation incorporates some of the aforementioned techniques, there remain large sections of the façade that do not integrate these features into the design of the building.

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RESPONSE: Revisions to the façades have been made. Please see revised store elevations.

- 5.5 Please described how this development compares with approved design guidelines for the development.

RESPONSE: We are not aware of any design guidelines that have been approved for this property. The master developer has approved our proposed design and plans as submitted to the Unified Government.

6. **Sec. 27-576(e)(2)** Exterior building materials shall not include the following:
- Split shakes, rough sawn, or board and batten wood;
 - Vinyl siding;
 - Smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels;
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 - EIFS at the ground level or comprising more than 15 percent of any façade.

Overall the building does not comply with our Commercial Design Guidelines. The largest non-conformity would be the proposed metal exterior. Several past cases such as Performance Toyota, some tenants within Plaza at the Speedway and every casino application staff reviewed, originally proposed metal. Staff did not support any of those proposals. The Cerner office building was approved by the City Planning Commission to have precast panels on the ground level and a metal panel skin on the subsequent eight (8) stories. The panels were a high-quality, durable stainless steel that did not require any maintenance. The panel will not rust and due to the nature of the rain screen, it will not weep (drip marks that occur over time). The City has continuously denied any substantially metal buildings in the past and forced applicants to use alternatives.

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with the standards in the Commercial Design Guidelines. Under the commercial design guidelines, no development has been permitted to construct a building using steel siding as their exposed, exterior material.

RESPONSE: It should be noted that the situation at this site is unique compared to many other sites. The front (west) and left (north) elevations are the only elevations completely visible to the public and the green steel on these elevations only serves as accents to the main building material. The right (south) and rear (east) elevations contain non-structural overhangs that are enclosed with green steel but the fence around these façades impair the visibility of this material to the general public. By allowing the exterior materials as proposed the Menards store will be consistent with the other Menards stores in the area while not compromising the intent of this restriction.

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RESPONSE: See revised landscape plan – an additional 80 trees have been added to the landscape plan to comply with this requirement.

- 3. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.**

Based on the 75% multiplier, the Commercial Design Guidelines require a total of 229 to be planted on the site. To seek a deviation from this requirement, the City Planning Commission must approve the request. The

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vast majority of the developments in the surrounding area have not sought a deviation from the Commercial Design Guidelines.

RESPONSE: Additional trees have been planted throughout the site in an attempt to accommodate this requirement. Due to the size of the improvements and necessary spacing between trees, 173 trees fit on the property. The applicant respectfully requests that the Planning Commission approve a deviation from the Commercial Design Guidelines to allow 173 trees to be planted for this project.

4. All parking lot islands shall be curbed and landscaped. Please revise the site plan by removing the painted hatched islands and replace them with islands that are curbed and landscaped (with trees.)

RESPONSE: Revisions to the site plan to accommodate these comments have been made. Please see revised site plan.

5. All trees must be planted at 2" caliper. All shrubs along the exterior of the site must be planted at a minimum of 5 gallons. Internal shrubs must be planted at a minimum of 3 gallons.

RESPONSE: No issue with this comment. It has been taken into account.

6. All landscaping shall be irrigated.

RESPONSE: No issue with this comment. It has been taken into account.

7. All rooftop mechanical units shall be screened on all sides by the parapet.

RESPONSE: We agree to screen the rooftop units however it will not be screened by a parapet as one does not exist.

8. Utility boxes (including green transformer boxes) are screened from public view by landscaping that is evergreens and the same height as the box. As an alternative, the applicant could build a screen wall and use shorter landscaping plantings around the perimeter of the wall.

RESPONSE: No issue with this comment. It has been taken into account.

9. Utilities close to the building or mounted on the wall shall be screened by an architectural wall or landscaping. The wall mounted utilities should be tucked in a corner and painted to match the building.

RESPONSE: No issue with this comment. It has been taken into account.

10. Since this building has high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers should be designed so that they are reasonably screened, and all downspouts shall be internalized.

RESPONSE: All downspouts and scuppers are located within the lumberyard area and will be screened by the 14-foot tall fence. Please approve.

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- 11. Trash enclosures shall match the building and use the same materials in its construction.**

RESPONSE: Trash enclosures are located within the lumberyard and will be screened by the 14-foot tall fence, store and warehouse. Please approve.

- 12. Sec. 27-577(b)(1) 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. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. This distance is to be measured from the public right-of-way or curb line of a private easement.**

RESPONSE: Appropriate landscape zones have been established along N. 98th Street. Please approve.

- 13. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.**

RESPONSE: Trees have been added along N. 98th Street. Please approve.

- 14. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**

- a. 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.
- b. 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.

RESPONSE: Trees have been added to the site plan along N. 98th Street. Please approve.

Lighting

- 1. All lighting should be decorative lighting and have 90 degree cutoff fixtures to ensure that residual light is not spilling across the property lines. Any light cast may not exceed one (1) footcandle at the property line.**

RESPONSE: Standard 90 degree cutoff fixtures will be utilized. See attached cut sheets. Please approve.

- 2. Exterior parking lot lighting shall have 90 degree cutoff fixtures.**

RESPONSE: Standard 90 degree cutoff fixtures will be utilized. See attached cut sheets. Please approve.

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3. Wall pack lighting is not permitted. Any lighting mounted on the building shall be decorative.

RESPONSE: No wall packs are proposed for the site.

Trail and Pedestrian Circulation

1. The 8' sidewalk that complies with the Sidewalk and Trails Master Plan must be completely installed upon completion of the realignment of 98th Street between France Family Drive and Parallel Parkway.

RESPONSE: Sidewalk will be extended across the property. Please approve.

Signage

1. Signs are reviewed separately and are not part of this approval. When the applicant is prepared to discuss on-site signage, staff requests that the applicant submit an overall sign package for ease of review.

RESPONSE: Agreed.

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 change of zone will require final development plans to be approved by the Planning Commission prior to construction permit acquisition, and at this time, only preliminary development plans have been submitted as indicated on the application. For future information, final development drawings require construction level drawings and final engineering design and shall include all applicable construction notes, details and final engineering design in accordance with UG standards and criteria.

RESPONSE: Understood.

- 2) It appears there are changes to the property lines and possible dedication and/or vacation of easements. Will a revised plat be completed with this project? Further discussion with staff is required prior to a resubmittal.

RESPONSE: No, a lot line adjustment application is forthcoming and necessary easements will be granted by separate documents.

- 3) It appears there are proposed improvements, i.e. permanent stormwater facilities, outside of the property lines. Please revise the plans so all proposed improvements are within the property lines.

RESPONSE: All improvements are within the property lines. Please see revised site plan.

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- 4) It appears that part of the main building, warehouse and garden center are within the existing 100' KCPL easement. Please provide documentation on the easement vacation and revise plans.

RESPONSE: Understood.

- 5) The existing full access intersection on 98th Street was designed and constructed to serve all of the existing Lot 4. The way the Menards plans are currently laid out is not acceptable as the intersection has the potential to be signalized. The access needs to have a longer throat to allow proper stacking and access.

RESPONSE: Access drive design has been adjusted in accordance with the Traffic Memorandum by Olsson Associates dated January 18, 2018. Please see revised site plan.

- 6) Provide a preliminary PE sealed sanitary sewer memo with flow calculations and sewer analysis in accordance with the UG Minimum Design Standards for Sanitary Sewers.

RESPONSE: Please see Sanitary Sewer Memo dated January 8, 2018.

- 7) Provide clarification and revised plans which illustrate how all of existing Lot 4 is to have access to public sanitary sewer.

RESPONSE: Please see Sanitary Sewer Memo dated January 8, 2018.

- 8) Revise the storm drainage conveyance facilities (UG node numbers, pipe size, structure spacing, elevation callouts, structure types, pipe material, outlets, etc.) to meet the UG standards and criteria.

RESPONSE: Please see Storm Water Management Report revised January 23, 2018 and revised site plan.

- 9) All stormwater facilities shall have access from the ROW or shall be appropriately graded for access and maintenance. Revise the plans to illustrate adequate access.

RESPONSE: Please see Storm Water Management Report revised January 23, 2018 and revised site plan.

- 10) Provide MARC BMP Worksheets for the proposed development which indicate the level of service required for this site in accordance with the MARC BMP Manual and the UG standards and criteria.

RESPONSE: Please see Storm Water Management Report revised January 23, 2018.

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- 11) Provide a PE sealed traffic study or memorandum that updates the previous Schlitterbahn traffic study, including trip generation, traffic volumes, level of service, and recommendations for lane improvements, traffic signal warrants, driveway locations and requirements.

RESPONSE: Please see Traffic Memorandum by Olsson Associates dated January 18, 2018.

- 12) Provide truck turning diagrams and sight distance evaluations as applicable.

RESPONSE: Please see Truck Turn Exhibit dated January 23, 2018.

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

RESPONSE: Understood.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: 1) None

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends of Petition #3151 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

Project Details

Site Plan

Grading Plan

Utility Plan

Building Elevations

Sign Package

REVIEW OF INFORMATION AND SCHEDULE

Action Planning Commission Board of Commissioners
Public Hearing February 12, 2018 March 1, 2018
Rezoning

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

MOTIONS

I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition #3151 to the Unified Government Board of Commissioners as meeting all the

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Minutes

Application Number: 3151

Date and Location: 1/24/18 9400 State Avenue, Kansas City, KS

Meeting called to order at: 4:00pm

Names of people in attendance:

Theron Berg	Nick Brenner	Richard Napper	Chuck Sites
Erica Turney	Emily Kates	Brett Alter	Katie Alter
Sondra Turney	Paul McIntyre	John Earp	Randy Speakman
Sara Carnett	Emmett Martin	Joanna Mountain	Stephani Kates
Tim Lightfoot	Mike Mamie	Joe Anthony	Jason Espitia
Scott Hiatt	Aaron Ward	Shannon Ward	Dan Hays
Eric Gentry	Brian Martin	Cary Pauls	Scott Marguet
Craig Bellemore	Tom Hays	Winston Street	Brenan Latimer
Ryan Duckworth	Jason Thurlow	Dakota Hersh	Bill Baden
Angela Jones	Tracy Jones	Gunnar Jones	Nicole Dowland
Shac Bethel	Shelli Huggenberger	Ryan Eidson	Jennifer Eidson
Holly Stitie	Tim Kates	Brad Lightfoot	James Turney
Jake Lindholm	Mike Hasty	Cliff Landsness	Jeffrey Johnson

Introductions:

Theron Berg and Nick Brenner (both with Menards) along with Richard Napper and Chuck Sites (developer) gave a description of the project and described where the project is proposed to be located. The footprint of the store along with anticipated start dates for construction and length of construction were discussed.

After the introduction the meeting was held in an informal setting that allowed attendees to approach the Menard and developer teams to ask questions related to the project. All questions were related to the operation of the store. For example;

- What are the hours of operation? 5:30-10 Mon-Sat and 8-8 Sun.
- How does the lumber yard/warehouse work? Guests pay for materials inside the store or online and enter through the gate with a receipt and pick up materials.
- What is stored in the warehouse? Bulk materials that no one would want to haul through the store, like 50 4x4 posts. Or 1' diameter pvc pipe.
- How big is the store? 209,000 total sq ft.
- How many parking spaces will there be? 412.
- When will construction begin? Spring of 2018.
- When will the store open? Early 2019.
- Are materials stored in the parking lot like competitors? No, all materials are within the yard.
- Will this be the same size as the new stores in the metro market? Yes all stores are the same size.
- How is Menards different from nearby competitors? Menards offers a larger variety of products and keeps more products in stock at each location.

- A large majority of the attendees were curious to see the plans and show general support of the project.

Comments:

48 individuals attended the meeting. Of these 48 individuals:

48 supported the project

0 opposed the project

Meeting Adjourned at: 6:00pm

Minutes taken by: Nick Brenner

Project Details

Construction Materials

The Menards store is constructed primarily out of split face concrete block. This can be seen at the two stores closest to this site in Kansas City Missouri on Green Hills Rd and at the Lawrence Kansas. A large portion of the front face of the building is filled with glass windows and the pronounced entry/exit doors. The store also utilizes green accent panels to add some interesting features to the store. They are well above pedestrian level and complement the earth tones of the store very well.

The storage yard is surrounded by a 14 foot tall treated wood fence on the back of the pallet racking that surrounds the yard. This is used as a screening feature so the storage of materials is not visible outside the store and it is also used for security to keep thefts down.

The warehouse building is tucked in the back and constructed using green steel. This building is too far from public view to need any sort of special treatment.

Access

The store will take access through the existing curb cuts on 98th St. The trucks and guest vehicles enter the yard through the yard gate on the north side of the site.

Parking

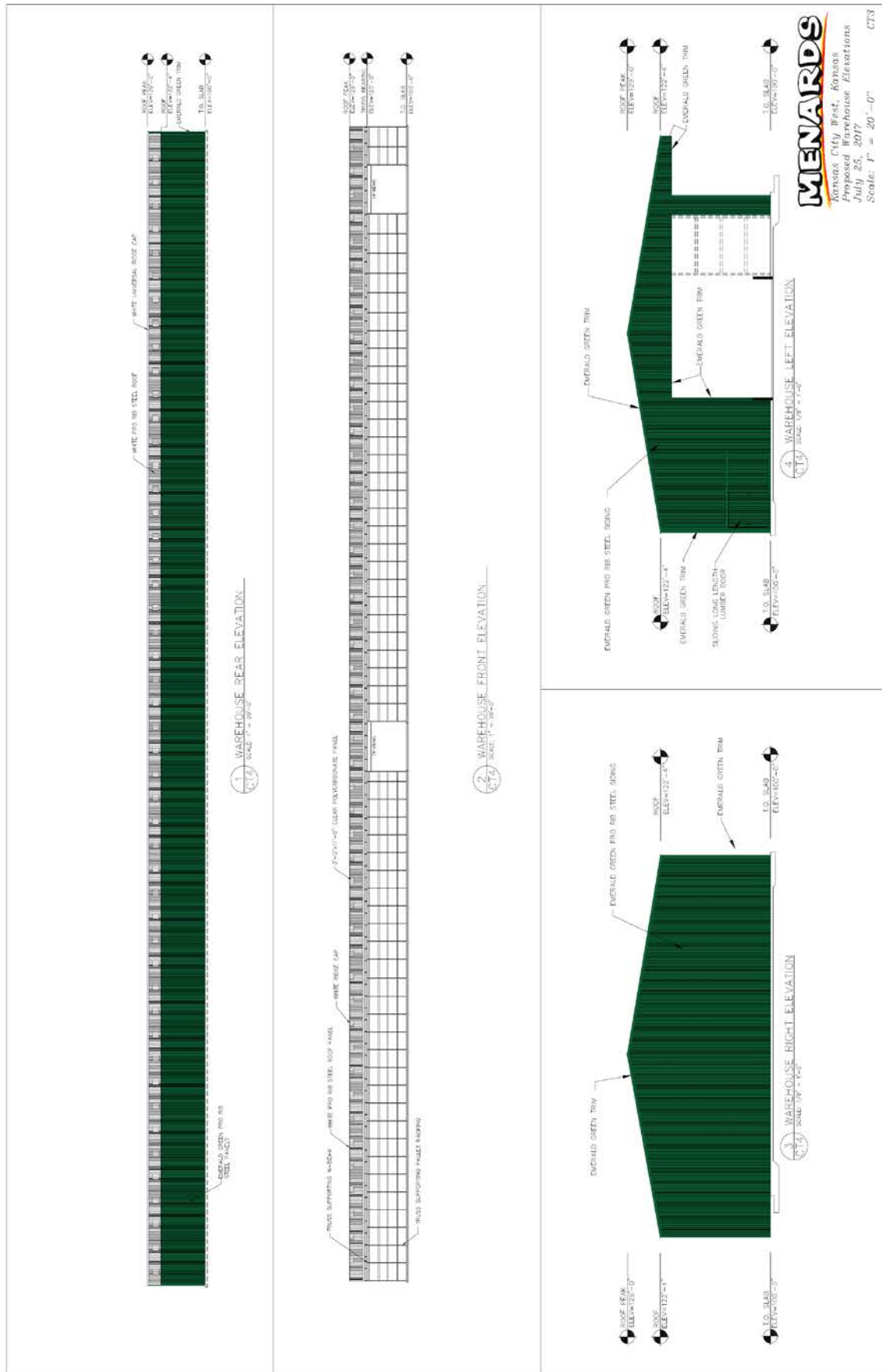
Menards needs up to 400 parking spaces to handle the guest traffic on the busiest days. On the average day the needs are about half that number. This is because the traffic is split between contractors that make up half the traffic and shop in the morning and the home owners that make up the other half of traffic that shop at night and on the weekends. This results in about half the parking need as other retailers who rely exclusively on home owners that shop at night and on the weekends.

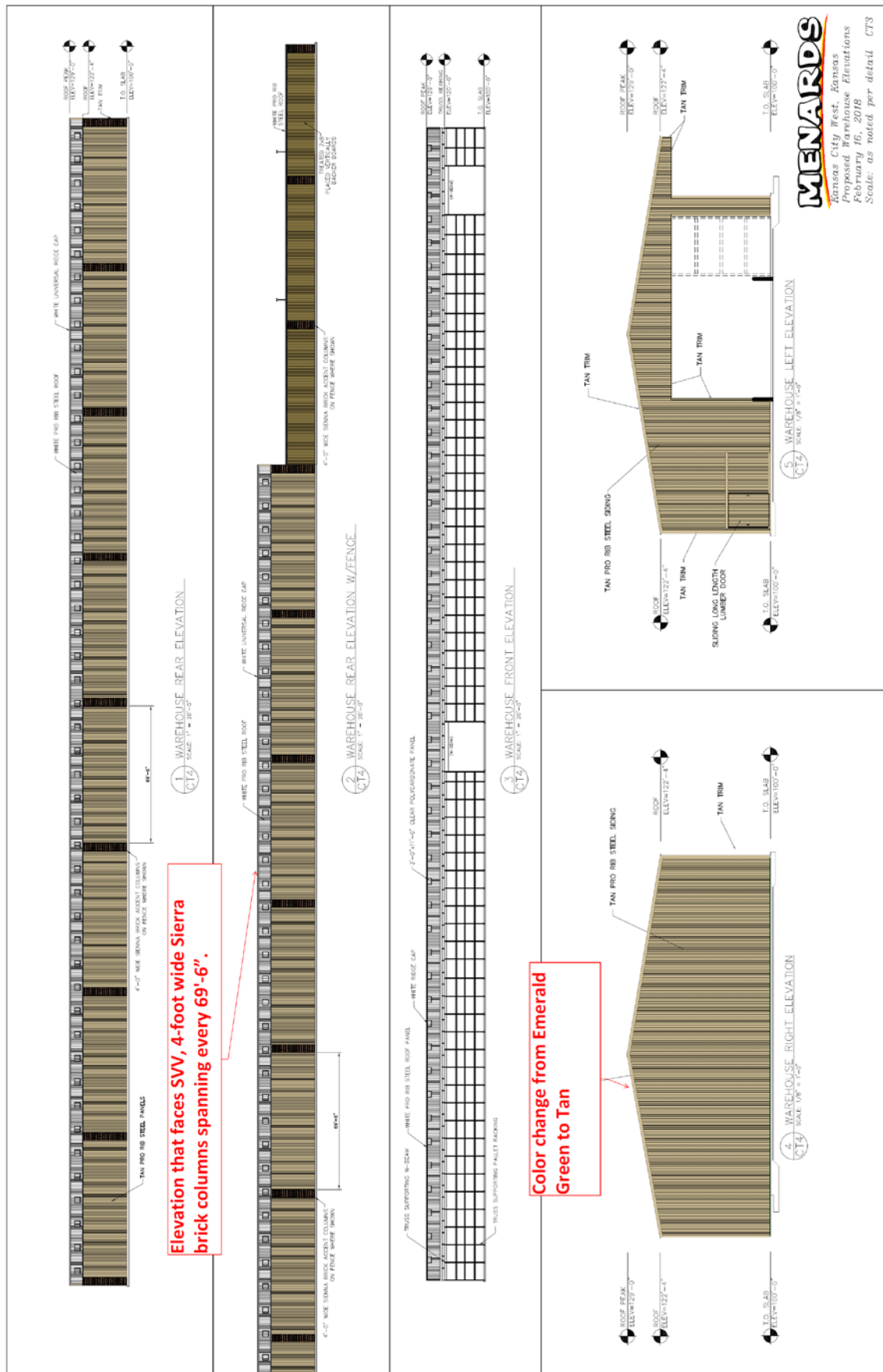
Benefits

Very few retailers are expanding these days. A lot more are shutting their doors and leaving empty buildings. Menards is a big retail user which means that 200 new jobs are created and that does not include the local construction jobs needed to build the store. Sales tax money stays local in Kansas City KS. Right now a very large group of local residents bypass all of the competition and shop at our KCMO store and the other regional stores. This new store will bring those shopping trips and those dollars back to Kansas City Kansas. Menards is also here to stay, after constructing the store Menards stays in one location as long as possible and has never closed a store because of poor sales.









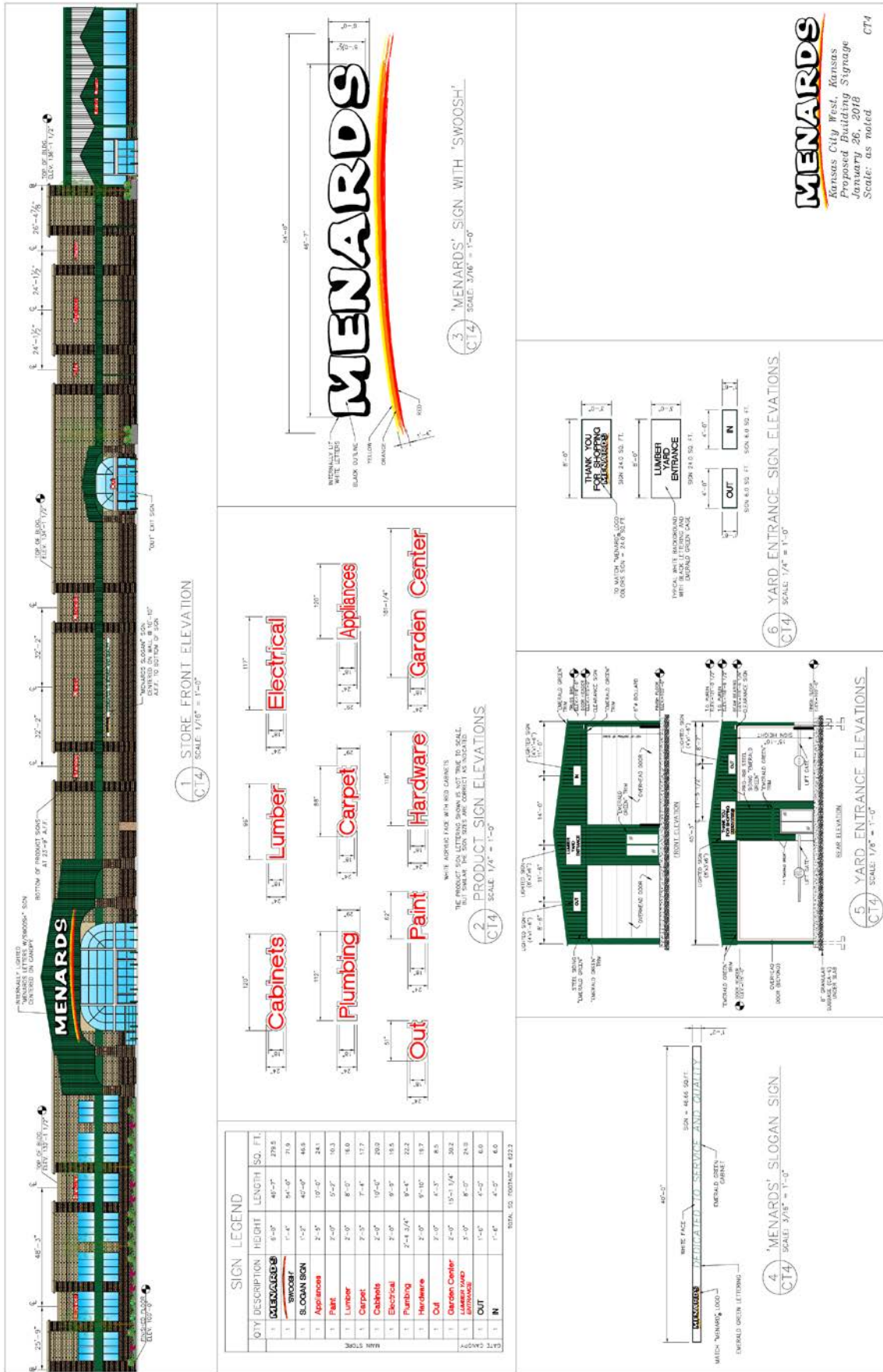




Figure 1. Proposed walking trail as indicated by the red line (provided by the applicant).



BOATHOUSE - VIEW LOOKING SOUTH



BOATHOUSE - VIEW LOOKING WEST



BOATHOUSE - VIEW LOOKING NORTH FROM SCHLITTERBAHN



BIKE PATH - VIEW LOOKING SOUTH

Schliterbahn
Kansas City, Kansas





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: March 1, 2018
Re: Change of Zone Petition #3153

GENERAL INFORMATION

Applicant:
Don Gray

Status of Applicant:
General Manager
Kansas City, Kansas Board of
Public Utilities
540 Minnesota Avenue
Kansas City, KS 66101

Requested Actions:
Change of Zone from
A-G Agriculture District and R-
1 Single Family District to MP-
3 Planned Heavy Industrial
District

Date of Application:
October 27, 2017



Purpose:
Rezoning to an industrial zoning district for an existing power plant in order to more accurately represent the intended use of the property

Property Location: 4240 and 4240R North 55th Street and 4400 and 4800 North 47th Street.

Existing Zoning: A-G Agriculture District and R-1 Single Family District

Surrounding Zoning:	North:	Missouri River – State of Missouri
	South:	R-1 Single Family District
	East:	R-1 Single Family District
	West:	A-G Agriculture District

Existing Uses:	North:	Missouri River – State of Missouri
	South:	KVC Hospital, BPU Water Plant, single family houses on large lots
	East:	Farm land/floodplain
	West:	Vacant land/floodplain

Total Tract Size: 605.3 acres

Master Plan Designation: The City-Wide Master Plan designates this property as employment and rural-density residential

Major Street Plan: The City-Wide Master Plan designates 55th Street as a collector.

Advertisement: The Wyandotte Echo – November 11, 2017
Letters to Property Owners – November 15, 2017, January 2, 2018 and February 22, 2018

Public Hearings: December 11, 2017, February 12, 2018 and March 1, 2018

Public Opposition: There where 12 people present in opposition to the application during the December 11 City Planning Commission meeting. No one appeared in opposition at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Don Gray with the Board of Public Utilities, has applied to rezone the Nearman Power Plant to MP-3 Planned Heavy Industrial District from R-1 Single Family District and A-G Agriculture District. This rezoning is intended to more accurately represent the intended use of the property. The use of the property is not proposed to change.

The City Planning Commission voted to hold over this change of zone application in order for BPU to respond to issues that were raised during the public hearing including future plans in the area and researching how the rezoning would affect appraisals of properties in the area. BPU submitted a letter responding to these issues dated January 3, 2018 that is attached to this staff report. The letter is signed by a staff member and not the General Manager, so its ability to be relied upon is in question.

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The Nearman Creek Power Station is located next to the Missouri River. The power plant is protected by a levee and is surrounded by floodplain. There is railroad right-of-way and a bluff south of the plant. KVC Hospital, BPU's Nearman water treatment plant, and a few single-family houses are located south of the bluff.

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

The use is not proposed to change, this is a rezoning in order to align the zoning with the existing use. The rezoning will not create any new compatibility issues.

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

The property is not suitable for single family homes. 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 not vacant.

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

The power plant is necessary for electricity generation for the community. The rezoning will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

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

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

The City-Wide Master Plan designates this property as employment. The proposed rezoning is consistent with the Master Plan.

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

The proposed action is to rezone this property for an existing power plant, the operation of the power plant is not proposed to change. This site includes power generation through both a coal fired power plant and solar panels.

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 Septic

c. Storm water control

Existing

d. Police

Police service is provided by Midtown Patrol, District #444

e. Fire

Fire service is provided by District 4

f. Transit

The is no transit service in the area

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

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

The Nearman Creek Power Station provides electric power to the community. This application does not propose any changes to the use of the property.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

This application represents no gain to the public health, safety, and welfare as well as no hardship imposed on the individual landowner.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 27, 2017. A copy of the sign-in sheet and meeting minutes are attached to this report.

KEY ISSUES

None.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3153 to **MP-3 Planned Heavy Industrial District**, subject to:

Urban Planning and Land Use Comments:

1. Board of Public Utilities facilities are a permitted use in the current zoning districts, R-1 Single Family District and A-G Agriculture District. In general, our zoning code uses a cumulative organization where all uses in a less intense zone are allowed the more intense zones. Board of Public Utilities facilities are permitted in MP-3 Planned Heavy Industrial District because they are permitted in R-1 Single Family District and A-G Agriculture District under the requirements of those districts. Rezoning would not change any of the zoning requirements for Board of Public Utilities facilities. The list below demonstrates how Board of Public utilities facilities fits in the hierarchy of permitted uses.
2. Approval of the January 3, 2018 letter by the BPU General Manager.

Sec. 27-470. - M-3 heavy industrial district.

Any use permitted in the M-2 general industrial district.

Sec. 27-469. - M-2 general industrial district.

Any use permitted in the C-3 commercial district except dwellings, under the standards and requirements of that district.

Sec. 27-467. - C-3 commercial district.

Any use permitted in the C-2 general business district.

Sec. 27-466. - C-2 general business district.

Any use permitted in the C-1 limited business district.

Sec. 27-464. - C-1 limited business district.

Services such as all uses permitted in the C-0 district under the requirements and performance standards of that district, including offices for administrative functions, medicine, dentistry, law, philanthropic organizations, counseling, insurance, real estate, securities, and preschools and day care centers.

Sec. 27-463. - C-0 nonretail business district.

Any use permitted in the RP-4 garden apartment district under the standards of that district, except that single-family and two-family dwellings are not permitted in this district.

Sec. 27-459. - R-4 garden apartment district.

Any use permitted in the R-2 two-family district, under the requirements of that district.

Sec. 27-456. - R-2 two-family district.

Any use permitted in the R-1 single-family district, under the standards and requirements of that district.

Sec. 27-454. - R-1 single-family district.

Board of public utilities facilities.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3153 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 11, 2017 City Planning Commission Minutes
February 12, 2018 City Planning Commission Minutes
Existing Zoning Map
Site Photos
Neighborhood Meeting Sign-In Sheet and Meeting Minutes
January 3, 2018 Letter from Jerod Letcher, Mechanical Engineer, BPU

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	December 11, 2017	
Rezoning	Held Over	
	February 12, 2018	March 1, 2018
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3153** 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 #**3153**, 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:

Non-Consent Agenda Starts 18:10:

CHANGE OF ZONE APPLICATION #3153 – DON GRAY WITH THE BOARD OF PUBLIC UTILITIES – SYNOPSIS: Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District for an existing power plant at 4240 and 4240R North 55th Street and 4400 and 4800 North 47th Street.

Detailed Outline of Requested Action: The applicant, Don Gray with the Board of Public Utilities, has applied to rezone the Nearman Power Plant to MP-3 Planned Heavy Industrial District from R-1 Single Family District and A-G Agriculture District. This rezoning is intended to more accurately represent the intended use of the property. The use of the property is not proposed to change.

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 11, 2017; and
7. The Notices to property owners dated November 11, 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:

- ❖ Jerod Letcher, Board of Public Utilities, 3601 North 12th Street, Kansas City, Kansas 66102

Present in Opposition:

- ❖ There were 12 people present including the following that spoke
- ❖ Pete Kovac, 4023 North 59th Street, Kansas City, Kansas
- ❖ Ted Larson, 4141 North 60th Street, Kansas City, Kansas
- ❖ Brenda Philbrick, 4000 North 60th Street, Kansas City, Kansas

Staff Recommendation Starts 32:23: Director Richardson stated that the master plan for the BPU facility is employment so that would allow MP-3. He stated that the gentleman is correct, the area is outside of rural/residential. On the tax bill there is something called zone and that is different than what the zoning is. The zone on the tax bill is based on how the property is used and they do not consider zoning and the implications on other people. He does not have any significant issues with rezoning this property but feels there are a couple of additional stipulations that could be considered. One of them is the levee (showed Commission on map) and there was discussion about adding additional solar fields when the special use permit for solar panels was approved. There could be an additional stipulation that anything outside the levee would require an industrial road being constructed and that means that the Unified Government will need to be involved through a financing partnership or CMIP and there would be lots of public discussion. He stated that technically and professionally he feels that it should be rezoned for its use. He understands the neighbors' concerns with the project and recommends that this application be held over, so he can work with BPU. He is wondering, as he is sure the Commission is, as to what the future is and what could be done to ease the concerns of the neighbors.

Motion and Vote Starts 37:40:

On motion by Mr. Connelly, seconded by Mr. Carson, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application #3153 until the January 8, 2018 City Planning Commission meeting for the staff to meet with the BPU regarding this request and future plans, the water plant and the question regarding the appraisal of properties:**

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 HOLD OVER Passed: 6 to 0

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 1:36:30

CHANGE OF ZONE APPLICATION #3153 – DON GRAY WITH THE BOARD OF PUBLIC UTILITIES – SYNOPSIS: Change of Zone from A-G Agriculture and R-1 Single Family Districts to M-3 Heavy Industrial District for an existing power plant at 4240 and 4240R North 55th Street and 4400 and 4800 North 47th Street. **Detailed Outline of Requested Action:** The applicant, Don Gray with the Board of Public Utilities, has applied to rezone the Nearman Power Plant to MP-3 Planned Heavy Industrial District from R-1 Single Family District and A-G Agriculture District. This rezoning is intended to more accurately represent the intended use of the property. The use of the property is not proposed to change. The City Planning Commission voted to hold over this change of zone application in order for BPU to respond to issues that were raised during the public hearing including future plans in the area and researching how the rezoning would affect appraisals of properties in the area. BPU submitted a letter responding to these issues dated January 3, 2018 that is attached to this staff report. The letter is signed by a staff member and not the General Manager, so its ability to be relied upon is in question.

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 February 12, 2018;
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 11, 2017; and
7. The Notices to property owners dated November 15, 2017 and January 2, 2018.

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

Present in Support:

- ❖ Jerod Letcher, engineer with the Board of Public Utilities, 3601 North 12th Street, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 1:43 - Director Richardson stated that the staff recommends approval subject to the comments in the staff report and approval by the Board of Utilities General Manager of the January 3, 2018 letter.

Motion and Vote Starts at 1:44:03

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3153:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Board of Public Utilities facilities are a permitted use in the current zoning districts, R-1 Single Family District and A-G Agriculture District. In general, our zoning code uses a cumulative organization where all uses in a less intense zone are allowed the more intense zones. Board of Public Utilities facilities are permitted in MP-3 Planned Heavy Industrial District because they are permitted in R-1 Single Family District and A-G Agriculture District under the requirements of those districts. Rezoning would not change any of the zoning requirements for Board of Public Utilities facilities. The list below demonstrates how Board of Public utilities facilities fits in the hierarchy of permitted uses.

2. Approval of the January 3, 2018 letter by the BPU General Manager.

Sec. 27-470. - M-3 heavy industrial district.

Any use permitted in the M-2 general industrial district.

Sec. 27-469. - M-2 general industrial district.

Any use permitted in the C-3 commercial district except dwellings, under the standards and requirements of that district.

Sec. 27-467. - C-3 commercial district.

Any use permitted in the C-2 general business district.

Sec. 27-466. - C-2 general business district.

Any use permitted in the C-1 limited business district.

Sec. 27-464. - C-1 limited business district.

Services such as all uses permitted in the C-0 district under the requirements and performance standards of that district, including offices for administrative functions, medicine, dentistry, law, philanthropic organizations, counseling, insurance, real estate, securities, and preschools and day care centers.

Sec. 27-463. - C-0 nonretail business district.

Any use permitted in the RP-4 garden apartment district under the standards of that district, except that single-family and two-family dwellings are not permitted in this district.

Sec. 27-459. - R-4 garden apartment district.

Any use permitted in the R-2 two-family district, under the requirements of that district.

Sec. 27-456. - R-2 two-family district.

Any use permitted in the R-1 single-family district, under the standards and requirements of that district.

Sec. 27-454. - R-1 single-family district.

Board of public utilities facilities.

Public Works Comments:

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

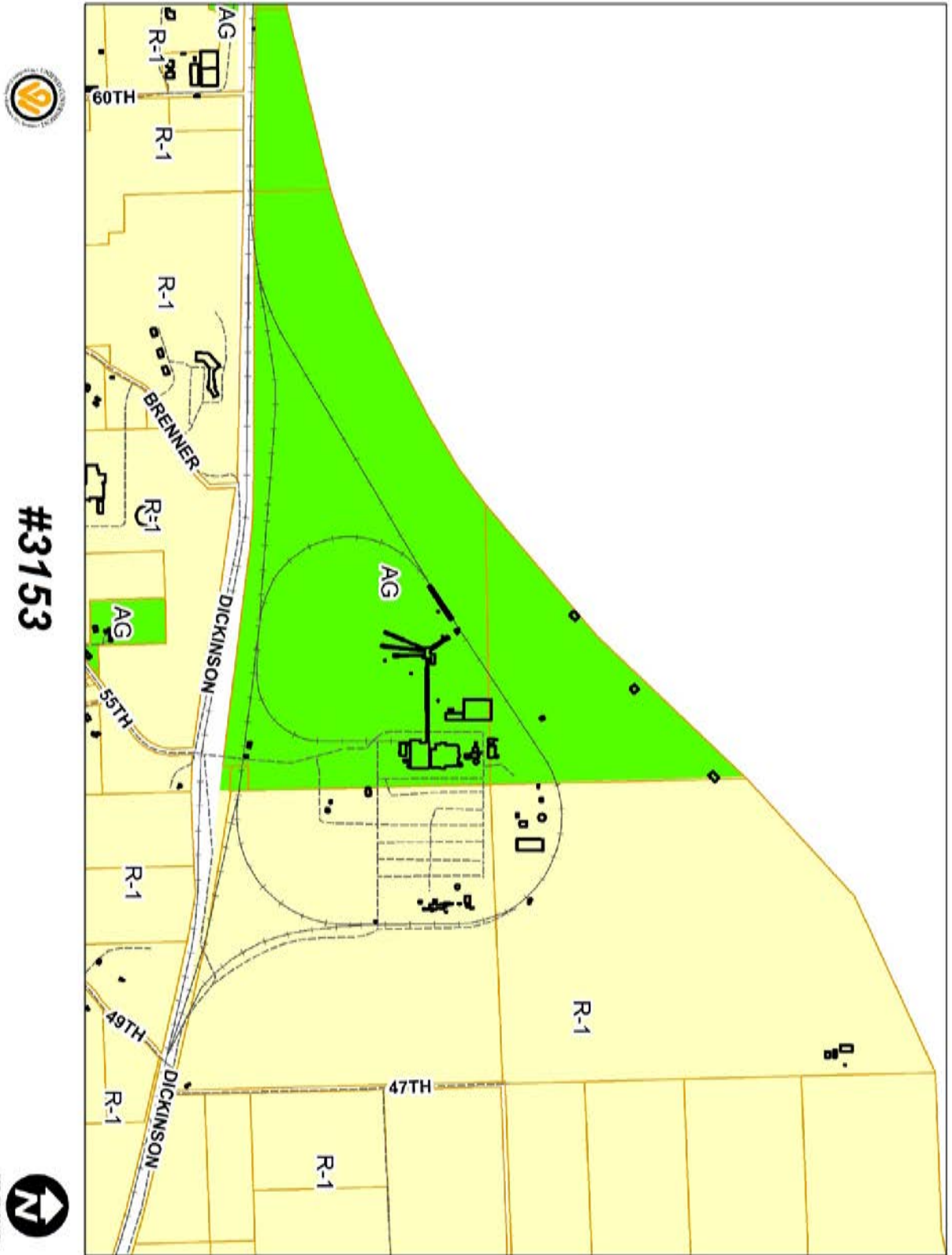
1) None

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

















SIGN-IN SHEET - NEIGHBORHOOD MEETING

Nearman Creek Power Station - Change of Zone (Application #CZ-17401-00022)
November 27, 2017 @ 6:00 PM - Leavenworth Road Association

Name: <u>John Peterson</u>	Name: _____
Phone: <u>913-371-1930</u>	Phone: _____
Email: <u>pete@JL.PETERSONLAW.com</u>	Email: _____
Name: <u>Ben Bruch</u>	Name: _____
Phone: <u>913-488-3912</u>	Phone: _____
Email: <u>bruchb04@yahoo.com</u>	Email: _____
Name: <u>Frank Lavender</u>	Name: _____
Phone: <u>913-638-1498</u>	Phone: _____
Email: <u>FLAVENDER@KC.RR.COM</u>	Email: _____
Name: <u>Steve Fouts</u>	Name: _____
Phone: <u>913-244-0891</u>	Phone: _____
Email: _____	Email: _____
Name: <u>Lou Braswell</u>	Name: _____
Phone: <u>913-230-8366</u>	Phone: _____
Email: <u>XQUZME@shglobal.net</u>	Email: _____
Name: <u>Pete Kovac</u>	Name: _____
Phone: <u>816-591-1285</u>	Phone: _____
Email: <u>Pete@RBAAW.com</u>	Email: _____
Name: <u>Curtis Dade</u>	Name: _____
Phone: <u>913-208-5412</u>	Phone: _____
Email: <u>curtis@dadeconstruction.com</u>	Email: _____

MINUTES – NEIGHBORHOOD MEETING

Application Number: CZ-17401-00022

Date and Location: November 27, 2017 – Leavenworth Road Association

Meeting called to order at: 6:00 PM

Names of people in attendance: John (Pete) Peterson; Ben Breidenthal; Frank Lavender; Steve Fouts; Pete Kovak; Curtis Dade; Lou Braswell; Mr. Knetter

Introductions: Jerod Letcher, BPU
Dong Quach, BPU

Presentation by applicant and/or team:

The purpose of this application is to request a change of current land zoning from AG and R-1 to MP-3 (Heavy Industrial) for the existing BPU Nearman Creek Power Station located at 4240 N. 55th Street. The subject land consists of four parcels totaling 605.3 acres. The intent of this change of zone is to amend the existing property records so that they accurately reflect the current use of the parcels. All current usage of the land will continue without interruption and BPU will continue to own and operate the facilities on the site.

Questions/Comments:

- Q) (Pete Peterson): Are there planned changes to the plant that is driving this rezoning?
- A) (Jerod Letcher): No, there are no planned changes to the current use of the land. The plant will continue to operate as it has since its commissioning.
- Q) (Frank Lavender): You're going to go from R-1 to AG?
- A) (Jerod Letcher): We're seeking to rezone the two R-1 parcels and two AG parcels to MP-3, Planned Heavy Industrial.
- Q) (Frank Lavender): So you're not planning to do anything different with the land?
- A) (Jerod Letcher): No, there will be no change in how the land is utilized.
- Q) (Curtis Dade): If the city owns the land, why aren't they having this meeting rather than BPU?
- A) (Jerod Letcher): This is a unique situation where BPU, as the end user of the land, is the petitioner and has the duty to complete the application process with consent of the land owner, the Unified Government.
- Q) (Curtis Dade): Since the rezoning will likely make the taxes on the property go up, will we see an increase in our PILOT?
- A) (Jerod Letcher): BPU has no tax liability for the land and any fees associated with the COZ application have been waived by the city – this rezoning will have no impact to the PILOT.

(continued)

- Q) (Frank Lavender): If this property is rezoned for Industrial, will that make it easier for other land in the area to be rezoned to Industrial?
- A) (Jerod Letcher): I 'm not sure what factors the Planning Commission considers when reviewing COZ requests, but I believe it's on a case-by-case basis and is dependent on the proposed site usage.

Meeting adjourned at: 7:10 PM

Minutes taken by: Jerod Letcher



January 3, 2018

Mr. Rob Richardson
Urban Planning & Land Use
701 North 7th Street
Kansas City, KS 66101

Subject: Change of Zone Petition #CZ-17401-00022 Comments

Mr. Richardson:

A petition for change of zone (#CZ-17401-00022), filed on behalf of the Kansas City Board of Public Utilities, was reviewed by the Planning Commission on December 11, 2017. The petition was held over until the January 8, 2018 meeting so that further clarification could be made with respect to the BPU's purpose for the request and to ease public concerns raised at the meeting.

The BPU's Nearman Creek Power Station was constructed in the mid-1970s on four parcels, owned by the Unified Government, which are the subject of this rezoning petition. At this time, there are no plans to significantly change the physical or operational characteristics of the Nearman Creek Power Station site. As is currently the case, any major changes to the use of the site will require the BPU to seek approval from the Planning Commission on a per-project basis. This change of zone would not alleviate that requirement.

At the December 8 meeting, Mr. James Ernst of the Planning Commission asked what prompted this request for zoning change. The BPU feels that the property records do not accurately reflect the use of the land and that the zoning should have been changed in the mid-1970s prior to the power plant being constructed. The intent of this petition is simply to modify those records.

Mr. Pete Kovac also asked why the BPU wants to make this change now and expressed concerns over additional industrial zoning bringing future industrial growth to the area, as well as the tax implications of Heavy Industrial zoning to the region. The BPU believes that this rezoning should have occurred prior to construction of the power station and is taking steps to amend the records. Any future land rezoning petitions from surrounding property owners would be subject to review by the Planning Commission on a case-by-case basis. It should also be noted that property tax assessments are not dependent on zoning of the land but rather the actual use of the land. As the present-day use of the land will remain unchanged, there should be no impact to surrounding property values or tax liabilities as a result of this change. The County Appraiser was unable to determine any effect of the zoning change on surrounding properties, citing an absence of similar instances for supporting evidence. However, it is believed that any changes in property value or tax assessment would have occurred shortly after commissioning of the power station.

EQUAL OPPORTUNITY EMPLOYER

548 Minnesota Avenue | Kansas City, KS 66101 | 913.573.9000

bpu.com



Mr. Ted Larson questioned the precedent this may set for other parcels to be zoned Heavy Industrial and the impact to surrounding property values. The Planning Commission reviews each change of zone petition on a case-by-case basis with regards to the proposed use of the land. The presence of nearby parcels zoned as Heavy Industrial should have no influence on future change of zone considerations. Additionally, there should be no changes to property values or tax liabilities resulting from this change of zone.

Ms. Brenda Filbert expressed concern over potential changes to the land detracting from the beauty of the region and the landscape. This rezoning would not change the existing use of the land nor would it usher in additional industrial developments to the surrounding properties.

Thank you for taking the time to speak with me regarding the concerns over this petition. If you have any additional questions prior to the January 8th meeting, please feel free to contact me by phone or email.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jerod Letcher', written over a horizontal line.

Jerod Letcher
Mechanical Engineer
4240 North 55th Street
Kansas City, Kansas 66104
(913) 573-9371

EQUAL OPPORTUNITY EMPLOYER

540 Minnesota Avenue | Kansas City, KS 66101 | 913.573.9000

bpu.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: March 1, 2018
Re: Petition #SP-2017-55

GENERAL INFORMATION

Applicant:
Veronica Wesselhoft

Status of Applicant:
Operator
7240 Kansas Avenue
Kansas City, KS 66111

Requested Action:
Approval of Special Use Permit

Date of Application:
August 25, 2017

Purpose:
To operate a party hall

Property Location:
2120 Park Drive

Existing Zoning:
C-1 Limited Business District



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

Existing Uses: **North:** Single family homes (across Riverview Avenue)
South: Clifton Park (across Park Drive)
East: Gas station
West: Single family homes (across South 22nd Street)

Total Tract Size: .39 acre

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

Major Street Plan: The Major Street Plan classifies Park Drive as a Class C Thoroughfare and Riverview Avenue and 22nd Street is classified as local streets.

Advertisement: The Wyandotte Echo – September 14, 2017
Letters to Property Owner – September 13, 2017, October 2, 2017, November 2, 2017, November 30, 2017, January 3, 2018 and February 22, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: Staff has received complaints from the area neighborhood group, Wyandotte Countians Against Crime about the proposed use. There was one person in opposition at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Veronica Wesselhoft with her husband, Keith Wesselhoft want to operate a party hall for family parties (quinceaneras, baptisms, weddings and general meetings) at 2120 Park 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 of single family homes. The property is three blocks west of Central Avenue, the commercial corridor in this area of the city. The parcel is an island, surrounded by residences to the north and west. A gas station abuts this property to the east and Clifton Park is across Park Drive, south of the proposed establishment.

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. The proposed use is not compatible with the surrounding single-family residences.

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

Based on the zoning, the property can be used for many different uses. The removal of the restrictions could detrimentally affect nearby property.

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

According to Business Licensing, a cleaning service business was operational in 2016, but nothing has been filed with their department in 2017.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will increase the amount of vehicular traffic more so than a cleaning service, 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 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 because a special use permit is temporary in nature.

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 normally associated with party halls and/or business with live entertainment can create problems for near-by property, especially in a residential neighborhood.

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

This should not be an issue.

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

This should not 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 no relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner. If this application is denied, the applicant can use the building for a myriad of commercial uses.

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

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 25, 2017. According to the applicant, opposition was not expressed at the meeting.

KEY ISSUES

Parking
Business Plan
Neighborhood Opposition

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2017-55, **based on the applicant's failure to respond to the staff comments and public hearing comments. (The applicant was also not present at the meeting.)**

STAFF COMMENTS AND SUGGESTIONS

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

Urban Planning and Land Use Comments:

NOTE: The applicant did not respond to staff questions.

1. Sec. 27-464(c)(9) Retail business with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day.

All operations shall cease and doors must be closed by 1:00 AM, no later.

2. Based on the supplied information, staff cannot determine the size of the interior of the building and therefore perform an analysis of the parking required for the party hall. Additionally, staff cannot determine the total number of parking spaces in the parking lot. The site plan must be revised to show all legal, parking spaces in the lot and the floor plan needs to be drawn in darker, as it is difficult to define the seating area(s) from the back-of-house (kitchen, bathrooms, etc.).
3. What are the proposed days and hours of operation?
4. The business plan lists family events, so will the party hall be rented to only family members or are the events “family” type events?
5. Will food and alcohol be provided by the host or will these items be catered in by a third party/vendor?
6. How will security be provided? Will there be a guest list for each event? Will the applicant and/or her spouse be present at each event?
7. Doors shall remain closed at all times as not to project sound through the parking lot to the surrounding residences.
8. Provide an ID scanner and scan all IDs of those entering the facility.
9. Applicant complies with security codes, alcohol ordinance and other ordinances of the City.
10. Cease operating the party hall. Staff received a complaint that events have been held prior to obtaining a special use permit. Failure to do so will result in denial of this application.

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:

The applicant, Ms. Veronica Wesselhoft has not responded to staff's comments after repeated attempts to contact her. Ms. Wesselhoft has hosted and continues to host parties and events in the building without obtaining a special use permit. Staff does not support this petition as presented.

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-2017-55 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Business Plan
Neighborhood Meeting Minutes
Aerial Photograph
Site Plan
Floor Plan
Site Photos
Wyandotte Countians Against Crime (WCAC) Letter

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2018	March 1, 2018
Special Use	Denial	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2017-55, 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-2017-55 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. _____.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 1:44:50

Application Recalled at 2:48

SPECIAL USE PERMIT APPLICATION #SP-2017-55 – VERONICA WESSELHOFT – SYNOPSIS: Special Use Permit for a party hall at 2120 Park Drive. **Detailed Outline of Requested Action:** The applicant, Veronica Wesselhoft with her husband, Keith Wesselhoft want to operate a party hall for family parties (quinceaneras, baptisms, weddings and general meetings) at 2120 Park Drive.

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 February 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 14, 2017; and
7. The Notices to property owners dated September 13, 2017, October 2, 2017, November 2, 2017, November 30, 2017 and January 3, 2018

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

Present in Support:

- ❖ No one appeared either time the application was called.

Present in Opposition:

- ❖ Jorge Vasquez, 2319 Riverview Avenue, Kansas City, Kansas

Staff Recommendation Starts at 2:58:25 - Director Richardson stated that this application has been held over several times. He further stated that the applicant is not present and has not responded to the staff comments with the contact information supplied by the applicant. The staff normally would recommend holding over this application (due to their non-attendance at the meeting) but recommends denial of this application (due to the lack of response by the applicant to the staff comments.)

Motion and Vote Starts at 3:01

On motion by Mr. Carson, seconded by Mr. Gonzalez, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit #SP-2017-55 based on the applicant's failure to respond to the staff comments and public hearing comments tonight:**

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

Motion to recommend DENIAL Passed: 8 to 0

Business Plan "Hacienda La Alameda"

2120 park Dr Kansas City KS 66102 phone: [913-276-8257](tel:913-276-8257) email: aacosta@rs-agency.com

The main service provided by Hacienda La Alameda is to host a secure space for any particular event. It is a hall and would like to ask for permit granted by the City so that my business hall be able to be rented by potential clients. This permit would allow for the hall to host events such as family parties like Quinceaneras, Baptisms, Weddings, General Meetings, after it is fully equipped.

The rental service would be as follows. The client would contact me in advance to check if the rental date they are needing is available. The day of the event I will be in charge of opening the hall and closing it. The key will always be my responsibility. We do ask for a deposit just in case of any property being damaged of \$150 and for the actual renting of the hall will be of \$300. The deposit will be given back to the client in case of no damages done to the property.

The main marketing strategy will be Social Media focused, through Facebook specifically and some printed flyers. The Facebook page will be handled and supervised solely by me.

The hall will be supervised, managed, and is owned by **Veronica and Keith Wesselhoff** (spouse of Veronica Wesselhoff). They are both responsible for the maintenance, marketing, and finances the hall should require.

Sincerely,

Veronica Wesselhoff

MEETING 09/25/17

START TIME: 07:01 PM

FINISH TIME : 07:42 PM

PEOPLE WHO ATTENDED: VERONICA GUZMAN, GRISELDA RIVERA,
GEORGE VASQUEZ, DEAN ZAGORTZ & PAUL SOPTICK

QUESTIONS ASKED BY

GEORGE:

Q1. What would the name be for the event center?

Answer: Hacienda la alameda or el diamante.

Q2. Do we have communication with neighbors? It is very important to communicate with them.

Answer: Not all the neighbors but yes we have met with 3 of them from the street.

DEAN:

Q1. How many spaces for parking?

Answer: 24

Q2. Do we live close to the area?

Answer: yes we do 17th st and 72nd

Q3: Are we going to allow live music? Band? Dj?

Answer: Most likely yes if that's what the person who rents would want to have one.

Q4: Are we providing food or drinks?

Answer: No not us, we will only rent the space for the event.

Q5: How would we control the parking lot traffic? Since it only a one way?

Answer: Adjusting the entrance, probably have to make changes.

Q5: How many doors does the building have?

Answer: 3 doors

Paul:

Q1: How often would we rent it?

Answer: It would be available to rent Friday, Saturday and Sundays.

Q2: Are we going to allow alcohol?

Answer: Yes

Q3: Do we have a kitchen area?

Answer: Yes

Q4: What is the capacity?

Answer: 140

Q5: How would we control the capacity?

Answer: it would be hard to control something like that. We would have to follow the guidelines and protocol that the city will require.

Q6: Have we seen or been to other event places?

Answer: yes we have.



Figure 1. Aerial photograph of 2120 Park Drive, indicated by the green dot (provided by ArcView GIS).

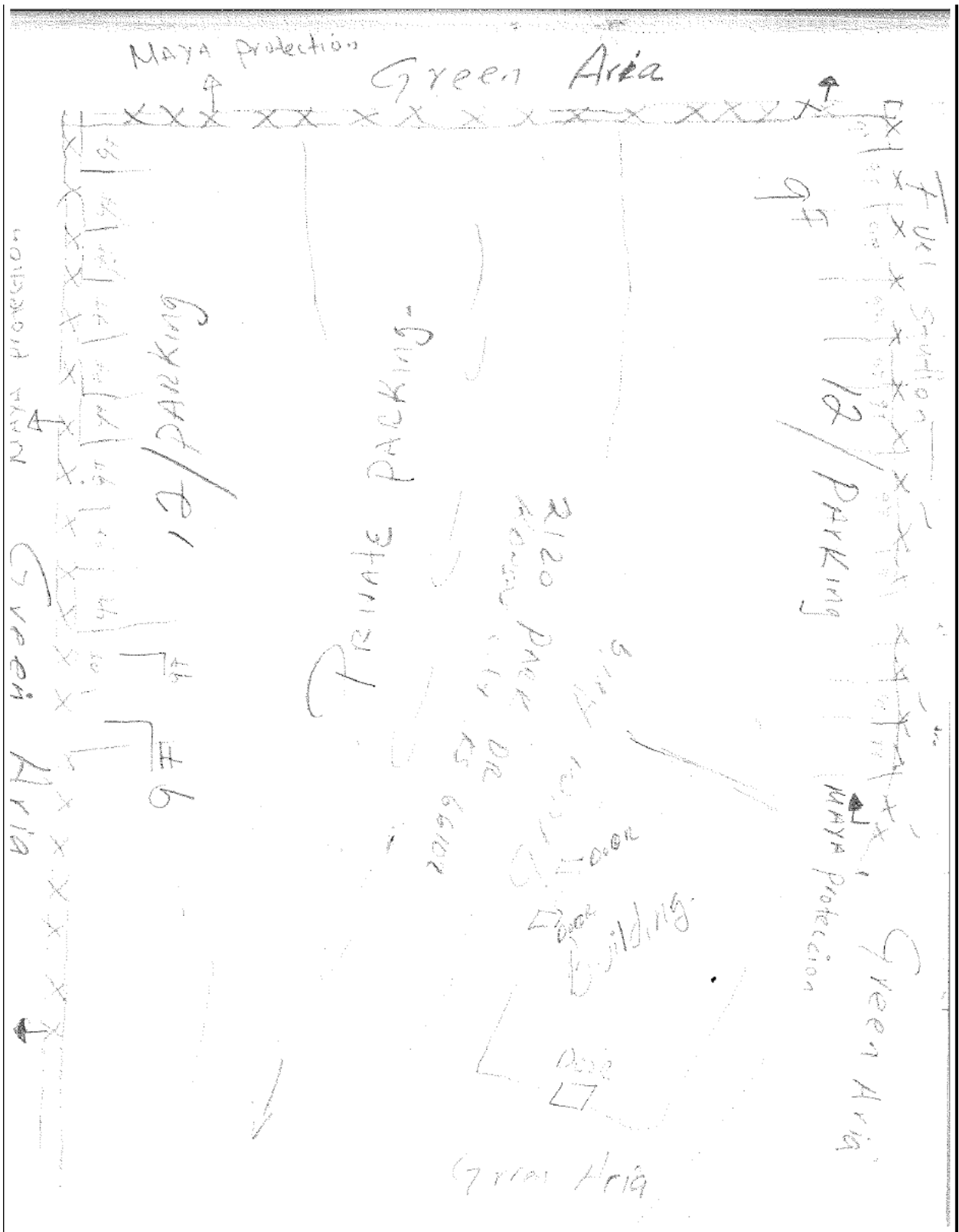


Figure 2. Site Plan of 2120 Park Drive (provided by the applicant).

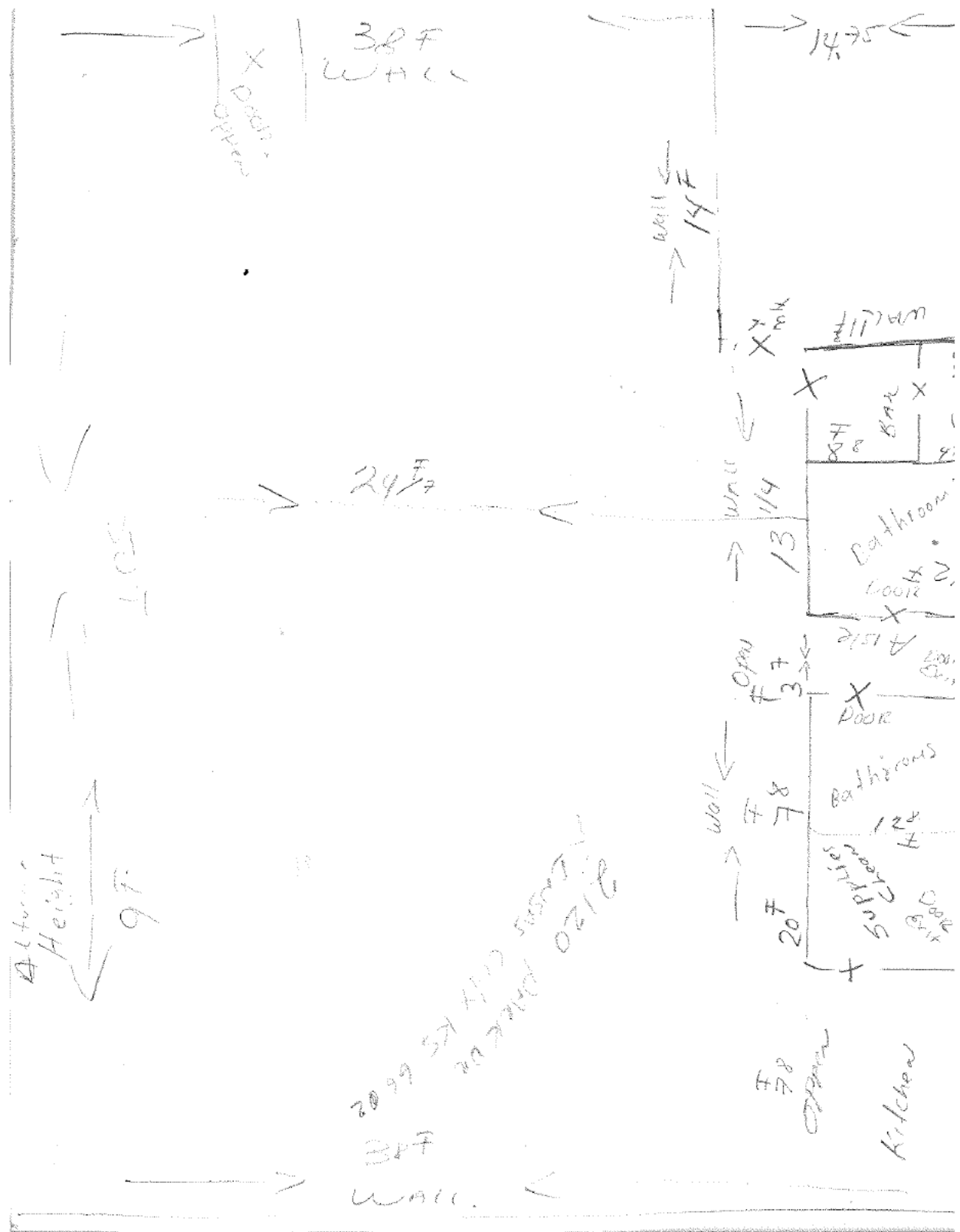


Figure 3. Floor Plan of 2120 Park Drive (provided by the applicant).



Figure 4. Site photograph of 2120 Park Drive looking northeast (provided by Google Street View).

Toy, Byron

From: Richardson, Rob
Sent: Monday, January 08, 2018 4:15 PM
To: Talkin, Greg; pprsjr@aol.com
Cc: Parker, Janet; Toy, Byron; Hickey, Jamie; Flanders, Zachary; Bynum, Melissa; Johnson, Harold
Subject: RE: 2120 PARK DRIVE

Greg and Paul,

There will be no more continuances. I was not aware they were continuing to operate until late last week.

Rob

From: Talkin, Greg
Sent: Monday, January 08, 2018 2:34 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: FW: 2120 PARK DRIVE

fyi

From: pprsjr@aol.com [<mailto:pprsjr@aol.com>]
Sent: Saturday, January 06, 2018 9:39 AM
To: bynum_m@WMHCl.org; SHUGDAD@KC.RR.COM; Johnson, Harold <hjohnson@wycokck.org>; Miskec, Jeff <jmiskec@kckpd.org>; joguggenheim@aol.com; Bynum, Melissa <mbynum@wycokck.org>; rosevasquez1951@gmail.com; Talkin, Greg <gtalkin@wycokck.org>; Henderson, Phillip <philliphenderson@wycokck.org>; SHUGDAD@KC.RR.COM; rosevasquez1951@gmail.com
Subject: 2120 PARK DRIVE

THE PROPERTY OWNERS AT 2120 PARK DRIVE HAVE PETITIONED FOR A SPECIAL USE PERMIT AS A PARTY HOUSE. THE ORIGINAL PETITION WAS FILED IN SEPTEMBER OF 2017 AND HAS BEEN **POSTPONED EVERY MONTH SINCE**, WHILE THE OWNERS **CONTINUE TO USE, RENT** THE STRUCTURE EVERY WEEKEND FOR SOME KIND OF EVENT.

I RECEIVED A NOTICE FROM PLANNING AND LAND USE OF ANOTHER POSTPONEMENT FROM JANUARY 8, 2018 UNTIL FEB 12, 2018.

THIS IS A BAD LOCATION FOR A PARTY HOUSE BECAUSE OF THE TRAFFIC (ON PARK DRIVE, RIVERVIEW, AND 21ST STREET), PARKING (ON BOTH SIDES OF 21ST STREET AND PARK DRIVE) AND ITS PHYSICAL SIZE NOT ABLE TO CONTAIN THE OCCUPANTS IN A SAFE WAY. **THIS BUSINESS DOES NOT FIT INTO THE NRSA PLAN OR THE SOAR PROGRAM BEING UTILIZED IN THIS NEIGHBORHOOD.**

WYANDOTTE COUNTIANS AGAINST CRIME (WCAC) AND NEIGHBORS IN THE AREA MET WITH REPRESENTATIVES OF THE PROPERTY AND EXPRESSED A GRAVE CONCERN ABOUT SERVING ALCOHOL IN THE ESTABLISHMENT WITH CHILDREN AROUND AND THEN GETTING INTO THEIR VEHICLES AND MAKING OUR ALREADY DANGEROUS STREETS EVEN MORE SO.

BUT THEY CONTINUE TO USE, RENT THE PROPERTY WITHOUT PROPER ZONING, BUSINESS LICENSES, AND WHATEVER OTHER OVERSIGHT NEEDED TO CONDUCT BUSINESS IN A SAFE AND LEGAL WAY.

THANK YOU FOR YOUR HELP

pprsjr@aol.com

Paul R Soptick Jr
H: 913-281-4351
C: 913-927-8848



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: March 1, 2018
Re: Petition #SP-2017-72

GENERAL INFORMATION

Applicant:
Diego Toto

Status of Applicant:
XM Automotive
4439 Shawnee Drive
Kansas City, KS 66106

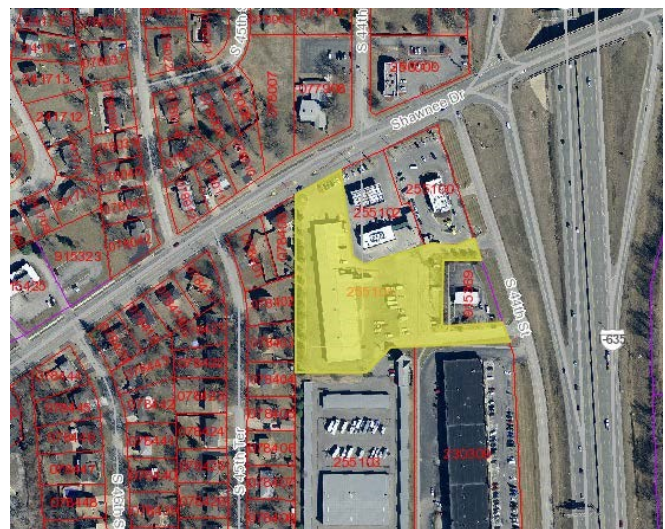
Requested Action: Approve Special
Use Permit

Date of Application:
October 30, 2017

Purpose:
To operate a mechanic and heavy automotive repair shop

Property Location:
4439 Shawnee Road

Existing Zoning: MP-1 Planned Light Industrial and Industrial Park District



Existing Surrounding Zoning: North: R-1 Single Family District

South: MP-1 Planned Light Industrial and Industrial Park District

East: CP-2 Planned General Business and MP-1 Planned Light Industrial and Industrial Park Districts

West: R-1 Single Family District

Existing Uses: North: Single family homes (across Shawnee Drive)

South: Self-storage facility

East: Gas station and small commercial office building

West: Single family homes

Total Tract Size: 3.24 acres

Master Plan Designation: The City-Wide Master Plan designates this property for Business Park use.

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

Advertisement: The Wyandotte Echo – December 14, 2017
Letters to Property Owner – November 15, 2017, December 6, 2017, January 3, 2018 and February 22, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Diego Toto wants to continue to operate a mechanic and heavy automotive repair shop at 4439 Shawnee 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 very mixed. There are single family homes to the west that abut the rear of this large multi-tenant building and commercial businesses to the south and east.

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. This space was formerly a detail shop and is one of seven leasable tenant spaces in the 27,000 square foot building.

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

The removal of the restrictions could affect nearby property.

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

Based on Business License records, the last business at the location was in 2013.

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.

Due to the multi-tenant building on the property, adding the proposed use is not likely to 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.*

Because there are garage doors on the rear of the building, noise that is often associated with mechanic shops may be a nuisance to the residences that abut the property on the west side.

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

If spills are contained and cleaned up quickly, the proposed use will not pollute the 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 is minimal. If this application is denied, the applicant will have to find an alternate location and apply for another special use permit.

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

Special Use Permit SP 2015-67

NEIGHBORHOOD MEETING

Staff has received no record of a neighborhood meeting/

KEY ISSUES

Compliance with the automotive repair ordinance and prior stipulations

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2017-72, **for the reasons outlined by the staff. (The applicant also was not present at the meeting.**

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission. It should be noted that staff was contacted by someone helping the applicant the day after the Planning Commission meeting. They have received the staff report and information for holding a neighborhood meeting.

Urban Planning and Land Use Comments:

1. Please provide updated photos of the site, including parking area and any signage on the site to prove compliance with previous stipulations.

Staff has received no contact on this case and has no ability to verify compliance with the ordinance or stipulations put in place at the time of the previous approval (2015).

Comments and Stipulations from 2015 approval:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. How large is the tenant space that you are leasing? Please provide the square footage of the building.

Applicant Response: It is 2,700 square feet.

Staff Response: Based on the 2,700-building square footage, 10.8 parking spaces, or 11 parking spaces are required for this building. Even though the property is zoned MP-1 Planned Light Industrial and Industrial Park District, automotive uses or commercial uses require four spaces for every 1,000 square feet of building area.

3. Looking at the photographs, the south and west sides of the parking lot do not have any striping. Staff cannot determine how many parking spaces are required if we do not know the building square footage. Also, per your landlord, how many parking spaces have been allocated to you in the parking lot?

Applicant Response: Stated by the landlord, the parking availability is on a first come first serve basis. With that being said, all but one of the other tenants in the building use this facility as a storage unit only. They do not have customers or cars parked outside except for the times they come to get items from their space and those are only their own personnel car.

Staff Response: Since there is adequate space on the south side of the building, five (5) 90-degree head-in parking stalls shall be striped to accommodate additional parking.

The industrial businesses have a parking ratio of 1 space for every 500 square feet up to 20,000 square feet. The parking lot located on the east side of the building is needed for all of the various businesses/tenants on the property, not just the proposed mechanic shop.

4. Per Sec. 27-593(b)(20)d.1-3.
 - a. Parking of the automobiles under heavy service repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
 - b. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 - c. Each automobile shall be in a striped, designated parking space.

The ends of the row of parking stalls shall be curbed and landscaped that complies with the Commercial Design Guidelines. The asphalt inside the islands shall be removed prior to the landscaping being planted.

Please provide a more detailed drawing that shows the parking allocated for 4439 Shawnee Drive. Additionally, please show on the drawing that at either end of each row of parking a curbed, landscaped island.

There shall be at least one shade tree (minimum 2" caliper when planted) shown in each parking lot island. Lastly, where the curb is poured around the perimeter of the island, the asphalt shall be removed inside the island and replaced with topsoil, so the plantings will adequately grow.

Applicant Response: I believe my landlord stated he was getting in contact with someone at the office to speak about the parking and about the whole permit itself, since they stated that this building already has a permit for auto repair since it was built back in the 1990's. I am unsure of what the process is with this. My landlord said he was looking into it.

Staff Response: The code requires these improvements to be made to the property. The special use permit will not become valid until all stipulations are met. Curbed islands shall be installed at the end of the parking row and landscaped as previously stated.

5. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.

Applicant Response: We will follow getting a sign once and if the application is approved. Thank you.

6. No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.

Applicant Response: Understood.

7. Will any vehicles or materials be stored outside?

Applicant Response: Yes, some vehicles will be parked outside while awaiting service. Cars will be in running condition, with current tags and all appropriate paperwork. The heavy repair will not be parked outside or towed in, vehicles will be inside.

Staff Response: Cars that are awaiting service shall be parked in a code compliant parking stall. Salvaged or wrecked vehicles are not permitted to be on the property, as this is not a salvage operation.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Verify/clarify that no new exterior construction, parking lot improvements, etc. is None
- A) Items that are conditions of approval (stipulations):
 - 1) Verify and confirm that there is an existing oil/water separator on-site for the automotive business so that oil and other fluids do not enter the sanitary sewer system.
 - 2) It appears that an automotive repair shop may include work on wrecked vehicles. Will wrecked vehicles that potentially leak fluids be worked on or stored on-site? Provide an analysis of MARC BMP Hotspots as it may apply to this site and indicate any necessary improvements on a site plan, if required. Further discussion with staff may be needed.
 - 3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) 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:

Due to the lack of response from the applicant and the inability of staff to verify compliance with prior stipulations, Staff recommends denial of the renewal of this Special Use Permit.

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-2017-72 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes

From 2015:

Applicant Response Letter

Drawing of property

Photographs of property

Photographs of parking lot islands

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2018	March 1, 2018
Special Use	Denial	

STAFF CONTACT:

Jamie Hickey

jhickey@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2017-72, 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-2017-72 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. _____.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:03:10

Application Recalled at 3:01:44

SPECIAL USE PERMIT APPLICATION #SP-2017-72 – DIEGO TOTO – SYNOPSIS:
*Renewal of a Special Use Permit (#SP-2015-67) for an automotive repair shop at 4439 Shawnee Drive. **Detailed Outline of Requested Action:***

The applicant, Diego Toto wants to continue to operate a mechanic and heavy automotive repair shop at 4439 Shawnee Drive.

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 February 12, 2018;
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 14, 2017; and
7. The Notices to property owners dated November 15, 2017, December 6, 2017 and January 3, 2018.

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

Present in Support:

- ❖ No one appeared either time this application was called

Present in Opposition:

- ❖ No one appeared either time this application was called

Staff Recommendation Starts at 3:02:27 - Director Richardson stated that they have not held a neighborhood meeting, responded to the draft staff report or complied with the previously approved stipulations.

Motion and Vote Starts at 3:02:40

On motion by Ms. Jones, seconded by Mr. Mose, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2017-72 for the reasons outlined by the staff:**

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

Motion to recommend DENIAL Passed: 8 to 0





Information submitted in 2015

Reply to Urban Planning and Land use Comments:

1. How large is the tenant space that you are leasing?

It is 2700 sq ft.

2. Per your landlord, how many parking spaces have been allocated to you in the parking lot?

Stated by the landlord the parking availability is on a first come first serve basis. With that being said all but one of the other tenants in the building use this facility as a storage unit only, they don't have customers or cars parked outside except for the times they come to get items from their space and those are only their own personal car.

3. PARKING-

I believe my landlord stated he was getting in contact with someone at the office to speak about the parking and about the whole permit itself, since they stated that this building has already a permit for auto repair since it was built back in the 90's. I am unsure of what the process is with this. My landlord said he was looking into it.

4. Signage

We will follow getting a sign once and if the application is approved. Thankyou

5. NONE

6. Will any vehicles or materials be stored outside?

Yes, Some vehicles will be parked outside while awaiting for service. Car will be in running condition, with current tags and all appropriate paperwork. The heavy repair will not be parked outside or towed in vehicles will be inside.

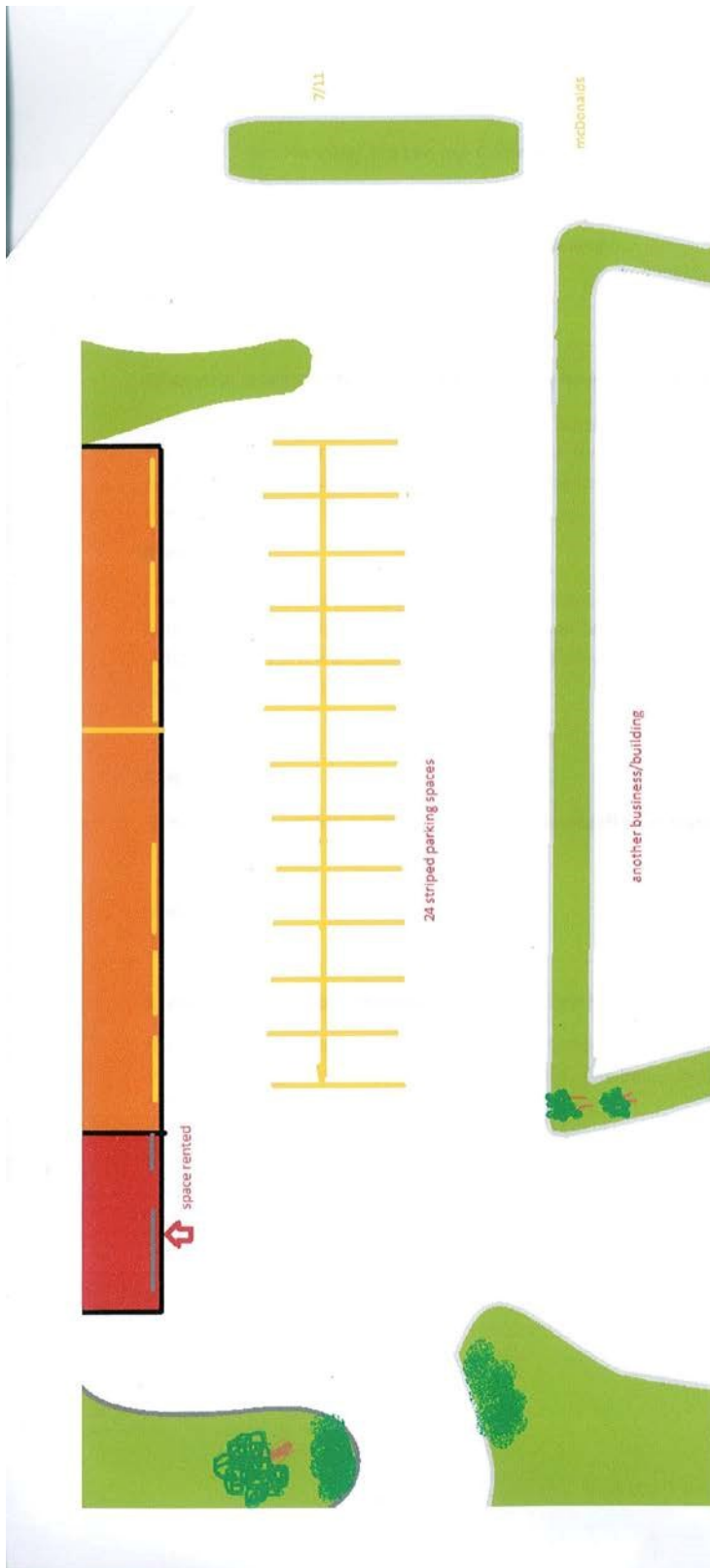


Figure 1. Drawing of the overall site (provided by the applicant).

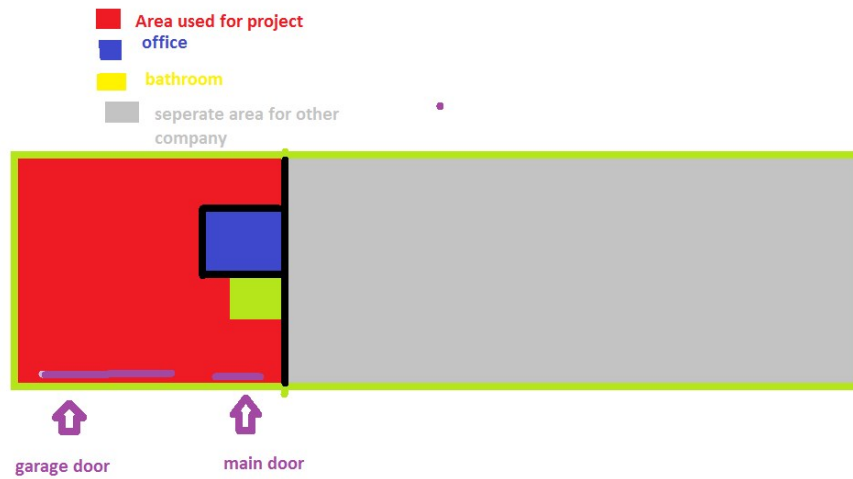


Figure 2. Drawing of the floor plan (provided by the applicant).



Figure 3. Photograph of 4439 Shawnee Drive looking east (provided by the applicant).



Figure 4. Photograph of 4439 Shawnee Drive looking southeast (provided by the applicant).



Figure 5. Photograph of 4439 Shawnee Drive looking northeast (provided by the applicant).



Figure 6. Photograph of 4439 Shawnee Drive looking west (provided by the applicant).



Figure 7. Photograph of 4439 Shawnee Drive looking northwest (provided by the applicant).



Figure 8. Example of a landscaped parking lot island (provided by the Seattle Daily Journal, 2003).



Figure 9. Example of a landscaped parking lot island (provided by No Ka Oi Landscape Services).



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: March 1, 2018
Re: Petition #SP-2017-74

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
BHC Rhodes
712 State Avenue
Kansas City, KS 66101

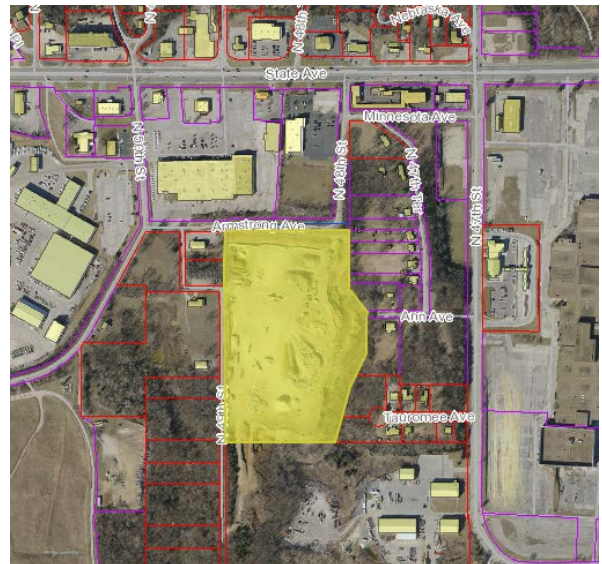
Requested Action:
Approve of Special Use Permit (Renewal)

Date of Application:
October 27, 2017

Purpose:
To continue to operate a dirt fill and recycling center and truck weigh scale

Property Location:
626 R North 47th Street

Existing Zoning:
R-1 Single Family District



Existing Surrounding Zoning: **North:** C-1 Limited Business and CP-2 Planned General Business Districts
South: MP-1 Planned Light Industrial and Industrial Park and CP-1 Planned Limited Business Districts
East: R-1 Single Family and C-2 General Business Districts
West: R-1 Single Family and A-G Agriculture Districts

Existing Uses: **North:** Commercial retail and Unified Government offices
South: Industrial business
East: Single family homes
West: Vacant land

Total Tract Size: 17.66 acres

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

Major Street Plan: North 49th Street and Armstrong Avenue are classified as local streets.

Advertisement: The Wyandotte Echo – November 16, 2017
Letters to Property Owner – November 15, 2017, January 2, 2018 and February 22, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: Staff has received complaints from employees at the Neighborhood Resource Center (NRC) regarding dust in the air and dirt and mud on the roads. No one appeared at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC Rhodes on behalf of the owner, Winfred Anderson of RMR seeks to renew a special use permit to continue to operate a dirt fill and recycling materials site in conjunction with a truck weight scale.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is predominately rural in nature, however there is a proposed similar operation located to the west, across 49th Street. These businesses are shifting the area to more industrial usage.

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 not compatible as there have been continuous dust issues for properties to the north.

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

As stated previously, dust has been an ongoing issue for this site. The site will need to be rezoned to build anything other than a single-family home.

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 specifically 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 number of trucks bringing and removing the material at this site has increased traffic on 49th Street and Armstrong Avenue.

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. Proper precautions have not been adhered to and have injured the visual quality of adjoining and adjacent property.

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

Noise and vibration are all potential effects of this type of use. Dust has been a significant issue that has caused problems for near-by property.

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

While the Wyandotte County Health Department and Kansas Department of Health & Environment (KDHE) have not monitored the air quality from the dust that is generated from recycling material and truck driving on the roads, southerly winds have pushed dust plumes north, across Armstrong Avenue to the strip center off State Avenue.

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

The natural composition of this property has been and will continue to be permanently changed by this use.

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 little public gain from this operation.

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

This is not expected to be an issue.

PREVIOUS ACTIONS

This site was approved to operate a dirt fill and recyclable materials site in 2013 (#SP-2013-10) and 2015 (#SP-2015-52), respectively.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Public Works Comments
Dust Mitigation
Remediation Plan
Roadway Damage
Size of Fill Material

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend APPROVAL of Special Use Permit Application #SP-2017-74, **for six (6) months subject to the remediation plan being approved by the Unified Government engineers and the remediation plan being implemented prior to the owner restarting operation.**

STAFF COMMENTS AND SUGGESTIONS

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

Urban Planning and Land Use Comments:

1. A Stop-Work Order was issued for 626R North 47th Street on October 27, 2017 for failure to comply with codes and regulations related to dirt fill operations.
 - a. A Remediation Plan has been submitted and is under review. It must be approved and implemented before the Stop Work Order is rescinded.

Applicant Response: A Remediation Plan for 626R North 47th Street was submitted on November 27, 2017.

2. Per Business License Department:
 - a. Comments were made on the companion special use permit request: #SP-2017-60 at 822 N. 49th St. Applicant has no current occupation tax for any type of recycle activities.

Applicant Response: No material recycling is planned for the adjacent site at 822 North 49th Street. An occupation tax application will be filed for this site (626R North 47th Street) if needed.

3. While a grading plan has been issued by Building Inspection Department, which is required for all dirt removal and fill sites, engineering plans were not submitted so Building Inspection, Planning, Public Works and Planning Engineering could review and approve the plans.

Applicant Response: The Remediation Plan set submitted November 27, 2017 are engineering plans submitted for review of the aforementioned departments.

4. Dust has been a significant issue for employees at the Neighborhood Resource Center (NRC) and others who reside in the area. Additionally, the North 49th Street and Armstrong Avenue are covered with dirt, which when dried exacerbates the dust issue. What is your current watering plan to minimize dust and what will you do to correct the problem that is will not occur again?

Applicant Response: BHC Rhodes has proposed a relocation of the truck traffic entrance to the north edge of the property along Armstrong Avenue (see sheet C4 – Remediation Plan set) which will reroute truck traffic to access the recycling site via North 48th Street and Armstrong Avenue which will prevent truck traffic from driving alongside the Neighborhood Resource Center (see Remediation Plan Outline Keynote 04 on sheet C6 – Remediation Plan set).

The owner/operator of the recycling site has also provided to rinse and sweep the streets with a water truck and street sweeper, respectively, daily and as needed (see Remediation Plan Outline Keynote 05 on sheet C6 – Remediation Plan set). Material crushing and screening machinery shall not be operated when wind is out of the south (see Remediation Plan Outline Keynote 06 on sheet C6 –

Remediation Plan set).

5. How many daily truck trips are there to the site?

Applicant Response: *There will be an estimated 24 daily truck roundtrips to/from the site.*

6. How long will it take to achieve the final grades needed to close the permit?

Applicant Response: *It will take approximately 24 months to achieve the final grades needed to close the permit.*

7. Rubble and construction material that is brought to the site is much larger than the allowable fill material. Per the International Building Code, Appendix J, Section J107.4 Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills. How do you intend to resolve this issue?

Applicant Response: *Fill material larger than 12 inches in diameter will not be allowed as fill to achieve the proposed contours shown on sheet C3 of the Remediation Plan set (see Remediation Plan Outline Keynote 05 on sheet C3 – Remediation Plan set).*

8. Note that 3:1 is the maximum allowable slope for maintenance of turf.

Applicant Response: *Acknowledged.*

9. This operation significantly exceeds any previous requests and appears to be operating in violation of several ordinances. Staff support will be difficult to achieve.

Applicant Response: *Please advise on specific violations so all concerns can be addressed to meet all applicable ordinances.*

Code Enforcement Comments:

This operation has ruined the road, trucks not adhering to the traffic signs, leaving dust and dirt everywhere in the neighborhood. When they do clean the streets, they do not use water, and all it does is create more dust. This creates not only a nuisance but a health hazard as well. Code Enforcement does not recommend renewal of their special use permit.

Applicant Response: *The owner/operator has proposed to repair road surface deficiencies due to large truck traffic as they arise (see Remediation Plan Outline Keynote 09 on sheet C3 – Remediation Plan set).*

The owner/operator of the recycling site has proposed to rinse and sweep the streets with water truck and street sweeper, respectively, daily and as needed (see Remediation Plan Outline Keynote 05 on sheet C6 – Remediation Plan set).

Additional Code Enforcement Comments: Inspector Overton - This plant has had trucks not following traffic laws, there have been several close calls on the street behind the Neighborhood Resource Center (NRC). There are also some safety concerns with dirt settling on the road, cars, buildings that may cause breathing problems. This company has torn up the roads around the plant, and not maintaining them. They have been a nuisance.

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 owner/contractor did not comply with approved engineering plans on two sites at 626 R North 47th Street, parcel 404400, and 626 North 47th Street, parcel 404401. This northern site (RMR), parcel 404400 is a recycling center and fill site, operated by Winfred Anderson. The southern site, parcel 404401 is owned by a different party with a business named Twin Traffic and Special Use permit, SP-2016-61, for a fill site operated by Winfred Anderson. A Stop Work Order was issued on Friday, October 27, 2017.
 - 2) During site visits prior to the stop work order, it was observed that the fill site was a dump site with construction debris, large chunks of concrete, rebar, pipe, and steep slopes, i.e., 1.5:1 or 2:1. There was evidence that fill material was pushed off into trees, fill placed on vegetation, and fill was not placed per typical construction practices with lifts and compaction. The fill material and construction methods are unknown with approx. 50-70' fill heights. Furthermore, there was large cracking at the top of the fill and evidence for potential slope failure.
 - 3) The Engineer, BHC Rhodes met with a geotechnical engineer for recommendations of existing site conditions and proposed remediation. Due to the unknown fill material and construction methods, the Geotech indicated that slope failure could occur regardless of proposed 2:1 or 3:1 slopes. Although the Geotech recommended letting the slope fail, they indicated that inclinometers can be installed to monitor any movement in the slope regarding potential slope failure. The UG expressed concerns of letting the slope fail because it could damage nearby residential houses, fill-up the creek, plug-up a downstream culvert, and cause potential flooding issues. Therefore, the UG requested a minimum of two inclinometers to be indicated on the remediation plan, in line with each of the two residential houses at 4733 and 4738 Ann Avenue.
 - 4) Public Works and Planning required the owner/contractor and his Engineer, BHC Rhodes to prepare a remediation plan to bring the site into compliance. The approved plan requires installation of two inclinometers to monitor fill movement in the vicinity near the houses of 4733 and 4738 Ann Avenue, with monthly monitoring for one year. Depending on results, additional monitoring and/or requirements may be required as determined by the Geotech, Engineer, and/or the UG.

- 5) The owner/contractor shall follow the approved remediation plan and bring the site into compliance. Upon reaching compliance, the owner/contractor shall coordinate with the Engineer and Public Works for an inspection and approval prior to the release of the stop work order.
- 6) Upon approval by UG staff and/or Planning Commission, the following stipulations shall apply for the remediation plan and this special use permit:
 - a) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - b) The Applicant, Owner, and/or Contractor shall obtain a land disturbance permit from KDHE and Unified Government Public Works department, a hauling permit from Public Works, and a grading permit from Building Inspection department prior to the start of any construction work.
 - c) The Owner and/or Contractor shall install erosion control devices and coordinate an inspection with Public Works department prior to any land disturbance activity on the site.
 - d) The RMR site at 626 R North 47th Street shall be the access to the Twin Traffic site at 626 North 47th Street, and an adjacent site at 822 North 49th Street, if approved by SP-2017-60. The RMR site at 626 R North 47th Street site, shall have a construction entrance and exit in accordance with the approved remediation plan, which includes a dry wheel cleaning structure and 200' asphalt for exiting trucks and vehicles. If the dry wheel cleaning structure proves insufficient, a wet system and/or other method approved by the UG will be required.
 - e) The Owner and/or Contractor shall keep streets free of mud, debris, and dust.
 - f) The Owner and/or Contractor shall provide third party inspection services during the construction operations to ensure compliance with approved remediation and engineering plans.
 - g) The Owner and/or Contractor shall repair, replace, clean up damage to streets, utilities, adjacent properties and shall coordinate with Public Works department for inspection and approval.
- 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:

This site has received approval of their special use permit (renewal) since 2013, however in the preceding years, the owner/operator has not adhered to the stipulations that were approved to ensure the site was in fact going to operate properly.

Prior to the Stop-Work Order issued on October 27, 2017, Mr. Winfred Anderson of RMR continued to allow trucks to deliver earthen material on 626 North 47th Street without a grading permit, dump recyclable materials greater than 12" with rebar, which is a direct violation in the International Building Code, Appendix J. The slopes on the site do not meet the approved 3:1 ratio, filled within the creek and over topped erosion control, as depicted on the site photographs. The applicant has done little to improve the dust issues that adjacent neighbors have had to deal with when this site has been operational.

There can be no material sales from this site. This is only approved for fill (if approved.)

Staff cannot continue to support this petition for failing to comply with the stipulations. Staff is going to enforce the Remediation Plan and previous stipulations and no fill or removal of earthen material from the site shall occur.

Update – February 12, 2018:

At the December 11, 2017 City Planning Commission meeting, the applicant's representative, Patrick Joyce with BHC Rhodes was directed to submit a remediation plan for this property and the adjacent property, 822 North 49th Street (#SP-2017-60) for the recycling operation. While the remediation plan has been reviewed and approved by Planning Engineering and Public Works, the lack of compliance with the approved grading plans, proper fill compaction on site, and continued dumping of fill material larger than 12 inches causes concern for staff about this site, which has been closed due to the Stop-Work Order issued on October 27, 2017.

To bring this site into compliance, some work must be performed on site. The remediation plan shall be implemented and strictly followed until completion. At that point, third-party inspections shall be submitted to Planning Engineering staff and the site is closed.

The special use permit renewal (#SP-2017-60) for the recycling operation was withdrawn at the February 12, 2018 City Planning Commission meeting; it is anticipated that it will be resubmitted at a future date.

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-2017-74 for six (6) months** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Remediation Plan
Existing Conditions Plan
Site Plan
Grading Plan
Driveway Plan
Erosion Control Plan
Stabilization Plan
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2018	March 1, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-74** 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-2017-74** 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 1:46:18

SPECIAL USE PERMIT APPLICATION #SP-2017-60 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-46) for a recycling operation at 822 North 49th Street. **Detailed Outline of Requested Action:** The applicant and representative, Wil Anderson on behalf of the operator, Winfred Anderson with Recycling Materials Relocating, LLC seeks to renew a special use permit (#SP-2015-46) to fill and remove dirt on the property for a materials recycling operation on 9.963 acres at 822 North 49th Street.

SPECIAL USE PERMIT APPLICATION #SP-2017-74 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-52) for recycling of pavement, truck weigh scale and fill site at 626R North 57th Street. **Detailed Outline of Requested Action:** The applicant, Wil Anderson with BHC Rhodes on behalf of the owner, Winfred Anderson of RMR seeks to renew a special use permit to continue to operate a dirt fill and recycling materials site in conjunction with a truck weight scale.

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 February 12, 2018;
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 for Special Use Permit #SP-2017-60 and November 16, 2017 for Special Use Permit #SP-2017-74; and
7. The Notices to property owners dated October 17, 2017, November 26, 2017, and January 2, 2018 for Special Use Permit Application #SP-2017-60 and November 16, 2017 and January 2, 2018 for Special Use Permit #SP-2017-74.

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

Present in Support:

- ❖ Wil Anderson, BHC Rhodes, representing the applicant Winifred Anderson, 712 State Avenue, Kansas City, Kansas – He asked that the applicant be given 6 months to get the remediation plan in place and then come back to the City Planning Commission
- ❖ Winifred Anderson, 749 North 49th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 1:50:22 - Director Richardson stated that the real issue that the staff has with this case is that the prior stipulations that were approved were completely ignored/ignored (and a stop work order was placed on the property.) The remediation plan, whether these applications are approved or not, will need to be approved by the engineers and put in place (and the staff would work with the applicant on that.) If the Commission was inclined to approve this application, the staff would recommend that all the remediation be done first, have those measures approved and then they could begin commercial operation. If they are found out of compliance with the remediation plan, a stop work order could be placed on the property for non-compliance. The owner of the property needs to be completely aware that this is a very serious situation and he needs to keep a copy of the stipulations out, so he can refer to them on a regular basis.

The Commission directed questions to the applicant regarding non-compliance of the approved stipulations. Mr. Winifred Anderson, owner/operator, responded to the questions.

Director Richardson stated that the staff recommends denial of Special Use Permit #SP-2017-60. If they withdraw the application tonight they could reapply for SP-2017-60 property at the same time #SP-2017-74 came back before the Commission. The staff would then recommend approval of Special Use Permit Application #SP-2017-74 for six (6) months subject to the remediation plan being approved by the Unified Government engineers and the remediation plan being implemented prior to the owner starting commercial operations.

Mr. Wil Anderson, applicant, stated that they are withdrawing Special Use Permit Application #SP-2017-60.

Motion and Vote Starts at 2:02:10

On motion by Mr. Carson, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2017-74 for six (6) months subject to the remediation plan being approved by the Unified Government engineers and the remediation plan being implemented prior to the owner restarting operation:**

Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Mose	Not Present – stepped out of the room
Pauley	Not Present
Reasons	Aye
Serda	Aye

Motion to recommend APPROVAL Passed: 7 to 0



November 27, 2017
Byron Toy, AICP - Principal Planner
Unified Government Planning
701 North 7th Street, Suite 423
Kansas City, Kansas 66101

Re: SP-2017-74, Special Use Permit

Dear Mr. Byron Toy:

BHC Rhodes has received your staff report comments dated November 20, 2017 and has the following responses:

Urban Planning and Land Use

- 1) A Stop-Work Order was issued for 626R North 47th Street on October 28, 2017 for failure to comply with codes and regulations related to dirt fill operations.
 - a. A Remediation Plan must be submitted, approved, and implemented before the Stop Work Order is rescinded.
A Remediation Plan for 626R North 47th Street was submitted November 27, 2017.
- 2) Per Business License Department:
 - a. Comments were made on the companion special use permit request: #SP-2017-60 at 822 N. 49th St. Applicant has no current occupation tax for any type of recycle activities.
No material recycling is planned for the adjacent site at 822 N. 49th Street. An occupation tax application will be filed for this site (626R North 47th Street) if needed.
- 3) While a grading plan has been issued by Building Inspection Department, which is required for all dirt removal and fill sites, engineering plans were not submitted so Building Inspection, Planning, Public Works and Planning Engineering could review and approve plans.
The Remediation Plan set submitted November 27, 2017 are engineering plans submitted for review of the aforementioned departments.
- 4) Dust has been a significant issue for employees at the Neighborhood Resource Center (NRC) and others who reside in the area. Additionally, the North 49th Street and Armstrong Avenue are covered with dirt, which when dried exacerbates the dust issue. What is your current watering plan to minimize dust and what will you do to correct the problem that is will not occur again?
BHC Rhodes has proposed a relocation of the truck traffic entrance to the north edge of the property along Armstrong Avenue (see sheet C4 – Remediation Plan set) which will reroute truck traffic to access the recycling site via North 48th Street and Armstrong Avenue which will prevent truck traffic from driving alongside the Neighborhood Resource Center (see Remediation Plan Outline Keynote 04 on sheet C6 – Remediation Plan set).

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The owner/operator of the recycling site has also proposed to rinse and sweep the streets with water truck and street sweeper, respectively, daily and as needed (see Remediation Plan Outline Keynote 05 on sheet C6 - Remediation Plan set).
Material crushing and screening machinery shall not be operated when wind is out of the south (see Remediation Plan Outline Keynote 06 on sheet C6 - Remediation Plan set).

- 5) How many daily truck trips to there to the site?
There will be an estimated 24 daily truck roundtrips to/from the site.
- 6) How long will it take to achieve the final grades needed to close the permit?
It will take approximately 24 months to achieve the final grades needed to close the permit.
- 7) Rubble and construction material that is brought to the site is much larger than the allowable fill material. Per the International Building Code, Appendix J, Section J107.4, Fill material shall not include organic, frozen, or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills. How do you intend to resolve this issue?
Fill material larger than 12 inches in diameter will not be allowed as fill to achieve the proposed contours shown on sheet C3 of the Remediation Plan set (see Remediation Plan Outline Keynote 05 on sheet C3 - Remediation Plan set).
- 8) Note that 3:1 is the maximum allowable slope for maintenance of turf.
Acknowledged.
- 9) This operation significantly exceeds any previous requests and appears to be operating in violation of several ordinances. Staff support will be difficult to achieve.
Please advise on specific violations so all concerns can be addressed to meet all applicable ordinances.

Code Enforcement Comments

This operation has ruined the road, trucks not adhering to the traffic signs, leaving dust and dirt everywhere in the neighborhood. When they do clean the streets, they don't use water, and all it does is create more dust. This creates not only a nuisance but a health hazard as well. Code Enforcement does not recommend renewal of their special use permit.

The owner/operator has proposed to repair road surface deficiencies due to large truck traffic as they arise (see Remediation Plan Outline Keynote 09 on sheet C3 - Remediation Plan set).

The owner/operator of the recycling site has proposed to rinse and sweep the streets with water truck and street sweeper, respectively, daily and as needed (see Remediation Plan Outline Keynote 05 on sheet C6 - Remediation Plan set).

Public Works Comments

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

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Civil Engineering • Surveying • Utilities

- 1) Public Works recommends denial of this special use permit, since the owner/contractor has not complied with approved engineering plans on two sites at 626R N 47th Street, parcel 404400, and 626 N 47th Street, parcel 404404. This northern site, parcel 404400 is a recycling center and fill site, operated by Winfred Anderson. The southern site, parcel 404401 is owned by a different party with a business named Twin Traffic and Special Use permit, SP-2016-61, for a fill site operated by Winfred Anderson. A Stop Work Order was issued Friday, October 27, 2017.
Acknowledged.
 - 2) Public Works recommends the abovementioned sites be brought into compliance in accordance with approved plans and/or a remediation plan to be approved by UG staff, prior to approval of this special use permit.
Acknowledged. A Remediation Plan set is being submitted November 27, 2017 for review by UG staff.
 - 3) Upon approval by UG staff and/or Planning Commission, the following stipulations shall apply for this special use permit.
 - a. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
Acknowledged.
 - b. The Applicant, Owner, and/or Contractor shall obtain a land disturbance permit from KDHE and Unified Government Public Works Department, a hauling permit from Public Works, and a grading permit from Building Inspection department prior to the start of any construction work.
Acknowledged. See Remediation Plan Outline Keynote I-f on sheet C1 – Remediation Plan set.
 - c. The Owner and/or Contractor shall install erosion control devices and coordinate an inspection with Public Works prior to any land disturbance activity on the site.
Acknowledged.
 - d. The Owner and/or Contractor shall keep streets free of mud, debris, and dust.
Acknowledged. See Remediation Plan Outline Keynote 10 on sheet C3 – Remediation Plan set.
 - e. The Owner and/or Contractor shall provide third party inspection services during the construction operations to ensure compliance with approved engineering plans.
Acknowledged.
 - 4) The Owner and/or Contractor shall repair, replace, clean up damage to streets, utilities, adjacent properties and shall coordinate with Public Works department for inspection and approval.
Acknowledged.
 - 5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
Acknowledged.
- B) Items that are conditions of approval (stipulations):
- 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

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1) None.

If you have any further questions, feel free to contact me at 913-663-1900 or by email at patrick.joyce@ibhc.com

Sincerely,



Patrick Joyce, P.E., C.P.E.S.C.
Senior Project Engineer
BHC Rhodes
7101 College Blvd, Suite 400
Overland Park, KS 66210

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MEETING MINUTES:

Application Number: #SP-2017-74
Date: Monday, November 27, 2017
Location: BHC RHODES Surveying Office
712 State Avenue, Kansas City, Kansas

Meeting called to order at: 4:00PM

Names of people in attendance:

Patrick Joyce, BHC RHODES (Engineering)
Dalton Signer, BHC RHODES (Engineering)
Wil Anderson, BHC RHODES (Project Manager)
Winfred Anderson, Anderson & Sons Trucking
(Owner/Operator)

The neighborhood meeting was conducted from 4:00PM to 5:00PM. No parties from the public were in attendance.

Meeting adjourned at: 5:00PM

Minutes taken by: Dalton Signer, BHC RHODES

REMEDIATION PLAN OUTLINE

- I. 626R NORTH 47TH STREET – RECYCLABLE MATERIALS RELOCATING LLC.
 - a. Erosion & Sediment Control
 - i. Install riser pipe and outlet pipe in sediment basin in compliance with 626R North 47th Street SUP plan set.
 - ii. Divert runoff from the top surface of property to the sediment basin per diversion dikes.
 - iii. Place silt fence at the outer toe of the slopes on the perimeter of the property.
 - b. Slope
 - i. Relocate material stockpiles. Use 1:1 rule when placing material stockpiles (e.g., toe of stockpile shall be located no closer to the edge of the embankment than total height of the embankment upon which it sits). Material stockpile footprints shall be located no closer to embankment than material stockpile storage setback line.
 - ii. Pull back slopes to no steeper than 3:1.
 - 1. Hydroseed all 3:1 slopes
 - c. Fill Material
 - i. Strip all topsoil, vegetation, root structures, and deleterious materials from the ground surface prior to the placement of fill.
 - ii. Install fill with 12-inch-diameter or smaller.
 - iii. Note that no rebar or other metallic material will be allowed in fill material.
 - iv. Note that no organic material (trees, brush, etc.) will be allowed in fill material.
 - v. Place fill in lifts of no more than 12 inches depth and compact after each lift is placed.
 - d. Dust Mitigation
 - i. Relocate entrance along north edge of property from Armstrong Avenue and install associated signage to route trucks from State Avenue to N. 48th St/Armstrong Avenue
 - ii. Install a dry wheel cleaning structure to precede a 200 ft length of asphalt driveway prior to the concrete driveway approach for routing of trucks leaving the site to prevent mud tracking onto the streets.
 - iii. If dry wheel cleaning structure and 200' asphalt pavement drive prove insufficient, rinse and sweep streets with water truck and street sweeper, respectively, daily and as needed.
 - iv. Note that crushing and screening machinery shall not be operated when wind is out of south.
 - v. Contact UG Air Quality for gathering of air quality data.
 - e. Streets
 - i. Repair road surface deficiencies due to large truck traffic as they arise.
 - ii. If dry wheel cleaning structure and 200' asphalt pavement drive prove insufficient, rinse and sweep streets with water truck and street sweeper, respectively, daily and as needed.
 - f. Permitting
 - i. UG Urban Planning
 - 1. Special Use Permit Renewal – application submitted 10/10/2017
 - ii. UG Public Works

- 1. Land Disturbance Permit – executed 10/26/2017
 - 2. Apply for Hauling Permit
 - 3. Apply for Right-of-Way Permit
 - iii. Building Inspections
 - 1. Grading Permit – executed 10/28/2017
 - iv. KDHE
 - 1. Land Disturbance – NOI (Amendment) -authorized 12/27/2017
- II. 626 NORTH 47TH STREET – TWIN TRAFFIC MARKING LLC.
 - a. Erosion & Sediment Control
 - i. Place perimeter silt fence per Twin Traffic SUP plan set.
 - ii. Install sediment basin with riser pipe and outlet pipe in compliance with Twin Traffic SUP plan set.
 - b. Slope
 - i. Install fill at slope of no steeper than 3:1
 - 1. Hydroseed all 3:1 slopes
 - c. Fill Material
 - i. Strip all topsoil, vegetation, root structures, and deleterious materials from the ground surface prior to the placement of fill.
 - ii. Install fill with 12-inch-diameter or smaller.
 - iii. Note that no rebar or other metallic material will be allowed in fill material.
 - iv. Note that no organic material (trees, brush, etc.) will be allowed in fill material.
 - v. Place fill in lifts of no more than 12 inches depth and compact after each lift is placed.
 - d. Streets
 - i. This site will be accessed from 626R North 47th Street.
 - 1. Show access from 626 R N. 47th Street to Twin Traffic site on Twin Traffic SUP plan set
 - e. Permitting
 - i. UG Urban Planning
 - 1. Special Use Permit Renewal – on hold
 - ii. UG Public Works
 - 1. Land Disturbance Permit – executed
 - 2. Apply for Hauling Permit
 - iii. Building Inspections
 - 1. Grading Permit – on hold
 - iv. KDHE
 - 1. Land Disturbance – NOI – authorized 08/15/2016

Figure 1. Photograph of 626 R North 47th Street (provided by Jack Xiong - Public Works staff).

Figure 2. Photograph of 626 R North 47th Street (provided by Jack Xiong - Public Works staff).

Figure 3. Photograph of 626 R North 47th Street (provided by Jack Xiong - Public Works staff).

Figure 4. Photograph of 626 R North 47th Street (provided by Jack Xiong - Public Works staff).

Figure 5. Photograph of 626 R North 47th Street (provided by Jack Xiong - Public Works staff).



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: March 1, 2018
Re: Petition #SP-2018-6

GENERAL INFORMATION

Applicant:
Blair Thedinger

Status of Applicant:
Owner
411 Stine Avenue
Kansas City, KS 66103

Requested Action:
Approval of a Special
Use Permit

Date of Application:
November 22, 2017

Purpose:
To keep two goats on
the property.

Property Location:
411 Stine Avenue

Existing Zoning:
R-2(B) Two Family District



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:** Single Family House
South: Residential Lot and Single-Family House
East: Single Family Houses
West: Vacant Residential Lot

Total Tract Size: 0.14 acre

Master Plan Designation: The City-wide Master Plan designates this property as low density residential.

Major Street Plan: The City-wide Master Plan designates Stine Avenue as a collector street.

Advertisement: The Wyandotte Echo – December 14, 2017
Letters to Property Owner – December 13, 2017, January 3, 2018
and February 22, 2018

Public Hearing: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blair Thedinger, has submitted this application for a special use permit to keep two goats at 411 Stine Avenue. The property is 0.14 acres. The applicant owns the three properties to the east and south (444 Shawnee Road, 448 Shawnee Road, and 1417 South 5th Street). 448 Shawnee Road is the applicant's primary residence.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This property is part of a collection of properties owned by the applicant. The applicant has a large garden for growing produce on a separate, adjacent property. The neighborhood consists of primarily single-family houses.

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

The zoning and uses of the properties are set out above. The proposed use is expected to be compatible with the properties. The elevation change buffers the property from the single-family houses to the north.

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

Removal of the restrictions will not detrimentally affect nearby property provided that the animals are adequately contained and buffered from the properties to the north.

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

The property is a vacant residential lot. It is unknown how long the lot has remained 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.*

The proposed use will not result in increased 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 keeping of goats is not reasonably necessary for the convenience and welfare of the public. The proposed use is not likely to injure the appropriate use, visual quality, or marketability of adjoining property provided that the animals are adequately contained and buffered.

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 animals could make noise that may become a nuisance for nearby property owners. In the past, other special use permit petitions with livestock have had issues with noise. The limited number of animals (two goats) mitigates these concerns to a certain extent.

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

The proposed will not pollute the air, land, and water if the applicant properly handles the animal waste.

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.*

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the applicant will not be able to have livestock on the property and will need to find another alternative.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 19. No one attended the community meeting.

KEY ISSUES

Noise
Waste Management
Animal Enclosures

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-6, subject to:

Urban Planning and Land Use Comments:

- 1. Approval is for two (2) years.**
- 2. Please describe how you plan to enclose the animals and where the fence will be built.**

Applicant Response: *The fence will be constructed out of treated wood posts. The posts will be 8 feet long and will be buried at least 2 feet in concrete. They will be spaced every 8 feet on runs. Corner posts will be at least 6-inch diameter and there will be bracing on each side. Same for the posts on either side of the gates. There will be a top and bottom cross bar on the outside of the fencing material to reinforce the fence and prevent climbing. The fencing will be welded wire. "red-brand". It has 2" by 4" spacing. It will be 6 feet tall. Usual goat fencing is 4 feet tall, but I am going to make it 6 feet to be extra sure that no goat can get over it. The gate latch will be on the outside of the pen. My plan was to set the fence back from Stine Ave by at least 20 feet and from the alleys and dean realty property by at least 3 feet.*

Staff Note: *Fences are limited to 4 feet in height in the R-2(B) zoning district. Six-foot fences are permitted within an area demarcated by the property side line from the front of a residence or other main building to the rear property line. Because this property has no residence or main building, the fences are limited to 4 feet.*

3. All animals must be totally enclosed at all times and shall not be at large on the property or neighboring properties.
4. The shelter shall not exceed 120 square feet. If the shelter exceeds 120 square feet the applicant shall obtain a zoning variance for an accessory structure with no primary structure and a building permit.

Public Works Comments:

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

Conservation District Comments:

1. There is one major soil type identified: Knox complex, 18 to 30 Percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
2. The lot is heavily covered with trees making it unsuitable for pasturing animals. The steepness of the property is going to cause erosion when animals are allowed to roam the hill sides. Animal traffic destroys the mulch cover and allows more runoff. There is no fence at this time. One will be required if animals are placed on the lot after improvements are completed.
3. Grading work done now will increase erosion from the area.

4. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

STAFF 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-2018-6** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Site Map
Special Use Permit Justification
Site Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2018	March 1, 2018
Special Use	Approval	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-6** 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-2018-6, 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:04:33

SPECIAL USE PERMIT APPLICATION #SP-2018-6 – BLAIR A. THEDINGER –

SYNOPSIS: Special Use Permit for two (2) goats at 411 Stine Avenue. **Detailed Outline of Requested Action:** The applicant, Blair Thedinger, has submitted this application for a special use permit to keep two goats at 411 Stine Avenue. The property is 0.14 acres. The applicant owns the three properties to the east and south (444 Shawnee Road, 448 Shawnee Road, and 1417 South 5th Street). 448 Shawnee Road is the applicant's primary residence.

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 February 12, 2018;
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 December 14, 2017; and
7. The Notices to property owners dated December 13, 2017 and January 2, 2018.

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

Present in Support:

- ❖ Blair Thedinger, applicant, 448 Shawnee Road, Kansas City, Kansas
- ❖ Erin Stryka, RDA, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 2:10:05 - Director Richardson stated that the applicant owns most of this block and staff recommends approval and stated that the applicant may want to work with the staff to vacate the alley and consolidate all those properties, so he would only get one tax bill.

Motion and Vote Starts at 2:10:49

On motion by Dr. Serda, seconded Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-6:**

Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Aye
Mose	Abstained – out of the room during hearing
Pauley	Not Present
Reasons	Aye
Serda	Aye

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Approval is for two (2) years.
2. Please describe how you plan to enclose the animals and where the fence will be built.

Applicant Response: The fence will be constructed out of treated wood posts. The posts will be 8 feet long and will be buried at least 2 feet in concrete. They will be spaced every 8 feet on runs. Corner posts will be at least 6-inch diameter and there will be bracing on each side. Same for the posts on either side of the gates. There will be a top and bottom cross bar on the outside of the fencing material to reinforce the fence and prevent climbing. The fencing will be welded wire. "red-brand". It has 2" by 4" spacing. It will be 6 feet tall. Usual goat fencing is 4 feet tall, but I am going to make it 6 feet to be extra sure that no goat can get over it. The gate latch will be on the outside of the pen. My plan was to set the fence back from Stine Ave by at least 20 feet and from the alleys and dean realty property by at least 3 feet.

Staff Note: Fences are limited to 4 feet in height in the R-2(B) zoning district. Six-foot fences are permitted within an area demarcated by the property side line from the front of a residence or other main building to the rear property line. Because this property has no residence of main building, the fences are limited to 4 feet.

3. All animals must be totally enclosed at all times and shall not be at large on the property or neighboring properties.
4. The shelter shall not exceed 120 square feet. If the shelter exceeds 120 square feet the applicant shall obtain a zoning variance for an accessory structure with no primary structure and a building permit.

Public Works Comments:

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

Conservation District Comments:

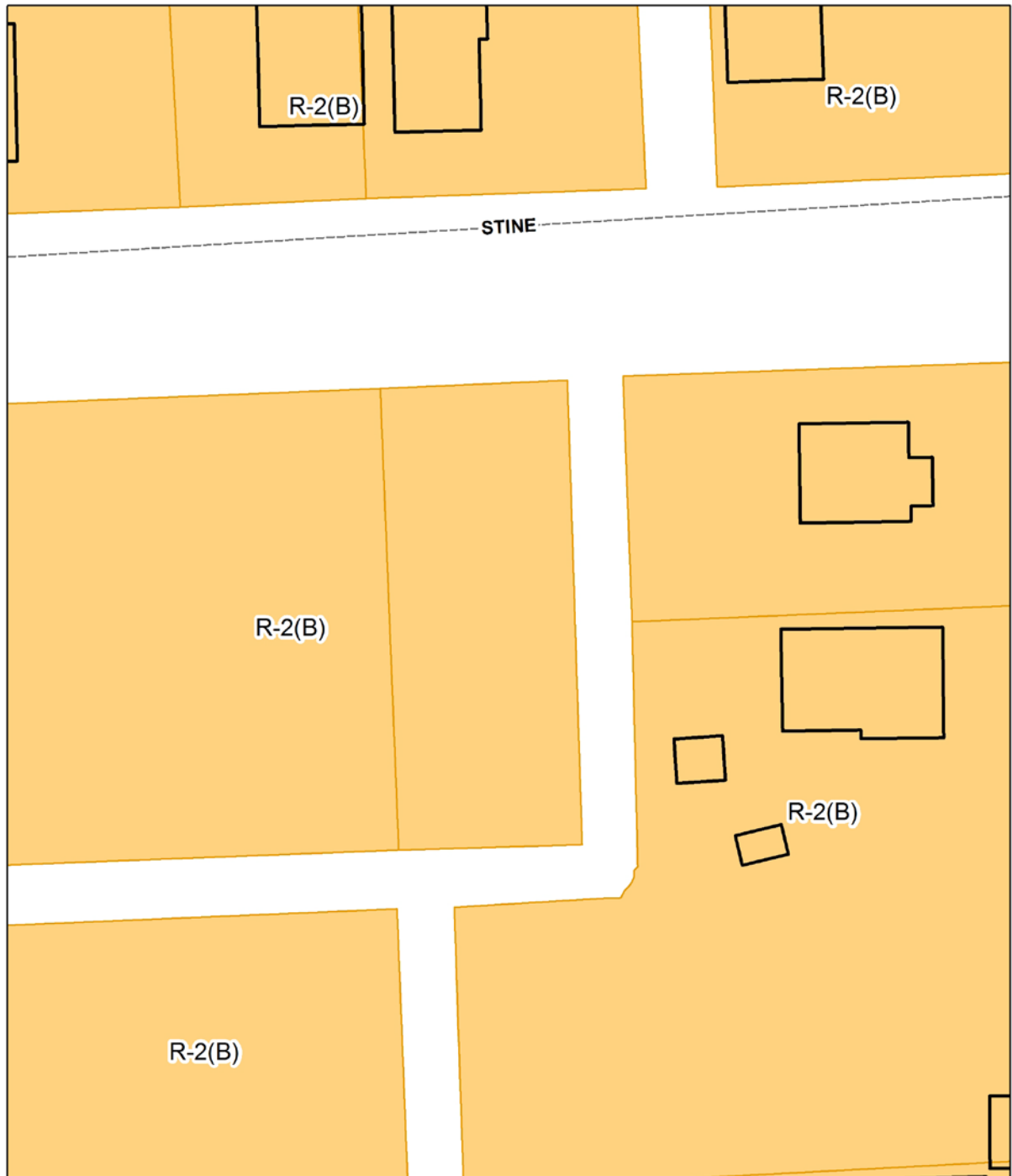
- 1. There is one major soil types identified: Knox complex, 18 to 30 Percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- 2. The lot is heavily covered with trees making it unsuitable for pasturing animals. The steepness of the property is going to cause erosion when animals are allowed to roam the hill sides. Animal traffic destroys the mulch cover and allows more runoff. There is no fence at this time. One will be required if animals are placed on the lot after improvements are completed.
- 3. Grading work done now will increase erosion from the area.
- 4. 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.



SP-2018-6

Aerial Imagery





SP-2018-6

Zoning Map



Wyandotte County, KS



Geospatial Services
 710 N 7th St, Suite 200 | Kansas City, KS 66101
 POC: 913-573-3841 | gis@wyandotteks.org
 www.wyandotte.org/gis

Legend

- ☐ Buildings
- ☐ Points of Interest
- ☐ Lakes
- ☐ Rivers
- ☐ Streams
- ☐ Parks
- ☐ Unplatted Parcel
- ☐ ROW Parcel
- ☐ Platted Parcel
- ☐ Municipal Boundaries
- ☐ Railroads

Locator Map



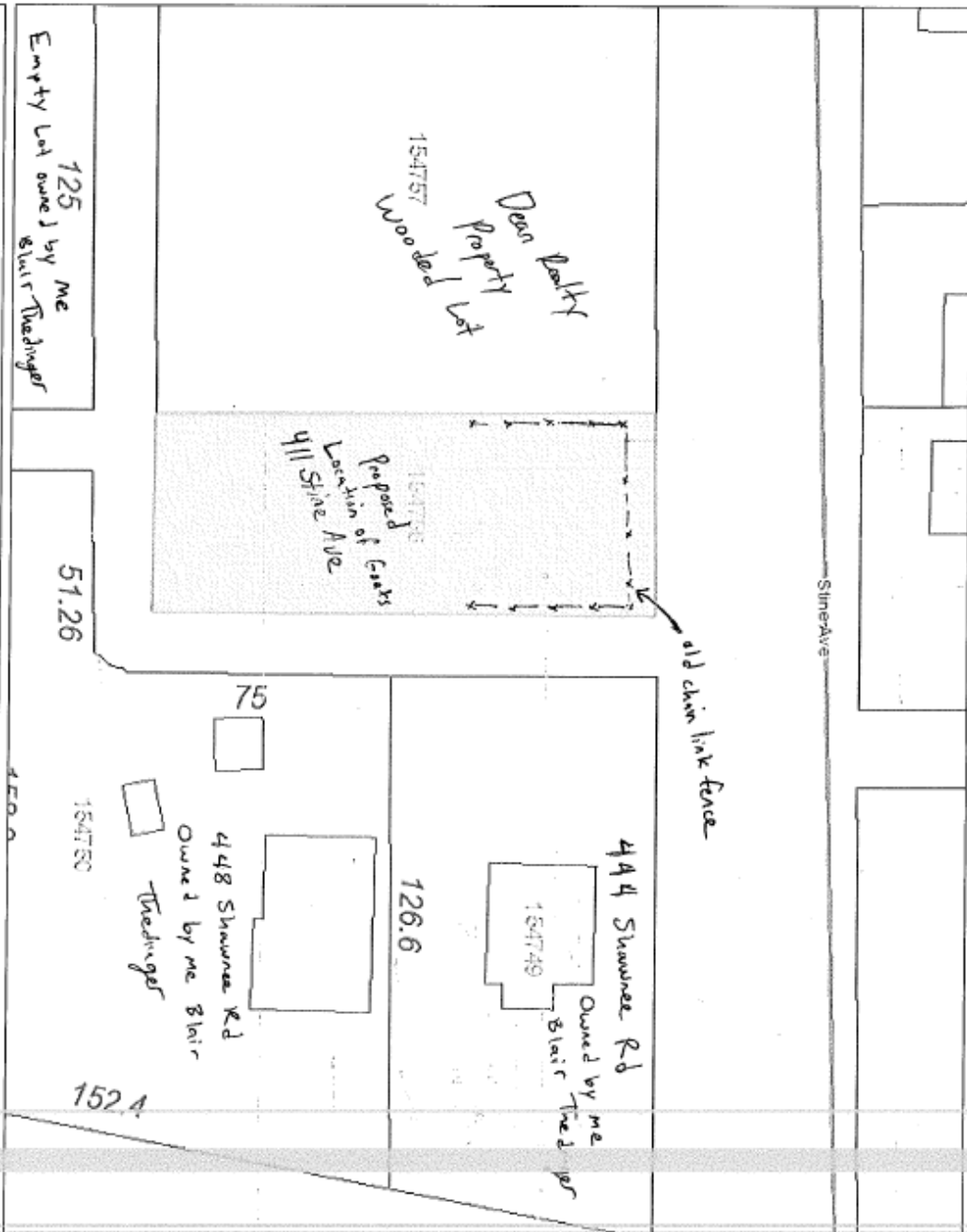
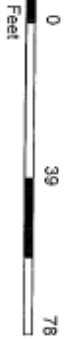
Notes

Map Print Date: 10/30/2017 12:51 PM

DISCLAIMER OF WARRANTY AND ACCURACY: Unified Government of Wyandotte Co., KS, a City, KS (UG) makes no representations or warranties about this map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. Users of this map document do so at their own risk. UG will not be liable to such user for any loss or damage whatsoever.



Map Scale
 1: 469



Special Use Permit Justification:

It is my opinion that a special use permit allowing for a pair of goats on the property at 411 Stine Ave, Kansas City, KS 66103 is justified for the following reasons:

1. The land is not currently in use.
2. The topography of the property is such that the space is only visible to my family and me. I own most of the surrounding properties and live on the neighboring property.
3. It is also visible from the property of 415 Stine Ave (Parcel # 154757) which is owned by Dean Realty company. That property is currently a wooded lot with no structures and no people residing on it and no apparent plans for development.
4. The neighbors across Stine Ave cannot see the property. The property is flat overall, but there is a steep hill up from Stine Ave and from there it flattens out. This makes it so people on Stine Ave or across the street could not see onto the property.
5. I am friendly with the surrounding neighbors and I have talked about keeping goats with some of them and they are excited about the idea. No one has expressed concern to me.
6. I have experience caring for goats. I know how to keep them healthy and happy.
7. I have managed goat manure before and I know how to store it, mix it with dry material such as straw, and cover it so that there are not offensive odors even when you stand right next to a well-kept pile.
8. I will build a sturdy and tall fence that will prevent the goats from leaving the property.
9. I will build a small shelter for the goats and their hay. It will meet any code requirements that are applicable. It will be safe and clean.
10. The goats will be housed and cared for in a humane and safe manner.





Proposal to Allow Goats on 411 Stine Avenue



1. Goats are allowed in Wyandotte County if a permit is obtained
2. I am proposing keeping two goats together. Goats are social animals and need the company of another goat to be happy and healthy.
3. Goats will be kept in a fenced enclosure. The fence will be over 6 feet tall and will be secure. The goats will not be allowed to roam free.
4. The enclosure will be over 50 feet from the nearest inhabited structure, which is my house.
5. The enclosure will have a small open sided shed for the goats to take shelter in during bad weather.
6. The enclosure will not be visible from Shawnee Rd, South 5th st, or Garnett. The top of the fence may be visible from Stine, but mostly will be obscured by the topography of the hill and brush and trees in front of the fence.
7. Goats make small manure pellets. If allowed to defecate in the same area repeatedly without any straw or other dry matter added, goat manure can produce offensive odors. I have worked on a goat farm before and I know how to manage manure in such as way as to produce no offensive odors even if you stand right next to a manure pile. This will be done by making sure that the animals have plenty of dry straw bedding near high trafficked sites such as near the hay feeders and in their loafing shed. The manure and straw mix will be frequently removed from the site to be composted elsewhere.
8. Any supplemental feeds for the goat will be stored in rodent proof bins. If any rodents are detected they will be trapped promptly.
9. Wyandotte county health inspector will have the right to inspect the property at any time.
10. Goats will be obtained from reputable farms. If a goat or goats must be removed from the property they will be sold to another owner.
11. The goats will receive all standard vaccinations and preventative healthcare. They will be treated humanely and kept in good health.



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: March 1, 2018
Re: Petition #SP-2018-13

GENERAL INFORMATION

Applicant:
Lee Ryherd

Status of Applicant:
Uhl Engineering
4121 West 83rd Street, Suite 156
Prairie Village, Kansas 66208

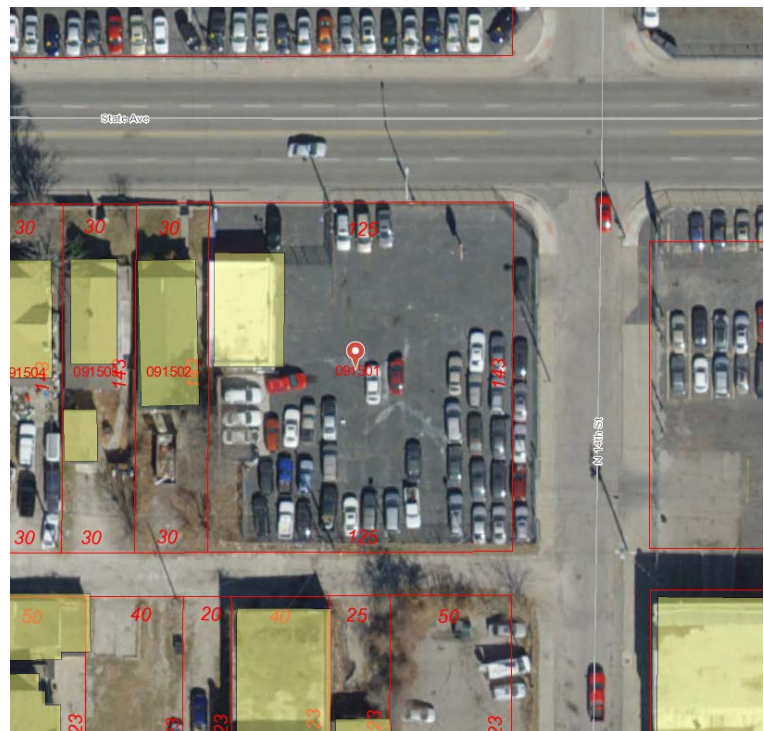
Requested Action:
Approval of a Special Use Permit
for a Used Car Dealership

Date of Application:
December 27, 2017

Purpose:
To operate a Used Car
Dealership

Property Location:
1401 State Avenue

Existing Zoning:
C-3 Commercial District



Existing Surrounding Zoning: **North:** C-3 Commercial District
South: C-3 Commercial District
East: C-3 Commercial District
West: C-3 Commercial District

Existing Uses: **North:** Used Car Dealership
South: Retail Commercial Businesses
East: Auto Service Business
West: Single Family Residences

Total Tract Size: 0.41 acre

Master Plan Designation: The Downtown Master Plan designates this property as the Urban Residential District.

Major Street Plan: The City-Wide Master Plan designates State Avenue as a Class C Thoroughfare and 14th Street as a local street.

Advertisement: The Wyandotte Echo – January 17, 2018
Letters to Property Owner – January 18, 2018 and February 22, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: This property has been operating as an unlicensed used car lot for some time. It is commonly used to store wrecked and inoperable vehicles. It has not had a business license for this use for more than two years. Therefore, it is now required to have a special use permit and to meet the requirements outlined in code, including meeting the commercial design guidelines, for continued operation as a used car dealership. It is associated with the used car dealership, Credit Motors, to the north of the property.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This is a mixed-use corridor in an urban area. This property is within the Downtown Master Plan area.

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

This use could create compatibility issues with the residential property that exist to the west of the property. Additionally, the concentration of used car and automotive service businesses in this area could limit the redevelopment potential of this area as envisioned in the Downtown Master Plan.

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

Removal of the restrictions could detrimentally affect nearby property by limiting the redevelopment potential of the area as envisioned in the Downtown Master Plan due to the concentration of automotive uses at this location.

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

This property is not vacant. It has been operating as a used car dealership without a special use permit.

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

The proposed use does not conform to the Master Plan. The Downtown Master Plan recommends that this section of State Avenue be developed into an urban residential neighborhood. The plan includes the recommendations to "consolidate commercial uses in the Downtown Core [between 5th Street and 10th Street], West End neighborhood center [north of state street, south of Washington Boulevard, between 13th and 18th Street], and primary intersections along State Avenue, encourage and incent private market redevelopment of commercial and light industrial uses to residential uses, and discourage redevelopment of existing use patterns in the corridors."

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 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 necessary for the convenience and welfare of the public. There is an abundance of used car dealerships in the immediate area. The concentration of used car dealerships could substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property under the Downtown Master Plan.

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, and dust are not foreseen to be an issue for nearby property. Illumination could be a problem for the residential property that is immediately adjacent.

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

The proposed use will not pollute the air, land, or water provided that the businesses is not servicing vehicles on the site.

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.*

The special use permit requirements for used car dealerships are designed to protect the public health, safety, and welfare by improving the appearance and image of the community. These requirements, such as landscaping and requiring cars to be parked in individual, striped, parking spaces, mitigate some of the negative effects of the concentration of automotive uses. This is compared to the hardship imposed on the landowner, which include the expense of installing landscaping and meeting other requirements and limiting the visibility of the vehicles. The City Planning Commission and Board of Commissioners considered these tradeoffs and determined that the gain to the public health, safety, and welfare of these regulations outweighs the hardship on individual landowners and businesses when they adopted this ordinance.

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

This is not an issue.

PREVIOUS ACTIONS

The Board of Zoning Appeals approved a zoning variance for an eight-foot fence on June 5, 2000. (Petition #1676)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 25, 2018. A copy of the meeting minutes is attached to this staff report.

KEY ISSUES

Conformance with the Commercial Design Guidelines
Conformance with the Downtown Master Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-13, subject to:

Urban Planning and Land Use Comments:

1. Street Trees

Street trees are required for every 30' of street frontage. The site plan states that "trees have been omitted for safety and security to maintain maximum visibility of the site." The purpose of the special use permit requirements is to mitigate the negative effects of used car dealerships on the appearance of the community. Street trees have multiple benefits including¹:

- Reduced and more appropriate urban traffic speeds
- Safer walking environments
- Aesthetic and placemaking improvements
- Increased security
 - Trees create a more pleasant walking environment and pride of place, which results in greater natural surveillance of businesses by the neighborhood.
- Improved business
 - Businesses on treescaped streets show 12% higher income streams
- Stormwater benefits
- Rain, sun and heat protection
- Reduction of air pollution
- Added value to adjacent homes, businesses and tax base

Please revise the site plan to include a street tree for every 30' of street frontage.

Applicant Response: *10 street trees have been added to the plan along State Avenue and N 14th Street.*

2. Parking Layout

The parking layout must meet the standard dimensional requirements in Sec. 27-669 – Dimensions of parking areas. All cars must be in a striped, designated parking space. All cars must be operable. Please revise the site plan to meet these requirements.

¹ Dan Burden. 22 *Benefits of Street Trees*. http://www.walkable.org/download/22_benefits.pdf

Applicant Response: *Plan has been modified to show pavement markings meeting the standard dimensional requirements of Sec. 27-669. All vehicles will be in working order, please refer to notes on plan sheet.*

3. **Screening from Residential Property**
Architectural screening is required from residential property. Please revise site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center screening the property from the residence to the west.
4. While a variance was approved for an 8' fence, the fence is in the sight triangle and must be moved out of the sight triangle.
5. Approval is 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) 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

Business License Comments:

1. If approved applicant will need to file, the occupation tax application with our office for the occupying business activity.

Applicant Response: *Understood*

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-2018-13 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Site Photos
Site Plan
Conservation District Report
Applicant Response to Staff Comments and Suggestions
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2018	March 1, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-13** 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-2018-13**, 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:11:30

SPECIAL USE PERMIT APPLICATION #SP-2018-13 – LEE RYHERD WITH UHL ENGINEERING – SYNOPSIS: Special Use Permit for a lot to be used as overflow storage/staging area for a used car lot at 1401 State Avenue. **Detailed Outline of Requested Action:** This property has been operating as an unlicensed used car lot

for some time. It is commonly used to store wrecked and inoperable vehicles. It has not had a business license for this use for more than two years. Therefore, it is now required to have a special use permit and to meet the requirements outlined in code, including meeting the commercial design guidelines, for continued operation as a used car dealership. It is associated with the used car dealership, Credit Motors, to the north of the 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 February 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 18, 2018; and
7. The Notices to property owners dated January 17, 2018.

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

Present in Support:

- ❖ Lee Ryherd, UHL Engineering, representing the owner, 4121 West 83rd Street, Suite 156, Prairie Village, Kansas 66208

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 2:14:20 - Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:14:35

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-13:**

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

Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Street Trees

Street trees are required for every 30' of street frontage. The site plan states that "trees have been omitted for safety and security to maintain maximum visibility of the site." The purpose of the special use permit requirements is to mitigate the negative effects of used car dealerships on the appearance of the community. Street trees have multiple benefits including²:

- Reduced and more appropriate urban traffic speeds
- Safer walking environments
- Aesthetic and placemaking improvements
- Increased security
 - Trees create a more pleasant walking environment and pride of place, which results in greater natural surveillance of businesses by the neighborhood.
- Improved business
 - Businesses on treescaped streets show 12% higher income streams
- Stormwater benefits
- Rain, sun and heat protection
- Reduction of air pollution
- Added value to adjacent homes, businesses and tax base

Please revise the site plan to include a street tree for every 30' of street frontage.

Applicant Response: *10 street trees have been added to the plan along State Avenue and N 14th Street.*

2. Parking Layout

The parking layout must meet the standard dimensional requirements in Sec. 27-669 – Dimensions of parking areas. All cars must be in a striped, designated parking space. All cars must be operable. Please revise the site plan to meet these requirements.

Applicant Response: *Plan has been modified to show pavement markings meeting the standard dimensional requirements of Sec. 27-669. All vehicles will be in working order, please refer to notes on plan sheet.*

3. Screening from Residential Property

Architectural screening is required from residential property. Please revise site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center screening the property from the residence to the west.

4. While a variance was approved for an 8' fence, the fence is in the sight triangle and must be moved out of the sight triangle.

² Dan Burden. 22 *Benefits of Street Trees*. http://www.walkable.org/download/22_benefits.pdf

5. Approval is 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) 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

Business License Comments:

- 1. If approved applicant will need to file, the occupation tax application with our office for the occupying business activity.

Applicant Response: Understood













11/28/2017 14:35

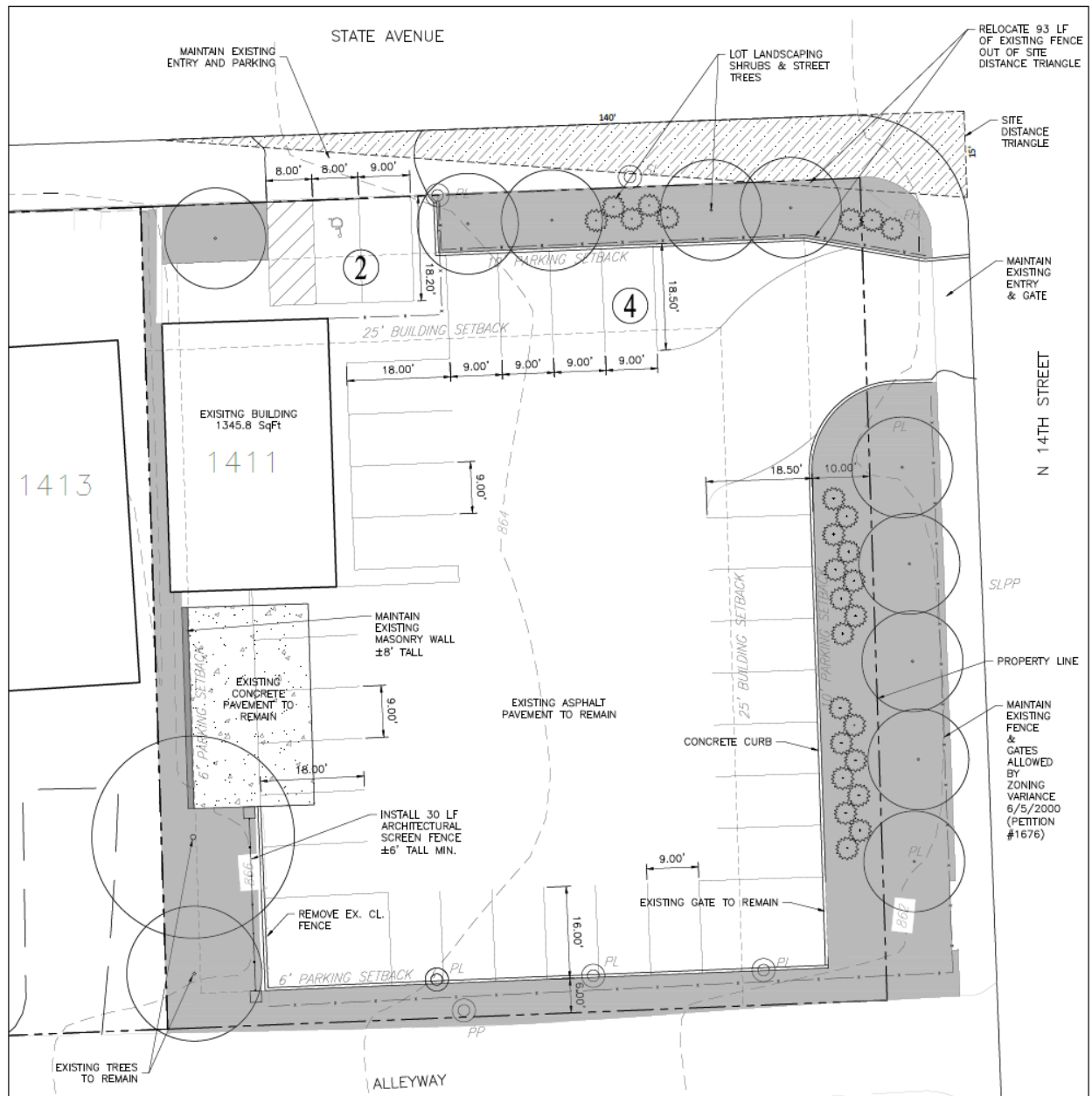


11/28/2017 14:35





Site Plan



Site Plan (Detail)



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

January 17, 2018

RE: SP-2018-13 Lee Ryherd with UHL Engineering overflow storage 1401 State Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2018-13 Lee Ryherd with UHL Engineering overflow storage 1401 State Avenue.

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)
Roads, shallow excavations, and landscaping
Soil Features

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

- There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 3 to 8 percent slopes. This soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site has been paved. The only work to be done is the shrub planting. The shrubs will need to be mulched and watered to properly establish growth. Good topsoil may need to be added if soil condition is poor.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures



UHL ENGINEERING, INC.

4121 West 83rd Street, Suite 156 • Prairie Village, Kansas 66208
(913) 385-2670 • Fax (913) 385-2671

www.uhlengineering.com

January 29, 2018

Zach Flanders AICP
Urban Planner | Department of Urban Planning and Land Use
Municipal Office Bldg. | Room 423 | 701 North 7th Street
Kansas City, Kansas 66101

Credit Motors
1401 State Ave
Kansas City Kansas 66102

Mr. Flanders:

This letter is in response to the “draft comments” issued on January 22, 2018.

1. Street Trees

Street trees are required for every 30' of street frontage. The site plan states that “trees have been omitted for safety and security to maintain maximum visibility of the site.” The purpose of the special use permit requirements is to mitigate the negative effects of used car dealerships on the appearance of the community. Street trees have multiple benefits including:

- Reduced and more appropriate urban traffic speeds
- Safer walking environments
- Aesthetic and placemaking improvements
- Increased security
 - o Trees create a more pleasant walking environment and pride of place, which results in greater natural surveillance of businesses by the neighborhood.
- Improved business
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- Rain, sun and heat protection
- Reduction of air pollution
- Added value to adjacent homes, businesses and tax base

Please revise the site plan to include a street tree for every 30' of street frontage.

Comments: 10 street trees have been added to the plan along State Avenue and N 14th Street.

2. Parking Layout

The parking layout must meet the standard dimensional requirements in Sec. 27-669 – Dimensions of parking areas. All cars must be in a striped, designated parking space. All cars must be operable. Please revise the site plan to meet these requirements.

Comments: Plan has been modified to show pavement markings meeting the standard dimensional requirements of Sec. 27-669. All vehicles will be in working order, please refer to notes on plan sheet.

3. Screening from Residential Property

Architectural screening is required from residential property. Please revise site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center screening the property from the residence to the west. While a variance was approved for an 8' fence, the fence is in the sight triangle and must be moved out of the sight triangle.

Public Works Comments:

1) It appears that an auto storage/staging area may include wrecked vehicles. Will wrecked vehicles that potentially leak fluids be stored onsite? Provide an analysis of MARC BMP Hotspots as it may apply to this site and indicate any necessary improvements on a site plan. Further discussion with staff may be needed.

Comments: All vehicles will be in working order, no vehicle repair or maintenance will be done on site, please refer to notes on plan sheet.

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

Comments: Understood

Business License Comments:

1. If approved applicant will need to file the occupation tax application with our office for the occupying business activity.

Comments: Understood

If you need additional information or clarification, please contact me directly at 913-385-2670.

Sincerely,
UHL ENGINEERING, INC.





UHL ENGINEERING, INC.

4121 West 83rd Street, Suite 156 • Prairie Village, Kansas 66208
(913) 385-2670 • Fax (913) 385-2671

www.uhlengineering.com

Application Number: SP-2018-13

January 25, 2017 7:00 pm

Location: CHWC, Inc. located at 2 S. 14th Street, Kansas City, KS 66102

RE: Credit Motors Public Meeting, Kansas City, KS / Unified Government

Meeting called to order at: 7:00 pm – minutes by Michael Ashley, PLA

List of Attendees: *(Reference attached sign in sheet for further information)*

Uhl Engineering: Terry S. Uhl, P.E. Michael T. Ashley, PLA

Resident Attendees: Beverly Smith-Scroggins and Linda Swayzer

Introductions / Presentation:

The meeting was called to order by Terry Uhl. A site plan was introduced for the Credit Motors project with a few site photographs. Mr. Uhl described the various aspects of the project proposal including the use of the property, the city requirements and described the requirements for the SUP.

Question # 1: Linda - How will this affect my property? Terry – This SUP should not be much of a change from the current use – it is basically the same use as before the SUP with an upgrade in landscape, a new 6' privacy fence and added parking lot striping.

Question #2: Beverly – When was the last time one of these were done? Not exactly sure – the surrounding immediate area already has a lot of similar car lots and this Owner is upgrading the SUP permit.

Question # 3: Beverly and Linda – Where is my home in reference to the current submitted site plan? Terry – pointed out the location on the plan (their homes were slightly off the page) and the site photos. The group successfully located the properties and discussed the vantage points they have looking into the site. Beverly and Linda both keep up their properties and want to make sure this property is kept up, as well.

Question # 4: Beverly – What is the intended use for this property? Terry – Car storage until ready to go to auction or sale. No repair work and no leaking / oily cars will be on this lot. It is a storage only lot that will be upgraded with landscape and striped for neatness of parking.

Question # 5: Linda – When will this project be started? Terry – Mid to Late Summer is the target, but this is not confirmed until we get approval from the UG.

Question # 6: Beverly – Tell us what you are doing with the landscape? Mike discussed adding a few shade trees and sod in the green areas, as required. Terry also showed the location of the privacy fence and the existing chain link fence that will be replaced with the wood privacy fence.

Question # 7: Beverly and Linda – asked about Planning Commission, speaking, etc. Terry mentioned that they both have the right to be heard at the public hearings for PC and CC. They can express to be for or against the project and comment any way they see fit to address the governing bodies.

General Statement by Beverly: Making sure no ill-effects on their property or property values. Terry assured them there would be no ill-effects.

Sincerely,
UHL ENGINEERING, INC.

A handwritten signature in blue ink that reads "Terry S. Uhl". The signature is written in a cursive, flowing style.



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: March 1, 2018
Re: **Petition #SP-2018-14**

GENERAL INFORMATION

Applicant:
Corey R. Fischer

Status of Applicant:
Owner
4451 Eaton Street
Kansas City, KS 66103

Requested Action:
Approval of a Special Use Permit

Date of Application:
December 29, 2017

Purpose:
To operate a Short-Term Rental/Bed
and Breakfast at the applicant's
primary residence.

Property Location:
4451 Eaton Street

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



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

Existing Uses: **North:** Single Family Homes
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Total Tract Size: 0.14 acre

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

Major Street Plan: The City-Wide Master Plan designates Eaton Street as a Local Street.

Advertisement: The Wyandotte Echo – January 18, 2018
Letters to Property Owner – January 17, 2018 and February 22, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: One person appeared with questions at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Corey Fischer, is applying to use his property located at 4451 Eaton Street as a short-term rental space/bed and breakfast rented through sites such as AIRBNB. This property is the applicant's primary residence and is listing for one bedroom; the applicant remains on site when tenants are renting the bedroom.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

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 and uses of the properties is set out above. The proposed use might be compatible with the surrounding single-family houses if operated properly.

Operating this property as a short-term rental/bed and breakfast has the potential to create issues related to noise, parking, and other concerns related to overcrowding if improperly managed. The fact that this property is the primary residence of the host mitigates these concerns to a large extent.

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

Removal of the restrictions may not detrimentally affect nearby property. Potential detrimental effects such as noise and parking are mitigated to a large extent by the fact that this property is the primary residence of the host.

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.*

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network.

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

The proposed use provides convenient lodging for the public and will not likely substantially or 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.*

This is not foreseen to be an issue.

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

This is not foreseen to be 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.

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as a bed and breakfast but may use the property as a single-family house.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 25, 2018; one person was in attendance. The attending neighbor asked if the applicant was to be present while hosting short-term rental guests, which the applicant confirmed that was the case. No opposition was recorded.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-14, subject to:

Urban Planning and Land Use Comments:

- 1. How long has the short-term rental business been in operation?**
Applicant Response: 4 months
- 2. Were neighbors consulted prior to opening the business?**
Applicant Response: No
- 3. Do you have a business license?**

Applicant Response: My wife, Micah, does for photography

4. Have you paid appropriate lodging taxes?

Applicant Response: Yes

5. How many rooms are rented?

Applicant Response: One

6. What is the maximum number of people that will be staying at any one time?

Applicant Response: Two

7. What is the maximum number of vehicles and where will they park?

Applicant Response: Two, driveway

8. How often are guests in the residence?

Applicant Response: Sporadically; not full time.

9. Do you have a rental license from the Unified Government for the facility?

Applicant Response: No

10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms common areas etc.

Applicant Response: There is a private bedroom with a half-bath that the renters have access to. The kitchen, living room and full bathroom (all on first level) are common areas.

AIRBNB and other short-term rental operators do not all fall into the same category. In this instance, Mr. Fisher rents out only a portion of his home and is present when there are tenants. Staff has received no reports of issues from neighbors, and Mr. Fisher appears to have sufficient parking to accommodate any tenants. Staff feels there is minimal effect on the surrounding neighbors, no more than traditional guests of an owner/occupant would have. Staff recommends approval, subject to the stipulations listed below.

Public Works Comments:

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

1) What is the maximum number of people that will be staying at any one time, at each address? Two

2) What is the maximum number of vehicles & where will they park? Two, driveway

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

Stipulations of approval:

1. Host will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
2. Host will obtain a business license with the City.
3. The maximum number of guests is limited to 2 people (not including an infant/child).
4. Only one additional (guest) car is permitted.
5. House rules must include provisions indicating no parties or events to be held on site
6. Approval is for 2 years.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2018-14 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Site Photos
Zoning Map

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2018	March 1, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-14** 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-2018-14** 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:15:15

SPECIAL USE PERMIT APPLICATION #SP-2018-14 – COREY R. FISCHER – SYNOPSIS: Special Use Permit for an AIRBNB at 4451 Eaton Street. **Detailed Outline of Requested Action:** The applicant, Corey Fischer, is applying to use his property located at 4451 Eaton Street as a short-term rental space/bed and breakfast rented through sites such as AIRBNB. This property is the applicant's primary residence and is listing for one bedroom; the applicant remains on site when tenants are renting the bedroom.

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 February 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 18, 2018; and
7. The Notices to property owners dated January 17, 2018.

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

Present in Support:

- ❖ Corey Fischer, applicant, 4451 Eaton Street, Kansas City, Kansas 66103
- ❖ Erin Stryka, RDA, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Present in Opposition/Questions:

- ❖ Marissa Butler, 4462 Cambridge Street, Kansas City, Kansas 66103

Staff Recommendation Starts at 2:21:20 - Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:21:30

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-14:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

- 1. How long has the short-term rental business been in operation?**
Applicant Response: 4 months
- 2. Were neighbors consulted prior to opening the business?**
Applicant Response: No
- 3. Do you have a business license?**
Applicant Response: My wife, Micah, does for photography
- 4. Have you paid appropriate lodging taxes?**
Applicant Response: Yes
- 5. How many rooms are rented?**
Applicant Response: One
- 6. What is the maximum number of people that will be staying at any one time?**

Applicant Response: Two

7. What is the maximum number of vehicles and where will they park?

Applicant Response: Two, driveway

8. How often are guests in the residence?

Applicant Response: Sporadically; not full time.

9. Do you have a rental license from the Unified Government for the facility?

Applicant Response: No

10. Describe in detail the area(s) rented for Airbnb/other rental operations.

Include bedrooms, bathrooms common areas etc.

Applicant Response: There is a private bedroom with a half-bath that the renters have access to. The kitchen, living room and full bathroom (all on first level) are common areas.

AIRBNB and other short-term rental operators do not all fall into the same category. In this instance, Mr. Fisher rents out only a portion of his home and is present when there are tenants. Staff has received no reports of issues from neighbors, and Mr. Fisher appears to have sufficient parking to accommodate any tenants. Staff feels there is minimal effect on the surrounding neighbors, no more than traditional guests of an owner/occupant would have. Staff recommends approval, subject to the stipulations listed below.

Public Works Comments:

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

- 1) What is the maximum number of people that will be staying at any one time, at each address? Two**
- 2) What is the maximum number of vehicles & where will they park? Two, driveway**

- 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**

Stipulations of approval:

- 1. Host will maintain a safe environment including:**

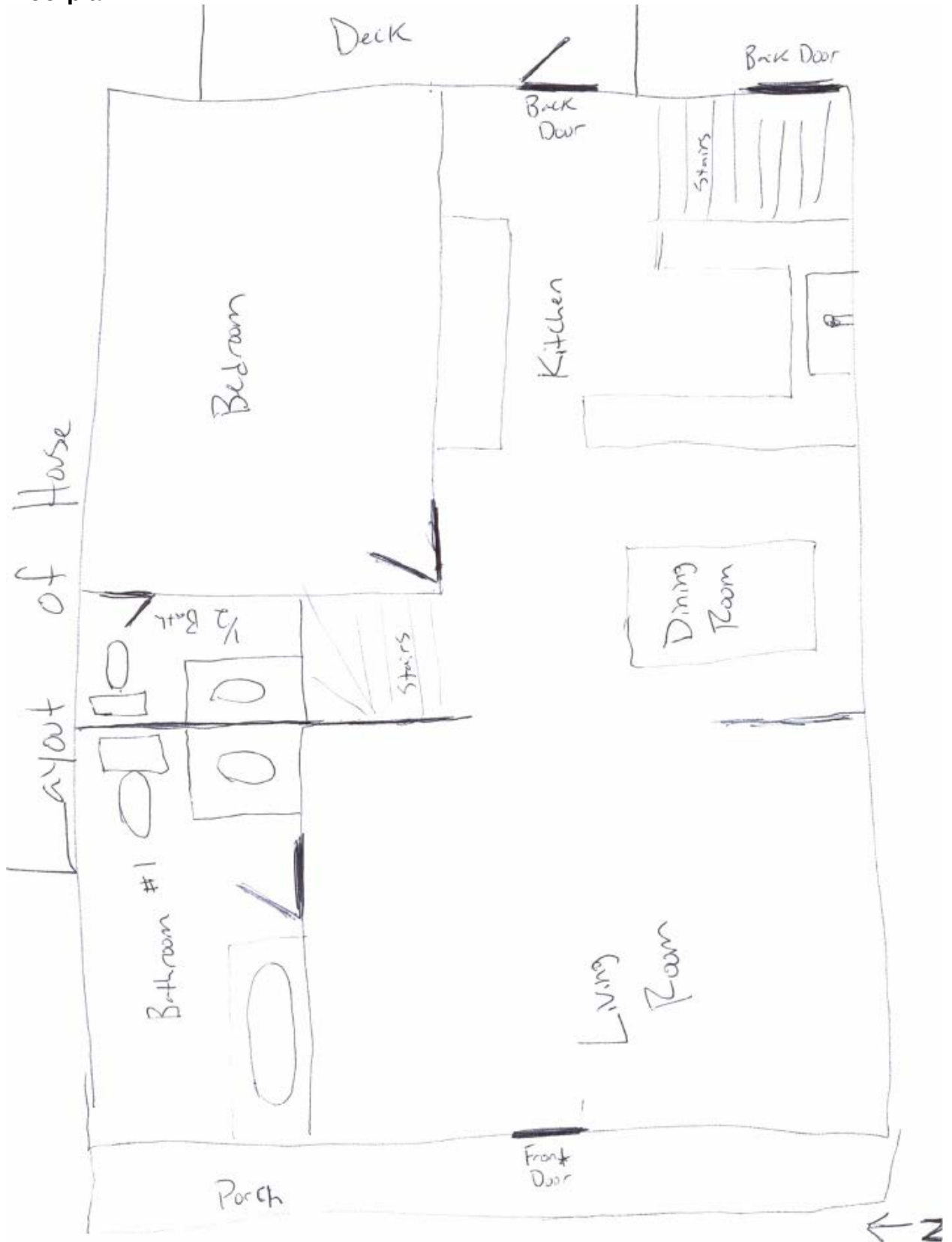
- a. Working smoke detectors in each bedroom plus each level of the unit/house.**
- b. GFCI outlets are required in bathrooms.**
- c. Double keyed locks are not allowed**
- d. Copper cannot be used for gas supply lines**
- e. Windows must be operable, not blocked or boarded**
- f. Handrails are required at sets of 4 or more stairs/risers**

- g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
- 2. Host will obtain a business license with the City.
- 3. The maximum number of guests is limited to 2 people (not including an infant/child).
- 4. Only one additional (guest) car is permitted.
- 5. House rules must include provisions indicating no parties or events to be held on site
- 6. Approval is for 2 years.





Floorplan



Applicant submitted additional information

SUP Application Request: 4451 Eaton Street, KC, KS 66103

Applicants: Corey and Micah Fischer

Our plan for hosting AirBNB: The need for hosting an AirBNB at 4451 Eaton Street is simply for modest financial means. The money collected from hosting will be used to improve the house. We do not plan on hosting on a full-time basis. The majority of our stay's come over the weekend (Friday – Sunday). Most of the people that stay are visiting KU Medical Center, which is located a couple of blocks to the north.

About the house: The house was built in the 1920's. It has two floors and a basement. There are three bedrooms and two and a half bathrooms.

All guests stay in a bedroom on the first floor of the house, making everything wheelchair accessible. Guests park in the driveway which mitigates the concern of taking a neighbor's parking spot on the street. Due to the size of our house, we limit guests to no more than two people per stay. Because we live at the property, and out of respect to our neighbors, we do not allow our guests to throw parties.

Pictures and additional information about the property can be found on our AirBNB webpage:

<https://www.airbnb.com/rooms/20556571?location=Kansas%20City%2C%20MO%2C%20United%20States&guests=1&adults=1&infants=0&children=0&s=zXDH3meB>

For your convenience, I've created a tiny URL. It takes you to the exact same page as above:

<https://tinyurl.com/ydbm9n9g>

Figure 1: Aerial Image of property

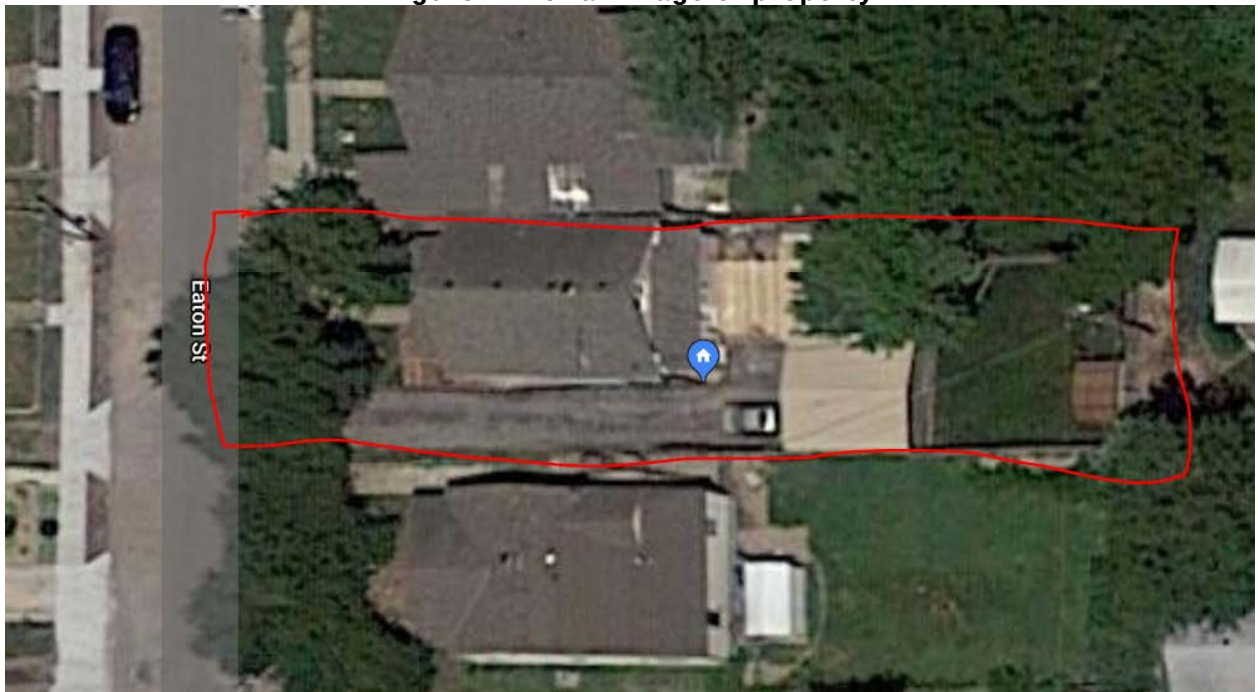


Figure # 2: Front of House



*Note: Tenants park in the driveway













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: March 1, 2018
Re: Petition #SP-2018-16

GENERAL INFORMATION

Applicant:
Adrienne Bortz

Status of Applicant:
Owner and Representative
Gabel Rentals, LLC
252 Apache Trail West
Lake Quivira, Kansas

Requested Action:
Approval of a Special Use Permit

Date of Application:
December 29, 2017

Purpose:
To operate a Short-Term
Rental/Bed and Breakfast at
properties that are not the
applicant's primary residence.

Property Location:
1101, 1103, 1107, 1108 North 79th
Terrace



Existing Zoning: R-3 Townhouse District

Existing Surrounding Zoning: **North:** R-3 Townhouse District

South: C-1 Limited Commercial District

East: CP-1 Planned Limited Commercial District

West: R-1(B) Single Family District

Existing Uses: **North:** Single Family Homes

South: Commercial

East: Commercial

West: Single Family Homes

Total Tract Size: 0.13, 0.08, 0.07, and 0.09 acres respectively.

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

Major Street Plan: The City-Wide Master Plan designates North 79th Terrace as a Local Street.

Advertisement: The Wyandotte Echo – January 18, 2018
Letters to Property Owner – January 17, 2018 and February 22, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Adrienne Bortz, is applying to use her four townhouse properties located at 1101, 1103, 1107, and 1109 North 79th Terrace as short-term rental spaces rented through sites such as AIRBNB and VRBO. These properties are not the applicant's primary residence.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature; however, it is adjacent to many commercial properties.

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

The zoning and uses of the properties is set out above. The proposed use might be compatible with the surrounding single-family houses if operated properly. Operating this property as a short-term rental/bed and breakfast has the potential to create issues related to noise, parking, and other concerns related to overcrowding if improperly managed.

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

Removal of the restrictions may not detrimentally affect nearby property so long as proper rules are in place for tenants and the properties are well managed.

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.*

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network.

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

The proposed use provides convenient lodging for the public and will not likely substantially or 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.*

This is not foreseen to be an issue.

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

This is not foreseen to be 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.

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as a bed and breakfast but may use the property as a single-family house.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting January 25, 2018; one person was in attendance. No opposition was recorded.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-16, subject to:

Urban Planning and Land Use Comments:

1. How long has the short-term rental business been in operation?
Applicant Response: Since January 2017
2. Were neighbors consulted prior to opening the business?

Applicant Response: A few neighbors were consulted, but since it was zoned rental and we are renting the units, we did not foresee any complications.

Staff Response: There is no “rental” zoning district

3. Do you have a business license?

Applicant Response: No. It was our perception that we were renting and they are rentals already.

4. Have you paid appropriate lodging taxes?

Applicant Response: Yes. We did not start the AIRBNB partnership until the state of Kansas and AIRBNB completed the agreement for taxes.

5. How many rooms are rented?

Applicant Response: These are not individual rooms, they are townhomes. We have one leased full-time. We have two that have been rented via AIRBNB. The fourth has been, until November, as owner occupied by Adrienne Bortz and her family.

6. What is the maximum number of people that will be staying at any one time?

Applicant Response: We have a maximum of 4 adults per unit selected as our criteria.

7. What is the maximum number of vehicles and where will they park?

Applicant Response: There is a maximum of two vehicles and they park in the drive and garage.

8. How often are guests in the residence?

Applicant Response: Occupancy is at 60% on the two units that were on AIRBNB

9. Do you have a rental license from the Unified Government for the facility?

Applicant Response: Yes, our inspection is scheduled for Feb. 1, 2018

10. Describe in detail the area(s) rented for AIRBNB/other rental operations. Include bedrooms, bathrooms common areas etc.

Applicant Response: These are individual townhomes. Each is 2 Bedroom, 2 Bathroom with kitchen and small living area. There is also a garage for each unit. The units are unusually large on the bedroom space and small on the living space, making them difficult to rent for traditional homes but perfect for corporate and short-term rental.

11. As you do not live on site, how are the properties managed? How often do you visit the properties? Who meets the tenants, cleans when they leave, and is available if there are any issues (either for the tenants or neighbors)?

Applicant Response: Adrienne Bortz is the managing partner and is available by phone, text or email in 10 minutes or less. AIRBNB has a great platform of care of the renters. They will call direct if texting does not get attention on an immediate issue. The cleaning service is provided by a person from Wyandotte County and they are also easily communicated with by Ms. Bortz or the renters. Renters are communicated with on daily basis and visits to the property are weekly or multi-weekly visits.

12. Is there a home owner's association or homes associated restrictions?

Applicant Response: There is no HOA.

This application is slightly different from others that are primary-residence occupants; the applicant lives in Lake Quivira, a short distance from the rental properties. According to the applicant, most of the tenants are longer-term, business type travelers, averaging closer to one month stays, rather than the faster turn-over of many other short-term rentals. If the application were to be denied, or choose to do so, they could require a 29-day minimum stay, obtain a rental license, and avoid the Special Use Permit requirement altogether. As it is, this provides the applicant with more flexibility in securing tenants for the houses. At time of final draft, the applicant had been approved for rental licenses for all four (4) units.

The floor plan of these townhomes does not lend itself to a family type tenant as the living space is quite small—couples or single adults seem to be a better option for such units. Since there is no recorded neighborhood opposition, the applicant is readily available to neighbors and tenants and lives nearby, and there is sufficient garage and driveway parking to accommodate the tenants, staff does not feel that this is a problematic use in this neighborhood at this time.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) What is the maximum number of people that will be staying at any one time, at each address?
Applicant Response: See above
 - 2) What is the maximum number of vehicles & where will they park?
Applicant Response: See above
- 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

Stipulations of approval:

- 1. Host will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
2. Host will obtain a business license with the City for each address.
 3. The maximum number of guests is limited to 4 people per unit (not including infants/children).
 4. Neighbors shall be provided with contact information for the owner/operator in case problems arise
 5. House rules must include provisions indicating no parties or events to be held on site
 6. Approval is for 2 years.
 7. Further neighborhood comment could impact the staff opinion.

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-2018-16 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Site Photos
Zoning Map
Information provided by applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2018	March 1, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-16** 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-2018-16**, 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:22:10

SPECIAL USE PERMIT APPLICATION #SP-2018-16 – ADRIENNE BORTZ WITH GABEL RENTALS LLC – SYNOPSIS: Special Use Permit for an AIRBNB at 1101, 1103, 1107 and 1109 North 79th Terrace. **Detailed Outline of Requested Action:** The applicant, Adrienne Bortz, is applying to use her four townhouse properties located at 1101, 1103, 1107, and 1109 North 79th Terrace as short-term rental spaces rented through sites such as AIRBNB and VRBO. These properties are not the applicant's primary residence.

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 February 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 18, 2018; and
7. The Notices to property owners dated January 17, 2018.

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

Present in Support:

- ❖ Dawn Gabel, partner with applicant, 252 Apache Trail West, Lake Quivira, Kansas
- ❖ Adrienne Bortz, applicant
- ❖ Deloris Lustig, 1200 North 79th Terrace, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 2:29:24 - Director Richardson stated that the staff's recommendation is four people plus kids per unit. The staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:29:40

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-16:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How long has the short-term rental business been in operation?

Applicant Response: Since January 2017

2. Were neighbors consulted prior to opening the business?

Applicant Response: A few neighbors were consulted, but since it was zoned rental and we are renting the units, we did not foresee any complications.

Staff Response: There is no "rental" zoning district

3. Do you have a business license?

Applicant Response: No. It was our perception that we were renting and they are rentals already.

- 4. Have you paid appropriate lodging taxes?**
Applicant Response: Yes. We did not start the AIRBNB partnership until the state of Kansas and AIRBNB completed the agreement for taxes.
- 5. How many rooms are rented?**
Applicant Response: These are not individual rooms, they are townhomes. We have one leased full-time. We have two that have been rented via AIRBNB. The fourth has been, until November, as owner occupied by Adrienne Bortz and her family.
- 6. What is the maximum number of people that will be staying at any one time?**
Applicant Response: We have a maximum of 4 adults per unit selected as our criteria.
- 7. What is the maximum number of vehicles and where will they park?**
Applicant Response: There is a maximum of two vehicles and they park in the drive and garage.
- 8. How often are guests in the residence?**
Applicant Response: Occupancy is at 60% on the two units that were on AIRBNB
- 9. Do you have a rental license from the Unified Government for the facility?**
Applicant Response: Yes, our inspection is scheduled for Feb. 1, 2018
- 10. Describe in detail the area(s) rented for AIRBNB/other rental operations. Include bedrooms, bathrooms common areas etc.**
Applicant Response: These are individual townhomes. Each is 2 Bedroom, 2 Bathroom with kitchen and small living area. There is also a garage for each unit. The units are unusually large on the bedroom space and small on the living space, making them difficult to rent for traditional homes but perfect for corporate and short-term rental.
- 11. As you do not live on site, how are the properties managed? How often do you visit the properties? Who meets the tenants, cleans when they leave, and is available if there are any issues (either for the tenants or neighbors)?**
Applicant Response: Adrienne Bortz is the managing partner and is available by phone, text or email in 10 minutes or less. AIRBNB has a great platform of care of the renters. They will call direct if texting does not get attention on an immediate issue. The cleaning service is provided by a person from Wyandotte County and they are also easily communicated with by Ms. Bortz or the renters. Renters are communicated with on daily basis and visits to the property are weekly or multi-weekly visits.
- 12. Is there a home owner's association or homes associated restrictions?**
Applicant Response: There is no HOA.

This application is slightly different from others that are primary-residence occupants; the applicant lives in Lake Quivira, a short distance from the rental properties. According to the applicant, most of the tenants are longer-term, business type travelers, averaging closer to one month stays, rather than the faster turn-over of many other short-term rentals. If the application were to be denied, or choose to do so, they could require a 29-day minimum stay, obtain a rental license, and avoid the Special Use Permit requirement altogether. As it is, this provides the applicant with more flexibility in securing tenants for the houses. At time of final draft, the applicant had been approved for rental licenses for all four (4) units.

The floor plan of these townhomes does not lend itself to a family type tenant as the living space is quite small—couples or single adults seem to be a better option for such units. Since there is no recorded neighborhood opposition, the applicant is readily available to neighbors and tenants and lives nearby, and there is sufficient garage and driveway parking to accommodate the tenants, staff does not feel that this is a problematic use in this neighborhood at this time.

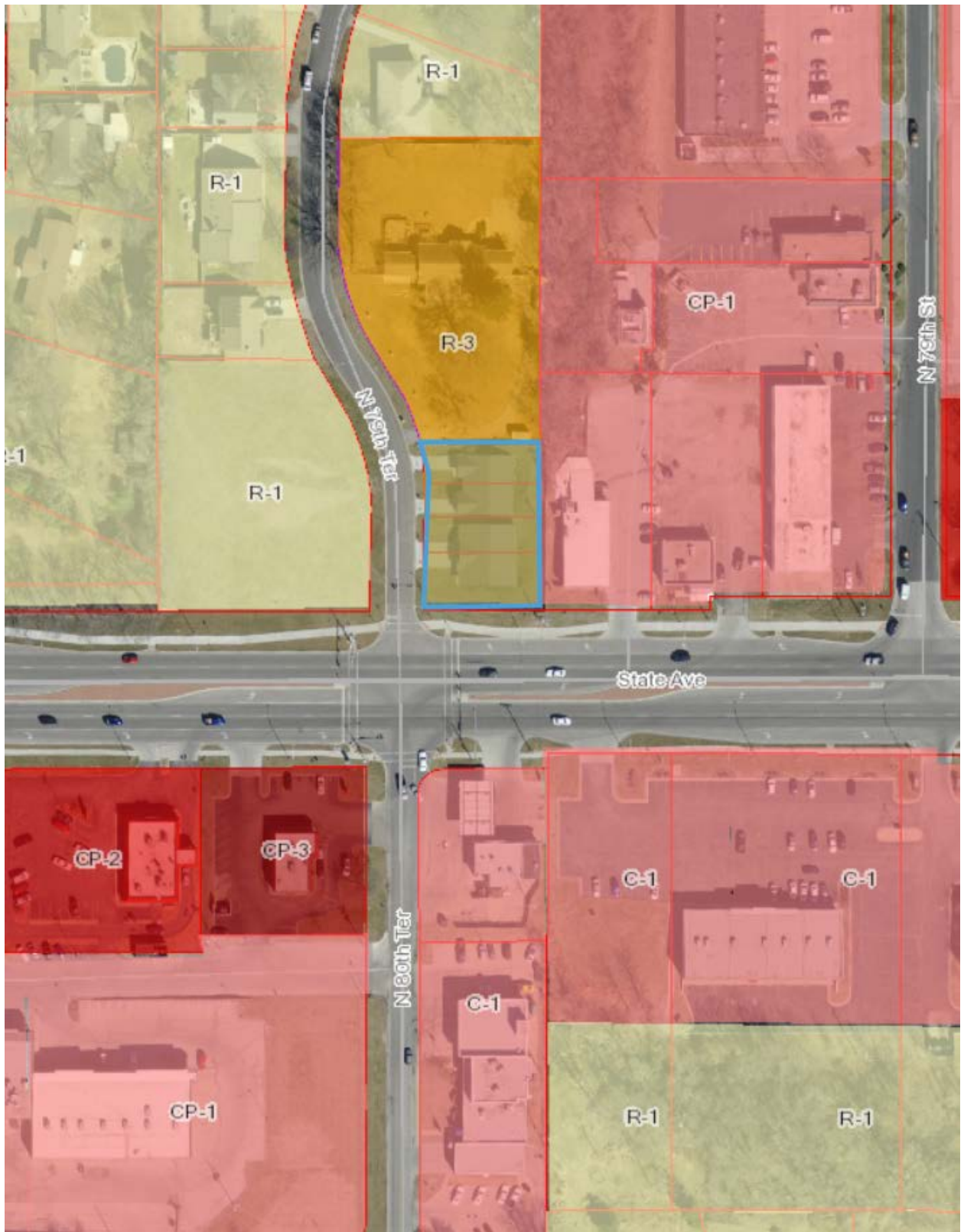
Public Works Comments:

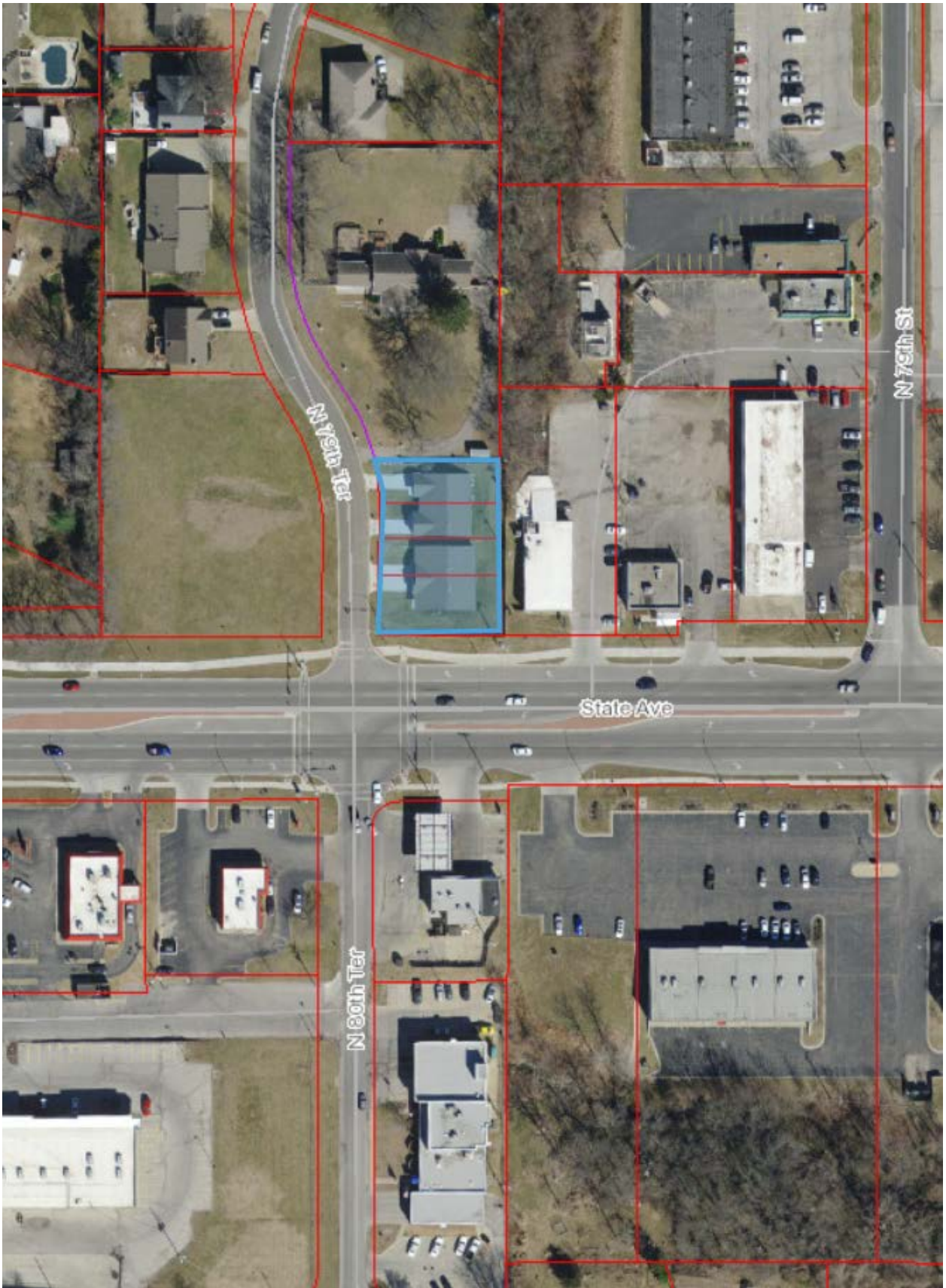
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) What is the maximum number of people that will be staying at any one time, at each address?
Applicant Response: See above
 - 2) What is the maximum number of vehicles & where will they park?
Applicant Response: See above
- 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

Stipulations of approval:

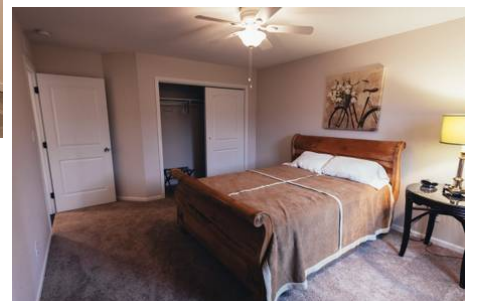
- 1. Host will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
- 2. Host will obtain a business license with the City for each address.
- 3. The maximum number of guests is limited to 4 people per unit (not including infants/children).

4. Neighbors shall be provided with contact information for the owner/operator in case problems arise
5. House rules must include provisions indicating no parties or events to be held on site
6. Approval is for 2 years.
7. Further neighborhood comment could impact the staff opinion.





1101 and 1103 N. 79th Terrace (2 bedrooms)



March 1, 2018

#SP-2018-10

13

1107 and 1109 N. 79th Terrace (2 bedroom/2 bath)



Applicant submitted additional information

Gabel Rentals LLC

Proposed Plan of Business

1101, 1103, 1107, 1109

N 79th Terrace, Kansas City Kansas

The purpose of the rentals would be mixed short-term and long-term rental for business usage. Preferred times of stay would be 30 days plus. Focus would be on furnished, all-inclusive opportunities for business travelers. Shorter rental stays would also be business or family focused.

The rentals are an excellent choice for this type of use due to the placement near main roads, shopping. Surrounding neighbors are minimal, including a vacant lot across the street. The layout of each unit is also conducive to short and long-term corporate rental. Each unit has large bedrooms with bath but small living space. It makes a traditional rental plan difficult to sustain.



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: March 1, 2018
Re: Vacation Petition #U/E-2018-1

GENERAL INFORMATION

Applicant:
Earl Freeman

Status of Applicant:
Representative
12601 Polfer Road
Kansas City, KS

Requested Action:
Vacation of utility easements

Date of Application:
December 29, 2018

Purpose:
To vacate the utility easements
on the interior lot sides of two
vacant lots to build a larger
house.

Property Location:
12940 and 12934 Hubbard Road

Existing Zoning: R-1 Single
Family District



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

Existing Uses: **North:** Undeveloped Land
South: Undeveloped Land, Single Family Homes
East: Undeveloped Land, Single Family Homes
West: Single Family Homes

Neighborhood Characteristics: The neighborhood is residential and rural in nature.

Total Tract Size: Lots are 0.64 acres. Area to be vacated is 1,300 square feet.

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as low-density residential.

Major Street Plan: The City-Wide Master Plan designates Hubbard Road and 130th Street as local streets.

Advertisement: Wyandotte Echo – January 18, 2018
Letters to Property Owners – January 17, 2018 and February 21, 2018

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Earl Freeman, has applied to vacate the utility easements on the shared side of the following properties in the Freeman Farms North Phase 1 Subdivision:

12940 Hubbard Road

12934 Hubbard Road

The applicant intends to construct a large single-family house on the two lots.

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.***

This will not be an issue.

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 West Patrol, District #224

e. *Fire*

Fire service provided by Station #8

f. *Transit*

Kansas City ATA does not provide transit service near this property

g. *Schools*

Piper USD 203

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

Streets are already designed as to provide a safe, convenient and functional system for vehicular traffic as to accommodate prospective traffic as determined by existing and probable future land and building uses.

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

The parcel is arranged so as to afford adequate light, open space or air, to

facilitate fire protection, and to provide for long-term sustained real estate values.

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

Not applicable.

6. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

Not applicable.

7. ***Vacation will not create utility conflicts.***

The utility easements in the interior lot sides do not contain any utilities; vacation will not create any conflicts. Note there are buried AT&T facilities in the easements on the street sides of 12940 and 12934 Hubbard Road, which are not able to be vacated. See attached map.

KEY ISSUES

None.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Utility Easement Vacation Application #U/E-2018-1, subject to:

Urban Planning and Land Use Comments:

1. None

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 #U/E-2018-1 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Survey of easement to be vacated
Map of AT&T facilities
Aerial image

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 12, 2018	March 1, 2018
Vacation	Approval	

STAFF CONTACT: Kylie Wyatt
 kwyatt@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #U/E-2018-1 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 # U/E-2018-1, 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:30:23

UTILITY EASEMENT VACATION APPLICATION #U/E-2018-1 – EARL FREEMAN - SYNOPSIS: Vacation of utility easements at 12940 and 12934 Hubbard Road. **Detailed Outline of Requested Action:** The applicant, Earl Freeman, has applied to vacate the utility easements on the shared side of the following properties in the Freeman Farms North Phase 1 Subdivision:

12940 Hubbard Road

12934 Hubbard Road

The applicant intends to construct a large single-family house on the two lots.

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 February 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 18, 2018; and
7. The Notices to property owners dated January 17, 2018.

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

Present in Support:

- ❖ Earl Freeman, applicant, 12601 Polfer Road, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 2:32:20 - Planner Toy stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:33:15

On motion by Mr. Carson, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Utility Easement Vacation Application #U/E-2018-1:**

Carson	Aye
Childress	Aye
Connelly	Not Present
Ernst	Aye

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

Motion to recommend APPROVAL Passed: 8 to 0

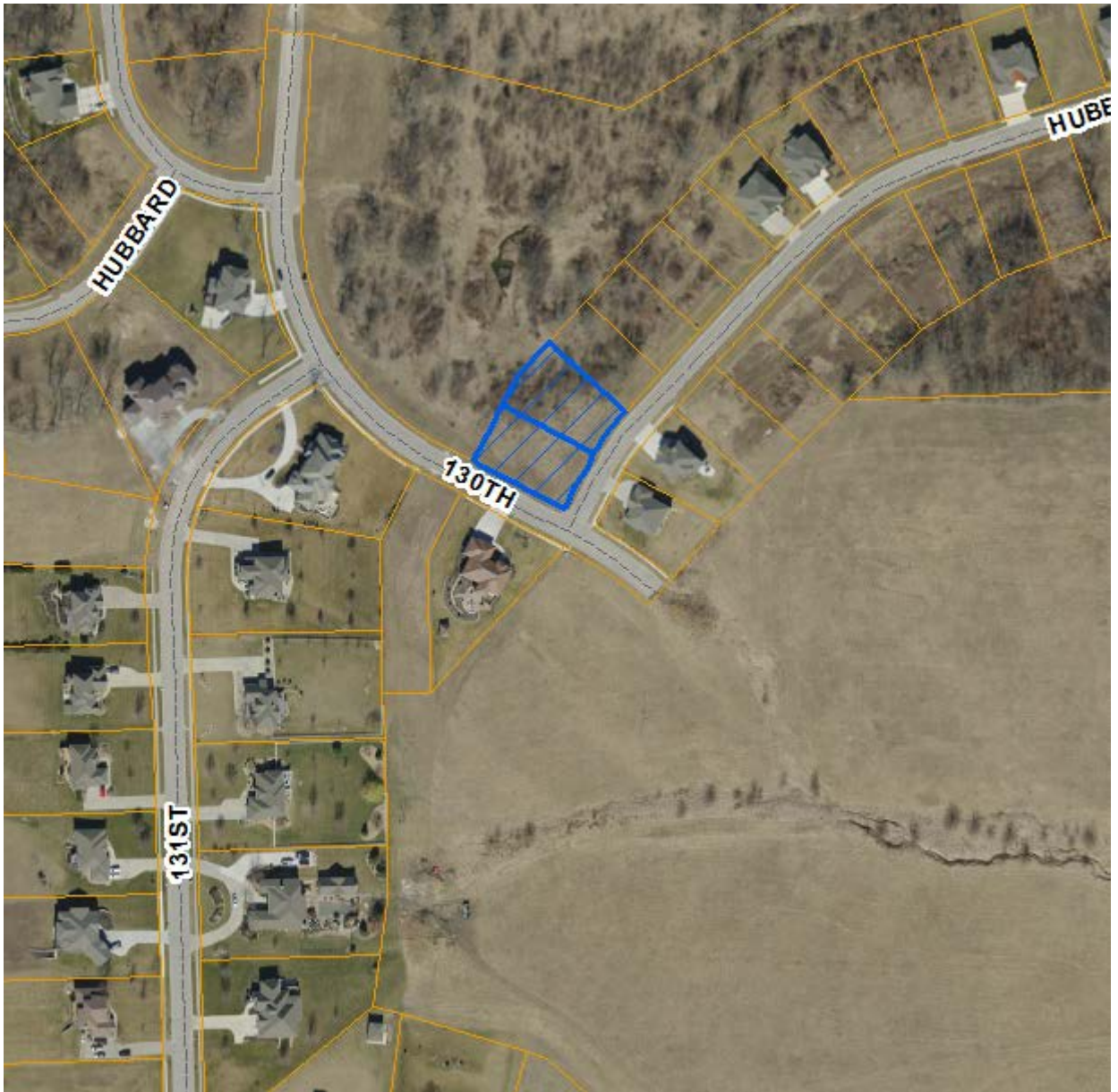
Subject to:

Urban Planning and Land Use Comments:

None

Public Works Comments:

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



Aerial image



Urban Planning and Land Use

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 1, 2018
Re: Petition #PR-2017-36

GENERAL INFORMATION

Applicant:
Kevin Quinn

Status of Applicant:
Representative
John Tucker with BHC Rhodes
7101 College Boulevard, Suite 400
Overland Park, KS 66210

Requested Action:
Approve Preliminary and Final Plan Review

Date of Application:
July 28, 2017

Purpose:
To build a private car wash and detailing facility and an overflow lot for Honda dealership

Property Location:
2200 North 99th Street, 10010 Lafayette Avenue and 9900 Parallel Parkway

Existing Zoning: CP-2 Planned General Business District



Surrounding Zoning:

North:	A-G Agriculture and CP-2 Planned General Business Districts
South:	CP-2 Planned General Business District
East:	A-G Agriculture District
West:	A-G Agriculture and CP-2 Planned General Business Districts

Existing Uses:

North:	Undeveloped land and an auto body/collision center (across Lafayette Avenue)
South:	Honda automotive dealership and a convenience store (across Parallel Parkway)
East:	Auto body/collision center and single-family homes (across North 99 th Street)
West:	Undeveloped land and Honda automotive dealership

Total Tract Size: 4.61 acres

Master Plan Designation: The City-Wide Master Plan designates these properties as Planned Commercial.

Major Street Plan: The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare.

Advertisement: Property Owner Letters – August 16, 2017, September 1, 2017, October 2, 2017, November 2, 2017, November 30, 2017, January 3, 2018 and February 21, 2018
Wyandotte Echo – None Required

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kevin Quinn with KCK Development II wants to build a car wash and detailing facility at 10100 Lafayette Avenue, build a parking lot for overflow vehicles for Honda at 2200 99th Street and re-design detention basins at 9900 Parallel Parkway.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

These two sites are at the eastern edge of commercial development on Parallel Parkway. Legends Auto Plaza and Schlitterbahn East Retail are south of Parallel Parkway bordered by I-435 to the west and 98th Street to the east.

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

The proposed uses in this development will not substantially increase traffic in way that could impact the current volume of traffic traveling on North 99th Street and Parallel Parkway, however with the overflow lot, there may be additional transport trucks to Honda because the inventory will be larger.

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

The proposed uses conform to the Master Plan.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service provided by West Patrol, District #225

e. *Fire*

Fire service provided by Station #6

f. *Transit*

Kansas City ATA provides transit service along Parallel Parkway, Route #116.

g. Schools

Kansas City, Kansas USD 500

5. The capability of the proposed use to meet applicable ordinance and other requirements.

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

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 24, 2017. According to the applicant, no one appeared at the meeting in opposition.

KEY ISSUES

Compliance with the Commercial Design Guidelines
Public Works comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review Application #PR-2017-36, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Any wind turbines shall comply with the wind turbine ordinance.

Applicant Response: Acknowledged.

2. Because 99th Street is part of the trail network, specifically the On-Street Bike Route Connections (Share the Road), all new trails shall subscribe to the following:
 - Provide at least a 10-foot-wide path and will include enhanced pedestrian amenities including wayfinding and interpretative signage, benches, litter receptacles and generous landscaping.
 - All trails will be illuminated with pedestrian lights with a consistent spacing.
 - All sidewalk and trails should meet the requirements of the American with Disabilities Act Accessibility Guidelines (ADAAG).

Applicant Response: A trail has been provided, the south portion had to be 8' due to existing storm box interference, but we widened to 10' once possible. Each connection to the street uses ADA compliant ramps per UG standard details.

3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

Applicant Response: A sidewalk has been provided per the Public Improvement Plans.

4. All overhead doors shall be closed when automobiles are being detailed.

Applicant Response: Acknowledged.

5. Indicate how KCKFD will have access to the rear of the building if a drive is not provided for them.

Applicant Response: After further discussions with the Fire Marshal, our layout was approved with a revised entrance.

6. The applicant is seeking a deviation from the Commercial Design Guidelines to construct an 9' cast in place concrete retaining wall, which will not be terraced. See attachments for deviation request letter.

Staff Response: The retaining wall is along the south property line, adjacent to Lafayette Avenue. The wall is internal to the development, facing the front of the building, so it will not be visible until one enters the site to park their vehicle. The wall shall be textured and integrally-colored to match the modular block walls within the Legends Auto Mall development.

Building and Architectural Design:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade.

This can be achieved through combinations of at least three of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

The techniques in addition to building articulation need to be integrated into the design of each façade. While Lot 4 is the furthest setback from Parallel Parkway, Lafayette Avenue is a through way for residents south of Georgia Avenue to access I-435 through North 100th Terrace. The same level of architectural detail for Legends Toyota and Legends Honda should be incorporated into this building.

Applicant Response: We have incorporated three of the techniques listed above as follows:

- *Our elevations include material variations such as precast concrete panels with two levels of sandblast finish, brick, along with anodized clear aluminum storefront with reflective blue glass.*
- *Our revised elevations include an additional building offset when the carwash portion of the building shifted to the east, creating a building offset required for the north elevation on the east side, please refer revised sheet A-1 attached.*
- *Our elevations include variation in roof lines while maintaining visual screening of rooftop units and equipment as required.*

Staff Response: While the precast concrete panels will have a sandblasted finish, they shall be integrally-colored, darker than typical, ashen gray concrete and match B-Street Collision Center once their paneling is approved.

2. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.

Applicant Response: Please refer to revised sheet A-1 for the addition of architecturally compliant screen wall along the east face of the building, covering all utility boxes, meters, and connections.

3. Since the building will have high visibility from various angles, scuppers and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized.

Applicant Response: We do not indicate scuppers or downspouts in the design of this building to be exposed. We intend to internalize roof drain lines and to provide lambs tongues for roof overflow. Please refer to revised sheet A-1 for locations of lambs tongue locations.

4. Overhead doors shall be painted to match the building.

Applicant Response: We intended for these doors to match the finish out of the southwest aluminum storefront as clear anodized aluminum. Please refer to revised sheet A-1 for finish of overhead doors intended.

5. The gas canopy columns shall be wrapped in the same thin brick used in the construction of the Legends Reconditioning Center.

Applicant Response: Please refer to revised sheet A-1 for thin brick faced columns at fuel canopy.

Landscaping and Screening:

1. Based on the landscaping requirements in the CP-2 Planned General Business District (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), twenty-five (25) trees are required to be planted for the Honda parking lot and twenty-one (21) trees are required to be planted for the car wash and detail facility. These totals do not include the street tree requirement or trees to be planted in parking lot islands.

Applicant Response: Landscape plans have been updated to include the required quantity of trees.

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

Applicant Response: A continuous row of shrubs is proposed between all parking areas and public streets.

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. 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.
 - b. 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 street trees.

Applicant Response: Street trees have been updated per requirements.

4. Sec. 27-577(e)(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces.

The parking lot expansion for Honda needs to have two landscaped islands, one located along the row of parking facing North 99th Street and the other facing Parallel Parkway.

Applicant Response: All parking lot islands have been landscaped.

5. All landscaping shall be irrigated.

Applicant Response: Irrigation ID plans have been updated to show all landscape areas receiving irrigation.

6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the development and 3 gallons internal to the site when planted.

Applicant Response: Plant sizes have been updated.

7. Only decorative lighting can be used on the exterior of the building. No wall pack lights or flood lights are permitted. This includes lights over the exit doors as required by the International Building Code (IBC).

Applicant Response: Agreed.

8. All lighting, whether mounted on the building or in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Agreed.

9. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line.

Applicant Response: Agreed.

Staff Response: The Lighting Plan does not comply with the code. There are numerous areas on the site where the lighting exceeds the one-foot candle requirement at the property line. The lighting plan must be revised prior to the issuance of a building permit to comply with the lighting requirements.

10. The trash enclosure for the car wash and detail facility shall be heavily landscaping and screened with an architectural wall that is comprised of the same building materials as the primary structure.

Applicant Response: Heavy landscaping is proposed around the trash enclosure.

11. All roof mounted units shall be screened by the parapet of the building.

Applicant Response: Agreed.

12. The wood privacy fence around the perimeter of the car wash and detailing facility, abutting the agriculturally zoned property to the north and west shall be 6' in height and have masonry columns every 32' on center.

Applicant Response: Agreed.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Agreed.

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 global stability analysis and report for proposed retaining walls shall be provided and addressed prior to construction permit acquisition.

2) A proposed Legends Auto Mall 4th Plat shall be approved by the UG and the Planning Commission prior to construction permit acquisition.

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:

The applicant has worked with staff to resolve the majority of planning and engineering questions and comments. The site lighting cast at the property line shall be reduced. The applicant wants to match the color of their tilt-up concrete panels as B-Street Collision Center to the east, however staff is still working with B-Street's representatives to darken the color on their paneling. Staff requests allowing administrative approval by the City Planning Commission to let staff continue to work with the applicant regarding the color of the integrally-colored, tilt-up concrete panel, as B-Street Collision Center's paneling has yet to be finalized.

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 **APPROVE** Petition #PR-2017-36 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 12, 2018 City Planning Commission Minutes
Applicant Response Letter
Applicant Retaining Wall Height Deviation Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Lighting Plan
Landscape Plan – Honda Overflow Lot
Landscape Plan – Recon Center and Car Wash
Building Elevations – Recon Center and Car Wash

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Preliminary and Final Plan	February 12, 2018 Approval	March 1, 2018

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #PR-2017-36 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2017-36** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:41:00

PLAN REVIEW APPLICATION #PR-2017-36 – KEVIN QUINN – SYNOPSIS:

Preliminary and Final Plan Review for expansion of Legends Honda parking on Lot 2 and Lot 4 for a private car wash and detailing facility to be used by the car dealership at 2200 North 99th Street and 10010 Lafayette. **Detailed Outline of Requested Action:** The applicant, Kevin Quinn with KCK Development II wants to build a car wash and detailing facility at 10100 Lafayette Avenue, build a parking lot for overflow vehicles for Honda at 2200 North 99th Street and re-design detention basins at 9900 Parallel Parkway.

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 February 12, 2018;
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 August 16, 2017, September 1, 2017, October 2, 2017, November 2, 2017, November 30, 2017, and January 3, 2018

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

Present in Support:

- ❖ Scott Slaggie, Slaggie Architects, Inc., 4600 Madison Avenue, Suite 350, Kansas City, MO 64112

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 2:43 - Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:43:20

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review**

Application #PR-2017-36:

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Any wind turbines shall comply with the wind turbine ordinance.

Applicant Response: Acknowledged.

2. Because 99th Street is part of the trail network, specifically the On-Street Bike Route Connections (Share the Road), all new trails shall subscribe to the following:
 - Provide at least a 10-foot-wide path and will include enhanced pedestrian amenities including wayfinding and interpretative signage, benches, litter receptacles and generous landscaping.
 - All trails will be illuminated with pedestrian lights with a consistent spacing.
 - All sidewalk and trails should meet the requirements of the American with Disabilities Act Accessibility Guidelines (ADAAG).

Applicant Response: A trail has been provided, the south portion had to be 8' due to existing storm box interference, but we widened to 10' once possible. Each connection to the street uses ADA compliant ramps per UG standard details.

3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with

the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.

Applicant Response: A sidewalk has been provided per the Public Improvement Plans.

4. All overhead doors shall be closed when automobiles are being detailed.

Applicant Response: Acknowledged.

5. Indicate how KCKFD will have access to the rear of the building if a drive is not provided for them.

Applicant Response: After further discussions with the Fire Marshal, our layout was approved with a revised entrance.

6. The applicant is seeking a deviation from the Commercial Design Guidelines to construct an 9' cast in place concrete retaining wall, which will not be terraced. See attachments for deviation request letter.

Staff Response: The retaining wall is along the south property line, adjacent to Lafayette Avenue. The wall is internal to the development, facing the front of the building, so it will not be visible until one enters the site to park their vehicle. The wall shall be textured and integrally-colored to match the modular block walls within the Legends Auto Mall development.

Building and Architectural Design:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.

The techniques in addition to building articulation need to be integrated into the design of each façade. While Lot 4 is the furthest setback from Parallel Parkway, Lafayette Avenue is a through way for residents south of Georgia Avenue to access I-435 through North 100th Terrace. The same

level of architectural detail for Legends Toyota and Legends Honda should be incorporated into this building.

Applicant Response: We have incorporated three of the techniques listed above as follows:

- ***Our elevations include material variations such as precast concrete panels with two levels of sandblast finish, brick, along with anodized clear aluminum storefront with reflective blue glass.***
- ***Our revised elevations include an additional building offset when the carwash portion of the building shifted to the east, creating a building offset required for the north elevation on the east side, please refer revised sheet A-1 attached.***
- ***Our elevations include variation in roof lines while maintaining visual screening of rooftop units and equipment as required.***

Staff Response: While the precast concrete panels will have a sandblasted finish, they shall be integrally-colored, darker than typical, ashen gray concrete and match B-Street Collision Center once their paneling is approved.

2. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.

Applicant Response: Please refer to revised sheet A-1 for the addition of architecturally compliant screen wall along the east face of the building, covering all utility boxes, meters, and connections.

3. Since the building will have high visibility from various angles, scuppers and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized.

Applicant Response: We do not indicate scuppers or downspouts in the design of this building to be exposed. We intend to internalize roof drain lines and to provide lambs tongues for roof overflow. Please refer to revised sheet A-1 for locations of lambs tongue locations.

4. Overhead doors shall be painted to match the building.

Applicant Response: We intended for these doors to match the finish out of the southwest aluminum storefront as clear anodized aluminum. Please refer to revised sheet A-1 for finish of overhead doors intended.

5. The gas canopy columns shall be wrapped in the same thin brick used in the construction of the Legends Reconditioning Center.

Applicant Response: Please refer to revised sheet A-1 for thin brick faced columns at fuel canopy.

Landscaping and Screening:

1. Based on the landscaping requirements in the CP-2 Planned General Business District (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), twenty-five (25) trees are required to be planted for the Honda parking lot and twenty-one (21) trees are required to be planted for the car wash and detail facility. These totals do not include the street tree requirement or trees to be planted in parking lot islands.

Applicant Response: Landscape plans have been updated to include the required quantity of trees.

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

Applicant Response: A continuous row of shrubs is proposed between all parking areas and public streets.

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. 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.
 - b. 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 street trees.

Applicant Response: Street trees have been updated per requirements.

4. Sec. 27-577(e)(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces.

The parking lot expansion for Honda needs to have two landscaped islands, one located along the row of parking facing North 99th Street and the other facing Parallel Parkway.

Applicant Response: All parking lot islands have been landscaped.

5. All landscaping shall be irrigated.

Applicant Response: Irrigation ID plans have been updated to show all landscape areas receiving irrigation.

6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the development and 3 gallons internal to the site when planted.

Applicant Response: Plant sizes have been updated.

7. Only decorative lighting can be used on the exterior of the building. No wall pack lights or flood lights are permitted. This includes lights over the exit doors as required by the International Building Code (IBC).

Applicant Response: Agreed.

8. All lighting, whether mounted on the building or in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Agreed.

9. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line.

Applicant Response: Agreed.

Staff Response: The Lighting Plan does not comply with the code. There are numerous areas on the site where the lighting exceeds the one-foot candle requirement at the property line. The lighting plan must be revised prior to the issuance of a building permit to comply with the lighting requirements.

10. The trash enclosure for the car wash and detail facility shall be heavily landscaping and screened with an architectural wall that is comprised of the same building materials as the primary structure.

Applicant Response: Heavy landscaping is proposed around the trash enclosure.

11. All roof mounted units shall be screened by the parapet of the building.

Applicant Response: Agreed.

12. The wood privacy fence around the perimeter of the car wash and detailing facility, abutting the agriculturally zoned property to the north and west shall be 6' in height and have masonry columns every 32' on center.

Applicant Response: Agreed.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Agreed.

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 global stability analysis and report for proposed retaining walls shall be provided and addressed prior to construction permit acquisition.
 - 2) A proposed Legends Auto Mall 4th Plat shall be approved by the UG and the Planning Commission prior to construction permit acquisition.
 - 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:

The applicant has worked with staff to resolve the majority of planning and engineering questions and comments. The site lighting cast at the property line shall be reduced. The applicant wants to match the color of their tilt-up concrete panels as B-Street Collision Center to the east, however staff is still working with B-Street's representatives to darken the color on their paneling. Staff requests allowing administrative approval by the City Planning Commission to let staff continue to work with the applicant regarding the color of the integrally-colored, tilt-up concrete panel, as B-Street Collision Center's paneling has yet to be finalized.

December 15, 2017

Re: Legends Auto Mall – Site Civil Plans
2200 99th Street and 10010 Lafayette Avenue
(PR-2017-36)
Staff Comments and Suggestions

The following are changes made per DRC plan review comments and suggestions:

General Planning:

1. Any wind turbines shall comply with the wind turbine ordinance. *N/A.*
2. Because 99th Street is part of the trail network, specifically the On-Street Bike Route Connections (Share the Road), all new trails shall subscribe to the following:
 - a. Provide at least a 10 foot wide path and will include enhanced pedestrian amenities including wayfinding and interpretative signage, benches, litter receptacles and generous landscaping.
 - b. All trails will be illuminated with pedestrian lights with a consistent spacing.
 - c. All sidewalk and trails should meet the requirements of the American with Disabilities Act Accessibility Guidelines (ADAAG).

A trail has been provided, the south portion had to be 8' wide due to existing storm box interference, but we widened to 10' once possible. Each connection to the street uses ADA compliant ramps per UG standard details.

3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.
A sidewalk has been provided per the Public Improvement Plans.

-
4. All overhead doors shall be closed when automobiles are being detailed.
 5. Indicate how KCKFD will have access to the rear of the building if a drive is not provided for them.
After further discussions with the Fire Marshal, our layout was approved with a revised entrance.

Building and Architectural Design:

See attached responses from Slaggie Architects.

Landscape and Screening:

1. Based on the landscaping requirements in the CP-2 Planned General Business District (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), twenty-five (25) trees are required to be planted for the Honda parking lot and twenty-one (21) trees are required to be planted for the car wash and detail facility.
These totals do not include the street tree requirement or trees to be planted in parking lot islands.
Landscape plans have been updated to include the required quantity of trees.
2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
A continuous row of shrubs is proposed between all parking areas and public streets.
3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. 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.
 - b. 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 street trees.
Street trees have been updated per requirements
4. Sec. 27-577(e)(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces.
All parking islands have been landscaped.

The parking lot expansion for Honda needs to have two landscaped islands, one located along the row of parking facing North 99th Street and the other facing Parallel Parkway.

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5. All landscaping shall be irrigated.
Irrigation ID plans have been updated to show all landscape areas receiving irrigation
6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the development and 3 gallons internal to the site when planted.
Plant sizes have been updated.
7. Only decorative lighting can be used on the exterior of the building. No wall pack lights or flood lights are permitted. This includes lights over the exit doors as required by the International Building Code (IBC).
Agreed.
8. All lighting, whether mounted on the building or in the parking lot shall have 90 degree cutoff fixtures.
Agreed.
9. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky- reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.
Agreed.
10. The trash enclosure for the car wash and detail facility shall be heavily landscaping and screened with an architectural wall that is comprised of the same building materials as the primary structure.
Heavy landscaping is proposed around the trash enclosure.
11. All roof mounted units shall be screened by the parapet of the building.
Agreed.
12. The wood privacy fence around the perimeter of the car wash and detailing facility, abutting the agriculturally zoned property to the north and west shall be 6' in height and have masonry columns every 32' on center.
Agreed.

Signage:

1. Shall comply with the sign ordinance.
Agreed.

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ARCHITECTURE
PLANNING
INTERIORS
GRAPHICS

December 15, 2017

Byron Toy, AICP
Unified Government of Wyandotte County / Kansas City Kansas
Department of Urban Planning and Land Use
701 North 7th Street, Room 423
Kansas City, Kansas 66101

KANSAS CITY, MO
4600 Madison Avenue Suite 350
Kansas City, Missouri 64112

OMAHA, NE
622 North 109th Plaza
Omaha, Nebraska 68154

Telephone 816.756.1958
Telefax 816.756.1795
Toll free 888.756.1958

www.slaggie.com

Re: **Response to Departmental Staff Comments and Suggestions
Final Plat of Legends Auto Mall 3rd Plat and Petition #PR-2017-36
2200 99th Street, 10010 Lafayette Avenue and 9900 Parallel Parkway
Kansas City, Kansas**

Dear Byron:

Our responses to Departmental Staff Comments and Suggestions dated September 11, 2017, received August 22, 2017, for Legends Recon Center and Parking Lot are as follows:

Staff Comments and Suggestions

Building and Architectural Design:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45' in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - a. Division or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.

The aforementioned techniques in addition to building articulation need to be integrated into the design of each façade. While Lot 4 is the furthest setback from Parallel Parkway, Lafayette Avenue is a through way for residents south of Georgia Avenue to access I-435 through North 100th Terrace. The same level of architectural detail for Legends Toyota and Legends Honda should be incorporated into this building.

Response 1:

We have incorporated three of the techniques listed above as follows:

- a. Division or breaks in materials
Our elevations include material variations such as precast concrete panels with two levels of sandblast finish, brick, along with anodized clear aluminum storefront with reflective blue glass.
- b. Building offsets (projections, recesses, niches)
Our revised elevations include an additional building offset when the Carwash portion of the building shifted to the east, creating a building offset required for the north elevation on the east side, please refer revised Sheet A-1 attached.
- c. Variation in rooflines
Our elevations include variation in roof lines while maintaining visual screening of rooftop units and equipment required.

Legends Recon Center and Parking Lot 1 of 2
Slaggie Architects, Inc.
December 15, 2017

Response to
Staff Comments and
Suggestions

2. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.

Response 2:

Please refer to revised Sheet A-1 for the addition of architecturally compliant screen walls along the east face of the building, covering all utility boxes, meters, and connections.

3. Since the building will have high visibility from various angles, scuppers and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened and all downspouts shall be internalized.

Response 3:

We do not indicate scuppers or downspouts in the design of this building to be exposed. We intend to internalize roof drain lines and to provide lambs tongues for roof overflow. Please refer to revised Sheet A-1 for locations of lambs tongue locations.

4. Overhead doors shall be painted to match the building.

Response 4:

We intended for these doors to match the finish of the southwest aluminum storefront as clear anodized aluminum. Please refer to revised Sheet A-1 for finish of overhead doors intended.

5. The gas canopy columns shall be wrapped in the same thin brick used on the construction of the Legends Reconditioning Center.

Response 5:

Please refer to revised Sheet A1 for thin brick faced columns at fuel canopy.

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

Sincerely,



Scott J. Slaggie
Slaggie Architects, Inc.



February 1, 2018

Byron Toy, AICP
Unified Government
Principal Planner
701 North 7th Street, Suite 423
Kansas City, Kansas 66101

Re: Legends Auto Mall – Lot 4A Recon Center
2200 99th Street and 10010 Lafayette Avenue
(PR-2017-36)
Retaining Wall Height Exception Letter (Code 27-575)

For the above project, we have designed a wall that is approximately 9' tall at its maximum on the southwest corner of Lot 4A. The wall height decreases travelling north and east from that corner. Site constraints are the primary factor we have used a wall higher than 6' as specified by the Unified Government Code Section 27-575. With the desired layout, space for a tiered wall isn't available without sacrificing a significant amount of usable parking and drive aisle space. In addition, this wall is inward facing, with the face of the wall only visible to employees working at the Recon Center. The wall will be textured and colored to appear similar to the modular block wall on the other corner of the site and not be a plain concrete face. In addition, a cable guard rail will be installed atop the wall to stop any vehicular traffic from driving over the wall.

A meeting was held on August 24th, 2017 at the Unified Government offices with the following present: Kimberly Ingham, Kate Patras and Byron Toy representing the Unified Government, Alan Kovar representing Slaggie Architects and John Tucker with BHC Rhodes. At the meeting this particular wall was discussed and the factors leading to a wall design that exceeds 6' in height. In addition, it was also discussed the Legends Honda facility across the street contains a similar inward facing retaining wall in excess of 6' in height. Per your request at that meeting and subsequent emails, this letter is requesting the code exception for the retaining wall height and tiering requirement set forth in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

If you have any further questions feel free to contact me at 913-663-1900 or by email at john.tucker@ibhc.com.

Sincerely,

John Tucker, P.E.

Project Engineer

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7101 College Blvd., Suite 400 • Overland Park, KS 66210 • P: (913) 663-1900 • ibhc.com

**NEIGHBORHOOD MEETING MINUTES : LEGENDS AUTO MALL – LOTS 2 AND 4
AUGUST 24, 2017 – LEGENDS TOYOTA CONFERENCE ROOM – PR-2017-36**

CALLED TO ORDER : August 24, 2017 AT 5:00 PM

NEIGHBORHOOD REPRESENTATIVES PRESENT :

Commissioner Melissa Bynum
Dale Wilch
Denise Wilch
Mary Jane Gibson
David Gibson
Jean Langkop
Jerry McPherson
Carroll Macke
Katie Macke

PROJECT REPRESENTATIVES PRESENT :

Kevin Quinn	KCK Development II
Duce Lett	Legends Honda
Scott Slaggie	Slaggie Architects
Alan Kovar	Slaggie Architects
Emily Wicoff	BHC Rhodes
Wil Anderson	BHC Rhodes
John Tucker	BHC Rhodes

MEETING AGENDA:

1) Introductions:

Scott Slaggie introduced the group of representatives. He then turned it over to Kevin Quinn to explain the two projects to the group. Kevin explained that originally Lot 2 was to be a convenience store when Legends Honda was built. However, now the need is there for additional inventory storage for Legends Honda. As a result, they've decided as the owners of the land to develop the site for a parking lot expansion for Legends Honda. In addition, he explained that the Recon Center for Lot 4 would be a private car wash and detailing facility for both Legends Honda and Toyota to use. He explained that as a service to their clients, the dealerships wash and vacuum cars while service is being performed on the cars. The current areas they have to do this are too small to keep up with the demand and the new Recon Center will free up room on the existing lots and help keep up with the demand of washing cars.

2) Detailed Project Descriptions:

Scott took over the discussion and began by showing a series of renderings of the projects. A large TV screen was used to present these renderings and plan sheets to aid in the description of the projects. Lot 2 was described to be a very aesthetically pleasing attention grabber for the dealerships and to guide them toward Lafayette and the dealerships (since there is no turn lane for east bound traffic on Parallel). People can turn on 99th and follow the lot up to the corner of Lafayette and turn on Lafayette to reach the 2 dealerships. Retaining walls will be used on the corner to showcase the cars prominently on the corners. Lights will be designed and spaced to adhere to UG standards to minimize light pollution off the site.

Next, the Recon center was discussed. It was explained that the outside appearance of the building would be similar to the surrounding buildings (Toyota, Honda, and the Collision Center). In addition, Scott explained how traffic would flow in and out of the Recon center. He explained some of the operations of the Recon Center. The building will be enclosed and air conditioned so that employees can work in comfort and also to minimize noise to the surrounding neighborhood. The doors would be ones that raise and lower quickly to aid this. The fuel island was also discussed and it was explained that this was needed as a courtesy to top off customer's tanks during service and also that Honda and Toyota have regulations for new cars to have a certain amount of fuel in the tank when they are sold. This fueling

capability will allow the dealerships to provide fuel to customers in these instances much easier than is currently possible with the offsite fueling that is done now.

3) Questions – Person asking or answering the question is in (parenthesis):

1. Where is the Recon Center located? (Jean Langkop)
 - a. It is located immediately west of the currently under construction Collision Center. (Scott Slaggie)
2. How much work will be done in the parking lot of the Recon Center. (Carroll Macke)
 - a. No work will be done in the parking lot, the parking spaces will only be occupied by employee vehicles and vehicles waiting to be detailed or washed inside the Recon Center. (Duce Lett)
3. What is going to happen to the Trees/Hedge Row on the west side of the Recon Center – it appears to be along the property line and it isn't clear if its on the resident's property or the developers. (David Gibson)
 - a. UG Screening requirements will be met for the development. BHC will respond to the landowner to clarify where the property line is in relationship to the existing trees/hedgerow. (Scott Slaggie and Emily Wicoff)
4. What kind of fence screening is proposed? (David Gibson)
 - a. A solid wood fence with brick posts. (Scott Slaggie)
5. Lots of U-Turns occur on Parallel and 99th Street (not a question but a comment that several residents had)
 - a. Most making the U-Turn probably did not exit I-435 correctly and are trying to go Westbound on Parallel. If people are making the U-Turn in order to get to the dealerships, the expansion into Lot 2 should help guide them to Lafayette to get into the dealerships rather than making the illegal U-Turn.
6. Will pervious pavement be used in the parking lot? (Melissa Bynum)
 - a. Yes, the intent is to use pervious pavers in Lot 2 to help in water quality measures. Lot 4 will be standard pavement. (Scott Slaggie)
7. Will the road between Toyota and Honda remain? (Dale Wilch)
 - a. Yes, the public road there will remain, the private road east of Honda will be removed though for the parking expansion. (Scott Slaggie)
8. Will the lights match the current ones? (Jerry McPherson)
 - a. Yes, the lighting design will complement the current dealerships and not be glaring or overwhelming to the neighboring properties. (Scott Slaggie)
9. What is the project timeline? (Melissa Bynum)
 - a. With the approval process underway and still a couple months away, construction work on the project would probably not begin until next spring to let winter pass. (Kevin Quinn)
10. When will the Collision center be completed. (Carroll Macke)
 - a. The collision center is not under the same ownership anymore, so we can't answer that. It is currently under construction and should be done soon it appears. (Kevin Quinn)

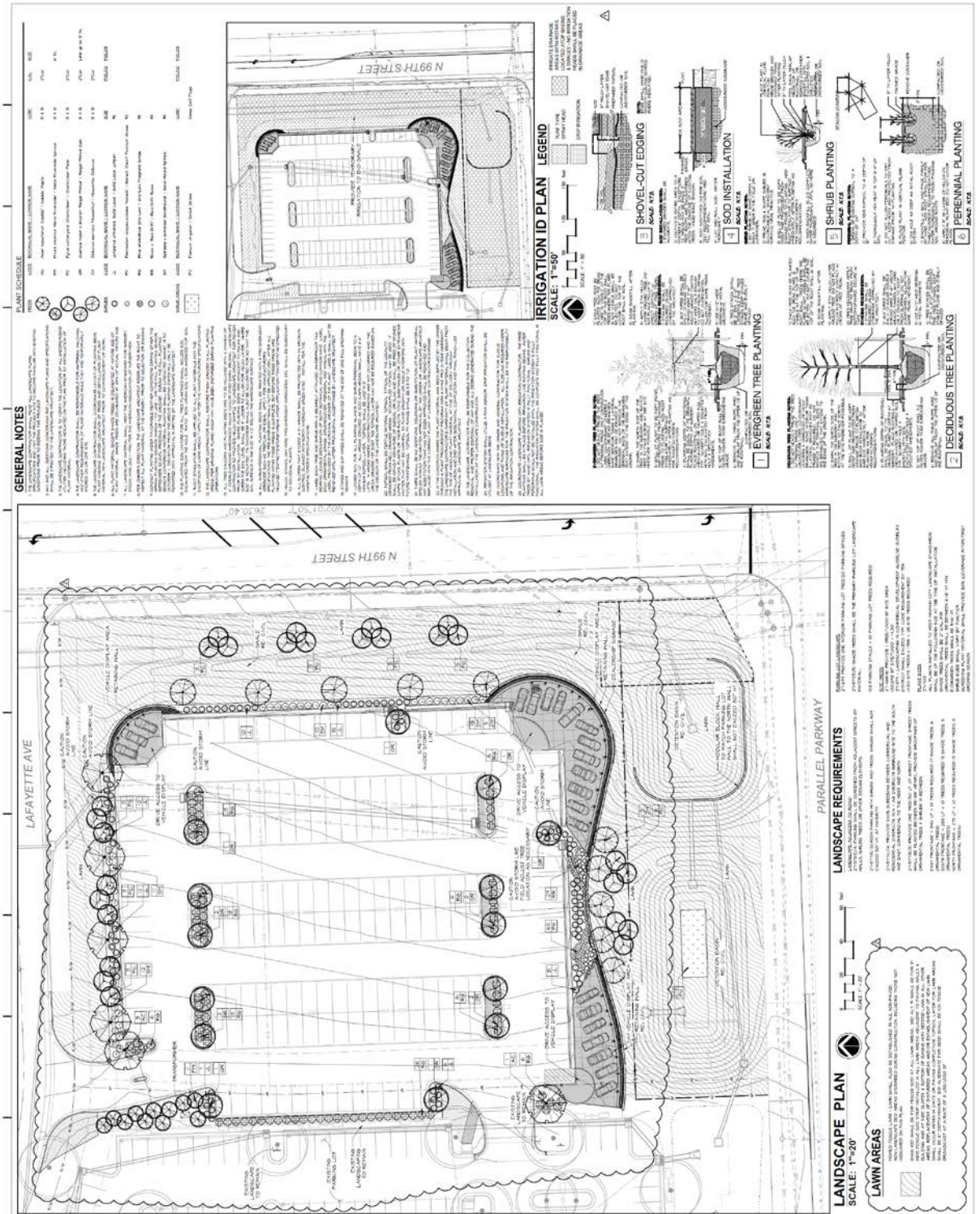
4) Closing Remarks:

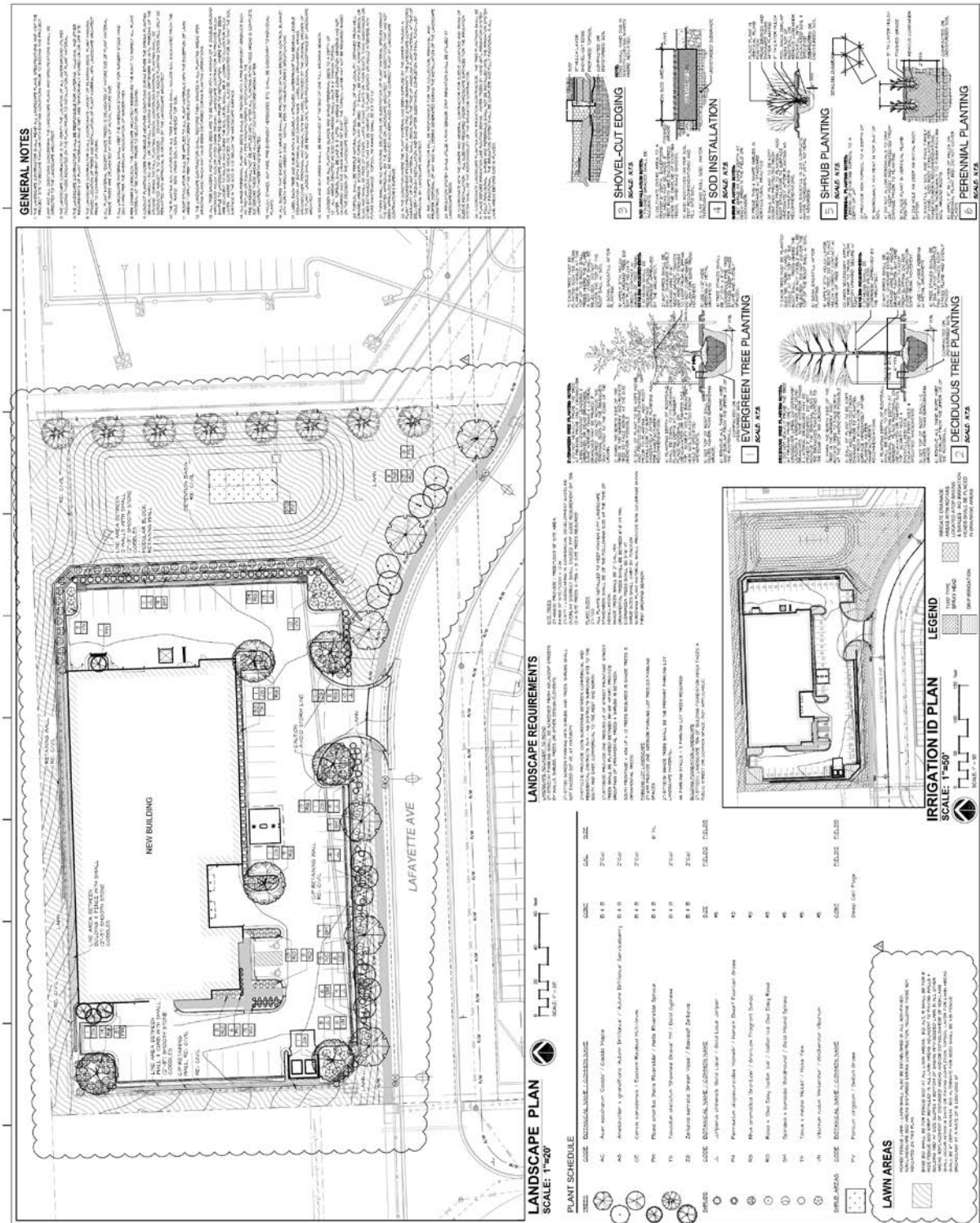
Scott again thanked everyone for coming and reiterated that UG guidelines and criteria are being followed and met for the project. One final call for questions and no one had any more.

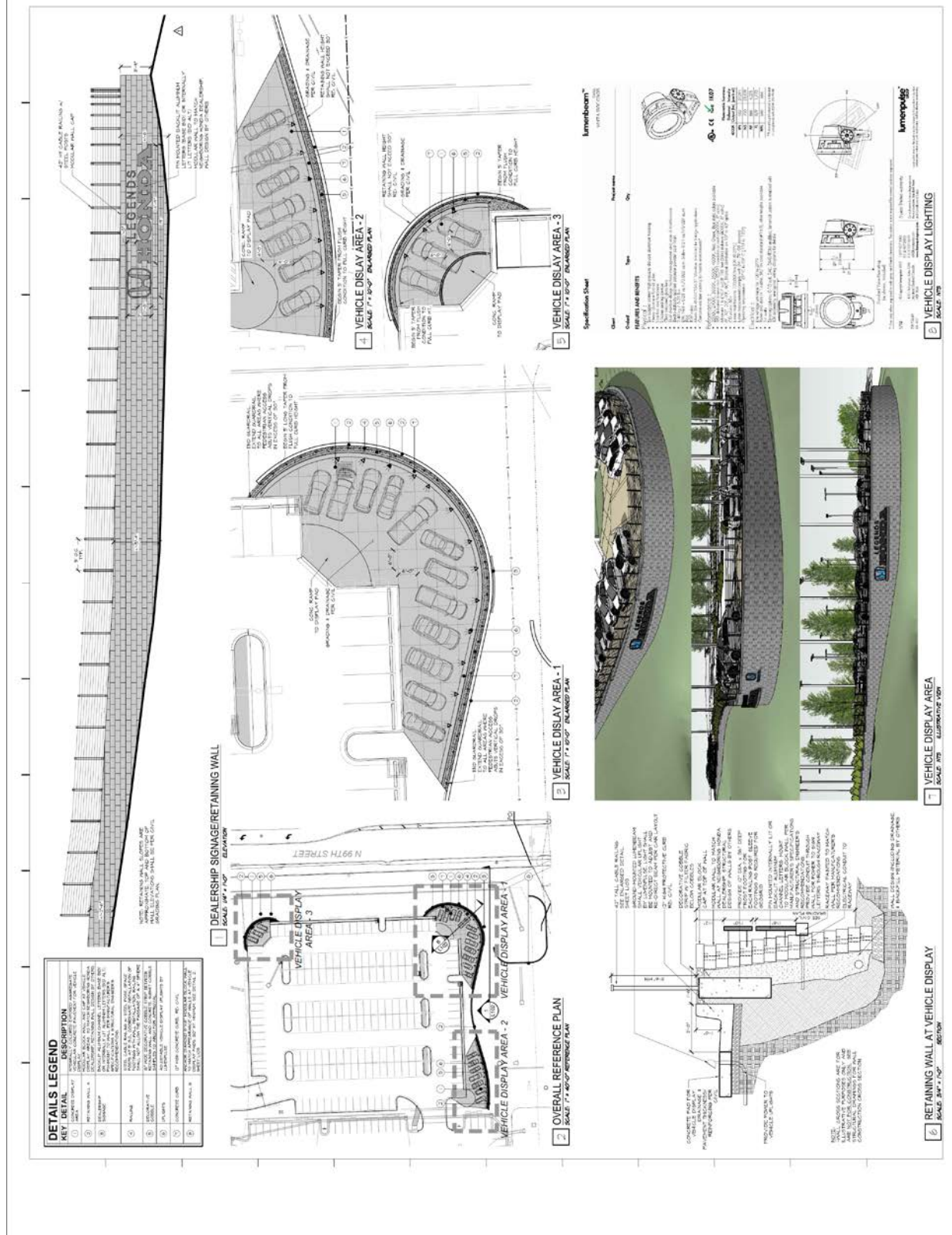


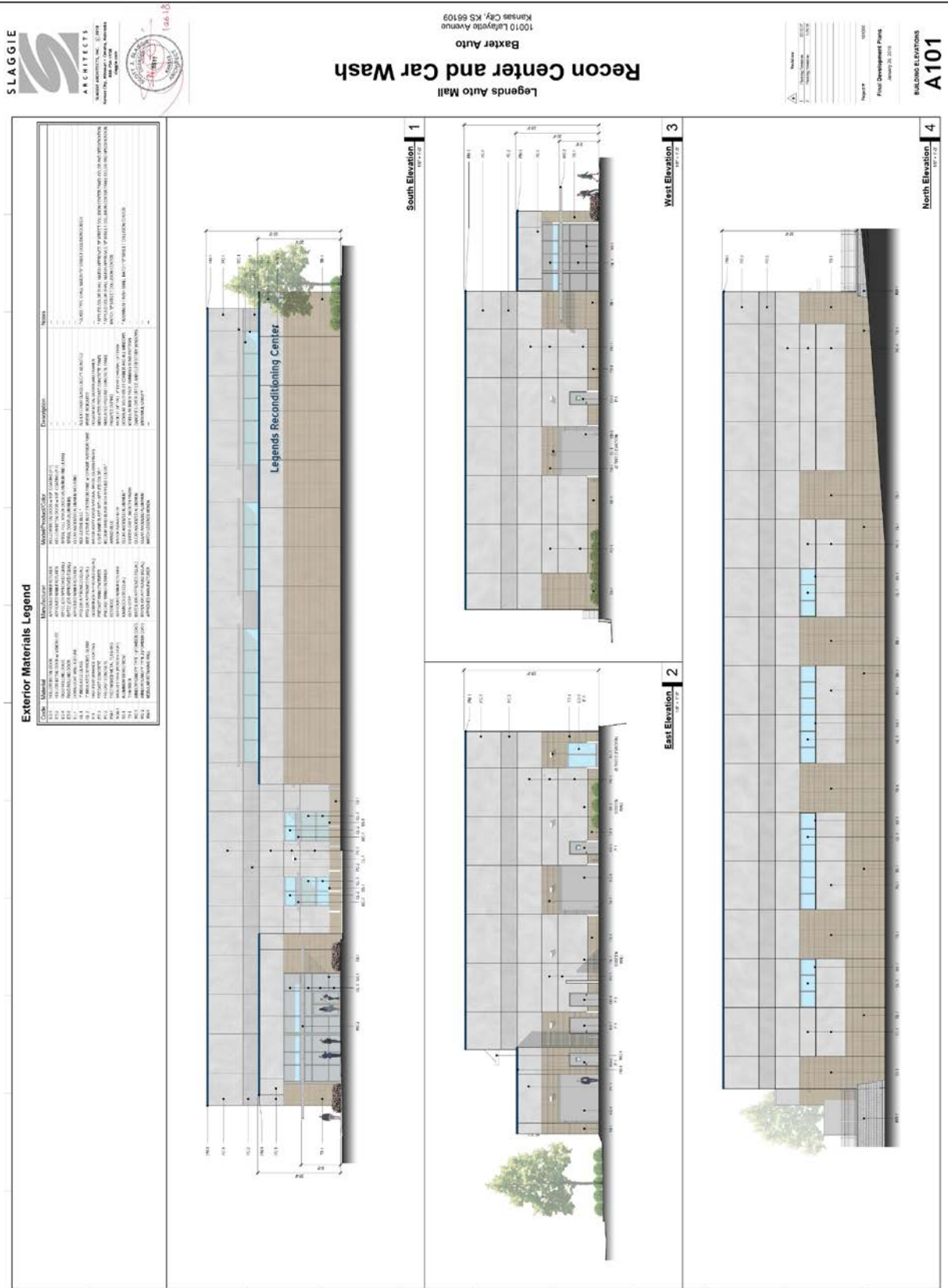


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Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101

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

To: Unified Government Board of Commissioners

From: City Staff

Date: March 1, 2018

Re: **Proposed Ordinance Amendment regarding mobile grocery operations**

GENERAL INFORMATION

This is a request of staff from the Board of Commissioners to prepare and process the following:

- Ordinance amendment to remove the Special Use Permit requirement for mobile grocery markets
- New definition for “mobile market”

Purpose: To better regulate mobile grocery markets in order to provide more varied fresh food options throughout the community.

Advertisement: December 14, 2017

Public Hearings: February 12, 2018 and March 1, 2018

Public Opposition: No one appeared at the February 12, 2018 City Planning Commission meeting

PROPOSAL

Staff proposes the following ordinance modifications to achieve the goals of the community to make operating a small business in Kansas City, Kansas more easily navigable and to provide robust options for access to fresh, healthy foods.

Sec. 27-340. – Definitions.

Mobile Market, means the selling of food products, including, but not limited to: fresh produce and dry goods out of a bus, truck, trailer, or other mobile unit.

Sec. 27-612. – Districts C-0, C-1, C-2, and C-3

In the C-0, C-1, C-D, C-2, and C-3 districts, accessory uses are as follows:

(9) Food Truck and Mobile Vending

- a. Food Trucks and Mobile Food Vendors, including mobile markets, are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. Food Trucks or Mobile Food Vendors that operate outside of the allowed zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 3. Vendor does not install any permanent improvement on the sidewalk.
 4. Vehicle is not parked in a no-parking zone
 5. Does not occupy parking required for other businesses.
 6. If in a metered spot, meter is paid.
 7. Proper trash receptacles are available and utilized.
 8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 9. Hours of operation do not exceed 9 P.M. Sunday through Thursday and 11 P.M. Friday through Saturday.

Sec. 27-613. - Districts M-1; M-2 and M-3.

In the M-1, M-2 and M-3 districts, accessory uses are as follows:

(10) **Food Truck and Mobile Vending**

a. Food Trucks and Mobile Food Vendors, including mobile markets, are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. Food Trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:

10. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
11. There is sufficient stacking area for pedestrians to wait on a sidewalk.
12. Vendor does not install any permanent improvement on the sidewalk.
13. Vehicle is not parked in a no-parking zone
14. Does not occupy parking required for other businesses.
15. If in a metered spot, meter is paid.
16. Proper trash receptacles are available and utilized.
17. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
18. Hours of operation do not exceed 9 P.M. Sunday through Thursday and 11 P.M. Friday through Saturday.

Sec. 27-614. - District TND.

In the TND district, accessory uses are as follows:

- (1) Those accessory uses permitted in district AG through districts C-1, C-D, C-2, and C-3 districts.

(3) Food Truck and Mobile Vending

a. Food Trucks and mobile markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. Food Trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:

1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
3. Vendor does not install any permanent improvement on the sidewalk.
4. Vehicle is not parked in a no-parking zone
5. Does not occupy parking required for other businesses.
6. If in a metered spot, meter is paid.
7. Proper trash receptacles are available and utilized.

8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
9. Hours of operation do not exceed 9 P.M. Sunday through Thursday and 11 P.M. Friday through Saturday.

Sec. 27-609. – Districts R-1, R-1(B), R-2, R-2(B).

In the R-1, R-1(B), R-2, and R-2(B) districts, accessory uses are as follows:

(7) Mobile Market Vending For Healthy Foods

- a. Mobile markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. All vending vehicles must comply with the following stipulations:
 1. Vending operation takes place in a designated parking lot with sufficient space to accommodate the operation and not reduce any required parking for the permanent tenant at that location.
 2. Vehicle is not parked within 100 feet of a single-family home
 3. The sales or vending area does not block any sidewalk and sidewalk remains ADA compliant.
 4. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 5. Vendor does not install any permanent improvement on the sidewalk.
 6. Vehicle is not parked in a no-parking zone
 7. Does not occupy parking required for other businesses.
 8. Proper trash receptacles are available and utilized.
 9. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 10. Hours of operation do not exceed 7 P.M. Sunday through Thursday and 8 P.M. Friday through Saturday

Sec. 27-610. – Districts R-3, R-4, R-5, R-6, and R-M.

In the R-3, R-4, R-5, R-6, and R-M districts, accessory uses are as follows:

(8) Mobile Market Vending For Healthy Foods

- b. Mobile markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. All vending vehicles must comply with the following stipulations:
 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.

2. Vehicle is not parked within 100 feet of a single-family home.
3. There is sufficient stacking area for pedestrians to wait on a sidewalk.
4. Vendor does not install any permanent improvement on the sidewalk.
5. Vehicle is not parked in a no-parking zone
6. Does not occupy parking required for other businesses.
7. If in a metered spot, meter is paid.
8. Proper trash receptacles are available and utilized.
9. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
10. Hours of operation do not exceed 7 P.M. Sunday through Thursday and 8 P.M. Friday through Saturday

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of this ordinance amendment.

STAFF COMMENTS AND SUGGESTIONS

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

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 12, 2018	March 1, 2018
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** this ordinance amendment 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** this ordinance amendment, 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.

FEBRUARY 12, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing Starts at 2:44:10

MISCELLANEOUS – SYNOPSIS: An Ordinance Amendment removing the special use permit requirement for mobile grocery markets and a new definition for “mobile market”.
Detailed Outline of Requested Action: Staff proposes the following ordinance modifications to achieve the goals of the community to make operating a small business in Kansas City, Kansas more easily navigable and to provide robust options for access to fresh, healthy foods.

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 staff report and attachments dated February 12, 2018; and,
3. The publications in The Echo dated December 14, 2017 and January 18, 2018

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

Present in Support:

- ❖ Rob Richardson, Director of Planning, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 2:46:40 - Director Richardson stated that the staff worked with several members interested in mobile grocery stores on this ordinance. Staff member Jamie Hickey can answer any questions the Commission may have as she developed the ordinance. He further stated that the staff recommends approval of this ordinance amendment.

Motion and Vote Starts at 2:47:14

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL this ordinance amendment:**

Carson Aye

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

Motion to recommend APPROVAL Passed: 8 to 0



Staff Request for Commission Action

Tracking No. 18118

Full Commission Meeting Date: 3/1/18

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: Yes 03/08/2018

<u>Date:</u> 02/22/2018	<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: 55th Street Bridges 109 and 111 – CMIP #2134 As part of the 55 th Street Bridges 109 and 111 – CMIP #2134, it's replacing two existing bridges over Nearman Creek. The Commission adopted Resolution No. R-39-14, 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.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 55th Street Bridges 109 and 111 Eminent Domain Ordinance				

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE condemning lands and/or rights or interests in lands for road improvements to N. 55th Street, including the replacement of two existing bridges over Nearman Creek and Nearman Creek channel improvements, in Kansas City, Wyandotte County, Kansas [CIMP Project No. 2134], and directing the Chief Counsel to institute proceedings as provided by law to acquire said lands and/or rights or interests in lands as described in this ordinance by exercise of the Unified Government's right of eminent domain.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE COUNTY/KANSAS CITY KANSAS:**

Section 1. The following described lands and/or rights or interests in lands are hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for road improvements to N. 55th Street, including the replacement of two existing bridges over Nearman Creek and Nearman Creek channel improvements [CIMP Project No. 2134], all in Kansas City, Wyandotte County, Kansas, to-wit:

Tract 5:

Fee Simple Owner: The Daniel and Patricia K. Wisniewski Living Trust
Mailing Address: To: Co-Trustees Daniel and Patricia Wisniewski
4110 N. 55th Street
Kansas City, Kansas 66104

To: Co-Trustee Cecelia Wisniewski
748 S. 110th Street
Edwardsville, KS 66111

Real Property Interests to be Acquired: A Temporary Construction Easement commencing upon the passing of title and the right of possession through this action and terminating on December 31, 2019 over and across the real property described as follows, to wit:

A tract of land being part of the Southeast Quarter Section 23, Township 10 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

(Note: For course orientation the bearings in this description are based on the East line of said Southeast Quarter, having a bearing of South 01° 25' 18" East as determined by Global Positioning Systems observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the East Quarter corner of Section 23, Township 10 South, Range 24 East and being monumented by a found ½ inch reinforcing rod. Thence South 01° 25' 18" East on the East line of the Southeast Quarter of said Section 23, a distance of 1092.36 feet; Thence South 88° 34' 42" West, a distance of 1458.60 feet to a point on the Westerly right of way line of 55th Street, as now established, said point also being a point on a non-tangent curve concave to the Southeast and having a radius of 530.00 feet and the "True Point of Beginning"; Thence Southwesterly an arc length of 18.36 feet on said curve and continuing on said Westerly right of way line of 55th Street, said curve having chord

bearing of South 47° 02' 41" West and a chord distance of 18.36 feet to a point of tangency; Thence South 46° 03' 08" West on said Westerly right of way of 55th Street, a distance of 51.90 feet; Thence South 76° 47' 42" West, departing said Westerly right of way of 55th Street, a distance of 58.69 feet; Thence South 46° 03' 08" West, a distance of 65.00 feet; Thence North 27° 37' 03" East, a distance of 47.43 feet; Thence North 46° 03' 08" East, a distance of 40.00 feet; Thence North 59° 30' 03" East, a distance of 95.27 feet; Thence South 63° 05' 58" East, a distance of 24.52 feet to the "True Point of Beginning" of the tract herein described, containing 4,016 square feet or 0.0921 acres more or less;

AND

A tract of land being part of the Southeast Quarter Section 23, Township 10 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

(Note: For course orientation the bearings in this description are based on the East line of said Southeast Quarter, having a bearing of South 01° 25' 18" East as determined by Global Positioning Systems observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the East Quarter corner of Section 23, Township 10 South, Range 24 East and being monumented by a found ½ inch reinforcing rod. Thence South 01° 25' 18" East on the East line of the Southeast Quarter of said Section 23, a distance of 1092.36 feet; Thence South 88° 34' 42" West, a distance of 1458.60 feet to a point on the Westerly right of way line of 55th Street, as now established, said point also being a point on a non-tangent curve concave to the Southeast and having a radius of 530.00 feet; Thence Southwesterly an arc length of 18.36 feet on said curve and continuing on said Westerly right of way line of 55th Street, said curve having chord bearing of South 47° 02' 41" West and a chord distance of 18.36 feet to a point of tangency; Thence South 46° 03' 08" West on said Westerly right of way of 55th Street, a distance of 182.34 feet to the "True Point of Beginning"; Thence continuing South 46° 03' 08" West on said Westerly right of way of 55th Street, a distance of 80.00 feet; Thence North 27° 37' 02" East, departing said Westerly right of way of 55th Street, a distance of 31.62 feet; Thence North 46° 03' 08" East, a distance of 50.00 feet; Thence South 43° 56' 52" East, a distance of 10.00 feet to the "True Point of Beginning" of the tract herein described, containing 650 square feet or 0.0149 acres more or less.

- Section 2. It is hereby found that the costs of this project will be paid by the Unified Government of Wyandotte County/Kansas City, Kansas.
- 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 lands and/or rights or interests in lands and to do and perform all things which might be necessary and required by law to acquire the aforementioned real property rights.
- 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.

Honorable David Alvey
Mayor/CEO

Bridgette Cobbins
Unified Government Clerk

Approved as to form:

Ryan Haga
Assistant Counsel

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

PLANNING AND ZONING AND
REGULAR SESSION
JANUARY 25, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 25, 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: Lynn Melton, Assistant to the Mayor; 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 and Bryon Toy, Planners; Janet Parker, Administrative Assistant; and Major William Howard, 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 Commissioner Johnson, Faith Deliverance Church of God in Christ.

Mayor Alvey said I would like to recognize in the audience Mr. Chuck Stites from Edwardsville City Council. We also have former KCK City Council member Joe Vaught.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk,** said there are no revisions, Mr. Mayor.

Mayor Alvey said may we have your statement.

Bridgette Cobbins, UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

PLANNING AND ZONING AGENDA

Mayor Alvey asked do any commissioners have any disclosures to make. **Commissioner Bynum** said I have had contact with opponents of #SP-2018-8. **Commissioner Philbrook** said I have had contact with proponents of #SP-2018-10. **Commissioner Kane** said I've had contact with #SP-2018-3, opponent and #SP-2018-8, opponent.

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

Commissioner Philbrook said even though its been pulled from the agenda I still need to disclose that I had contact with proponents and opponents to #SP-2018-8.

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set aside any item on 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.

NGA Le said I make the petition 2018-3 for the AIRBNB license. I'm very happy to be up here today to hear from your final decision.

Mayor Alvey said he is asking for a set aside, correct.

Action: **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve all other items as submitted.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 1850... CHANGE OF ZONE APPLICATION #3156 – JOHN FRESHNOCK WITH WSKF ARCHITECTS

Synopsis: Change of zone from CP-O Planned Non-Retail Business District to C-3 Commercial District for offices, warehouse of parts and appliances, appliance repair, carpentry shop and materials storage, minor auto repair/maintenance and night storage of vehicles inside the building at 1300 Meadowlark Lane,

and

ITEM NO. 10 – 1851...SPECIAL USE PERMIT PETITION #SP-2018-10 - JOHN FRESHNOCK WITH WSKF ARCHITECTS

Synopsis: Special use permit for offices, warehouse of parts and appliances, appliance repair, carpentry shop and materials storage, minor auto repair/maintenance, and night storage of vehicles inside the building at 1300 Meadowlark Lane, submitted by Robin Richardson, Director of Planning. Applicant is seeking a rezoning to CP-3 for the site to be used by the Housing Authority for the following uses: administrative offices, warehouse of parts and appliances, appliance repair, carpentry shop, materials storage, minor auto repair and maintenance, interior vehicle loading and unloading, and night storage of fleet vehicles inside the building. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3156 and Special Use Permit Application #SP-2018-10, subject to:

Urban Planning and Land Use Comments:

1. Remove existing foam and plastic stone from original building
2. Replace wainscot with real brick
3. Paint metal panel above wainscot on existing building to match new building
4. Any signage must comply with the sign code and be permitted through the Urban Planning and Land Use Department.
5. Approval would be for two years for the special use permit

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

January 25, 2018

2. Items that are conditions of approval (stipulations):
 - a. The storm drainage study shall be PE sealed and shall evaluate the release rates for the proposed detention facility, all in accordance with UG standards and criteria.
 - b. The plans shall indicate that the existing site conditions, including highly eroded areas, failed rip-rap locations, etc., will be addressed and brought into compliance with current UG standards and criteria.
 - c. Final development plans shall include final engineering, calculations, studies, and complete construction level drawings with construction notes and details, in accordance with UG standards and criteria and shall be reviewed and approved by UG prior to being placed on the Planning Commission agenda.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Change of Zone Petition #3156 and Special Use Permit #SP-2018-10 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.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 1852...SPECIAL USE PERMIT PETITION #SP-2017-62 – ALMA MENDOZA WITH ARM AND HAMMER CONTRACTING, LLC

Synopsis: Special use permit for an auto detail shop at 741 Washington Boulevard, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-62, for two years subject to:

Urban Planning and Land Use Comments:

1. Is there a retail component to your business?
2. Please provide an overview/explanation of your operation-what will you be doing on the site?
(Response was provided at City Planning Commission meeting.)
3. If approved, the following stipulations shall apply:

- a. Landscaping shall be required. Prior to a Certificate of Occupancy being approved, the following must be met:
 - 1) 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)
 - 2) Landscaping shall exceed the typical code requirements by at least 75% (Sec. 27-577 a. 5)
 - 3) 1 tree per 7000 square feet. (Sec. 27-466 g) x 75%
- b. Outdoor automotive work is prohibited; all work on vehicles must be conducted within the building.

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 Johnson, to approve Special Use Permit Application #SP-2017-62 for 2 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 – 1853...SPECIAL USE PERMIT PETITION #SP-2017-67 - ADRIAN AND LYNNETTE JASPER

Synopsis: Special use permit for a restaurant and drinking establishment with live entertainment in the West State Plaza at 7540 Armstrong Avenue, submitted by Robin Richardson, Director of Planning. The tenant space consists of 3,800 square feet of the West State Plaza shopping center

located at 7540 Armstrong Avenue. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-67, subject to:

Urban Planning and Land Use Comments:

1. Live Entertainment

Will you have live entertainment (i.e. live karaoke, bands, comedy, etc.) at this location? If so, please indicate what types of live entertainment, hours, number of people you anticipate being in attendance, business plan and code compliant security plan.

Applicant Response:

We plan to have a live disc jockey After 10 pm on most nights. We would also like to have a local jazz and R & B performances on Thursday evenings, 7 pm - 11 pm; and Sundays, 7 pm- 11 pm.

2. Hours of Operation

What days will this business be open? What will be the hours of operation for this business?

Applicant Response:

M-F, 11 am – 2 am

S-S 9 am – 2 am

3. Parking

Staff calculated a minimum parking requirement of 447 parking spaces. As a stipulation of approval, the parking spaces along the south and west sides of the property must be striped, which would bring the total parking spaces for the center up to 469 spaces. There is enough parking for this use if the parking spaces shown in the survey are striped. However, staff has received a plan for a children's daycare facility adjacent to this space that has a proposed outdoor area that would reduce the parking of the center by more than 22 spaces. If this application is approved, the children's daycare would not be able to construct an outdoor area as planned because the property would not meet the minimum parking requirements.

Applicant Response: The landlord and leasing agent say that we have a reciprocal easement agreement with both KFC and Captain D's from the time that the shopping center was constructed. Basically, West State Shopping Plaza Center, Captain D's and KFC all have an agreement that allows them to use each other's parking. Based on that, we should have the required to open our establishment.

Staff Response: A reciprocal easement agreement for parking would not reduce the overall parking requirement because the KFC and Captain D's must first meet their own parking requirements before any excess parking could count towards the shopping center.

4. Security

Please submit a security plan. The plan should describe the number of patrons expected at different times and how to handle large crowds and ensure the safety of patrons and others. If there are large crowds leaving at one time, the plan

Applicant Response:

- a. There will be dedicated security for Friday and Saturday nights after 10 pm.
- b. Security will begin carding at 10 pm, and no one under 21 years of age will be allowed in after that point on all nights.
- c. Underage dining patrons will not be allowed on the premises after 11 pm on all nights.
- d. At closing, there will be security available to escort patrons to cars.
- e. The Plaza has four entrances and exits. On nights with extreme traffic at closing, security will assist in directing patrons to all exits.
- f. We expect to build a working relationship with KCKPD. On nights where we feel that additional traffic control is needed at closing, we will reach out to them in advance in order to help our patrons exit the parking lot in a safe and orderly fashion.

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. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
Applicant Response: There are no plans to make changes to the exterior of the building. Plumbing and electrical plans will be developed by architectural and engineering firms who specialize in restaurant design.
 - b. The proposed change in tenant space will be a restaurant, which typically requires a grease interceptor. Please verify/confirm if an existing grease interceptor is on-site and/or indicate

a proposed grease interceptor with applicable sanitary sewer line connections. Further discussion with staff may be needed.

Applicant Response: There is not an underground grease interceptor in place for the Plaza. We will install proper grease interception as per code.

- c. Regarding a possible back patio, provide a site plan with applicable dimensions, layout, and notes. Please note that the existing pavement at the back of the building appears to be a drive aisle for truck access to all tenants in the existing building. The plan shall identify the drive aisle, applicable dimensions and clearances for a proposed patio area.

Applicant Response: We have no plans to alter the exterior of the building unless directed to do so by health or safety code enforcement.

- 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 Johnson, to approve Special Use Permit Application #SP-2017-67 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. 3 – 1854... SPECIAL USE PERMIT PETITION #SP-2018-2 - ANNE AND ROY BAUGH

Synopsis: Home occupation special use permit for an AIRBNB at 1615 North 86th Street, submitted by Robin Richardson, Director of Planning. This is the applicants' primary residence. They propose to use two areas within the single-family residence for their bed and breakfast operation. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-2, subject to:

Urban Planning and Land Use Comments:

- 1. How long has the business been in operation? Applicant Response: May 2016.
- 2. Were neighbors consulted prior to opening the business? Applicant Response: No.

3. Do you have a business license? Applicant Response: No. Do not have a license for AIRBNB.
Staff Note: The applicant will be required to obtain a business license (see stipulations of approval).
4. Have you paid appropriate lodging taxes? Applicant Response: No. Staff Note: AIRBNB now collects and remits taxes on behalf of the host in the State of Kansas. AIRBNB collects the following taxes: Kansas Retailers' Sales Tax, Local Sales Tax, and Transient Guest Tax.
5. How many rooms are rented? Applicant Response: 2.
6. What is the maximum number of people that will be staying at any one time? Applicant Response: Answer 4.
7. What is the maximum number of vehicles and where will they park? Applicant Response: If both rooms are rented, 2 minimum – sometimes 3 vehicles. There is parking inside our gate alongside the house enough for 6 cars, if necessary.
8. How often are guests in the residence? Applicant Response: On average, two times a week.
9. Do you have a rental license from the Unified Government for the facility? Applicant Response: No, we do not have a rental license from the Unified Government.
10. Describe in detail the area rented for AIRBNB/other rental operations. Include bedrooms, bathrooms, common areas, etc. Applicant Response: Area 1: en-suite with shower, bathtub, television, microwave, refrigerator, access to sauna, swimming pool, hot tub, and workout room. Area 2: en-suite bathroom with shower, kitchen, sitting room with television, access to sauna, swimming pool, hot tub and workout room.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-2 for two years, subject to

January 25, 2018

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

ITEM NO. 4 – 1855... SPECIAL USE PERMIT PETITION #SP-2018-3 - NGA D. LE

Synopsis: Special Use Permit for an AIRBNB/VRBO at 4721 Canaan Lake Drive, submitted by Robin Richardson, Director of Planning. This is not the applicants primary residence, and the entire property will be used for this use. The Planning Commission voted 6 to 0 to recommend denial of Special Use Permit Application #SP-2018-3, based on the testimony this evening and the fact that it appears the owner is not properly supervising the property.

Urban Planning and Land Use Comments:

1. How long has the business been in operation?

Applicant Response: The BNB short-term rental began in January 2017.

2. Were neighbors consulted prior to opening the business?

Applicant Response: Yes, Mr. and Mrs. Steven Sudekum at 4737 Canaan Lake Dr., Kansas City, KS 66109.

3. Do you have a business license?

Applicant Response: I do not have a BNB business license, which shall be granted after city approval of my SP-2018-3 petition. However, I do have a regular rental permit and a lodging tax identification.

Staff Note: The applicant will be required to obtain a business license (see stipulations of approval).

4. Have you paid appropriate lodging taxes?

Applicant Response: Yes. Lodging tax at 17.25% was collected by AIRBNB, who then remitted the taxes directly to local and state authority without my involvement. Same tax rate was also collected by VRBO, then the tax is filed by Alara, who is my paid accountant, to the city and State of Kansas on monthly or quarterly basis.

Staff Note: AIRBNB now collects and remits taxes on behalf of the host in the State of Kansas. AIRBNB collects the following taxes: Kansas Retailers' Sales Tax, Local Sales Tax, and Transient Guest Tax.

5. How many rooms are rented?

Applicant Response: There are 6 main bedrooms with full baths equipped with 2 kings, 4 queens, and 3 twin beds for 12 adults and 3 children. There is also a queen bed on media room for extra 2 guests or children, if any. Since an extra guest over 10 was charged at \$20 per night, there has been rare that we could have over an average of 10 guests per night.

6. What is the maximum number of people that will be staying at any one time? Applicant Response: I do not stay there when guests are staying. Therefore, I do not know exact number of people who have been or will be staying at one time. However, in the listing for BNB rental, I stated that any party over 20 people at any time will need my approval. The house is big (i.e., over 7,300 sqft of living space, in addition to large balcony, upper/lower deck wrapped around the house, concrete patio, etc.) guests have commented that party of more than 20 people was not as crowded for such a large house.

7. What is the maximum number of vehicles and where will they park?

Applicant Response: The listing required 3 cars parking inside the garage, and up to 4 cars on the driveway. If parking along the street, cars are suggested to park either along north side of the street or on grass area beyond the curb at vacant lot in front of the house. As such, there will be a minimal impact on the traffic. I think most guests have followed such guideline for parking. In fact, guests are tourists, who fly in and were picked up by friends or Uber/taxi to the house.

Staff Response: All parking must be on improved surfaces and on the property.

8. How often are guests in the residence?

Applicant Response: More guests were during peak season from June through September. Average number of guests were in April – May, and October – December. Low guests were in

January through March. s such, it can say that there has been about 10 days per month leased to guests.

9. Where is your primary residence?

Applicant Response: I am residing at 14838 Melrose Street, Overland Park, KS 66221.

10. Who maintains the property on a daily basis?

Applicant Response: I, myself, am doing routine maintenance for the house. Occasionally, professionals, such as plumber, carpenter, handyman, electrician, painter, were hired for job that is beyond my capability to handle.

11. Do you have a rental license from the Unified Government for the facility?

Applicant Response: Yes, I do. Please see the copy of the Rental License for 2017.

12. Describe in detail the area rented for AIRBNB/other rental operations. Include bed rooms, bathrooms common areas etc.

Applicant Response: a. The above ground has two levels, the ground floor and upstairs for a total of 4,300 sqft of living space. The ground floor has a master bedroom with sitting room, a master bath with jacuzzi tub, shower, and a walk-in closet. It also has a second bedroom with full bath and walk-in closet. The common area includes a high ceiling foyer, a dining room, living room, and full kitchen with a half bath, pantry, and laundry room opened to 3-car garage. The sitting room in master bedroom and kitchen has access to a wrap around deck, which is estimated around 1,000 sqft, overlooking the lake. c. The upstairs has a master bedroom, a master bath with jacuzzi tub and a built-in shower, in addition to a walk-in closet. This second master bedroom has access to a balcony (around over 200 sqft) overlooking the lake. This level has another bedroom, a bathroom and a walk-in closet. Both bedrooms share a common sitting room equipped with chairs, table, TV and bookcases. d. The basement is around 3,000 sqft of living space. It is connected to ground floor via a common stair inside. Alternatively, it has a step-sown staircase and decks on the west and north side of the house to provide access to two double doors on this level. In case of the fire, there are 2 exits directly to the yards from this level. It has a master bedroom with full bath and walk-in closet, in

addition to another bedroom w/a full bath and walk-in closet. Common area in this lower level includes a living room, a small dining room, a media room with queen bed for additional children, if any. The basement also has a pool table, projection TV, aquarium, and wine cellar, in addition to full functioning kitchen with a half bath and a utility room with AC, heating, washer and dryer. e. In summary, the house is over 7,300 sqft of living space, 6 bedrooms with 6 full baths and walk-in closets, and two half baths, 2 separate and full functioning kitchens, 2 separate laundry rooms, 3 zone AC and heating (one zone for each level), a new hybrid water heater with heat pump, and water softening device, in addition to great area of decks, balcony, and concrete patio. All master beds have king size beds, other bedrooms have at least queen size beds. f. Immediate neighbor houses are located at least one wooded lot (estimated 100 ft. away). There is no house in front of the house, and lake is on its back. Adjacent lots were bought by neighbors with intension to keep as wooded lot without building new house.

Public Works Comments: None.

Robin Richardson, Director of Planning, said this applicant comes to you from the Planning Commission recommended for denial. This is a large home that sits on Canaan Lake. It's a replatted version of the old Piper Lake Club, the subdivision is called Canaan Lake now. There's several different versions of that in that area, but this is one that is titled specifically Canaan Lake. It's a very large home. It's been available on AIRBNB/VRBO. Mr. Le does not live in the unit. With that brief introduction, I would turn it over to Mr. Le to present his case.

Nga D. Le said our AIRBNB has been going for over a year and (inaudible) so far, for over a year, we haven't heard any comment, although our mailbox is there, and nobody drop a note or any concern. I work there all the time and my car is parked in the driveway and nobody tell me anything. Certainly, when the process to have the BNB license and then many people upset to it. I appreciate it. They at least gave me a piece of time to last over a year. I really appreciate their comment and I feel their comment is valid.

At the last hearing, one of the commission members of the committee recommended if there was any compromise to address the concern of the neighbor. I do have it today and I'm glad to

present it. For example, for the noise, big concern of noise. The second concern it's the parking and the third concern is communication; lacking of communication; and third concern that the devaluation of the neighborhood because the BNB activity.

For the first three concern, actually, when I have the (unaudible) tenant many of my neighbors say that the tenant didn't take good care of the house, didn't take the pride of ownership. He leave (unaudible). Even when he mowed the lawn, he carried a gun with him. My Steve neighbor didn't like it. I list for the AIRBNB, my neighbor would see a big improvement.

I take good care of the yard. I mow the lawn regularly and landscaping it really nice. I invest \$50,000 to redo all the AC inside the house, new furniture, painting inside and outside, take good care of the yard. I have pride of my ownership and the guest only stay three days, four days and they gone. I am the one that take care of the neighborhood. I don't see the reason why my house would devaluate the value of the neighborhood.

For other concern, I feel that if I would admit the house is really big so it's difficult for me. If I have a seven bedroom, over 7,000 square foot, let's say two couple put bedrooms so leave me to 14 people, maximum in the house. I have a three car garage. Three car garage parking. Three cars park inside, three outside on the driveway or on the street so maximum six car.

The complication I have open, I have mailbox, I have the internet and then I promise to regularly talk to my neighbor, to have any of their concern.

For the noise, making some indecent guest, we cannot avoid (inaudible). Majority of the guests paying up to \$800 a night. They are very good people. Sometimes they stay outside. They excited about the beauty of the lake. They talk loud. You only hear it from the yard, not from the inside of the house, depends how, far away, so it's impossible to say.

If I put the new house rules say that they cannot make big noise, or they subjected to fine and I take away their security deposit, and we'll do it. I want to correct anything that I'm missing. I believe it when I come to this country, in America, people always have a second chance. I want to consider for a second chance for me to correct whatever I make my neighbor unhappy about and I apologize to it. If that is not possible, I sincerely, with my due respect, I ask for extension until after the Labor Day weekend, enough time for me to recoup the \$50,000 investment for the busiest month so I can book and finish up and recoup some of my investment. I'm not quite sure I can recoup all of them, but at least for right now there is no booking, that's all, because very low, only

have July, August and September; June, July and August that's three months. That tells more booking for me so I can survive. After that, I will put the house for sale. That all I need to say.

Mayor Alvey said I will now open the public hearing. Is there anyone present who would like to speak in favor? This is for those who speak in favor. Seeing None., anyone who would like to speak in opposition, please come forward to the podium. If you can, if they're similar comments, we can hear just from one, if that's possible. Please state your name and your address for the record. There is a limit of three minutes for comments.

David Brooks said I'm the next-door neighbor. I've lived in Kansas City, Kansas, since 1974, except for three years away at law school. I built a house on Canaan Lake in 1997. I'm the one kind of on the top of the little cul-de-sac there. I was the first house in the cul-de-sac.

Over the years, I don't know how many of my law partners said what are you doing living in Kansas City, Kansas. I said well, that's for where my family has lived for a long time. My wife grew up here. Her grandfather Mike, Michael Bidnick was a beat cop on Strawberry Hill. Her dad Joe Bidnick worked for the city for Civil Defense. Her brother Paul is retired from BPU. Her brother Joey, who died a couple of years ago, lived in Bonner and spent his career at Tabco over in Turner.

I was delighted to find a place to build in Kansas City, Kansas, where I could tell my snooty law partners, hey, look. We have a place every bit as beautiful and secluded and as nice as what you have. It has been for the last 20 of my 21 years.

Things changed dramatically a little over a year ago. Mr. Le never consulted any of us. I just started seeing a lot of cars coming and going; out of state cars. There would be times I'd see 20 and 25 cars parked on the street on both sides, a lot of them in front of my house.

Instead of the trash being put out on Thursday for Friday pickup, it would be there all week outside blowing around. There were guy weekends where they'd sit on the back deck. It seemed like all they did was cussed and drank all weekend. I had to bring my grandkids in. I don't want them to have a premature education on profanity.

It changed the character of the neighborhood dramatically, and I don't see where it is ever going to change. Mr. Le has only lived in that house for the 12 years he's owned it. He was overseas a lot. Since he's been back from Taiwan, he hasn't lived there at all. When he was gone,

it was either vacant or long-term leasing. Now for a year, without permission, he's been doing the AIRBNB.

We've had motorcycle groups. I don't want to repeat everything I said in the last hearing. I could go on and on and on. The bottom line is, that's not what the benefit of our bargain was when we bought out there. We were assured these were single-family residential homes. I've even got the restrictions from the 1960 original Piper Club Replat. It specifically says no rentals, no businesses of any kind, single family only, residential only. Those restrictions were reincorporated right into our title policies. It reincorporated those restrictions from the 1960 Piper Club addition. I thought very safe that the neighborhood would never change and turn into rentals.

When you pull into our neighborhood, the developer says new houses up to over a million dollars. I'm telling you, nobody is going to go in there and spend a million dollars for a house if they find out that it's a neighborhood that allows rentals, and there might even be some people moving out of the area if it continues down that way.

Raymond Horvat, 4800 N. 123rd St., said its right across the cove from Mr. Le's house. We built there in 1995, my wife Rebecca and I. We're the fifth house on the lake. We've been there for 23 years. We really enjoy it.

Just to reiterate what Dave said, about a year ago, we started seeing people coming in, stay three or four days, loud, party. To make no mistake, this is not an AIRBNB. An AIRBNB or a bed and breakfast, the owner stays there. He lives in Johnson County in Overland Park. The noise can get loud at times. Sometimes you don't even want to go in your own backyard. We've never called the police, but if this is permitted to go on, the police will be over there a lot. Mr. Le had no idea of what is going on because he doesn't live there. He just wants to rent the place out, come clean it up and go on from there.

We've been sitting in our family room looking out over the lake and I've seen drones flying back and forth. I don't know if they have cameras, but people use the lake. Mr. Le, when we, when the Murray brothers started building across the lake, we hired a lawyer to protect all the amenities that we had. One of the things that we incorporated in, you had to make a choice whether you joined the homeowner's association or you used the lake permit. You could sign a lake permit use. There were three or four items. He is not, as I understand, a member in good standing. People

come over there. Some of them use kayaks and they're doing this where basically they're trespassing on our property at the lake.

I'll make it very short and very quickly, my wife and I had discussed this. I was born and raised in Wyandotte County. I spent 32 years with the Fire Department. I've known no other city. All my friends and family are around here. I can guarantee you that if this is allowed to go on, we'll just have to decide whether how we're going to promote our house as a good place to raise our family, as we did, or a business opportunity for somebody else when we decide to sell it.

Ed Stewart, 4801 N. 124th Terrace, said this house in discussion tonight is on the southeast corner of the lake. I live on the northwest corner of the lake so I'm quite a ways away. I'd like to rebut a couple of things that Mr. Le has stated tonight. He told you that he's very easily available at the house. I've driven by several times since the meeting that we had at his house approximately the 22nd or 23rd of December. I would say I've driven by probably eight to ten times. I have never found his car in the driveway, but he says that he's easily available and easily contacted there.

On Christmas Eve of this year, I drove through the area. There were cars parked, I didn't count them, but there were cars parked all around the cul-de-sac, up and down the street. It was very, very crowded. The noise level gets to the point where we need to close our windows on our homes. Sometimes during the summer months, my wife and I like to sleep with the windows open. We can't do that sometimes because of the noise level.

Gerald Godell, 12410 Meadow Lane, said I'm across the lake. I've lived there about 13; I think we're in our 14th year. It's been a very nice neighborhood until about a year ago. A lot of people started trespassing on the lake. Mr. Horvat stated it correctly, it's a private lake. It's actually owned by the Colleague of Canaan Lake Homeowners Association.

The people on the east side of the lake had a choice to join the HOA or pay lake assessment dues. Mr. Le has never joined or paid any of the dues. A lot of his people use the lake, they put kayaks, they put paddle boats on the lake, they fish on the lake, they walk around the lake on the west side. They use some of the stone walkways. We're supposed to have walking trails. We have a partial walking trail, they use that. They carry their beer, their drinks and leave a lot of trash. We don't know who they are.

I drove there on Christmas Eve also. I counted the cars. There were 23 cars there. All the cars were from Missouri; no Kansas plates, no rental cars. Most of the cars are from 10 to 15 years old. I drove by on Christmas Day and there were 21 cars parked there. There was one person actually laying in the street. I was actually on the way to the hospital. The wife was in pretty serious condition at the time. I didn't call the police.

You hear the noise. This is single-family development. The school bus stop is just down the street from Mr. Le's house. We don't know who is staying in the house. Even any BNB in that area, concerned about who is staying there and what type of people they are.

On the west side of the lake, it's one way in and one way out. All the roads end into cul-de-sacs or turns. The kids ride their bicycles, they play in the streets, they play catch. The kids pretty much freely go through there. There's two bus stops on that side of the development. I am very concerned.

I can go on the city mapping and find out who the bad guys are; its all listed. We don't know of the 30 or 40 people that are staying in his house. He also states in a lot of his websites that one floor can hold, I think it was 14 people; but we also have blow up bed, we have mattresses, we have cots. We can handle over 30 people in the house. On Christmas Eve, if there are 23 cars, if that's one person a car, that's 23 people. I don't think they were all one person in those cars.

Tony Novak, 4834 N. 123rd St., said I've lived there for the past 13years. I'm about three houses north of the house that we're talking about this evening. The balcony of this house, actually there are two levels to this house. Something that I should bring to your attention, when Mr. Le rents this out, he can rent out both separately. You have a group that's on the upper balcony and you have another different party or series of guests on the lower level. There have been times when both are rented out simultaneously and so you can have anywhere from 15, 20, 30 or 40 people at the same time, all having a party. Now, they don't owe us anything. They don't owe us any respect and these guests, many times, do not show us any respect.

There are a lot of colleges in the metropolitan area. I didn't realize there were so many because I've learned about seven or eight new fight songs in the past year. You can hear them cheering and yelling as they're having a good time because nobody's paying attention to what they're doing. Mr. Le is not there. He calls us his neighbors. You can't be a neighbor of mine if you live in Wyandotte County and you're selling your house out to other people to party and show

no respect to the people who have spent their great portion of their lives, time and energy being proud of their property and taking care of it.

There is a sign when you drive into Piper Lake, its now called Piper Lake, for your information. It says no fishing; private property. I guess Mr. Le doesn't think that pertains to him because in his brochures that are online, he says bring your fishing poles, have good times at Piper Lake. I pay out-of-pocket, like most of these other ladies and gentlemen here tonight, to restock the lake with their own money, over and above other things. I resent the fact that other people that don't even live in the state, let alone the county, can come in to my private area and have a good time and then pack up and leave with no regards. It's like throwing a cigarette butt out on my driveway. I don't appreciate it.

I thank you for your time. I hope you understand where we are all coming from. I don't really think in your heart of hearts you would want to live next door to a situation like this.

Mayor Alvey said at this time, I will close the public hearing.

Mayor Alvey asked, Mr. Le, would you like to make any closing comments.

Mr. Le said I have stress. I understand the issue. Unfortunately, nobody tell me anything and my mailbox is always open. Many times, they can see me and tell me. My other neighbor in the cul-de-sac, Mr. Steve Sudekum, he told me Sunday, but he say nothing serious and that's what I'm going on.

For the HOA and the lake, I'm not aware of anything. People just told me that I don't have the dock, I don't have the boat, I don't have to do anything. I have enough money to build. That's how I have enough money to pay the dues for HOA.

I'm a good citizen. I retired as Chief Engineer Nuclear Structure for Black and Veach, so I know I've obeyed the law. I not try to don't say pay the dues. If I have a chance to know that the HOA is there, I pay the dues. Unfortunately, people misunderstand me.

I only need a couple more months to wrap up my BNB and I sell the house. If I cannot sell the house, then I will live there. I have two houses for sale, one house in Overland Park where we list it by April, and one house in Wyandotte County, so which house sell first, I will go by. All I

need is a couple of more months so I can recoup the investment. If I know that I have that trouble, I'm not going to take the risk to invest and have trouble with my neighbor.

Even after I talk to, I get to hurting. I want to shake my neighborhood's hand. They don't want to shake hands with me. They consider me the enemy. I don't understand how people can change that fast. I stay there for four or five months. I didn't hurt anybody. My guests they make noise. They do that, but nobody can prove that they had physical or financial damage at all. They don't want to see it. That's all abstract. All I get from them to be the good neighbor and to treat me with respect and I treat them with due respect.

All I need is a couple of more months until Labor Day weekend. When the kids return to school, I stop BNB altogether and I put the house on sale. That's all I need. I don't ask for any more than that. I feel like that is a win-win situation for anybody. Again, I apologize to my neighbor. Anything I have mishandled, it's not my intention to do. I hope I have a chance to recoup and run it better. I will stay in the house. If I rent, I rent only upper level or lower level. I have somebody stay there to control my guest and that's what I promise.

Mayor Alvey asked do any members of the Commission have any questions or comments.

Commissioner Kane said, Rob, I'm reading this. It says do you have a business license. He does not have a BNB business license. **Mr. Richardson** said that's correct. **Commissioner Kane** said on No. 6, is what is the maximum number of people that will be staying in the home. He said he does not know what—he does not stay there when the guests are there, therefore, he does not know the exact number of people. **Mr. Richardson** said that's correct. **Commissioner Kane** said with all that being said, I vote to uphold the recommendations of the Planning and Zoning Committee.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to recommend denial of Special Use Permit Application #SP-2018-3.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 5 – 1856... SPECIAL USE PERMIT PETITION #SP-2018-4 - JULIA IFTICENE

Synopsis: Home occupation special use permit for a day care at 10524 Augusta Drive, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-4, subject to:

Urban Planning and Land Use Comments:

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

2. Please provide a detailed narrative of your day-to-day operations.

Applicant Response: Kids always stay inside the house and sometimes will go for walks outside to the backyard playground (weather permitted only).

3. What are your proposed hours of operation?

Applicant Response: Hours will be from 7:00 AM to 7:00 PM

4. How many children do you intend to serve? How many children are you licensed to have by the State?

Applicant Response: We are intending to have 8 – 10 kids in care on a daily basis, but we are licensed to watch 12 kids by the State.

5. You indicated on your application, drop-off/pick-up will occur in the driveway. Where will parents park if the driveway is full?

Applicant Response: Our driveway holds four cars at the time and there never will be a time where more than 4 kids will be dropped off or picked up at the same time, as everybody comes on their own schedule.

Public Works Comments: None.

Staff Conclusion:

Staff has not received any objection or opposition from surrounding neighbors regarding Ms. Ifticene's proposal. Staff supports this petition subject to the following:

1. Hours of operation shall be Monday through Friday, 7:00 AM to 7:00 PM.

2. Parking shall be restricted to the driveway at 10524 Augusta Drive and one side of the street, as it is possible that "No Parking" signs may be posted in the neighborhood in the future to accommodate KCKFD emergency vehicle access.

January 25, 2018

3. No signs are to be posted on the property advertising the business.
4. Approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-4 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 – 1857... SPECIAL USE PERMIT PETITION #SP-2018-5 - ROBERT C. RICE

Synopsis: Home occupation special use permit for an AIRBNB at 3011 West 44th Avenue, submitted by Robin Richardson, Director of Planning. This is the applicant’s primary residence. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-5, subject to:

Urban Planning and Land Use Comments:

1. How long has the business been in operation? Applicant Response: March 8, 2017, was when I had my first booking.
2. Were neighbors consulted prior to opening the business? Applicant Response: I informed the neighbors in front of and behind me about starting AIRBNB.
3. Do you have a business license? Applicant Response: I do not have a business license. I would be happy to apply for one, but I was unaware it would be required. Staff Note: The applicant will be required to obtain a business license (see stipulations of approval).
4. Have you paid appropriate lodging taxes? Applicant Response: AIRBNB states that it is collecting the proper taxes, but I cannot find documentation of what they have collected via the website. They did supply me with these two links when I reached out to verify, stating that it depends on how many rooms you have to rent (I only rent the single room) - <https://www.AIRBNB.com/help/article/653/in-what-areas-is-occupancy-tax-collection-and-remittance-by-AIRBNB-available?topic=264#Kansas>, <http://ksrevenue.org/pdf/pub1540.pdf> Staff Note: AIRBNB now collects and remits taxes on behalf of the host in the State of Kansas.

AIRBNB collects the following taxes: Kansas Retailers' Sales Tax, Local Sales Tax, and Transient Guest Tax.

5. How many rooms are rented? Applicant Response: Only 1 room is rented. I live in the other bedroom, and the bathroom is shared.
6. What is the maximum number of people that will be staying at any one time? Applicant Response: The maximum amount of guests at any one time is two. I own this home and live here by myself year-round, which would make a total maximum of 3.
7. What is the maximum number of vehicles & where will they park? Applicant Response: Normally, there is only 1 additional vehicle that the guests will have, and it will be parked directly out front. I own one vehicle, and I always park in my driveway around back.
8. How often are guests in the residence? Applicant Response: I started in March of 2017, and I've had 188 nights booked this year. This (of course) did not include January and February (because I had not started) or most of November and December because I was told to stop taking bookings until I completed this permit process. I estimate 50-70% occupancy during the course of a full year.
9. Do you have a rental license from the Unified Government for the facility? Applicant Response: I do not have a rental license from the Unified Government.
10. Describe in detail the area rented for AIRBNB/other rental operations. Include bedrooms, bathrooms, common areas, etc. Applicant Response: I rent a single bedroom for AIRBNB. The (only) bathroom is shared between myself and the guests, and they are welcome to use the living room and kitchen for lounging and cooking.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. What is the maximum number of people that will be staying at any one time?
 - b. What is the maximum number of vehicles & where will they park?
2. Items that are conditions of approval (stipulations): None.

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

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-5 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 – 1858... SPECIAL USE PERMIT PETITION #SP-2018-7 - TREBOR ROSS

Synopsis: Special use permit for 4 cows, 4 goats and 50 chickens at 1700 South 38th Street, submitted by Robin Richardson, Director of Planning. The current owner will continue to live at the property, and the applicant proposes to keep the animals on the property with the current owner's permission. The property is 4.24 acres. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-7, subject to:

Urban Planning and Land Use Comments:

1. Approval is for two years.
2. Please note that electric fences are not allowed.
3. All animal enclosures and compost areas must be at least 100 feet from the north property line.
4. All animals must be totally enclosed at all times and shall not be at large on the property or neighboring properties.

Public Works Comments: None.

Conservation District Comments:

1. There are two major soil types identified: Knox complex, 18 to 30 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
2. A majority of this area is covered with trees; thus, it is not a good grazing pasture for animals. The area that is cleared is not fenced making it unfit for a pasture. The steepness is going to cause erosion when animals are allowed to roam the hillsides. The animal traffic destroys the mulch

cover and allows more runoff. There is a stream right adjacent that can be polluted with animal waste.

3. In order to raise animals and birds, there will need to be fencing and buildings put in place to house and protect the animals.
4. Shrink Swell potential has been identified as a limiting factor for the development of dwellings.
5. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-7 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. 8 – 1859...SPECIAL USE PERMIT PETITION #SP-2018-8 - WIL ANDERSON WITH BHC RHODES FOR RUFIN WOODLANDS, LLC

Synopsis: Special use permit for the temporary use of land to park UPS semi-truck trailers in the parking lot at 9700 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant, Wil Anderson on behalf of the property owner, Ruffin Woodlands, LLC, wants to store semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road. The Planning Commission voted 6 to 0 to recommend denial of Special Use Permit #SP-2018-8, for the reasons outlined in the staff report and the comments by the public.

Urban Planning and Land Use Comments:

1. Staff has concerns, because the proposed use is already under operation and has been for some time, about the duration of keeping of the vehicles and trailers on site. While the Woodlands has a special use permit to operate a pari-mutuel race facility, a commercial use, the extended storage of trailers is an industrial use and does not coincide with the master plan.
Applicant Response: The understanding was that the usage was acceptable. After a communication between Codes and the owner, the owner’s on-site representative met with

Byron Toy. The owner's on-site agent Jayme LaRocca immediately set about making an application for a special use permit as suggested by staff.

2. The application states there are parking lots available to help companies in the area that need space on a temporary basis to store semi-trailers and/or vehicles. In addition to UPS, what other companies store trailers and/or vehicles on site?

Staff Response: UPS is the only company storing trailers on site.

3. How long do you intend on leasing space to UPS and other companies for storage, as the nature of the use is industrial?

Applicant Response: At this stage, the owner sees it as short term. For the longer-term use, although not decided, it is certainly not planned for the site to be utilized for industrial uses or parking of trailers.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. Provide safe and usable pavement surfaces at all times. Any deterioration of the pavement and the site shall not be tracked onto the public street.
 - b. Illustrate the number of trailers on the site plan and indicate storage areas, drive aisles and all dimensions as applicable.
 - c. Provide a truck turning template to illustrate a truck's ability to turn around at the existing gate. Is there a knox box provided for emergency access?
 - d. Clarify the security provided at the site. Where are restroom facilities provided? Further coordination with staff may be necessary.
 - e. Access to the site shall be only from the 99th Street entrance.
 - f. Any proposed land disturbance activities, including pavement installation or repairs, will require an erosion control plan and applicable BMP's. Provide an erosion control plan in accordance with UG standards and criteria.
 - g. 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 has concerns that this site is being turned into a short-term storage facility for UPS. There are areas in the city that are zoned M-3 Heavy Industrial District that would allow trailer storage without a special use permit. While the Woodlands sits vacant, the keeping of 120 – 400 UPS trailers is not best use of the property, albeit temporary for a period of no more than two years.

If the Board of Commissioners was to approve, staff stipulates the following:

1. Special use permit be valid for one year, after which time the UPS trailers shall be removed from the property and relocated to a parcel zoned M-3 Heavy Industrial District that can accommodate such storage.
2. Trucks may not travel east on Donahoo Road and south on North 99th Street to access the site. All truck traffic must come on Leavenworth Road.
3. Truck lights shall not cast light onto adjacent residential properties, specifically to the west, across North 99th Street. A privacy fence may be constructed along the western perimeter of the parking lot as to block truck headlights from the single-family homes.
4. No use of air brakes on city streets or on the property.
5. 7:00 a.m. to 7:00 p.m. operating hours.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to deny Special Use Permit Application #SP-2018-8. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 9 – 1860...SPECIAL USE PERMIT PETITION #SP-2018-9 - KATHLEN LYNCH AND CRISTEN RYMAN

Synopsis: Home occupation special use permit for an AIRBNB at 2824 North 99th Terrace, submitted by Robin Richardson, Director of Planning. This is the applicants' primary residence. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-9, subject to:

Urban Planning and Land Use Comments:

1. How long has the business been in operation? Applicant Response: We joined AIRBNB in April 2015. Our first guest was sometime in March 2016.
2. Were neighbors consulted prior to opening the business? Applicant Response: No, our neighbors were not consulted. We are a close neighborhood and I let our immediate neighbors know but I wouldn't say we consulted with them.
3. Do you have a business license? Applicant Response: No, we do not have a business license.
4. Have you paid appropriate lodging taxes? Applicant Response: Yes, we have paid taxes for AIRBNB.

Staff Note: AIRBNB now collects and remits taxes on behalf of the host in the State of Kansas. AIRBNB collects the following taxes: Kansas Retailers' Sales Tax, Local Sales Tax, and Transient Guest Tax.

5. How many rooms are rented? Applicant Response: Currently, only 1 room is being rented on AIRBNB.
6. How often are guests in the residence?
Applicant Response: Guests vary but mostly in the spring/summer months. Soccer games, race events, concerts at the amphitheater, Schlitterbahn. Guests are usually at the residence 2-3 days but usually just to sleep.
7. Do you have a rental license from the Unified Government for the facility? Applicant Response: No rental license.
8. Describe in detail the area rented for AIRBNB/other rental operations. Include bedrooms, bathrooms, common areas, etc. Applicant Response: The guests have a bedroom on the main floor. They have a bathroom that is shared with Kate's son. They are able to use the kitchen if they wish but most of them don't cook.

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. What is the maximum number of people that will be staying at any one time?
- b. What is the maximum number of vehicles & where will they park?
- 3. Comments that are not critical to engineering's recommendations for this specific submittal:
None.

Stipulations of Approval:

- 1. Host will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed.
 - d. Copper cannot be used for gas supply lines.
 - e. Windows must be operable, not blocked or boarded.
 - f. Handrails are required at sets of four or more stairs/risers.
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe.
- 2. Host will obtain a business license with the city.
- 3. The maximum number of guests is limited to five people.
- 4. Approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-9 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. 10 – 1851...SPECIAL USE PERMIT PETITION #SP-2018-10 - JOHN FRESHNOCK WITH WSKF ARCHITECTS

Synopsis: Special use permit for offices, warehouse of parts and appliances, appliance repair, carpentry shop and materials storage, minor auto repair/maintenance, and night storage of vehicles inside the building at 1300 Meadowlark Lane, submitted by Robin Richardson, Director of Planning.

Action: This item was previously heard with Change of Zone Application #3156.

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set aside any item on the regular consent agenda. Once again, if an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

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

ITEM NO. 1 – 1863...PLAT: NEW BETHEL CHURCH

Synopsis: Plat of New Bethel Church, located at 7th St. Trafficway. and New Jersey Drive, being developed by The New Bethel Church, submitted by Brent Thompson, Director of Engineering/County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 2 – 1861... NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Ashley M. Searcy, Landmarks Commission, 1/25/18 to 3/31/20, submitted by Commissioner Johnson

Jim Jarsulic, Library Board, 1/25/18 to 3/31/20, submitted by Commissioner Markley

Judy Anderson, Library Board, 1/25/18 to 3/31/22, submitted by Commissioner Walters

Bob Frey, Housing Authority Advisory Board, 1/25/18 to 3/31/22, submitted by Commissioner Walters

Greg Ottinger, Self-Supported Municipal Improvement Board, 1/25/18 to 3/31/22, submitted by Commissioner Walters

Bob Hughes, Self-Supported Municipal Improvement Board, 1/25/18 to 3/31/22, submitted by Commissioner Philbrook

Terry Brockman, Law Enforcement Advisory Board, 1/25/18 to 6/30/20, submitted by Sheriff Ash

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

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated January 11 and 18, 2018.

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

COMMISSIONERS' AGENDA

ITEM NO. 1 – 1845...TRAVEL REQUEST: COMMISSIONER JOHNSON

Synopsis: Request to travel to Dallas, TX, to attend the Public-Private Partnership Conference and Expo, submitted by Commissioner Johnson.

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

**MAYOR ALVEY ADJOURNED
THE MEETING AT 7:41 P. M.**

Bridgette D. Cobbins
Unified Government Clerk

mbb

January 25, 2018



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: February 22, 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.

mbb

Attachment

Weekly Business Material for February 22, 2018

1. REPORT:

Financial Report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of January 2018.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 20, 2018:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Sandra D Blaylock	Sheriff/Detention	2/22/18	Deputy
Connor T Burns	Sheriff/Detention	2/22/18	Deputy
Tyler F Eickhoff	Sheriff/Detention	2/22/18	Deputy
Patrick J Fanning	Sheriff/Detention	2/22/18	Deputy
Clay E Nogle	Sheriff/Detention	2/22/18	Deputy

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Peggy T Keilman	Finance/Treasury	1/16/18	Fiscal Support Assistant
Sarah A Vermulm	Fire/Training	2/12/18	Training Instructor I

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Shakila Stewart	Comm Corr	1/11/18	1/17/18	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Carmela Derritt	DA's Office	2/22/18	Admin Supt Spec
Mayra A Flores	DA's Office	2/22/18	Prof Progs Asst
Tenisha A Nimrod	Municipal Court	2/24/18	Probation Officer
Amy L Schwartz	Municipal Court	2/24/18	Probation Officer

Action: Received and filed. Copy previously forwarded to Payroll.

3. APPLICATIONS FOR CMB LICENSE (PKG):

ANANTA KHANAL DBA Himayalan Grocery, 1406 Minnesota Ave.
Four B Corp/Marvin Custer DBA Sunfresh 41, 2803 S. 47th St.

Action: Referred to License.

4. APPLICATION FOR CMB LICENSE (OP):

Yocundo Helguera DBA El Camaroncito, 1022 Central Ave.

Action: Referred to License.

5. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Chad Talbott/Merle Parks DBA Topp'd, 3934 Rainbow Blvd.
Daniel Houtchens/Cheryl Saunders DBA Mrs. Ace, 6720 ½ Kaw Drive
DDGC LLC/Rex Vincent DBA Dub's Dread Golf Club, 12601 Hollingsworth Rd.
Janelle Brown/Heather Tuttle DBA Rosedale BBQ, 600 Southwest Blvd.
MME LLC/Marcie Huckaby DBA The Dotte Spot, 8123 Parallel Pkwy.
Steve Senegal/James Hendricks DBA Tanner's Bar and Grill, 3900 Rainbow Blvd.

Action: Referred to License.

6. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

Ciaran Molloy/Rick Rehorn DBA Woodyard BBQ, 3001 Merriam Ln.

Action: Referred to License.

7. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

G4S Secure Solutions USA, Inc./Susan Hostetler DBA G4S Secure Solutions, 1100 Main St.
#1340, KCMO
NPB Companies, Inc./National Registered Agents, Inc. of Kansas DBA NPB Companies, 77 S.
7th St.
Rockwell Security, LLC/Incorp Services, Inc. DBA Rockwell Security, 11201 W. 59th Terr.,
Shawnee, KS
Semper Securus, LLC/Richard Clauser DBA Signal 88 Security, 33255 Lexington Ave. #G,
DeSoto, KS
Titan Protection & Consulting, Inc./Ryan Smith DBA Titan Protection & Consulting, 9350 Metcalf
Ave. #210, Overland Park, KS
Twin City Security, Inc./Corporation Service Company DBA Twin City Security, 6340 Glenwood
St. #109, Overland Park, KS

Action: Referred to License.

8. APPLICATIONS FOR MASSAGE THERAPIST'S LICENSE:

Deanna Lammers d/b/with Chateau Avalon, 701 Village West Pkwy.
Julie D'Auteuil d/b/with Blue River Massage, 777 Hollywood Casino Blvd.
Renee Neff d/b/with Chateau Avalon, 701 Village West Pkwy.

Action: Referred to License.

9. APPLICATION FOR MASSAGE THERAPY BUSINESS LICENSE:

Lauren Smith DBA The Massage Studio At Prairie View, 11200 Delaware Pkwy.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 18121

Full Commission Meeting Date: 3/1/18

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/23/2018	<u>Contact Name:</u> Kathleen VonAchen, Wilba Miller	<u>Contact Phone:</u> x5186, x5112	<u>Contact Email:</u> kvonachen@wycokck.org, wmiller@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Conduct the first public hearing to receive citizen comments on:

- UG 2019 proposed Operating and Capital Budget
- Community Development Block Grant Budget

Action Requested:

Conduct public hearing

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 1864

Full Commission Meeting Date: 3/1/18

Committee: Administration & Human Services

Date of Standing Committee Action: 2/26/18

(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>
02/23/2018	Terry Brecheisen	x6707	tbrecheisen@wycokc.org	Health Department

Item Description:

The Health Department has been awarded a Special Initiative grant from the Health Care Foundation of Greater Kansas City for \$107,000. This grant will help provide medication, support, resources, and access to care for residents of the Kansas City Kansas Housing Authority, as the KCKHA implements the mandated smoke-free policy in all its housing sites, which must be completed by July 2018. "Beat the Pack" programs will be offered for resident smokers, and local pharmacists and medical providers will work to streamline known barriers in accessing cessation benefits. There is no match requirement for the grant, though in-kind support will be provided from the Health Department's FY2018 Chronic Disease Risk Reduction grant.

Action Requested:

Fast track to the 3/1/18 full commission meeting for approval of grant request/award.

Budget Impact: (if applicable)

Amount: \$0.00

Source:

Included In Budget:

Other (explain): Grant funding request/award

Attachments List:

HCF Budget Applications _ Final, HCF cessation grant Proposal_Final, Grant Request

		HEALTH CARE FOUNDATION of Greater Kansas City (HCF)						
			Healthy Communities Wyandotte					
			Application Budget Worksheet & Narrative Template					
Net Revenue			YEAR 1					
	Total funding from the Foundation and other sources are as follows:	Indicate whether funding is SECURED (S), or PENDING (P)	HCF	Other	In-Kind	Total		
	Health Care Foundation (HCF)	P	\$0	\$0	\$0	\$0		
	Chronic Disease Risk Reduction	S	\$0	\$7,000	\$7,178	\$14,178		
	Kansas City Kansas Housing Authority	S	\$0	\$0	\$10,067	\$10,067		
			\$0	\$0	\$0	\$0		
			\$0	\$0	\$0	\$0		
			\$0	\$0	\$0	\$0		
	Total Revenue		\$0	\$7,000	\$17,245	\$24,245		
Salary								
	The project will pay the salary for the following staff: (e.g. Exec. Director, Intake Specialist, etc.)	Annual Salary/ Rate (eg. \$54,000)	Indicate FTE portion being requested from HCF (eg .50 FTE)	HCF Cost (eg \$27,000)	Other	In-Kind	Total	
	HCW Program Coordinator	\$50,408	0.2 FTE	\$5,041	\$0	\$5,040	\$10,081	
	Director of Housing Management (KCKHA)	\$93,100	0.05 FTE	\$0	\$0	\$4,655	\$4,655	
	Self Sufficiency Coordinator (KCKHA)	\$54,121	0.1 FTE	\$0	\$0	\$5,412	\$5,412	
							\$0	
							\$0	
	Total Salary			\$5,041	\$0	\$15,107	\$20,148	
Benefits and Payroll Taxes								
	The project will pay the following benefits and payroll taxes for the above staff (e.g. FICA, Health, Dental, Life Insurance, etc.):		Benefit % rate of total salary expense (e.g. 20%)	HCF	Other	In-Kind	Total	
	HCW Program Coordinator			\$2,138	\$0	\$2,138	\$4,276	
							\$0	
							\$0	
							\$0	
	Total Benefits and Payroll Taxes			\$2,138	\$0	\$2,138	\$4,276	
Other Direct Expense:								
	(e.g. Training Expenses, Consulting Fees, etc.)			HCF	Other	In-Kind	Total	
	Contract with Black Health Care Coalition			\$44,475	\$0	\$0	\$44,475	
	Contract with Kansas Pharmacy Foundation			\$41,121	\$0	\$0	\$41,121	
	Transportation for KCKHA residents			\$1,000	\$0	\$0	\$1,000	
	Services in Spanish			\$500	\$0	\$0	\$500	
	Communications (Printing, other media)			\$6,800	\$0	\$0	\$6,500	
							\$0	
	Total Other Direct			\$93,896	\$0	\$0	\$93,596	
*Equipment & Supplies:				HCF	Other	In-Kind	Total	
	Smoke-Free Signage				\$4,000	\$0	\$4,000	
	Design for communications materials				\$3,000	\$0	\$3,000	
	Mailing Costs			\$3,026	\$0	\$0	\$3,026	
	Meeting Supplies (Food)			\$900	\$0	\$0	\$900	
							\$0	
	Total Equipment/Supplies			\$3,926	\$7,000	\$0	\$10,926	
	SUBTOTAL			\$105,000	\$7,000	\$17,245	\$128,945	
Indirect Expense				HCF	Other	In-Kind	Total	
	Indirect expense represents the project's share of Overhead Expenses (rent, phone, library, etc.) and Administrative Costs. Applicants must limit the HCF portion of Indirect Expense to 10% of the Direct Expenses of the project represented by the sub-total above.			\$2,000	\$0	\$0	\$2,000	
	Total All Expenses			\$107,000	\$7,000	\$17,245	\$130,945	

Revenue and/or In-kind explanation to calculate amount

Salary - support

Salaried Chronic and tobacco Authority activities

Kansas City Self-Sufficiency

Benefits funds, O

Program

Other Direct Other funds

Total Support

Beat The Odds

Stipend

Snacks

TOTAL

BHCC (

Training

BHCC F

BHCC I

BHCC S

BHCC C

Indirect

TOTAL

Total Support

[illegible]

le - Explain how each line item of the project Revenue was determined (or calculated) for each: **HCF funds, Other funds n-kind support**. [For example, an entry of \$25,000 in volunteer time as part of project revenue requires an explanation of how the amount was calculated, such as: 1086 hours of donated time at \$23 an hour=\$25,000. In regards to calculating donated time, the following link is helpful in determining how to calculate volunteer value into a monetary value: http://www.independentsector.org/volunteer_time?s=volunteer%20value

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Explain how each line item of the project **Salary** was determined for each: **HCF funds, Other funds and/or In-kind**. Staff benefits

support will be partially funded by HCF funds and partially funded through the Wyandotte County Health Department's Disease Risk Reduction Grant (CDRR). The Program Coordinator coordinates the Tobacco Free Wyandotte Action team and grant activities at the Wyandotte County Health Department, including support for the Kansas City Kansas Housing Authority smoke-free policy. We anticipate that the HCW Program Coordinator will spend 20% of her time coordinating activities associated with this project.

Kansas Housing Authority Support will be provided In-Kind. Both the Director of Housing Management and Community Coordinator are providing support and coordination for project activities.

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& Payroll Taxes - Explain how each line item of the project **Benefits & Payroll Taxes** was determined for each: **HCF funds and/or In-Kind**

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Direct Expenses - Explain how each line item of the project **Other Direct Expenses** was determined for each: **HCF funds, funds and/or In-Kind**

Sub-Award to the Black Health Care Coalition (\$44475) includes:

Health Pack Sessions running 2x in grant year:

Staff for 20 Ambassadors: **\$15000**

Supplies, Raffle Prizes and supplies for 18 classes: **\$ 9450**

BTP costs: \$24450

Costs

Program Materials \$250

Community Patient Navigator .33 FTE \$10,000

Director (provide training and oversight) .05 FTE \$3,500

Secretary (process reports and payment for ambassadors) 10 hrs @ \$12.50/hr \$125

Coordinator (plan 18 health fairs, recruit volunteers) .15 FTE \$5,250

Travel: \$900.00

BHCC Costs: \$20,025

Sub-Award to the Kansas Pharmacist Foundation (\$41,121) includes:

	HCF Budget Justification - YEAR 1										

				-ENTER Org Name HERE-					
				Application Budget Worksheet & Narrative Template					
Net Revenue				YEAR 2					
	Total funding from the Foundation and other sources are as follows:	Indicate whether funding is SECURED (S), or PENDING (P)		HCF	Other	In-Kind	Total		
	Health Care Foundation (HCF)	P		\$0	\$0	\$0	\$0		
	In-Kind			\$0	\$0	\$0	\$0		
	Other Sources of Funding HERE			\$0	\$0	\$0	\$0		
				\$0	\$0	\$0	\$0		
				\$0	\$0	\$0	\$0		
				\$0	\$0	\$0	\$0		
				\$0	\$0	\$0	\$0		
	Total Revenue			\$0	\$0	\$0	\$0		
Salary									
	The project will pay the salary for the following staff: (e.g. Exec. Director, Intake Specialist, etc.)	Annual Salary/Rate (eg. \$54,000)	Indicate FTE portion being requested from HCF (eg .50 FTE)	HCF Cost (eg \$27,000)	Other	In-Kind	Total		
	Insert Staff Positions		0.0 FTE	\$0	\$0	\$0	\$0		
			0.0 FTE	\$0	\$0	\$0	\$0		
							\$0		
							\$0		
							\$0		
	Total Salary			\$0	\$0	\$0	\$0		
Benefits and Payroll Taxes									
	The project will pay the following benefits and payroll taxes for the above staff (e.g. FICA, Health, Dental, Life Insurance, etc.):		Benefit % rate of total salary expense (e.g. 20%)	HCF	Other	In-Kind	Total		
	Insert Types of Benefits			\$0	\$0	\$0	\$0		
							\$0		
							\$0		
							\$0		
	Total Benefits and Payroll Taxes			\$0	\$0	\$0	\$0		
Other Direct Expense:									
	(e.g. Training Expenses, Consulting Fees, etc.)			HCF	Other	In-Kind	Total		
	Insert Other Direct Expenses			\$0	\$0	\$0	\$0		
							\$0		
							\$0		
							\$0		
	Total Other Direct			\$0	\$0	\$0	\$0		
*Equipment & Supplies:				HCF	Other	In-Kind	Total		
	Insert Types of Equipment/Supplies			\$0	\$0	\$0	\$0		
							\$0		
							\$0		
							\$0		
							\$0		
	Total Equipment/Supplies			\$0	\$0	\$0	\$0		
	SUBTOTAL			\$0	\$0	\$0	\$0		
Indirect Expense				HCF	Other	In-Kind	Total		
	Indirect expense represents the project's share of Overhead Expenses (rent, phone, utilities, etc.)			\$0	\$0	\$0	\$0		
	Total All Expenses			\$0	\$0	\$0	\$0		

Revenue fund an e rega mon

Salary supp

Benefits HCF

Other HCF

*Equipment Also fund

Indirect

	HCF Budget Justification - YEAR 2											

Revenue - Explain how each line item of the project Revenue was determined (or calculated) for each: **HCF funds, Other funds and/or In-kind support**. [For example, an entry of \$25,000 in volunteer time as part of project revenue requires explanation of how the amount was calculated, such as: 1086 hours of donated time at \$23 an hour=\$25,000. In regards to calculating donated time, the following link is helpful in determining how to calculate volunteer value into a monetary amount http://www.independentsector.org/volunteer_time?s=volunteer%20value]

Salary - Explain how each line item of the project **Salary** was determined for each: **HCF funds, Other funds and/or In-kind support**.

Benefits & Payroll Taxes - Explain how each line item of the project **Benefits & Payroll Taxes** was determined for each: **HCF funds, Other funds and/or In-Kind**

Other Direct Expenses - Explain how each line item of the project **Other Direct Expenses** was determined for each: **HCF funds, Other funds and/or In-Kind**

Equipment/Supplies - Please attach list of equipment purchases, including prices and quantities, to your application. Please explain how each line item of the project **Other Direct Expenses** was determined for each: **HCF funds, Other funds and/or In-Kind support**

Indirect Expenses - Please explain what the project **Indirect expenses** will pay for

		HEALTH CARE FOUNDATION of Greater Kansas City (HCF)			
			-ENTER Org Name HERE-		
		Application Budget Worksheet & Narrative Template			
Net Revenue		YEAR 3			
	Total funding from the Foundation and other sources are as follows:	Indicate whether funding is SECURED (S), or PENDING (P)	HCF	Other	
	Health Care Foundation (HCF)	P	\$0	\$0	
	In-Kind		\$0	\$0	
	Other Sources of Funding HERE		\$0	\$0	
			\$0	\$0	
			\$0	\$0	
			\$0	\$0	
	Total Revenue		\$0	\$0	
Salary					
	The project will pay the salary for the following staff: (e.g. Exec. Director, Intake Specialist, etc.)	Annual Salary/Rate (eg. \$54,000)	Indicate FTE portion being requested from HCF (eg .50 FTE)	HCF Cost (eg \$27,000)	Other
	Insert Staff Positions		0.0 FTE	\$0	\$0
			0.0 FTE	\$0	\$0
	Total Salary			\$0	\$0
Benefits and Payroll Taxes					
	The project will pay the following benefits and payroll taxes for the above staff (e.g. FICA, Health, Dental, Life Insurance, etc.):		Benefit % rate of total salary expense (e.g. 20%)	HCF	Other
	Insert Types of Benefits			\$0	\$0
	Total Benefits and Payroll Taxes			\$0	\$0
Other Direct Expense:					
	(e.g. Training Expenses, Consulting Fees, etc.)			HCF	Other
	Insert Other Direct Expenses			\$0	\$0
	Total Other Direct			\$0	\$0
*Equipment & Supplies:				HCF	Other
	Insert Types of Equipment/Supplies			\$0	\$0
	Total Equipment/Supplies			\$0	\$0
	SUBTOTAL			\$0	\$0
Indirect Expense				HCF	Other

		Indirect expense represents the project's share of Overhead Expenses (rent, phone,		\$0	\$0
		Total All Expenses		\$0	\$0

				HCF Budget - Narrative Comments -					
			Revenue - Insert any additional/clarifying comments re:						
In-Kind	Total								
\$0	\$0								
\$0	\$0								
\$0	\$0								
\$0	\$0								
\$0	\$0								
\$0	\$0								
\$0	\$0								
In-Kind	Total								
\$0	\$0								
\$0	\$0								
	\$0								
	\$0								
	\$0								
\$0	\$0								
In-Kind	Total		Benefits & Payroll Taxes - Insert any additional/clarifyi						
\$0	\$0								
	\$0								
	\$0								
	\$0								
\$0	\$0								
			Other Direct Expenses - Insert any additional/clarifyi						
In-Kind	Total								
\$0	\$0								
	\$0								
	\$0								
	\$0								
\$0	\$0								
In-Kind	Total								
\$0	\$0								
	\$0								
	\$0								
	\$0								
\$0	\$0								
\$0	\$0								
In-Kind	Total								

\$0	\$0						
			Indirect Expenses- Insert any additional/clarifyingcom				
\$0	\$0						

: your Revenue entries here

alaryentries here

ngcomments re: your Benefits/Payroll Taxes entries here

omments re: your Other Direct Expense entries here

t purchases, including prices and quantities, to your application!

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ments re: your Indirect Expense entry here

				-Enter ORG NAME & DATE Here-								
					Interim & Final	Report Budget Worksheet & Narrative Template						
		Instructions: In the shaded columns, please enter the amounts granted to you per category - <i>just as they appear in the budget section of your Grant Award Agreement (found on Attachment B of the Agreement.)</i> In the other columns, please enter the amounts you've received/spent to date per category (rounded to the nearest dollar.) NOTE - on Final Report Budgets, it is normal to show a remaining balance in both the Revenue and the Expenses columns because you have not yet received your final grant payment.										
Net Revenue												
		Total funding from HCF and other sources are as follows:			HCF Grant Total Award	HCF Grant Amt Rec'd to Date	Other Sources Total Amt	Other Sources Amt Rec'd to Date	In-Kind Total Contributions	In-Kind Contributions-to-Date	Project Budget Total	Actual Total-to-Date
		Health Care Foundation (HCF)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Insert In-Kind			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Insert Other Source(s) of Funding			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Revenue			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net Expenses												
Salary:												
		The project will pay the salary for the following staff: (e.g. Exec. Director, Intake Specialist, etc.)	% FTE	Total Salary Amt	HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions-to-Date	Project Budget Total	Actual Total-to-Date
		Insert Staff Position(s)	0.0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Salary			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Benefits & Payroll Taxes:												
		The project will pay the following benefits and payroll taxes for the above staff (e.g. FICA, Health, Dental, Life Insurance, etc.):			HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions-to-Date	Project Budget Total	Actual Total-to-Date
		Insert Type(s) of Benefit(s)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Benefits & Payroll Taxes			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Other Direct Expense:												
		(e.g. Training Expenses, Consulting Fees, etc.)			HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Other Direct Expense			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Other Direct			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment & Supplies:					HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Type(s) of Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		SUBTOTAL			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Indirect Expense												
		Indirect expense represents the project's share of Overhead Expenses (rent, phone, utilities, etc.) & Admin Costs. Applicants must limit the HCF portion of Indirect Expense to 10% of the Direct Expenses of the project represented by the sub-total above.			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total All Expenses			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Net Project Costs (Total Revenue less Total Expenses)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

HCF Budget - Narrative Comments

Revenue - Explain how each line item of the project Revenue was determined (or calculated) for each: **HCF funds**, **Other funds** and/or **In-kind support**. [For example, an entry of \$25,000 in volunteer time as part of project revenue requires an explanation of how the amount was calculated, such as: 1086 hours of donated time at \$23 an hour=\$25,000. In regards to calculating donated time, the following link is helpful in determining how to calculate volunteer value into a monetary amount: http://www.independentsector.org/volunteer_time?s=volunteer%20value

Salary - Explain how each line item of the project **Salary** was determined for each: **HCF** funds, **Other** funds and/or **In-kind support**.

Benefits & Payroll Taxes - Explain how each line item of the project Benefits & Payroll Taxes was determined for each: HCF funds, Other funds and/or In-Kind)					

Other Direct Expenses - Explain how each line item of the project **Other Direct Expenses** was determined for each: **HCF funds, Other funds and/or In-Kind**)

***Equipment/Supplies** - Please attach list of equipment purchases, including prices and quantities, to your application. Also please explain how each line item of the project **Other Direct Expenses** was determined for each: **HCF** funds, **Other** funds and/or **In-Kind support**)

Indirect Expenses - Please explain what the project **Indirect expenses** will pay for.

Other Direct Expense:												
		(e.g. Training Expenses, Consulting Fees, etc.)			HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Other Direct Expense			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Other Direct			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment & Supplies:					HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Type(s) of Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		SUBTOTAL			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Indirect Expense												
		Indirect expense represents the project's share of Overhead Expenses (rent, phone, utilities, etc.) & Admin Costs. Applicants must limit the HCF portion of Indirect Expense to 10% of the Direct Expenses of the project represented by the sub-total above.			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total All Expenses			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Net Project Costs (Total Revenue less Total Expenses)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

HCF Budget - Narrative Comments

Revenue - Insert any additional/clarifying comments re: your Revenue entries here

Salary - Insert any additional/clarifying comments re: Salary entries here

Benefits & Payroll Taxes - Insert any additional/clarifying comments re: your Benefits/Payroll Taxes entries here

Other Direct Expenses - Insert any additional/clarifying comments re: your Other Direct Expense entries here

***Equipment/Supplies** - Please attach list of equipment purchases, including prices and quantities, to your application

Indirect Expenses - Insert any additional/clarifying comments re: your Indirect Expense entry here

				-Enter ORG NAME & DATE Here-								
				Interim & Final	Report Budget Worksheet & Narrative Template							
		Instructions: In the shaded columns, please enter the amounts granted to you per category - <i>just as they appear in the budget section of your Grant Award Agreement (found on Attachment B of the Agreement.)</i> In the other columns, please enter the amounts you've received/spent to date per category (rounded to the nearest dollar.) NOTE - on Final Report Budgets, it is normal to show a remaining balance in both the Revenue and the Expenses columns because you have not yet received your final grant payment.										
Net Revenue												
		Total funding from HCF and other sources are as follows:			HCF Grant Total Award	HCF Grant Amt Rec'd to Date	Other Sources Total Amt	Other Sources Amt Rec'd to Date	In-Kind Total Contributions	In-Kind Contributions-to-Date	Project Budget Total	Actual Total-to-Date
		Health Care Foundation (HCF)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Insert In-Kind			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Insert Other Source(s) of Funding			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Revenue			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net Expenses												
Salary:												
		The project will pay the salary for the following staff: (e.g. Exec. Director, Intake Specialist, etc.)	% FTE	Total Salary Amt	HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions-to-Date	Project Budget Total	Actual Total-to-Date
		Insert Staff Position(s)	0.0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Salary			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Benefits & Payroll Taxes:												
		The project will pay the following benefits and payroll taxes for the above staff (e.g. FICA, Health, Dental, Life Insurance, etc.):			HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions-to-Date	Project Budget Total	Actual Total-to-Date
		Insert Type(s) of Benefit(s)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Benefits & Payroll Taxes			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Other Direct Expense:												
		(e.g. Training Expenses, Consulting Fees, etc.)			HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Other Direct Expense			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Other Direct			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment & Supplies:					HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Type(s) of Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		SUBTOTAL			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Indirect Expense												
		Indirect expense represents the project's share of Overhead Expenses (rent, phone, utilities, etc.) & Admin Costs. Applicants must limit the HCF portion of Indirect Expense to 10% of the Direct Expenses of the project represented by the sub-total above.			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total All Expenses			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Net Project Costs (Total Revenue less Total Expenses)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Other Direct Expense:												
		(e.g. Training Expenses, Consulting Fees, etc.)			HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Other Direct Expense			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Other Direct			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment & Supplies:					HCF Grant Total Budgeted	HCF Grant Spent-to-Date	Other Sources Total Budgeted	Other Sources Spent-to-Date	In-Kind Total Contributions	In-Kind Contributions- to-Date	Project Budget Total	Actual Total-to-Date
		Insert Type(s) of Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total Equipment/Supplies			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		SUBTOTAL			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Indirect Expense												
		Indirect expense represents the project's share of Overhead Expenses (rent, phone, utilities, etc.) & Admin Costs. Applicants must limit the HCF portion of Indirect Expense to 10% of the Direct Expenses of the project represented by the sub-total above.			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Total All Expenses			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Net Project Costs (Total Revenue less Total Expenses)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

HCF Budget - Narrative Comments

Revenue - Insert any additional/clarifying comments re: your Revenue entries here

Salary - Insert any additional/clarifying comments re: Salary entries here

Benefits & Payroll Taxes - Insert any additional/clarifying comments re: your Benefits/Payroll Taxes entries here

Other Direct Expenses - Insert any additional/clarifying comments re: your Other Direct Expense entries here

***Equipment/Supplies** - Please attach list of equipment purchases, including prices and quantities, to your application!

Indirect Expenses - Insert any additional/clarifying comments re: your Indirect Expense entry here

Compatibility Report for HCF Budget Template - 2015

Applications Reports.xls

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Minor loss of fidelity

Some cells or styles in this workbook contain formatting that is not supported by the selected file format. These formats will be converted to the closest format available.

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**Health Care Foundation of Greater Kansas City
Special Initiative Grant Narrative**

Organization: Healthy Communities Wyandotte, an initiative of Unified Government of Wyandotte County/Kansas City, KS

Problem or Need

WyCo's Smoking Problem

Wyandotte County (WyCo) has many unique attributes that make it a wonderful place to live, like its diversity and tight-knit communities, but it also unfortunately boasts the worst health outcomes in Kansas and numerous economic difficulties. One of the leading causes of poor health outcomes in the county is the disproportionately high adult smoking rate of 23.9% (2015 BRFSS), substantially higher than Kansas as a whole at 17.7%. This high smoking rate is particularly disconcerting when you consider that tobacco use continues to be the leading cause of preventable death and disease in the United States and Kansas. In fact, cigarettes cause roughly 4,400 deaths in Kansas and more than \$1.1 billion in medical expenses every year.

WyCo's Quitting Problem

Even though roughly 56% of WyCo residents who smoke are interested in quitting (2015 BRFSS), treatment to help people quit is difficult to attain due to lack and effective use of current resources. Access to medications in particular is important. People who use nicotine replacement therapy (NRT) and other cessation medications correctly are twice as likely to stay quit compared to those with no resources or support. Unfortunately, there are barriers to accessing these medications. Roughly 18% of the WyCo population is uninsured, making both the prescription and the up-front cost of these much-needed medications unattainable. For those with insurance, such as Medicaid, cessation medications are covered with no cost to the consumer. But a 2016 Health Affairs article estimated that only 3% of adult Medicaid beneficiaries who smoke in Kansas used their medication benefit to quit smoking.¹

Low utilization of insurance benefits stem a lack of collaboration and communication among the public health system, prescribers, and pharmacists. Residents must receive a prescription from a doctor to take advantage of insurance coverage for cessation medications. While this seems reasonable, we know that when a person is ready to make a quit attempt, they may not be able to get to a doctor visit or their doctor may not ask about tobacco use. If the patient does succeed in getting a prescription, they need to successfully fill the prescription within the parameters of their insurance plan. Pharmacists have found that simply choosing the wrong brand or flavor can trigger a denial by Medicaid. For pharmacists that do not know that NRT will, in fact, be reimbursed by Medicaid, the transaction could end with a patient leaving the pharmacy empty handed. Finally, there is a missed opportunity in our health care system when a community pharmacist has the chance to counsel someone to quit during medication management but they do not have the skills or are not incentivized to have this conversation. It would be in everyone's benefit for providers and pharmacists to collaborate. They would leverage expertise and unique opportunities with the patient to work together toward the goal of removing barriers to medication and achieving successful quit attempts for each patient.

Residents of public housing: a priority population

¹ Leighton Ku, Brian K., Bruen, Erika Steinmetz and Tyler Bysshe. Medicaid Tobacco Cessation: Big Gaps Remain in Efforts to Get Smokers To Quit. *Health Affairs* 35, no. 1 (2016): 62-70

In 2017, another important change entered into this scene – the U.S. Department of Housing and Urban Development implemented their final rule requiring every Housing Authority in the United States to go smoke-free by the end of July 2018. The Kansas City Kansas Housing Authority (KCKHA) began their efforts to move toward a smoke-free policy in June 2017. Unfortunately, KCKHA was not provided with any funding to implement this policy, meaning that they are dependent upon community partners to provide residents with resources to make the transition to smoke-free housing easier. In this case, the Unified Government Health Department (UGHD) is providing in-kind staff support as well as financial resources from state-sponsored tobacco control grants to offset the cost of signage.

As shown in the 2014 Surgeon General's report on "The Health Consequences of Smoking – 50 years of progress", the primary aim of smoke-free policies is to reduce exposure to secondhand smoke, but these policies also increase quit attempts. However, the UGHD has no funding to provide direct service for cessation. While this is a moment in time when many WyCo residents are likely to quit smoking, there are many who are not connected to evidence based treatment to ensure that they stay tobacco free and compliant with new mandatory housing policy.

Our solution

We believe that this is an opportunity to both fix systematic difficulties in obtaining treatment for tobacco while addressing an urgent need for the WyCo community to compassionately support people who may be housed at KCKHA properties with no alternatives for care.

Organization & Project Overview

Brief History of Organization

In response to the 2009 County Health Rankings which listed WyCo as having the worst health in the state, Mayor Joe Reardon convened a large group of community stakeholders to strategize a plan of improvement. As a result of that process, the Healthy Communities Wyandotte (HCW) coalition was born.

HCW's mission is to mobilize the community through increased communication, coordination, culture change, innovative leadership and community participation. Led by a steering committee of community leaders from education, health, business, government and community organizations, HCW's work is executed by action teams that correspond to specific focus areas. In 2015, the Steering committee approved the creation of HCW's newest action team, Tobacco Free Wyandotte (TFW), in response to data showing that WyCo's disproportionately high smoking rate was the 3rd most influential factor holding the county's ranking down.

Since its inception, HCW has been successful in leading teams towards meaningful results and TFW has been no exception in its two years of work. In TFW's first months, they partnered with the Tobacco21KC effort to support the Tobacco 21 policy in Kansas City, KS – the first policy of its kind in the state. They then brought the policy to Bonner Springs and helped to facilitate the implementation of both of those policies through communications to retailers, providing signage, and most recently successfully obtaining a grant to facilitate enforcement. In addition, this team helps support advocacy at the Kansas statehouse and supports communications campaigns such as a postcard detailing Medicaid benefits sent to every Medicaid beneficiary in WyCo.

HCW prides itself on bringing together non-traditional partners to find creative and innovative solutions to the community's needs. The Tobacco Free Wyandotte Coordinator for HCW will have a facilitator role in this grant initiative to help organize the work between our many valuable partners who will each be lending unique expertise to the project.

The Target Population/Community(ies):

This project's systems changes have the potential to impact all of WyCo, which has a population of 163,831 people and is 41.6% white, 23.7% black, and 28.3% Latino (2016 census). WyCo is a low-income county where 21.9% of the population lives under the poverty level compared to 12.1% of the population in Kansas. In 2015 according to the BRFSS, 25.5% of residents lacked health insurance, compared to 12.8% in Kansas. WyCo's socioeconomic problems compound its health problems. In almost every indicator we are significantly worse than the state average.

The target population for this project is KCKHA residents. KCKHA is the largest Housing Authority in the state with over 2000 units housing over 3000 people. Unfortunately, we do not have data showing the number of smokers or the insurance status of residents. Staff is currently conducting an assessment with each lease holder to determine this data. We do know that 30% of Kansans living at or below the poverty line smoke, compared to 12.8% for the general population (2015 KS BRFSS). We estimate that this is the case with KCKHA residents since poor and minority populations have been disproportionately targeted by the tobacco industry^{2 3}.

The KCKHA is committing their Self Sufficiency Coordinator to act as a liaison between project staff and residents. This Coordinator will work with Resident Councils, elected leadership bodies at each KCKHA site, to coordinate activities, services, and communications to residents. This approach allows our project personnel to personalize the communication approach to the specific needs and preferences of the building. In addition, we will have at least one peer liaison in each KCKHA site who will be the cessation class leader. This peer-led strategy will ensure that the classes are done at a time and in a way that is most approachable to the resident population. Because they live on-site, peer liaisons can help with class retention by offering support when classes are not in session.

Proposed Project Activities

The following grant activities will be performed between December 2017 and December 2018:

Activity	Purpose and Justification
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² Yu, D. et al Tobacco outlet density and demographics: Analysing the relationships with a spatial regression approach, Public Health , Volume 124 , Issue 7 , 412 - 416

³ Brown-Johnson CG, England LJ, Glantz SA, et al Tobacco industry marketing to low socioeconomic status women in the USA Tobacco Control 2014;23:e139-e146.

Beat the Pack Program and Case management with KCKHA and BHCC	The BHCC will coordinate a cessation program directly on KCKHA properties. KCKHA staffs will recruit 20 peer leaders who are current or former smokers. These peer leaders will go through a one day training on the “Beat the Pack” curriculum in December. Then, the peer leaders will work with resident councils and the BHCC staff coordinator to schedule kick-off health fair events at their respective locations in January. At this fair, BHCC volunteers will enroll building residents in the Beat the Pack class and other appropriate resources.. The peer leaders will then be paid for the next 5 weeks to publicize the class sessions and lead the class. Each weekly class will have incentives to participate such as refreshments and raffle prizes. The volunteer medical professional will also attend each of these weekly sessions to assist in technical questions relating to resources and medication. Throughout the 6 week program, clients will receive Nurse Case Management to secure a medical home and serve as an accountability partner for resident follow-through on plans and goals such as, quit date, filling treatment requirements, stress reduction plans, completing medical visits, etc. Although there are over 20 locations with KCKHA units, we will be hosting these class cessations in 9 locations two times in the grant year (total of 18 5-week classes). KCKHA grouped similarly located family and high rise sites to efficiently use community centers and staff time. Please see attached map of KCKHA properties and WyCo Pharmacies.
Cessation class for KCKHA staff	Although the smoke-free housing policy is primarily aimed at the residents of the KCKHA, staff will be impacted. Therefore, we will offer a class specifically targeting KCKHA employees who are interested in quitting in January. This class is separate from resident classes so that employees feel comfortable being vulnerable and working through their own addiction triggers removed from the complex relationships between administration and resident. This class will be coordinated by the Health Department and led by a Tobacco Treatment Specialist.
Free NRT	In order to support uninsured residents, KPhA will be employing a Free NRT voucher system. The vouchers are given to residents, who redeem them at participating pharmacies or have NRT’s delivered to their homes. Then KPhA will use program funds to reimburse pharmacies the cost of the voucher. At a minimum, the voucher system will include tracking numbers, a signature from Housing Authority staff and participant, and reimbursement reconciliation detail for the pharmacy and KPF. We estimate delivering 334 NRT units.
Improving cessation system	Collaborative Practice Agreements (CPAs) create formal practice relationships between pharmacists and prescribers. CPAs outline certain functions that are delegated to the pharmacist by the prescriber, which are beyond the usual pharmacist scope of practice. The main purpose of the CPA is to allow for the practice of collaborative care, thereby increasing the engagement with the patient and driving better health outcomes. In this project the CPA would allow the pharmacist to provide tobacco cessation counseling and provide insurance covered or directly reimbursed, over-the-counter, nicotine replacement therapy products (NRTs) to qualifying residents.

	We will gather local thought leaders in medical practice, pharmacy, and public health to assess how to best maximize access to NRTs for affected populations in Wyandotte. Part of this assessment will be the development of a template CPA that will allow pharmacists to prescribe NRTs to patients. The CPA will outline the process the pharmacist must use in their counseling and prescribing of the NRTs. The CPA will include suggested follow up activities, including subsequent counseling appointments where appropriate. As with any template, there will be areas for adjustment based on the prescriber/pharmacist relationship in order to allow all practitioners to be comfortable with the agreements. Once the providers have agreed to their modified CPA, it will be sent to the Board of Pharmacy for review. Throughout the negotiation and approval process, the KPhA staff will facilitate a communication plan allowing us to share best practices and lessons learned in the CPA process with all participants of the project. Within the project we will be collecting information on CPA negotiations and final products to better inform future efforts for pharmacists approaching prescribers with CPAs. Future areas of focus for pharmacist-led CPAs include areas in which pharmacist receive formal training that present opportunities for significant impact to population health outcomes such as diabetes prevention and treatment, pharmacist administered injectable medications, and wellness.
Training for Pharmacists	The project will provide continuing education for pharmacists in both live and recorded formats for the duration of the project. These educational opportunities will include training developed using the Center for Disease Control's (CDCs) <i>Clinical Practice Guideline: Treating Tobacco Use and Dependence: 2008 Update</i> and the CDCs <i>Consortium for Tobacco Use Cessation Technical Assistance</i>, as well as other materials. These trainings will educate pharmacists on the best recommended approaches for providing tobacco cessation counseling. In addition, KPhA will provide the most recent information on cessation treatment and product utilization recommendations related to NRTs and other cessation products. Information specific to the KanCare plans on dispensing NRTs will be included. In addition to pharmacists training, we must recruit providers in WyCo into the project. The main focus of these efforts will be to bring prescribers and pharmacists together to educate them on CPAs and how they can use a CPA to define the role a community pharmacist can play in a coordinated care team, with a special focus on inclusion of the pharmacist in tobacco cessation activities.

General Communi cations	The UG Health Department staff will support all of these activities with communications coordination and advertising support. At the beginning of the project period, staff will bring together partners to discuss the current landscape of cessation resources and ensure mutual coordination of efforts. Midway through the project period we will assess the effectiveness of coordinating pharmacy system interventions with direct cessation class implementation and make appropriate changes to address difficulties. In addition, we will provide advertising for the cessation classes in the form of door hangers, posters, or other materials that buildings choose. The Health Department will also provide information and materials to buildings and site managers referencing cessation resources available when classes are not in session. In conjunction with the Tips from Former Smokers campaign in 2018, we will mail out advertisements of the Quitline and Medicaid benefits to all residents to sustain awareness of community resources.
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Outcomes & Evaluation

KCKHA and HD are currently in the process of conducting a data collection initiative related to smoking with KCKHA residents. The survey will give us baseline data for insurance status of residents, smoking prevalence rates, and interest in obtaining resources to help quit tobacco. Our goal is to conduct a post-intervention survey in 2019 to understand changes in these indicators, one year after full policy implementation and post-cessation interventions. In addition, the BHCC staff, including a nurse project coordinator, will be using an Electronic Health Record to track the number of KCKHA residents who sign up and complete the Beat the Pack the cessation program, sustain a quit attempt, and get connected to a medical home.

The Kansas Pharmacy Association (KPhA) will request data from a number of sources to identify the baseline rates of NRT utilization for the target population. These data sources include KanCare (Kansas Medicaid Program), Kansas Quitline, Kansas Health Information Network, Lewis and Clark Information Exchange, project voucher system, and participating pharmacy Medication Therapy Management tracking systems and claims systems. Using that data as well as tracking the performance of Collaborative Practice Agreements, KPhA will then evaluate project impact on the number of NRTs reimbursed under prescription by KanCare in the WyCo area and the utilization of pharmacists to support cessation treatment.

Staffing and Capacity

The Healthy Communities Wyandotte coalition unifies the partners working on this initiative. HCW has established its ability to coordinate multi-sectoral projects across the community. For example, HCW coalition members created a Policy Committee in 2016 to coordinate advocacy issues across interest and stakeholder groups. That committee now has membership from all HCW Action Teams, elected officials, and at-large membership from stakeholder organizations and neighborhood groups. The committee successfully completed their first legislative session in 2017 with advocacy activity participation by a majority of membership.

One of the keys to the success of HCW is the backbone support provided by the **Unified Government Health Department (HD)**. Many of the HD's county-wide tobacco activities, including the TFW team, are coordinated by **Rebecca Garza**, Tobacco Free Wyandotte Coordinator in the Healthy Communities Division. Rebecca earned her Master of Science Degree in Medical Anthropology and Cross Cultural Practice from Boston University Medical

School and her Bachelor of Arts in Religious Studies from The University of California Davis. She is also a 2017 graduate of the Health Care Foundation's Healthy Communities Leadership Academy. Along with her work on the TFW Team, Rebecca coordinates the HCW Policy Committee which is tasked with creating one coherent federal, state, and local advocacy agenda. This Committee educates coalition members about statehouse activity, educates legislators on community health issues, and provides testimonies for policy at the state level. Her experience has prepared her to coordinate this Special Initiative Cessation Campaign.

The HD itself provides crucial support to HCW and therefore this grant. Approximately 2/3 of the Health Department's \$8 million budget is grant-funded, and the fiscal officer has experience processing grants and holding staff accountable to deadlines and reporting requirements. Additionally, the grant will benefit from utilizing the HD's communications network. HCW and the HD will coordinate the grant and serve as a bridge between the activities of the KPhA, KCKHA and BHCC.

The Kansas Pharmacy Foundation (KPF) is a 501(c)(3), charitable, non-profit organization made up of the past presidents of the Kansas Pharmacists Association (KPhA). KPF is charged with supporting the mission of the KPhA through general support of the practice of pharmacy in Kansas as well as the provision of pharmacist and public education. As part of this project KPF and its partners will be leveraging KPhA resources in the development and communications around CPAs and NRTs. KPF and KPhA have a shared staff arrangement, allowing experience gained from prior KPhA projects to directly benefit this project.

Kansas Pharmacy Association (KPhA) was founded in 1880 and is one of the oldest statewide professional organizations of pharmacists in the country. KPhA has a long, proud history of representing pharmacists of all practice settings in Kansas. The Association is dedicated to the advancement and promotion of quality and rational public health by assuring optimal pharmacotherapy, with a focus to enabling pharmacists, students and pharmacy technicians to promote quality public health and patient care through pharmacy services.

KPhA is at the forefront of Kansas' movement to establish and promote CPAs. KPhA helped providers secure one of the broadest ranging CPA laws in the country. Over the last three years KPhA sponsored a CPA Task Force that provided technical assistance and materials for pharmacists interested in pursuing CPAs with local prescribers.

Aaron Dunkel, MPA, is the Executive Director for both KPhA and KPF. He came to KPhA and KPF in January 2017. Prior to that, he served for 10 years as the Deputy Secretary of the Kansas Department of Health and Environment (KDHE). During that time he oversaw the Division of Public Health, the Division of Health Care Finance (Medicaid), served as the state's Health Information Exchange Director, and oversaw general agency administration.

In this role he developed policy, participated in policy decisions, developed integrated data stores, managed the agency budget, negotiated KanCare managed care contracts, and acted as the lead agency liaison with the Kansas Legislature, among other responsibilities. As a result of his time with KDHE, Aaron has developed a number of strong relationships with provider groups, insurance companies, technology vendors, public health administrators, and both state and federal government personnel. Aaron will be using those relationships to gather data and bring partners together to coordinate the advancement of CPA's with WyCo providers.

Amanda Applegate, PharmD BCACP, is a Board Certified Ambulatory Care Pharmacist, with focuses on preventive health and chronic disease management. As a pharmacy practice resident with the University of Kansas and Balls Foods Stores (BFS), she re-designed the employer-provided tobacco cessation curriculum for BFS. Amanda led tobacco cessation courses using both Beat the Pack and Become an Ex based curriculum. Hired by BFS after the completion of her residency, Amanda serves as a clinical services coordinator for 21 pharmacies. Her current role includes management of BFS's Medication Therapy Management program, immunization program, and grant programs. Primary responsibilities of these roles are pharmacist education and data collection and reporting on the programs. Amanda has served on the KPhA Board of Directors since 2015, and has used that position to focus on pharmacist education with a public health focus. Amanda will lead the pharmacy education for this project along with helping to recruit local pharmacies and providers to the CPA effort.

The Black Health Care Coalition (BHCC) has served the Greater Kansas City area for nearly three decades. The organization's mission is to eliminate health disparities in the African American community through access to care, advocacy and health promotion. BHCC provides direct serves for an average of 2,700 clients annually. Services include patient navigation, biometric screenings, medical home designations and healthy lifestyles programming. BHCC is governed by a 17-member board that includes physicians, population health experts, an attorney, marketing executives, small business owners and academia.

The BHCC Program Director will provide oversight for project deliverables and serve as a liaison for program partners. The director will secure resource(s) to train resident leaders in "Beat the Pack" model and facilitate ½ day training with resident leaders. The program director is a Robert Woods Johnson Fellow, has received certifications in Family Development, Community Health Work, Youth Development and Mental Health First Aid Train the Trainer. She has a Master's in Business Administration and over 20 years of progressive experience in grass-roots community mobilizing.

The Patient Navigator is a registered nurse who will spend 13 hours per week making contact with residents. The Navigator will ensure each client attending the health fair and/or support sessions have an electronic client record. This staff will also track quit attempts, the frequency of clients' utilization of the WyCo care system and stories. This staff currently provides Nurse Case Management services for BHCC. She has nearly two decades of experience in community health. This staff also supported resident leaders in the 2016 smoking cessation project.

The Project Coordinator will provide direction and guidance for Resident Leaders, recruit volunteer medical providers and coordinate promotional health fairs. The coordinator will assist the Patient Navigator with data collection for project evaluation. This staff is a Licensed Registered Nurse and currently leads BHCC's outreach work. She currently manages over 40 medical volunteers for the organization and oversees 12 Faith Based Screening Centers in Kansas and Missouri.

Collaboration: The Roles of other Services/Organizations

Healthy Communities Wyandotte has helped bring together different partners and needs in WyCo for this cessation systems project. HCW's Tobacco Free Wyandotte Team is tasked with reducing WyCo's smoking rate and assisting partners in their efforts to do so. TFW accomplishes that by helping to facilitate community projects that cannot be done in isolation and providing backbone support through staffing, communications support, and serving as a fiscal agent on coalition projects. For the past year, HCW has worked with the KPhA, Kansas

Department of Health and Environment, and local providers in the area to investigate the low utilization of insurance cessation benefits. During this time, coalition members realized that local pharmacists were unaware of Medicaid cessation benefits, and in general, disconnected from our public health efforts to increase successful quit attempts.

Not long after, the WyCo Health Department and HCW began to assist the KCKHA in their efforts to implement a smoke-free policy. Unfortunately, the magnitude of assistance was more than HCW could support to adequately address the needs of residents. Staff believed that connecting this opportunity with Pharmacy partner's creative approaches to improving the cessation system would ultimately yield the most impactful results for WyCo as a whole.

HCW will continue to facilitate communications and coordination amongst different stakeholders in this process and evaluate the impact of these efforts for the community as whole. HCW will complement the direct service work that is being provided through the other partners listed here with the financial and in-kind support of their Chronic Disease Risk Reduction grant which can be used to support policy and environmental change.

The Kansas City Kansas Housing Authority reached out to HCW early in their smoke-free policy development process to obtain assistance and support. While KCKHA's primary goal is to ensure that residents comply with the smoke-free policy language, they do not want residents to be evicted due to their tobacco addiction. KCKHA is currently administering data collection to understand the prevalence of smoking and the insurance status across the resident population. In addition, they are providing in-kind staff support to ensure that the BHCC and HCW staffs are able to reach resident leaders and administer programs. KCKHA will also ensure that the timing and implementation of cessation programs complement their policy implementation and allow BHCC services to be administered in KCKHA owned facilities.

The Kansas Pharmacist's Association (KPhA) recognized that pharmacists are a highly underutilized provider resource that has the capacity to provide a wide array of clinical services to patients. Specifically, pharmacists are uniquely qualified to provide counselling services related to medication utilization and population health issues due to their training and ease of accessibility to the public. KPhA identified the reimbursement of counseling services and NRTs as the removal of the single biggest impediment to access for those that are interested in quitting or reducing their use of tobacco products.

Next, KPhA identified provider education on the use of CPAs and tobacco cessation specific CPA development as necessary for the project to be successful. With that in mind, they identified Amanda Applegate as a contracted resource that has extensive experience in pharmacy clinical services and CPA development and implementation. KPhA has a unique capacity to convene the stakeholders necessary to educate providers on CPAs and facilitate the execution of the CPAs.

The voucher concept, which allows for the provision of cessation counselling and NRT products to the uninsured, is necessary due to the prevalence of uninsured residents. Due to the KPhA's expertise in obtaining and managing medication, the WyCo Health Department determined that any free NRT program would more adequately be KPhA. The voucher program was determined to be the most effective way to track utilization, minimize fraudulent activity, and ensure pharmacies receive payment for services and product they provide.

The Black Health Care Coalition supported the Housing Authority of Kansas City, Missouri when they went smoke-free. The BHCC will use what they learned from that project coupled

with the unique resources in WyCo to implement the cessation therapy and nurse case management with this project. Although the on-site cessation service need was initially developed in isolation from the cessation systems portion of the project, the BHCC's focus on connecting patients to the health care systems and their delivery of NRT vouchers to participants will reinforce and test any systems changes. The BHCC invite new providers that are not yet in HCW or KPHA's network to widen the reach of our CPA and continuing education opportunities in addition to teaching residents how to make the most of their insurance benefits. The BHCC's expertise in care delivery and connecting vulnerable populations to needed resources anchors our project by connecting systems activity to direct practice with residents.

Sustainability

After this grant ends, the KCKHA's need for cessation resources will be substantially reduced. This grant coincides with the first year of smoke-free housing policy implementation. We anticipate that demand for in-person cessation resources will be reduced due to residents adapting to the behavior change, and others having successfully quit through the programming. At this point, the Health Department will use resources from other sustaining funding sources to maintain communication about cessation resources, though at a much lower level than during the project period. HCW staff will assist with training KCKHA staff, during the project period, to refer to community cessation resources such as the Kansas Quitline and the Health Department itself. We project that these resources and referrals will be utilized on an as-needed basis when managers are working through a specific situation with individual residents.

For the Collaborative Practice Agreements, we believe that the main reason this tool is not currently utilized is the lack of precedence and trust between local providers. This project does the up-front work of creating a template specific to our region's needs and having these provider's build that initial trust. We will use experiences of providers throughout the project year to champion the continuing use of CPA's into the future. Then, KPhA and new partners can sustain and expand the use of CPA's through our project's success stories and outcome data.

Cultural Competency

While the Unified Government Health Department (HD) in itself does not have a formal cultural competency policy, we strive to not only respect our communities' values, but to work toward greater diversity and serve our community equitably. HD staff, are required to live within the borders of WyCo meaning that the communities we serve are often those to which we belong. Although WyCo HD staff demographics do not completely match those of our county, we are proud to have a diverse staff with 21% identifying as African American, 17% identifying as Hispanic/Latino, 3% Asian/Pacific Islander, 1% American Indian, and 58% Caucasian.

WyCo as a whole is lucky to be one of very few in the country that boasts a majority – minority population. Unfortunately, reports show minority populations use counseling and medication less often and have lower success rates than white smokers despite more often quit attempts. We hope to reach populations that have not benefited from modern cessation therapies by employing peers to ensure that appropriate resources are reaching residents through their preferred communications networks.

Finally, the HD is currently training case workers who work with the refugee community to do individual cessation therapy that is appropriate to the specific individual who does not speak English as a first language. For Spanish speakers, we are going to work with a partner organization, Juntos, which specializes in research and health promotions with the Latino community, to deliver cessation therapy in Spanish as needed. Together, we hope that all of our residents will be able to reach the programing most beneficial to their situation and needs.

Wyandotte County (WyCo) has many unique attributes that make it a wonderful place to live, like its diversity and tight-knit communities, but it also unfortunately boasts the worst health outcomes in Kansas and numerous economic difficulties. One of the leading causes of poor health outcomes in the county is the disproportionately high adult smoking rate of 23.9% (2015 BRFSS), substantially higher than Kansas as a whole at 17.7%. Even though cessation medications greatly increase the success of cessation attempts, the population most in need of this support is often unable to obtain it and use it correctly. Roughly 18% of the WyCo population is uninsured making the up-front cost of medication unattainable. For those with insurance, such as Medicaid, cessation medications are covered with no cost to the consumer. However, a 2016 Health Affairs article estimated that only 3% of Medicaid adult smokers were using their medication benefit to quit smoking due to systemic barriers and lack of awareness of the medication benefit. Regional and local partners, including the Kansas Pharmacy Foundation (KPF), the Kansas Pharmacists Association (KPhA), Healthy Communities Wyandotte (HCW), the Kansas City Kansas Housing Authority (KCKHA) and the Black Health Care Coalition (BHCC) propose using the KCKHA's upcoming smoke-free policy change as an opportunity to provide targeted cessation support to high-need residents while testing cessation systems changes and building trust across disciplines during this time of high cessation resource utilization.

The KCKHA is committed to implementing their smoke-free policy change, which must be completed by July 2018, with compassion for residents by bringing resources and access to care into each housing site. HCW, KCKHA, and BHCC will modify and implement the Beat the Pack program for residents, which BHCC successfully utilized with the Kansas City Missouri Housing Authority to support their policy change in 2015. Resident leaders and staff at each KCKHA facility will be trained in Beat the Pack and paid a stipend to be tobacco cessation advocates. The advocates will lead 2 class sessions over the course of the first smoke-free policy implementation year.

At the same time, KPF and KPhA will work with local pharmacists and medical providers to streamline known barriers in accessing cessation benefits for WyCo residents. A priority will be streamlining the process of accessing prescriptions for nicotine replacement therapy (NRT) through collaborative practice agreements with local physicians, as a prescription is necessary to utilize existing insurance benefits for NRT. KPF and KPhA will also work to educate local pharmacies about tobacco cessation, associated products, and how pharmacies can best facilitate access to products for a quit attempt. KPhA will work with several WyCo pharmacies to either work with existing insurance benefits or stock and dispense NRT for KCKHA residents at no cost to the residents.

Combining these strategies can impact not only the smoking rates and accessibility of care in WyCo, but provide a model of cessation optimization for other similar communities around the state of Kansas.



Staff Request for Commission Action

Tracking No. 1891

Full Commission Meeting Date: 3/1/18

Committee: Administration & Human Services

Date of Standing Committee Action: 2/26/18

(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>
02/23/2018	Robin H. Richardson	x5774	rrichardson@wycokck.org	Urban Planning & Land Use

Item Description:

Bikewalk KC operates a regional bike share system in the metropolitan area. The Rosedale Master Plan and additional planning work includes expanding the bike share system into Kansas City, Kansas. This item is to discuss strategies and specific grant opportunities to expand the bike share system into Kansas City, Kansas.

Action Requested:

Fast track to the 3/1/18 full commission meeting

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 18101

Full Commission Meeting Date: 3/1/18

Committee: Administration & Human Services

Date of Standing Committee Action: 2/26/18

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
02/23/2018	Robin H. Richardson	x5774	rrichardson@wycokck.org	Urban Planning & Land Use

Item Description:

Federal Funding for Sidewalk and Trails Master Plan Implementation

Authorize staff to apply for federal funding to construct new sidewalks using the sidewalk and trails master plan implementation line item in 2018 budget as a 20% local match.

MARC is currently accepting project proposals for Congestion Mitigation/Air Quality (CMAQ), Surface Transportation Block Grant Program (STP), and TA Set-aside projects. Eligible project types include:

Active transportation, including bicycle and pedestrian infrastructure

Alternative fuel and diesel retrofit strategies to improve regional air quality

Public transportation

Outreach strategies to improve regional air quality

Roadway and bridge capacity, management, operations, preservation and traffic flow

Transportation safety

Action Requested:

Fast track to the March 1, 2017 full commission meeting

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List: