

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.

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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

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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.

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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