

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

PLANNING AND ZONING AND
REGULAR SESSION
MARCH 1, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 1, 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: Christal Watson, Deputy Chief of Staff; 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; Jon Stephens, Director of Economic Development; Patrick Waters, Senior Attorney; Wilba Miller, Community Development Director; Emerick Cross, Commission Liaison; Rob Richardson, Director of Planning; Zach Flanders, Planner; Janet Parker, Administrative Assistant; and Major Kent Anderson, Sergeant-at-Arms.

Mayor Alvey said I want to thank all of you for coming out this evening. Before we begin, I want to announce that anyone who's interested in addressing the Commission on the public hearing agenda regarding the proposed 2019 Unified Government Budget and the 2018 Community Development One-Year Action Plan may sign up at either of the tables located at the chamber doors. If you have not yet signed up on your way in and wish to address the Commission on that item, please go to one of those tables and sign up.

When that item is up for discussion, the Clerk will call the names in order according to the sign-up sheets. She will also announce who's on deck, which means you'll be next to the podium. When you come to the podium, located by the railing up front, please state your name and city of residency for the record. You will be given up to three minutes to state your comments. The Clerk will announce when you have one minute remaining to allow you time to conclude your comments.

Mayor Alvey called the meeting to order.

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

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

Mayor Alvey asked are there any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, Mr. Mayor, a blue sheet has been distributed. We have two new items under the Administrator's Agenda. Item #1 is a resolution regarding the MOU for the United Brotherhood of Carpenters. Item #2 is a resolution regarding the MOU for the FOP Lodge #4.

Mayor Alvey said tonight we have two distinct parts to our meeting, the Planning and Zoning portion will be handled first, followed by the regular Commission meeting. I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting followed by the items on the Planning and Zoning Consent Agenda.

Bridgette Cobbins, UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

PLANNING AND ZONING AGENDA

Bridgette Cobbins, UG Clerk, asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Bynum** said I have had contact with proponents of Change of Zone, Item #1, #3151. I have had contacts with opponents of Special Use Permit #SP-2017-55. **Commissioner Philbrook** said I have had contact on Item #3151 and #SP-2017-74. **Commissioner Walters** said I've had contact on Item A-1, #3151. **Commissioner Kane** said same contact, Petition #3151. **Commissioner Townsend** said I've had contact with proponents of Change of Zone Application #3151, and also with proponents of the Miscellaneous Ordinance Amendment concerning the mobile markets. **Commissioner Johnson** said proponents of A-1, #3151, and opponents of #SP-2017-55. **Commissioner Markley** said I've also had contacts on Item #3151, A-1. **Commissioner Burroughs** said I've had contact with proponents of #3151, Item #1. **Commissioner McKiernan**

said I've had contact with proponents of A-1, #3151. **Commissioner Murguia** said I've had contact with proponents for #3151. **Mayor Alvey** said I also have had contact with proponents of #3151.

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

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.

Tyler Edwards said I'm the applicant for Item A-1, #3151. I would request that this is removed from the Consent Agenda so we can discuss.

Commissioner Townsend said I'd like to have a fuller discussion and, therefore, I'm asking it be set aside, the proposed ordinance regarding the mobile grocery operators. **Mayor Alvey** asked the number of that is. **Commissioner Townsend** said E-1.

Unidentified speaker said for XM Automotive, we wanted to ask that you please remove from the Consent Agenda to be discussed. **Rob Richardson, Director of Planning**, said that's B-2.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve all other items as submitted.** Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Mayor Alvey said first of all, I failed to recognize Chuck Stites in the audience, an elected official for Edwardsville City Council. We always have to lead with that.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 18106... CHANGE OF ZONE APPLICATION #3151 – TYLER EDWARDS WITH MENARDS, INC.

Synopsis: Change of zone from A-G Agriculture District to CP-2 Planned General Business District for a Menards home improvement retail store at 1301 North 98th Street, submitted by Robin Richardson, Director of Planning. Applicant is seeking a rezoning to build a 210,754 square foot home improvement store retail building (Menards) at 1301 N. 98th Street on 29.57 acres. The development will include 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 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 ten 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 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 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's 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's 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 described 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 landowner support, we will consider any modifications as the specific guidelines for this

site, but no other. The landowner 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 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-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 approve 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 eight feet 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 eight-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 two-inch caliper. All shrubs along the exterior of the site must be planted at a minimum of five gallons. Internal shrubs must be planted at a minimum of three 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.

I: 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.

Staff 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 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

The eight-foot 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

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:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Comments are listed as stipulations below.
2. Items that are conditions of approval (stipulations):
 - a. 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.
 - b. 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.).
 - c. 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.
 - d. 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.

- e. Existing soil percolation tests shall be provided at proposed stormwater BMP locations, with the final development plan submittal.
- f. Provide documentation on the existing KCP&L easement vacation prior to final development plan approval.
- g. The lot line adjustment shall be approved by the UG prior to final development plan approval.
- h. Obtain a KDHE sanitary sewer extension permit and submit to the UG prior to final development plan approval.
- i. Obtain all necessary temporary and permanent easements and submit to the UG prior to construction permit acquisition.
- j. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- k. 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.
- l. 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.
- m. 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.
- n. 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:
 - 1) 98th Street and Troup Avenue (Drive 4)
 - 2) 98th Street and France Family Drive
 - 3) 98th Street and Drive 11 full access at Menards

4) 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.

- o. 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.)
- p. 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 Menards project (modified per staff recommendation.)
- q. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Staff Conclusion:

The applicant has 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.)

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.

Rob Richardson, Director of Planning, said this comes before the Board of Commissioners tonight recommended for approval with several stipulations from the Planning Commission. I believe Mr. Edwards has a few points related to those stipulations he'd like to discuss so I'd turn it over to him at this point.

Tyler Edwards, Real Estate Representative with Menards, said we are excited to be here tonight. We're working on our fifth Kansas City regional store. We've been looking in this area for quite a long time. We're excited to find our spot, get constructed later this spring, and open about a year later from that. We are handing out some materials related to our project so you can follow along as we discuss some of these items, and as such handing them out, add them to the official record.

The first group in that packet is a set of Menards' site plans. The first three pages are the most updated plans that we have submitted. The last two pages were the first set that we submitted. Based on the two, you can see we've come a long way from the prototypical store that was the

second two pages. That's the store the same as built in the Kansas City, Missouri market; a very good store for us.

We have, over the process of this review, made a lot of changes, compromises, concessions to get to the store that you see on your pages. Those include parapet on the front of the building, sienna columns on the front of the building, a sienna knee wall on the front of the building, additional windows that no other Menards' store has yet, columns on the north side of the building, a lot of additional landscaping. After the Planning Commission meeting, we added columns to the back of the warehouse facing east as well as the fence and changed the color of that warehouse to tan.

All of this was done in an attempt to get everybody comfortable with how our store operates in relationship to the ordinance. I hope Rob doesn't think I'm picking on him, but he is a great example because he's told me several times he has visited the St. Joseph, Missouri Menards store frequently, and so do thousands of other Wyandotte County residents. That's a large outflow of retail shoppers to other Menards stores, so this will help bring all those thousands of people back to the county sharing trips, spending their sales dollars here.

Now all that being said, there are a few outstanding issues that we want to talk about. Those are the items in the packet that are under the red lettering, the last few issues that we need to discuss. Tonight, we are asking for not a recommendation that aligns with the Planning Commission, but in fact, a recommendation that approves the plans we have submitted 100% so we have a clear direction going into building, plans, and the final development plan process.

With that, the first issue is the wood screening around our lumberyard. This is a feature that every single Menards store has. It will be a treated wood fence. We have agreed to a maintenance program that will keep this updated and looking fresh. There's probably millions of square feet of board fence around the area that looks nice. We're going to continue doing that on our store. We're asking that that wood screening is approved.

There is a truck trailer that is stored in our yard that we are asking is approved. It is not an over-the-road truck. There's a picture of it in the back of that packet. You'll see on the second couple of pages, not a full length semi-trailer. We're asking that that is allowed to be stored within the enclosed yard, not visible to the public.

Parking is a BZA issue we've submitted for, but I do have some figures in that packet related to parking spaces at stores in the area and other new Menards stores. Some of them have 100 less

spaces and we operate very well. We are comfortable with our own parking situation and we're going to the BZA for that. We're asking that you accept our parking as it stands.

Cart corrals is one of the photos that I took a picture of because I was told that everyone else has complied with this ordinance section. There is a picture of the Target, of the Nebraska Furniture Mart, of the Cabela's, all with cart corrals almost identical to what we're proposing, minus the cover. We won't put signage on it. We are asking you to approve our cart corrals because we move them around seasonally, closer to the Garden Center during the spring and summer and then closer to the front doors in the winter, depending on the busy season. Those cannot be permanent structures in our parking lot; asking you to approve those as proposed.

There's a request for a sidewalk connecting 98th Street to our store. That was made on the south side. That is apparent on the plan. However, we were asked to add another sidewalk through the parking lot. Those sidewalks don't get used very often unless you are parked right next to them. Nobody walks through a bunch of cars to get to a sidewalk and then up towards the door out of the way. Same with coming out of the store. Nobody pushes their cart down the sidewalk, over the curb, through the cars, to get to your vehicle. I've attached pictures of examples. You'll see the rows in the middle. They don't benefit. This isn't something we need. Our aisles are 26 feet wide, plenty of room for pedestrian and vehicle traffic without any sort of conflict.

We have covered noise issues with the neighbors. There's no need for any sort of sound study. Our forklifts do not have back-up beepers on them at the new stores. That is not an OSHA requirement for our forklifts, so there's no sound issue. We've cleared that with the neighbors. We're asking that you approve that without the need for a sound study.

Almost to the end. The columns on the north side of the building, the ordinance says they need to be 45 feet apart. That is a long expansive wall. We added them where the roof changes pitch. There's a few of them on that façade. The neighbors are in agreement. We think it looks nice. We're asking you to approve that façade as presented.

Landscaping — I think we are 100% covered. There's additional landscaping added to the neighboring property. We have an agreement with them. We're asking you to combine those additional trees on their property. We've already filled out all the landscaping on our property. It's full. It looks nice. I think we're there on that issue.

Rooftop mechanical screening — we are screening the rooftop mechanical units almost identical to the DFA building, our neighbor. They are all individually screened. You cannot see

them from any side. So, from their property, it will be perfectly screened. There is a parapet on the front wall already, so that'll just aid in that screening.

Those are the issues that we are asking you to approve based on how we presented them, how the plans show them, so we get 100% guidance moving forward. The end of the Planning Commission was rather confusing. There was no clear consensus on where we were going. We are asking that the plans we have submitted are approved so we can go get our final development plan and start construction.

Mayor Alvey said I'll now open the public hearing and ask if there is anyone present who would like to speak in favor of #3151. If so, please step to the podium at this time and give us your name and address for the record. You'll be given up to three minutes to state your comments.

Curt Peterson, on behalf of the master developer, said I just wanted to address a couple of items. Mr. Richardson's passing out a couple of sheets of paper. Before you get overly frustrated, I will say I hope commissioners understand this is something that we don't, I'm a repeat player here, we don't usually pass things out this like.

The reason is, as Mr. Edwards said, coming out of Planning Commission, I do this for a living, and I don't know what got approved. Honest to goodness. What we did is we took the exact numbering from the staff packet so you can follow along. As Mr. Edwards did, he marched through and put comments next to each item in the staff packet that needs to be addressed to show why we would ask you to support the plans as submitted. We hope that's the easiest way for you to understand, to ask questions, to take notes. We'd ask at the end that the motion that would be made, if the vote is in favor of this proposal, and we hope there is, that the motion would be the plans, as submitted, and that that would be in the record that Mr. Edwards gave you, and then this packet that I'm giving you right now would also be in the record. We hope that is the best way to bring clarity to what is being voted on.

With that, the only items I'm bringing up are those that are on behalf of the master developer that really have nothing to do with Menards. Marching through that, Comment B.13, which is on the first page in front of you, is a comment where staff asks for an updated traffic study; I'd call it an updated global traffic study.

What we would point out to the commissioners is we did do, with Menards, an updated traffic study that specifically looked at the Menards' situation. Staff has had that and reviewed that. What we would ask, instead of having this B.13 read that an updated global traffic study needs to be done in addition to the study we just did, and this would be a condition for the construction permit which, as Mr. Edwards said, he wants to get to work here in the next 6-8 weeks after the final plan is approved, we would ask that you change this and say when the rest of the development moves forward south of Menards, we would do a global traffic study. Then we'd know everything that's going in and it would make more sense and be efficient. That's the change we would ask for there.

Comment B.14 is exactly the same. It's just talking about what would be in that traffic study. We agree to that. We'd just like to do it again with the rest of the master development south of Menards and not hold Menards up for yet another traffic study.

Comment B.15, on the second page, is just saying that 98th and State would get a signal. As many of you may remember, as part of the development agreement, that money's already been set aside from the bond issuance. The UG, whenever they want to move forward with that signal, the UG will do it and we're supportive of that. We would just ask that it not have any tie to Menards in any way.

The last one is B.16 and that's traffic improvements at 98th and Parallel. This is something that the design has already been approved by the UG, which is great. This is something that soccer, the master developer and the UG will coordinate with and pay for and get done. Right now, it's a condition of TCO for Menards. We would ask that you de-couple Menards from that because as the updated traffic study said that was just done, Menards has no impact on that intersection. Let's get this done and tied to the development as it moves forward south of Menards.

Really, with that, again we'd ask that you incorporate this into, hopefully, a motion in favor of this project tonight to bring clarity to these points as we move out of this meeting. On behalf of the master developer, thank you for all the support that you've given this development and the master developer. We are thrilled that we have one of the nation's leading retailers, really the most sought after in the country, that is poised to come to the UG. Thank you for time.

Eric Gentry, Victory Chrysler Dodge Jeep Ram, Victory Ford and Premier Auto Outlet at the Legends, said first of all, I'd just like to apologize that you have a car dealer following an attorney. I know that's maybe not the best thing for your night.

I'm here in support of this project. I'm not just here on behalf of myself, but the roughly 150 employees that with your vision and the Commission's vision, we have brought to the Legends Auto Plaza. I've taken some informal surveys of those people. Every single person has been incredibly in favor of the Menards coming and being our neighbor.

I've stood up here a few different times when we were in the process of building these dealerships out there and invested millions of dollars in this area. I can tell you, I'm extremely excited for what that can bring and what can follow along behind that. My ultimate goal is to be standing up here in front of you within the next 12 months and be asking to build another car dealership in this exact same area. I think you guys have demonstrated incredible foresight and it's benefited us. I think that this partnership and the synergy that Menards would bring would be a big benefit.

Mayor Alvey asked is there anyone else. Seeing none, if there is anyone in opposition who would like to speak on this item, please come forward. No one appeared in opposition.

Mayor Alvey closed the public hearing.

Commissioner McKiernan said anybody who watches any commission meetings on television knows I don't like stuff at the last minute. I don't like stuff ten minutes before the meeting. I like stuff with enough time that I can actually look at it and make an informed decision because that's what I've been asked to do.

What I look at right here, and I'm not going to make any comment about the project, the project's great. I'm going to make a comment about process.

I'm looking here at the—what date, Mr. Richardson, was this brought forward to the Planning Commission, February 12? **Mr. Richardson** said correct. **Commissioner McKiernan** said on the February 12 report that's in my agenda packet, and I'll just go with General Planning Item No. 1, Section 27-466(c) (1). That comment is the same, but the applicant response that was in my agenda packet differs from the applicant's response that's in this handout, let alone what's in

red here. What's in red isn't an addition, the whole thing, it's a substantive re-writing of what I had in my agenda packet. I don't know that we should, I will just say I depend on the Planning Commission, my representative to the Planning Commission, to make an informed decision about what they are presented with. It appears that what we are being presented with differs substantially from what the Planning Commission was presented with.

If that's the case, that bothers me that, it bothers me that a wholesale revision is potentially being given to us without enough time for us to go what about this. There are about 32 items on this list. There's a number of items on this list. I'm just frustrated with the process that we are undergoing here tonight because I don't feel like I'm being given time to make a thoughtful decision about what appear to be some substantial changes. That's all I have to say.

Commissioner Bynum said I just wanted to, for the public that's here and for myself, talk about the process a little bit.

Tonight is a rezoning of the area for the project. If that's approved, will there later be a development agreement for this project that would be a separate item? **Doug Bach, County Administrator**, said yeah. We're currently working on—the development agreement we're working on for this project is not one we're doing directly with Menards. The development agreement is one we do directly with Schlitterbahn and EPR, the master developers for the overall project area. We are still in the process of working on that and that would be a separate agreement that would come before you at a later date.

Commissioner Bynum asked this is a just a part of that bigger project. This is specifically about rezoning this property for a Menards? **Mr. Bach** said strictly a Planning and Zoning item. It has nothing to do with the business, with the exception of there's some notations made on this one sheet that came out about the intersection improvement. That's where Mr. Petersen had noted that he thought that should be separated from this deal. I don't know that.

Commissioner Bynum said that's what I want to clarify because we're being asked, again I think kind of with what Commissioner McKiernan is saying, we were brought forward what was agreed to at the Planning and Zoning level. That's what's in our packet. We can modify or change that tonight with a vote on this change of zone. He's correct, what's been given to us is different in parts than what we've been given in our agenda packet that was passed and approved by our

Planning Board. **Mr. Bach** said that's what it appears. I haven't had time to review everything in detail, but that's what it looks like.

Commissioner Townsend I'm just going to echo what Commissioner McKiernan has already said. I know that we take a lot of pride up here in doing the best we can to represent our constituents. It is disheartening to me to spend the time to go through these presentations and then at the eleventh hour being asked to consider something else. I don't think I can adequately do that tonight. I would like to see this delayed or sent back just to consider what we've just been given. I don't think I'd do justice to my constituents because I'm not quite sure what I'm being asked to look at at this late hour.

Ken Moore, Chief Legal Counsel, said, Mayor and Commissioners, the changes are significantly different than those that were advanced by the Planning Commission. They are beyond what would be considered during a final plat review or some other action of the Commission. I just wanted to advise that it would take eight votes to approve the proposal that the applicant has advanced.

Commissioner McKiernan said now that I have expressed my dissatisfaction and displeasure with this, my bigger question is how much of this is actually germane to the change of zone application that is the real business that's brought before us tonight. This seems like a lot of stuff that would be in a development agreement, in a final plan review, not in a change of zone. How much of this should have been actually handed at this time to the Planning Commission? How much should have been handed to me to make me get all focused on this because as I sit and think about things like fences and cart corrals, I ask myself, is that actually germane to changing the zone. Isn't that what is before us?

Mr. Richardson said, Commissioner, it's also the preliminary development plan. When we are presented with a preliminary development plan, we do a code review on that. The comments that we generated were based on the review of the code. The applicant, at this time, wants more certainty than just working it out at Planning Commission in the final plan review. Is that fair, Tyler?

Mr. Edwards said that is. I can comment on that. At the Planning Commission meeting, there was the staff report which listed every deviation from code that we had; standard practice.

We talked for about an hour and one-half about all sorts of issues. Got to one issue at the end, which was a change to the back of the warehouse and fence, columns on the back of the warehouse and fence facing the trail. Great. We're done. We covered all the issues.

The motion that was approved recommended every single one of those conditions in the staff report. All of a sudden we go back from one issue. that we agreed to, to thirty. There are issues that we needed to talk about because we can't just agree to what was swept in front of us after we talked for that long and came up with one issue which we agreed to.

Mr. Richardson said I wouldn't say that there was an agreement. They expressed their opinion as to those parts of the staff report and those comments. The Planning Commission chose to adopt them despite what had been testified to by the applicant at the meeting.

Mayor Alvey said if I could clarify this. Tyler, what I think you're saying is that your understanding was that the Planning and Zoning Commission approved what was presented with one outstanding issue. That's your understanding? **Mr. Edwards** said no. The other items that we asked them to approve weren't discussed. What came down to the final issue that made them all seem to be comfortable with our project was the exterior elevations, which then came down to the elevation facing the public walking trail behind. I had asked them to approve, based on that condition, and I thought that was, but one commissioner made a motion to approve everything.

That's why you got a packet of stuff because Menards, frankly, isn't going to agree to those 30 conditions. We have to talk about that. You guys are the governing body. That's why we bring it to you. We are out of time because we submitted this in September. Our Planning Commission meeting was two weeks ago.

Commissioner Kane asked how many stores have you built prior to trying to build this one. **Mr. Edwards** said 306 plus the ones we've remodeled, so probably close to 400. **Commissioner Kane** said alright, so 400 of them are all the same? **Mr. Edwards** said yes. **Commissioner Kane** asked or close to. **Mr. Edwards** said all in the last 20 years have been the same.

Commissioner Kane said so there wasn't a bunch of add-ons when you went to those other municipalities to get this done until you got here. **Mr. Edwards** said certain cities have different nuances that we tend to agree to, like the front of the building which we have agreed to. The

columns in the back which we have agreed to, landscaping. They're not all identical. There's changes which we're agreeable to.

Commissioner Kane said a question for Schlitterbahn. Have you guys reached out to staff or no to talk about this stuff? **Mr. Petersen** said even during this week, and I wish Mr. McKiernan wasn't disappointed, because we try so hard to be clear in this whole effort. Literally, all of it was going point by point in the staff report making it red. It was all intended to make the Commission's job easier to analyze everything that's gone on, as Tyler said, including to get to your point, this week working with staff trying to compromise and figure out certain points. We had a back-and-forth, Mr. Richardson, on, help me, today is Thursday, Tuesday, I think. That's what led to this very last draft with the red comments.

We thought, and this isn't pointing a finger, maybe we should have communicated better with Mr. Richardson but, Dr. McKiernan, the red is on top of the black because we thought that was going to be distributed with the staff packet, the underlying. We thought we were helping by putting the red in so you'd only have to look at those changes. It's earnestness, 100%, to try to make everything super clear. Much of what's repeated in Tyler's packet that he handed out is simply getting everything down in order even though most of it's okay. We even have agreement with staff. It was trying to make sure that it was the whole and you weren't looking at bits and pieces. I fear this is, largely perhaps, a misunderstanding. Ending, Commissioner Kane, we worked even through this week with Mr. Richardson and his office. We were constantly trying to refine and get the final product.

Commissioner Kane asked are we trying to vote on passing this, one, and then two, having them get together to resolve their issues. Is that what we're doing? **Mr. Bach** said I believe they are asking to incorporate all the changes they're bringing forward tonight as part of what they are seeking to be approved. **Commissioner Kane** said this comes back into I don't know if either side has done a good enough job to communicate to each other what's required and what's not required. In some of the other stuff that we went out there, staff said this. Then we were given the opportunity to say no, we'll go ahead. Frontier Justice is an example I'm talking about. Staff said they wanted this. We came up with a solution to that.

I guess part of my confusion is, I think you're right, Commissioner McKiernan, that a lot of this should have been worked out to getting here. The question is, who's at fault for us not knowing

what we're supposed to be voting on. **Mr. Richardson** said, Commissioner, let me maybe step back to the Planning Commission meeting and how we got to this point.

Tyler's right. They went through and they asked for several deviations, whatever that number was, from the Planning Commission. The Planning Commission, with the exception to the items, there was confusion related to what the development agreement said for stoplights. The motion allowed me to correct that based on what was in the development agreement, which I did before it came to you. They voted to uphold the overlay zone and the requirements of the overlay zone.

We've been working through this for a long time with the overlay zone. Basically, every time we've said this is what our code requires, we've been told no, which is fine. It happens.

After Planning Commission, Tyler sent me a letter and the hard copy of that data got lost in the mail, through no fault of his. We went through that. Curt and I worked to figure out, I got a digital copy on Tuesday. I read it on Tuesday. That's generally what you have here that was presented to you on Tuesday. I sent it back with my comments to Curt. They took my comments and their comments and incorporated them here. I believe in red is where they feel like that we still have a disparity between staff and Menards.

We've agreed to a resolution for many of the items that Planning Commission said to resolve. After the Planning Commission said no, we want you to uphold that, they went through this whole list with me and we came up with resolutions to almost everything. The items that they have in red and the items that are in yellow that Mr. Petersen handed out are the remaining items where staff and either the developer or the applicant are not in agreement.

These items, if you want to approve this tonight with the way that they've requested, it would be to have a motion that would approve the change of zone, subject to the two items that were handed out this evening, one from Mr. Edwards, one from Mr. Petersen. Then we would follow that through the final plan and move forward with the final plan that way.

Commissioner Kane asked are we close enough to make a decision or no. **Mr. Richardson** said there are probably two things that I am not sure about at this point in time.

From the front of our retail stores when you're standing in the street, you're looking in the street. Anything that's been built since the overlay zone, you can't see the rooftop units because of the screening of the front parapet. I understand that from the sides that may be different. I don't know that from the street you can't see it. I don't know if you'll see half of it or six inches of it.

Six inches of it you can't tell; we don't even really deal with that. I don't know where that line is. I'd like to know where that line is and make sure that they've, from the front view, do what everyone else has done.

Related to the traffic, their engineers used general traffic numbers for what they did on the traffic study. Menards has since provided us 500 pages of data related to their stores that we got on Friday, is that correct? It's not incorporated into their traffic study. We're asking that that data be incorporated into the traffic study at this time so we know for sure if we need to do any improvements before they open to make sure the streets are safe.

I think that those two items, and I think we can do that. I think that their numbers are going to make the traffic situation appear better so that the delays they are asking for are reasonable. I'm not the one that analyzes that, and I can't do it from Friday to Monday. **Commissioner Kane** asked let me ask a different question. Can we get there from here? **Unidentified Speaker** said yes.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Petition #3151.**

Commissioner Walters said I was going to ask Rob kind of the same question that Mike did, which was have you had a chance to even look at the recommended modifications to know whether your staff could stand behind them and recommend them to us for approval. Maybe since you kind of told us the two elements that come to your mind immediately, I might change what I ask and ask for clarification just what the motion was. Is the motion to approve what's on our agenda and adopt the recommendations of the Planning Commission or to adopt the Planning Commission recommendations, incorporating all the comments in these handouts that we received a few minutes ago? **Commissioner Kane** said Planning and Zoning on all the documentation that was turned in to us because Rob said he's only got a couple that he's worried about. I don't want to stop a project on just a couple of items.

Commissioner Walters said I guess we're kind of in a bind here, Rob. We're really relying on you having digested these comments thoroughly. **Mr. Richardson** said if I understood Commissioner Kane correctly, the motion would be to approve the project as submitted and amended by the applicant's statements tonight. We will look at the front elevation to make sure that it's screened from the front on the rooftop units, and that we would get the traffic study revised.

Those things would happen before final plan review is completed, they're in that process right now, just to make sure that there's nothing that we have to do immediately for Menards to make sure that the traffic safety issue is resolved when Menards opens. **Commissioner Kane** said that's exactly what I'm saying.

Commissioner McKiernan said it is useful that they give us all this information ahead of time because I just went back and I read from the Planning Commission recommendation. The Planning Commission voted 8-0 to recommend approval of the change of zone stipulating that the staff and applicant continue to work towards compromise on the issues in the staff report for final plan review.

Basically, as I see it, if we approve this, we are telling staff and the applicant to do exactly what Commissioner Kane said, keep working because we still have final plan review. This has not gone through a final review and final approval. That, if I'm not mistaken, would be our opportunity to still address any issues that have not been resolved.

Mr. Petersen said, Commissioner, I really don't want to stand up because everything, this is the right move. It's as submitted. The motion on the table would be as submitted by Menards with two exceptions, both of which—I was just talking with Tyler—we can work with this. This is a perfect solution, but I'd be remiss if I didn't say this doesn't come back to you at final. I would say a big corporation like Menards does take comfort with having certain details that really, if you're not hearing it, really, really matter to the company, to be finally up or down by this body.

By airing it at this level, issues that were in the staff report, Dr. McKiernan, these aren't things that were just brought up. The comments are made by staff in the staff report. We responded in a specific way so that you all can hear. This is your only shot to hear it. We appreciate this motion because it will do exactly what we ask, and we'll have two more issues to compromise on.

Commissioner McKiernan said I go back to the original requested action. The applicant, Tyler Edwards with Menards, Inc., seeks a change of zone from A-G Agriculture District to CP-2 Planned General Business District. **Mr. Petersen** said and a preliminary development plan. That's where all the details come in. **Commissioner McKiernan** asked where in this requested action does it say preliminary development plan.

Mr. Richardson said, Commissioner, on a change of zone, it's incorporated in a plan district. It's part of the plan district. **Commissioner McKiernan** asked its part of the CP-2 Planned General Business District. **Mr. Richardson** said correct. **Commissioner McKiernan** said which is why Planning Commission should make these.

Mr. Petersen said final plan won't come back to you. I'm sorry if I didn't make that point. This is it.

Commissioner Murguia said, Mr. Petersen, is what you're trying to tell us is there is not an opportunity, there was not an opportunity to discuss the discrepancies between what Menards wanted and what our staff wanted at any point in our process. **Mr. Petersen** said this is the one shot we have for you and the other commissioners to hear it which is why, again, I know it's painful, we tried to identify those details once and for all for you to give an up or down. The motion on the table would move those forward subject to two points that we're good with. At this point, we're very content with the motion.

Commissioner McKiernan said I'm just going to say that I don't like the fact that we have unresolved issues that will never come back before this Commission. **Mr. Richardson** said, Commissioner, that's quite frankly regularly what we do. We always get them worked out. **Commissioner McKiernan** said Commissioner Kane asked are you confident you can work these out to the satisfaction of both parties. **Mr. Richardson** said yes. **Commissioner McKiernan** said I'm done.

Commissioner Murguia said I'd just add that this is the first time in over a decade that I've been on the Commission that I've ever seen this happen. We are setting a precedent for future developers to come in front of us. I agree, Mr. Petersen, that, and I forget your name, I'm sorry sir, from Menards, that there needs to be a step in the process that if there is a discrepancy between what staff is recommending and the developer is recommending, that there is an opportunity to be heard either by our Planning and Zoning Commission or by the Commission, itself.

I don't know how that happens whether that's through executive session or some sort of process. It doesn't seem like there's as much—I have very little objection to the requested changes. I have some concerns. There are other places where there are block cart corrals that are required.

Much less lucrative businesses than Menards are made to have that requirement. I have little concern about that, more about setting precedent about our process.

I appreciate you bringing that we have this problem in our system. I do think we need to address it before it continues to happen again.

Mr. Bach said, Commissioner, just to clarify. These items were all presented at Planning Commission. I think what the issue is, the Planning Commission did not incorporate any of what they recommended or what they asked them to do at Planning Commission, so they just forwarded what Planning staff did because Planning Commission did not incorporate any of these.

It was heard. A public hearing was done on it. They addressed a couple of issues as Mr. Tyler said. They went through, they spent most of their time on a couple of the issues, didn't work many of the other ones that they brought up. It did have its chance to go through the process.

Commissioner Murguia asked if they didn't agree on the details of the deal, then why was there a vote on it. **Mr. Bach** said the Planning Commission can elect to advance a project however they deem. They deemed to put in place all the overlay zone requirements. **Commissioner Murguia** asked if the developer is not agreeing to the conditions, what project are they advancing.

Mr. Richardson said, Commissioner, I would say that 95% of the time when we have stipulations and folks disagree with it when the Planning Commission recommends approval, they just go ahead and do the stipulations. The only two I can recall are the building materials on Frontier Justice and this one where we had such a significant disagreement related to what the overlay zone required. We discussed this at length and there was no compromise. It was either yes or no. Even other alternatives that were offered, it's been a very unusual process on our side.

Commissioner Murguia said I'll just close with if Commissioner Kane, as the in-district commissioner, does not have concerns with the recommended changes, I would support that decision. However, I'll just remind everyone, again, we are setting precedent and we will see this again if we don't develop some sort of process. **Mayor Alvey** said I think the other way that could play out is it may be an exception, a precedent. It could also be simply an anomaly and we simply treat it as an anomaly.

Commissioner Philbrook said I was present for the whole Planning and Zoning. It was very enlightening. I did learn a lot and I was glad I was there. That's why I haven't been asking questions. I've been listening.

I believe that the intent of the Planning and Zoning Commission was to move things forward so this group could have their development and wholeheartedly believed that all of the problems would be worked out and they would be able to move forward. I believe that's what Planning and Zoning thought.

Past that, I have no comment because I'm not involved in their conversations as to what they've agreed to. I didn't hear a lot of pushback about a lot of the things that Menards was asking for from the Commission. I don't think they wanted to stipulate anything because they believed it would be worked out between both sides and move forward.

I do want to thank the group for coming forward to present to us because it gives us a good feeling, even though it's a precedent that we've created, it let's us know that maybe we need to change things a little bit, as Commissioner says, to make things work a little smoother for our process. Thank you for listening.

Commissioner Johnson said, again, I'm not very comfortable with this kind of process. I think I've heard enough tonight to be able to make a decision. I would say to staff that I'm going to err on the side of an anomaly and not a precedent, that we not have to be put in this kind of position as a Commission to make these on a regular basis. I think it really sets a bad precedent. It sets a bad optic as well. I'd like to make sure that we use this as a learning opportunity for us all because this is a great opportunity in terms of a business development opportunity, but with things being presented to us at the spur of the moment, it just makes it very uncomfortable. I just want that to be appreciated in this conversation.

Mr. Richardson said, Commissioner, if I might just for a moment. We're in a rock and a hard place because you all, not necessarily you all, but the Commission in days past adopted a code. We're trying to enforce that code and that's our job. When people say no, it puts us in a hard position. The Planning Commission is the first arbiter. They said well, we think you're going to work it out. Then it came here.

This is an unusual position with this applicant where they wanted more certainty than most do in the process that it would be worked out and fully baked before they moved on in the process. This is very atypical. I don't think we'll see this regularly.

Commissioner Johnson said I think that the bottom line is the fact that you said that these are things that we can work out means a lot, Mr. Richardson, and we trust in your expertise in this process. **Mr. Richardson** said thank you.

Commissioner Burroughs said my question is of Mr. Richardson. Mr. Richardson, were all members of the Planning and Zoning thoroughly informed about any potential changes that may be coming forward? **Mr. Richardson** said Mr. Edwards, Mr. Petersen and Mr. Knapper, I believe, went through the changes they were requesting very thoroughly at the meeting. They went through point by point similar to what they did tonight, but I think it's fair to say in more detail at the Planning Commission. They were informed and aware of that. They had our staff report with the code requirements and our recommendation. They had the counter point by point from the developer of what the developer and the applicant were requesting.

Commissioner Burroughs said committee members, it sounds like the Commission did it's work and made its recommendations. I appreciate that, Mr. Richardson. Thank you

Roll call was taken and there were nine "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs; and one "No," Townsend. (Prior to Commissioner Townsend's vote, she said I want Menards to come, but I'm voting no just for clarity.)

ITEM NO. 2 – 18107... CHANGE OF ZONE APPLICATION #3153 – DON GRAY WITH BOARD OF PUBLIC UTILITIES

Synopsis: Change of zone from A-G Agriculture District 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, submitted by Robin Richardson, Director of Planning. This rezoning of the Nearman Power Plant is intended to more accurately represent the intended use of the property. The use of the property is not proposed to change. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3153 to MP-3, 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 fit 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: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3153, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 18108...SPECIAL USE PERMIT PETITION #SP-2017-55 – VERONICA WESSELHOFT

Synopsis: Special use permit for a party hall at 2120 Park Drive, submitted by Robin Richardson, Director of Planning. 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.)

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: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to recommend denial of Special Use Permit Application #SP-2017-55. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 18109...SPECIAL USE PERMIT PETITION #SP-2017-72 – DIEGO TOTO WITH XM AUTOMOTIVE

Synopsis: Renewal of a special use permit (#SP-2016-67) for an automotive repair shop at 4439 Shawnee Drive, submitted by Robin Richardson, Director of Planning. The applicant wants to continue to operate a mechanic and heavy automotive repair shop. 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.):

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 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 90-degree head-in parking stalls shall be striped to accommodate additional parking.

The industrial businesses have a parking ratio of one 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 1990s. 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: verify/clarify that no new exterior construction, parking lot improvements, etc. is none.
2. Items that are conditions of approval (stipulations):
 - a. 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.
 - b. 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.
 - c. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Staff Conclusion:

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.

Rob Richardson, Director of Planning, said, Mr. Mayor, members of the Commission, in this case, the communication was spotty between staff and the applicant following their application. We did not have responses to the staff comments or evidence of the neighborhood meeting at the Planning Commission meeting. The applicant did not attend the Planning Commission meeting, although they were provided notice of such meeting. We would recommend, at this point, that if

the applicant is interested in pursuing this, it needs to be sent back to the Planning Commission so Planning Commission can hear the full evidence.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Kane, to return the matter to the Planning and Zoning Commission to hear the full evidence.**

Mayor Alvey opened the public hearing. If there is anyone present who would like to speak in favor of this petition, only if you're speaking in favor of the petition. I'm sorry, the applicant should speak first.

Diego Toto, 7924 Carter Drive, Overland Park, Kansas, said like he said, it was a misunderstanding, miscommunication mostly on my side, for not having the neighborhood meeting, which we did now. That's all I have to say.

Mayor Alvey asked if anyone else would like to speak in support. No one else appeared in support.

Mayor Alvey asked if anyone would like to speak in opposition. No one appeared in opposition.

Mr. Richardson said if you were to return it back, the date would be March 12 for Planning Commission to return it.

Mayor Alvey closed the public hearing.

Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 3 – 18110...SPECIAL USE PERMIT PETITION #SP-2017-74 – WIL ANDERSON WITH BHC RHODES FOR WINIFRED ANDERSON

Synopsis: Renewal of a special use permit (#SP-2015-2) for recycling of pavement, truck weigh scale and fill site at 626R North 47th Street, submitted by Robin Richardson, Director of Planning.

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The applicant, 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 Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2017-74 for six months subject to the remediation plan being implemented prior to the owner restarting operation, and subject to:

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 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 it 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, and 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:

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

- c. 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.
- d. 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.
- e. 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.
- f. Upon approval by UG staff and/or Planning Commission, the following stipulations shall apply for the remediation plan and this special use permit:
 - 1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - 2) 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.

- 3) 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.
 - 4) 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.
 - 5) The owner and/or contractor shall keep streets free of mud, debris, and dust.
 - 6) The owner and/or contractor shall provide third-party inspection services during the construction operations to ensure compliance with approved remediation and engineering plans.
 - 7) 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.
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:

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.

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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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2017-74 for six months, subject to the stipulations. Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 4 – 18111...SPECIAL USE PERMIT PETITION #SP-2018-6 – BLAIR A. THEDINGER

Synopsis: Special use permit for two goats at 411 Stine Avenue, submitted by Robin Richardson, Director of Planning. The property is 0.14 acres. The applicant owns the three properties to the

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east and south (444 Shawnee Road, 448 Shawnee Road, and 1417 South 5th Street). 448 Shawnee Road is the applicant's primary residence. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2018-6, subject to the following:

Urban Planning and Land Use Comments:

1. Approval is for two 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 eight feet long and will be buried at least two feet in concrete. They will be spaced every eight feet on runs. Corner posts will be at least six-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 six feet tall. Usual goat fencing is four feet tall, but I am going to make it six 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's property by at least three feet.

Staff Note: Fences are limited to four 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 four 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: 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 hillsides. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to recommend approval of Special Use Permit Application #SP-2018-6, for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 5 – 18112... SPECIAL USE PERMIT PETITION #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 Richardson, Director of Planning. 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 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 including:

- 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: Ten 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 six-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 eight-foot fence, the fence is in the sight triangle and must be moved out of the sight triangle.
5. Approval is for two years.

Public Works Comments: None.

Business License Comments:

If approved, applicant will need to file the occupation tax application with our office for the occupying business activity.

Applicant Response: *Understood.*

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-13 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 – 18113... SPECIAL USE PERMIT PETITION #SP-2018-14 – COREY R. FISCHER

Synopsis: Home occupation special use permit for an Airbnb at 4451 Eaton Street, submitted by Robin Richardson, Director of Planning. This is the applicant’s primary residence and is listing for one bedroom. The applicant remains on site when tenants are renting the bedroom. 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: Four months
2. Were neighbors consulted prior to opening the business?

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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:

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, at each address?
Two

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- b. What is the maximum number of vehicles and where will they park? Two, driveway
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.

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 two 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 two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-14 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 7 – 18114... SPECIAL USE PERMIT PETITION #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 Richardson, Director of Planning. The applicant 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 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 four 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.

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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 two-bedroom, two-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 homeowner'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 turnover 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 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. 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:

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, at each address?
Applicant Response: See above
 - b. What is the maximum number of vehicles and where will they park?
Applicant Response: See above
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.

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 four 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 two years.

Further neighborhood comment could impact the staff opinion.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-16 for two years, subject**

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

VACATION APPLICATION

ITEM NO. 1 – 18115...VACATION APPLICATION #U/E-2018-1 – EARL FREEMAN

Synopsis: Vacation of utility easements at 12940 and 12934 Hubbard Road, submitted by Robin Richardson, Director of Planning. The applicant 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 and 12934 Hubbard Road. The applicant intends to construct a large single-family house on the two lots. 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: None.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the documents/exhibit. Provide revised exhibit/vacation documents in accordance with County Surveyor comments.
3. Comments that are not critical to engineering’s recommendations for this specific submittal but may be helpful in preparing future documents: None.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #U/E-2018-1, subject to the stipulations .** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PLAN REVIEW APPLICATION

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ITEM NO. 1 – 18116...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 Avenue, submitted by Robin Richardson, Director of Planning. The applicant is with KCK Development II and wants to build a car wash and detailing facility at 10100 Lafayette Avenue, build a parking lot for overflow vehicles for Honda at 2200 N. 99th Street and re-design detention basins at 9900 Parallel Parkway. 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 eight feet due to existing storm box interference, but we widened to ten feet 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 nine-foot 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 thoroughway 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 to revised sheet A-1 attached.*
- *Our elevations include variation in rooflines 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), 25 trees are required to be planted for the Honda parking lot and 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 two-inch caliper. All evergreens shall be at least six feet in height. All shrubs shall be five gallons, external to the development and three 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 landscaped 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 six foot in height and have masonry columns every 32' on center.

Applicant Response: Agreed.

Signage:

Shall comply with the sign ordinance.

Applicant Response: Agreed.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. A global stability analysis and report for proposed retaining walls shall be provided and addressed prior to construction permit acquisition.
 - b. A proposed Legends Auto Mall 4th Plat shall be approved by the UG and the Planning Commission prior to construction permit acquisition.
 - c. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Staff Conclusion:

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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.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2017-36, subject to the stipulations.**
Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

MISCELLANEOUS-ORDINANCE AMENDMENT

ITEM NO. 1 – 18117...ORDINANCE AMENDMENT

Synopsis: An ordinance amendment removing the special use permit requirement for mobile grocery markets and a new definition for "mobile market," submitted by Robin Richardson, Director of Planning.

Commissioner Townsend said I'm going to try to speak loudly. There's something wrong with this mic.

This is a proposed ordinance to define, I guess, what a mobile market is and where the stipulations for how it would operate and where it would go.

Mayor Alvey said, Commissioner Townsend, if I may I should have waited. We're on Item E.1 on the set-aside if Commissioner would like to take it up. I just need to make clear that everyone knew we were on Item E.1.

Commissioner Townsend said as I said, this mobile market proposed amendment would clarify definitions of what a mobile market is and where and how it can operate. I think it's a good idea

concept. I just need some clarifications and have some concerns about the details. As we know, the devil's in the details.

Regarding the section of the amendment, 27-340 Definitions. It says, "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."

My first question is what are we anticipating with regard to a trailer. I have in mind 20-foot, 35-foot trailers, 40 plus that you see over the road. Is that one of the things contemplated here in the plain language of it? It could be, but that wouldn't be good for a residential neighborhood.

Rob Richardson, Director of Planning, said an over-the-road trailer would be contemplated in that. The things we've seen are more of a trailer you would pull with a pickup truck and not a semi-trailer. You are correct, that trailer would be a pretty broad interpretation. **Commissioner Townsend** said okay, I have a concern with that honestly.

With regard to the sections that deal primarily with the residential areas, Sections 27-609, 27-610 and to the extent it may apply to traditional neighborhoods, maybe 27-614, but I'll concentrate primarily on the language in 27-609. The first thing that caught my attention with 27-609, in a.1. it talks about vending operation, the mobile marketing "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." What and who designates these parking lots? Are there locations in mind already?

Mr. Richardson said, Commissioner, this was brought forward to us from the folks that do the mobile vending. Last year they tried this at a couple of locations with special use permits and it was really not tenable for staff or them to figure out every location in advance and do a special use permit and go through that process. They suggested these changes. They're not all exactly as they were submitted to us with their request. We don't know what locations they are going to pick, so we tried to craft stipulations and requirements in the ordinance that would make it work in any location that they pick. We tried to think of the potential downsides of this and what were those downsides and create criteria which would allow them to operate throughout the city without having to have a special use permit or go through particular review on each particular one.

Commissioner Townsend said I have a concern with not knowing what these designated parking lots are or where they would be. How can someone in the neighborhood challenge this? If this were still a special use permit process, a resident would have the right to challenge that. If

we're going this route with the ordinance, I'm not sure they even have that right. That gives me pause that we don't know what these designated parking lots are, who would designate them, and if someone wanted to challenge them, a process for that.

The second thing I wanted to draw attention to is the distance that we're saying these mobile entities would be parked from a single-family home in a residential neighborhood. Currently, the language calls for 100'. There may be some out there who are kind of visual like I am, so I ask that staff identify wall-to-wall what's the distance in here for a visual. Thank you, Mr. Cross. It turns out to be 76'9", so let's just call it wall-to-wall here 76' and add another 24', maybe a third, one of these sections. That's the distance from which one of these mobile markets could park to a residence.

The purpose of the mobile market, obviously, is to attract people to give them a convenient method in sections of the city where a brick and mortar store is not readily available. However, let me proceed on to Item 10. We're talking about a seven-day-a-week operation for essentially a commercial operation in a residential neighborhood. I don't know how many people would want to see that distance plus a little more seven days a week.

I would recommend that that distance be increased because our homeowners are entitled to 24/7, the peaceful enjoyment of their own property. Again, when we think about the convenience we're trying to afford our citizens, you still have to consider you've got the truck in whatever size or configuration that might be, with people coming up maybe by car or on foot, to do their shopping. I don't think that's going to be the most enjoyable situation for a homeowner that close.

I'd like to see days reduced, certainly not on a Sunday, and I said the distance increased between parking of the vehicle in whatever form that is and the distance from single-family homes. Let me say another thing, because of the food deserts that we know are located in the predominantly eastern end, this is going to impact some districts more than others. I don't care where you live in the city, you should be entitled to the quiet enjoyment of your property.

Then the last, designated parking lot, hours of operation — another question I had about just the process for selling. Is it contemplated, or will we control by ordinance or that's up to the individual mobile grocer, whether these are cash only sales? Will state-issued vouchers be accepted or your Mastercard, Visa, or American Express? **Mr. Richardson** said that's up to the sellers, but I think that they take all forms of currency for food. **Commissioner Townsend** said okay. This didn't address it. I was just asking.

I would really like to see changes along the lines of the concerns I had brought forward. Let's hear from the other members of the Commission on that point.

Commissioner Burroughs said I'm reading the definition of mobile market and it says it's 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." Then I go back here in the ordinance and I see "Mobile Market Vending for Healthy Foods." Is there a reason why we don't have a definition of what is healthy foods? Unless you are going to include it as under the mobile market definition, then I would just call it a mobile market and not necessarily talk about the healthy foods. I would say if we're going to use vending for healthy foods, we should have a definition of what classifies healthy foods.

Commissioner Kane said I don't normally say something when another commissioner's talking about their area, but there are a lot of people that work six days a week and they will want to get groceries on the seventh day. I have been here for 12 years and for 12 years we've asked for some sort of grocery down here, anything. I don't want to have somebody say I only want to limit you to six days, but you can make a profit on seven. I'm telling you, I've heard a lot of people talk. They don't care what it is, just bring it. I don't want to limit somebody as they're trying to be an entrepreneur, they're trying to make it where it's no longer a food desert, where we say you can't do that on Sunday because I was one of those guys that worked six days a week.

Mr. Richardson said, Mr. Mayor, to Commissioner Burroughs' point, the "for healthy foods" in Sections 609 and 610 should be stricken. That was just an error. We got part of them removed in that fashion, but we missed those two.

Action: **Mayor Alvey made a motion, seconded by Commissioner Townsend, to return the item back to the Planning Commission for further consideration to incorporate comments.**

Commissioner Bynum asked if we send it back, then we're sending it back to the standing committee that brought it forward to us, Planning Commission? It also came to a standing committee but that must have just been a courtesy. **Mr. Richardson** said it came to standing

committee for approval to move forward with an ordinance in this regard and the procedure so that we make sure that the Commission is aware of ordinance work that's going on. Then it went to the Planning Commission for consideration of the zoning ordinance as required by state law. Then it comes to this body.

Commissioner Johnson said I guess trying to get this to where we are right now, I'm not going to say a tedious process, but it's been a step-by-step process. All I care is that we don't have another Dollar Store model through a mobile market. I'm satisfied with this, with the language. I haven't heard any opposition from my constituents about a mobile market. I'm just trying to, I do recognize the concern about 100' distance, but I just, I don't know we should push this back. We've been progressing this through. We've talked about it in standing committee. I didn't see any opposition from standing committee or any of the members that were there when we brought this through. I would like to see this thing move forward myself.

Commissioner Townsend said with regard to the standing committee, maybe they saw detail. I think as a courtesy, proponents of the mobile market also came to the Economic Development Standing, but it was a concept. I agree with the concept, but I don't think because we may have a food desert that we need to enact basically legislation that's going to, and I can see this coming, be problematic in other areas. Plus, this has no sunset on the provision. We're just trying this for the first time. There's no way to appeal. I can imagine that I'm going to get some calls because someone has parked one of these mobile vans or whatever they are, we've already heard the definition is very broad, 100' in front of them seven days a week.

Now, I am particularly troubled by the particular sections that I mentioned. I can appreciate what Commissioner Kane is saying. If this were a commercial endeavor in a commercial area, yeah, we can go to the grocery store seven days a week. I don't think that's appropriate for mobile vans that can infiltrate into the neighborhoods. People have a right to peace and quiet in their homes 24/7, seven days a week. We can live with some of this, but I would adhere to in those sections that I mentioned, it's not appropriate.

Commissioner Philbrook said I've kind of been involved with this for quite a while, the food desert thing and the mobile unit because the community health group that's located right down,

Community Health Council, has been working hard with the Episcopal Church and some other community people to create what would be a very, very organized group to come forward to help with this issue. I've talked to them. If we can get somebody to build different types of standing buildings that will give us produce and that sort of thing up north and in the northeast, then they'll just move to a different area that needs them. Right now, their whole focus is to produce healthy food for people that is easily accessible, so folks don't have to worry about getting—old folks don't have to worry about trying to get on a bus, trying to get a ride to get their food. Right now, we're facing transportation crunches and trying to come up with more money to take care of that. I think we need to take care of our community.

We can come back, if I understand, if we don't like something that we've passed, we can change it. We created this ordinance. We can tear it apart and fix it.

Commissioner Townsend said I agree with what Commissioner Philbrook says. Instead of trying to put forward an ordinance that clearly has flaws in, and from my perspective, the present language. Let's fix it now. Let's not be in a hurry to create more problems where we already have one. We're aware of the food desert.

As I said before, this is going to impact certain districts more than others. I would still recommend that we send this back to Planning and Zoning. I would be more than happy to help with specifics. Like I said, this is the first time we've dealt with specifics, and try to more narrowly tailor this. It would be pretty easy, I think, with some of the things I've recommended, particularly with residential communities. I note that they are very generous with the distances for commercial retailers. I think at least as much consideration should be given to homeowners and residences.

Commissioner McKiernan said first of all, my understanding is that a lot of this was, if not based on, at least referenced to, ordinances that have been successful in other communities. Is that correct? **Mr. Richardson** said that's correct. This was presented to us by the folks that worked on the mobile market that existed at some point last year. We were working on this last year and then it went away. I didn't understand why. With all of our other work, I put this on the back burner. Then they came back and presented an ordinance that they thought would work for our community that would allow them to provide food service to the community. With a couple of minor changes from the staff, that's what we've presented to you tonight.

Commissioner McKiernan said I certainly was one of the ones who was concerned about unintended consequences when this very first came to my attention, but because it appears to me that they have tried to take best practice from other communities.

With specific regard to the R-1, R-1(B) section, Item (7)a.1. says that the operation “will take place in a designated parking lot with sufficient space;” then, 2. compounds that and says and not within 100’ of a single-family home. This operation, as I look at it, doesn’t concern me as much because it’s going to take place in a parking lot where cars are parked at least some days during the week. It does not concern me as much because of what it says in the first item, “in a designated parking lot with sufficient space to accommodate the operation.”

All the other stipulations on top of this in terms of not blocking the sidewalk, enough stacking space, it’s not a no-parking zone, it doesn’t infringe on other businesses, seem to actually make it even a little bit better. Also, because the hours of operation do not exceed 7:00 p.m. Sunday through Thursday and 8:00 p.m. on Friday and Saturday, I don’t see this as a late-night operation.

I’m guessing that this is not a business model where you can make several million dollars because if there was, certainly there’d be trucks flying all over the city. I’m guessing that the number of trucks here is not going—and I definitely appreciate what Commissioner Townsend is saying. She does not want to have a consistent intrusion on a residential neighborhood. I don’t see, as it’s written, that it’s going to induce that.

Commissioner Townsend said, again, we are not clear here by definition of what may roll up in any location as a mobile trailer. You might get something that looks like a Chevy Suburban or you might get something that looks like an 18-wheeler.

With regard to the designated parking lots, again, this does not say who designates or how you can challenge the designation. I’m not sure how this even allows for or addresses a designated parking lot. Could it be a church? I don’t know.

There are just too many unknowns here for me to support this as written. Like I said, I am with the concept, but with these particular sections, I could not support it and would be willing to help try to craft something with more specificity.

Mayor Alvey said to be clear, this does require a public hearing. I’ll open the public hearing. Is there anyone present who would like to speak in favor of this item?

Matt Kleinman, 906 Ford Avenue, Lawrence, KS, said I'm a doctoral student at the University of Kansas. I've been working on this mobile market project for two years. Thank you all for the discussion. I do appreciate the concerns you have, Commissioner Townsend. I agree there are some nuances to that.

I don't think the distance as was determined, I don't believe that came from our group. I do think that's a good point to have in consideration. I don't think it would necessarily impact our particular project, though certainly in a future scenario that could be an issue. I do believe, though, at least the way it's proposed and to the question you had about locations, churches, for example, R neighborhood, R-1 residential zoned most often. Parking in a church would be a viable scenario, certainly in an area where a church was so close to a home that it could create a nuisance, I think that'd be a question. I don't believe that's something that would prevent us from working through that scenario. If it's something that the Planning or the Commission believe needs to be resolved, that's fair. We'll defer, but from our perspective all of this makes sense. We can find a way to work through that. We'd love to be able to have it in place sooner just so we're able to open when we were hoping to open later this year.

In summary, it makes sense to bring up some of the concerns you have, and I appreciate the comments. I do think we're not far off on the number of distance and some of the other concerns. I think the trailer one is apt. I also know that trailers for mobile markets wouldn't be feasible just based on the length of a super-long trailer. You wouldn't be able to walk through it. The rolling grocery one had struggles with a 24' long trailer.

The other point about seven days a week, mobile markets wouldn't be parked at a location every single day, 24 hours. The concern of having it in multiple, separate days would be our goal. Again, it's a zoning ordinance so it's not tailored to us alone. Thank you for the concerns.

Broderick Crawford, 824 State Avenue, Kansas City, Kansas 66101, said thank you, again, for even broaching this subject as a resident in an area that is a food desert. I think it is imperative that we try to do something to provide fresh produce, healthy foods, in this area. Certainly, Commissioner Townsend, I understand some of the concerns, but as the gentleman who just spoke, I think those are some things that could be worked out. I think it's been too long that we have not had an opportunity for individuals in this area not to have access to fresh, healthy food.

Mayor Alvey asked anyone else in support. Seeing none, I'd ask if there is anyone in opposition.

Stephanie Kimbrough, 2919 Stewart Avenue, Kansas City, Kansas 66104, said I'm very disappointed that my elected officials have decided to put a band-aid on a wound in the northeast section. Too long we've been neglected and underrepresented and underfunded. To hand me something as superficial as a food truck instead of an actual economic investment in that area is very disappointing.

Who is going to regulate to make sure that my safety or the safety of the people who are purchasing from this truck is going to be insured? Who's going to take the responsibility of the citizens in that area with the increased amount of people, debris, and public safety? Are we expecting our over-taxed police officers to continue helping us with surveying and supervising? Who's going to take over the responsibility and to use the overstatement of "anything is acceptable" is insulting to the taxpaying citizens of that area. No, I don't want anything.

I want a sound, economic plan that also, just like we would do at the Legends, just like we would do at 78th Street, just like we've done on 47th Street, I deserve it too right there on 29th and Stewart. Who's going to take care of the debris? Remember, we're on a beautification project because we want our area to look just as fabulous as any other areas.

I am disappointed immensely to say here is a token, here's the crumbs off the table, instead of a purposeful economic plan to help the northeast section when we have a plan. We sat there for several months talking about what we wanted in our area and how we want to revitalize our area. It's disappointing and disheartening.

What happened to the healthy campus that we were planning at Big Eleven Lake? What happened to the economic revitalization that we spent months working on and we came to every meeting. What happened here? What happened to the money? It is disappointing that you are okay with saying it's okay just to hand you anything instead of saying let's work together.

Mayor Alvey said we have a motion to return this to the Planning Department, and a second. **Mr. Richardson** said that would need to go to April 9 because we need time to work that. We couldn't get that done, I don't think, before the 12th.

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

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

ITEM NO. 1 – 18118...ORDINANCE: 55TH STREET BRIDGES 109 AND 111 – CMIP 2134

Synopsis: An ordinance authorizing the Chief Counsel to commence legal proceedings to acquire 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 and valid public improvement, and authorizing a survey of land for said project.

Action: **ORDINANCE NO. O-8-18**, “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 (CMIP Project No. 2134); and directing the Chief Counsel to institute proceedings as provided by law to acquire said lands as described in this ordinance by exercise of the Unified Government’s right of eminent domain.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – MINUTES

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

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

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated February 22, 2018.

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

PUBLIC HEARING AGENDA**ITEM NO. 1 – 18121...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

Doug Bach, County Administrator, said as we’ve done over the last couple of years, we’ve begun our public budget process several months in advance of when we present our budget in July. That’s done so we can come together in front of the public, get input well advance of the time that we have to go and start formulating how we will make everything balance at that time.

Public Hearing
March 1, 2018



2019 Budget Process 2018 Community Development One Year Action Plan

Just to note that, we started this process, actually, in the fall. That's when we start moving through many of our capital projects, presenting those to the governing body as we go through and we have detailed discussion about what's going on in 2018. Then we look at the 2019 calendar and through that for the next five years and set our capital projects.

PROPOSED 2019 BUDGET CALENDAR FOR 2018 PRELIMINARY

2017 Board of Commission Budget Planning	
November 13, 2017 (Monday)	Review of CMIP Projects - Public Works & Safety Standing Committee
2018 Board of Commission Budget Planning	
March 1, 2018 (Thursday)	Special Session - Community Survey Results Presented (SPM)
March 1, 2018 (Thursday)	2019 Budget Public Hearing (7PM)
March 7, 2018 (Wednesday)	Commission Budget Retreat
May 2018	CMIP - Committee of the Whole workshops
June 2018	Administration 3 x 3 with Commission (Budget forecast/input)
County Administrator's Proposed 2019 Budget Presentation/Workshops	
July 12, 2018 (Thursday)	County Administrator's Budget Presentation (SPM)
July (Mondays & Thursdays)	Budget Workshops
July 16, 2018	Set Maximum Mill Levy
July 19, 2018	Publish Maximum Mill Levy
July 30, 2018	2 nd 2018 Budget Public Hearing (SPM)
August 2, 2018	Budget Adoption (7PM)



As you see, this calendar sets out where we are with the presentation today. Then we'll move through and have our retreat next week where we get into a lot of details. We can discuss some of the input that's brought forward to us tonight. We'll finalize where we are with our capital in May.

March 1, 2018

I will present the budget to you in July for a recommendation. You'll be able to go through it at that point with your final workshops until we go to a recommendation in August.

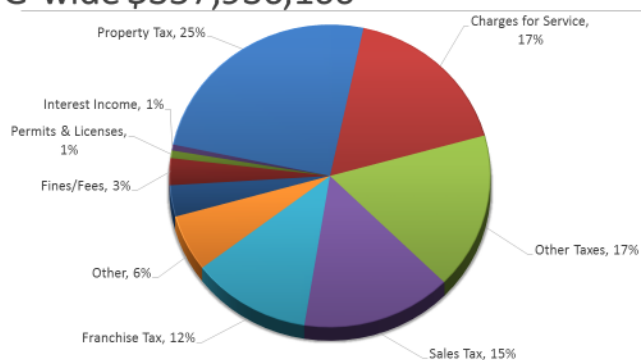
I'm going to have a presentation on two parts of the budget. One is regarding our General budget as we have for our overall operations. The other is regarding Community Development.



2018 Budget

At this time, I'd like to recognize Reginald Lindsey, our Budget Director, who will just briefly run through what we have as far as terms of dollars in the areas that we spend our money in currently.

2018 Approved Budget
Revenues
UG-wide \$357,936,100

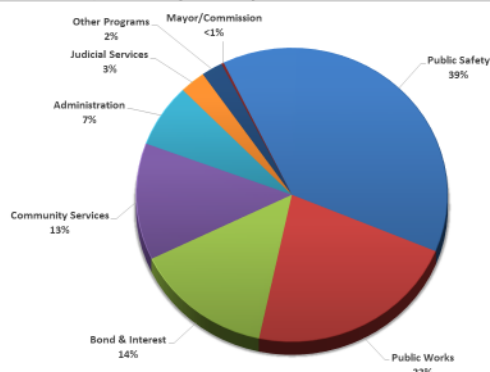


Reginald Lindsey, Budget Director, said last summer our governing body approved a \$357M budget that was balanced on both the expenditure and the revenue side.

Currently on the screen we have the Revenue budget. The largest portion of the revenue budget is the property tax, which is followed closely by charges for services and other taxes.

2018 Approved Budget

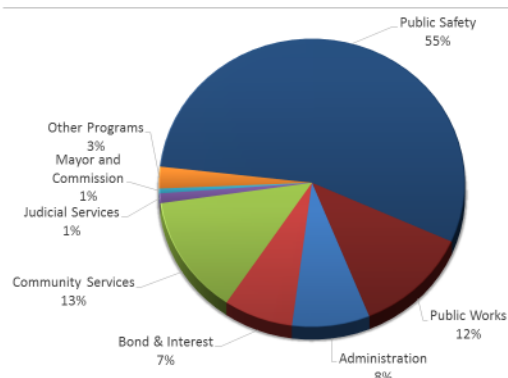
Expenditures
UG-wide \$ 357,936,100



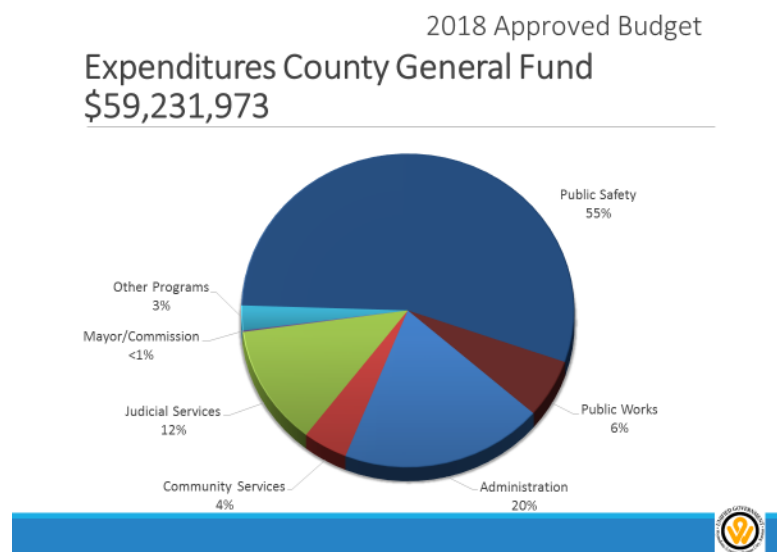
On the expenditures side, we also had a \$357M budget. 39% of that budget is for Public Safety. 22% of it is for Public Works.

2018 Approved Budget

Expenditures City General Fund
\$154,006,219



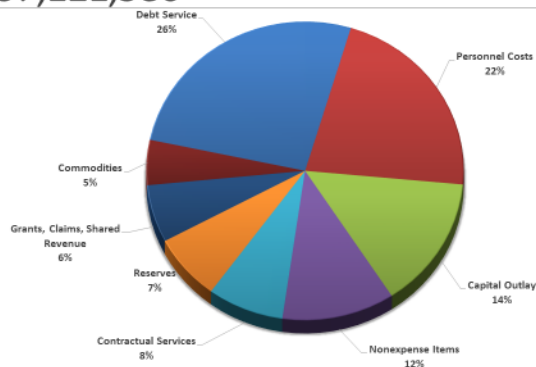
The City General, which is one of the funds within the \$357M budget, we have 31 funds in there and this is one of the funds, is a \$154M budget. 55% of it funds Public Safety, 12% of it funds Public Works.



Also, part of the General Fund, we have a County General Fund which also funds services in Edwardsville and Bonner Springs. Public Safety is 55% of this budget also. Also, we have administration which consists of departments such as Finance, which has a big portion of the County General Fund, which is the Treasury Department. Also, we have the Legal Department which is part of Administration.

Then, also, we have Public Works and Judicial Services. Judicial Services consists of Community Corrections, District Courts and District Attorney.

2018 Approved Budget Other Government Funds \$137,121,586



We have 29 other funds out of the 31 funds that consist of the \$357M budget. Those 29 other funds tally \$137M. Those funds consist of Water Pollution. Also, we have EMS in that fund, which is Emergency Medical Services Fund. We also have Dedicated Sales Tax which is also in that fund.

2019



Citizen & Community Stakeholder Budget Input Form

Prepared by the Budget Office

PLEASE RETURN TO:
Unified Government Budget Office Ringgold Lindsey 701 N. 7th Street, Suite 510 Kansas City, MO 64101 (913) 573-5271
Or by email to: judalindsey@wycokck.org
APPLICATIONS ARE DUE by Noon March 29, 2018

Form available online @ www.wycokck.org

Also available for citizens or community stakeholders who weren't able to make the public hearing tonight, we have a form out on our website where citizens can download and fill out the form and submit it back to us via email. Also, the form is available in the Budget office. It would need to be returned to the Budget office by Thursday, March 29.

Now I'm going to turn it over to Wilba Miller, our Community Development Director.

March 1, 2018

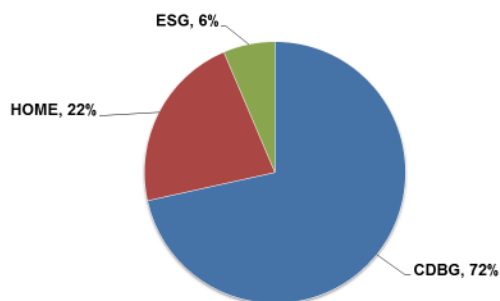
Public Hearing
March 1, 2018



2018 Community Development One Year Action Plan

Wilba Miller, Community Development Director, said the Unified Government receives an annual allocation of entitlement funds from the U.S. Department of Housing and Urban Development, or HUD, for the following programs: Community Development Block Grant, HOME Investment Partnership, and the Emergency Solutions Grant Program. HUD provides these resources for the purpose of meeting the needs of low to moderate income citizens. We are waiting for our annual allocation notification from HUD and do not know at this time if there will be a reduction or increase of funds.

2017 CDBG SOURCES OF SUPPORT \$2,824,950

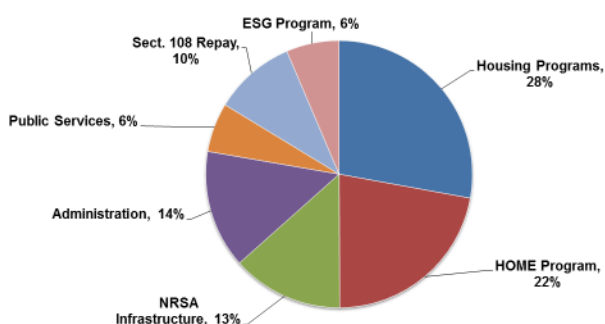


March 1, 2018

The estimated fiscal year 2018-2019 allocations are based on previous year's allocations, or \$2,020,849 for CDBG, \$593,000 for HOME, and \$181,000 for ESG. The following pie chart shows these sources of support reflecting our allocations along with some program income for a grand total of \$2,824,950.

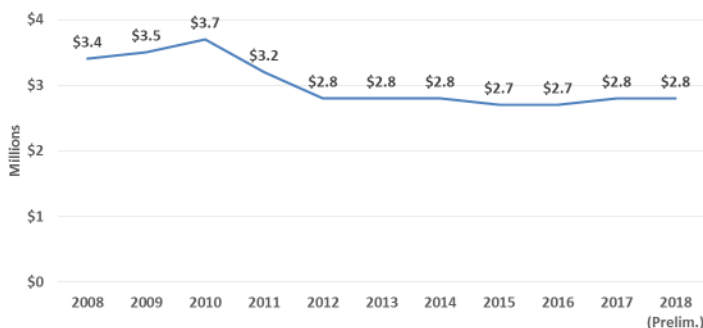
2017 CDBG APPROVED EXPENDITURES

\$2,824,950



As you can see, the approved expenditures for those funds include the following activities: Community Development Housing Programs, the Neighborhood Revitalization Strategy Area Infrastructure, Administration, Public Services, Section 108 Payment, and the Emergency Shelter Grant and HOME Programs. Please note that no CDBG funds will be set aside for demolition activities.

HUD Allocations CDBG, HOME & ESG Combined 2008-Preliminary 2018



Finally, the line graph as shown here reflects the changes to HUD allocations for the last ten years. As you can see, we actually got a little bit of an increase, but it's been staying fairly even.

In order to receive these funds, we are required to submit an Annual Action Plan. Examples of other eligible CDBG activities include demolition, public services, public facility improvements, economic development, and rehabilitation of housing. Examples of HOME activities include down payment assistance and construction or rehabilitation of affordable housing. Examples of ESG activities include rapid rehousing and homeless prevention.



Public Comment

March 1, 2018

This evening we are fulfilling the HUD requirement to obtain comments from citizens and other stakeholders prior to developing the budget and the draft Annual Action Plan. We are seeking to assure citizens that they participate and understand that the proposed Annual Action Plan will address housing and community development needs, the development of proposed activities, and review of program performance.

The draft Annual Action Plan will be published in June to meet the 30-day citizen comment period. A second public hearing is scheduled for July in conjunction with the Board of Commissioners' meeting prior to the adoption of the Unified Government budget.

The final Annual Action Plan must be submitted to HUD no later than August 15. Failure to do so will automatically result in a loss of CDBG funds. This concludes my portion of the presentation.

Mr. Bach said, Mayor, with that I'd recommend that you hold the public hearing regarding the budget and CDBG.

Mayor Alvey opened the public hearing. Before we take public comments, I'll ask Ms. Cobbins to read the statement governing this public hearing.

Bridgette Cobbins, Unified Government Clerk, read the statement required by law.

Kerry Ross, PO Box 13047, Edwardsville, Kansas 66111, said I live in Kansas City, Kansas. I'm not sure if I'm in the right forum to discuss what I brought. I might have misunderstood because I'm not very versed in this. I came to talk about the budget because I thought this would be an opportunity for us to present what we would like for you to spend the budget on. Am I in the right place? I was a little confused when she read the statement, so I don't want to take up your time if I'm not in the right place.

I'm here as a resident of Kansas City, Kansas, a certified volunteer from the Kansas 4-H Program, and a member of the 4-H Horse Advisory Board. I've lived in this county for more than 50 years. I am well aware and familiar with Wyandotte County.

My family has been involved in the 4-H Program since the 1960s. My children are fourth generation 4-H alum and we are still actively involved because we see firsthand the successes that 4-H brings to our youth. It nurtures, encourages, teaches and develops productive and healthy kids.

What better way to get them off the couch and put down their electronics to get some physical exercise. Studies like the report from the *Frost Valley YMCA* in New York shows that horseback riding provides a lot of healthy benefits.

The study states that horseback riding can improve physical and emotional health. It can also help and benefit children and adults with disabilities and other therapeutic needs. It improves their overall wellbeing and quality of life. It molds kind adults, the ones that know how to give back to their community and treat others with respect.

Parliamentary procedure is also a big part of 4-H. This enables our youth to go on in the workforce knowing how to run meetings, work as a team and how to civically be engaged like we are tonight.

In this county when the fairgrounds were located at 98th and State where Schlitterbahn is now, the 4-H Program was always allowed to utilize that fairground. We had weekend horse shows, clinics and almost every Sunday was open arena, permitting weather. The 4-Hers were allowed to use the fairgrounds even though the Fair Board and Extension have struggled to work together since the 1990s. Nothing compares to the struggles we have now.

The fairgrounds are not centrally located anymore and making it difficult for families east of the Turner Diagonal to get to the fairgrounds. It's a long way away.

In the spring of 2017, the horse project scheduled 20 dates to use the fairgrounds for 4-H activities. The 4-H only retained two of the scheduled dates, being bumped from all others, some nonpaying, some rentals, for the entire year. The Extension Office communicated with the Fair Board in April 2017 before the shooting range opened. The Fair Board then, at that time, had not opened the shooting range.

They discussed that it was not in the best interests of risk management or positive youth development.

Ms. Cobbins announced your time is up, ma'am. **Commissioner Murguia** said, ma'am. We can move to extend. Do you need a couple of more minutes? **Ms. Ross** said yeah, I said it at home in five minutes. I practiced all day. Yes, I would really like to continue. If not, I can have another member come up and finish. **Commissioner Murguia** said take your time. Just wait a minute. I have to make a motion. So, hold up.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Bynum, to provide the speaker three additional minutes.** Motion carried unanimously.

Ms. Ross said the Extension Office communicated with the Fair Board in April of 2017 before the shooting range opened that 4-H events at the same time that the shooting range was open would not be in the best interest for risk management and it would not be positive youth development.

The 4-H project then scheduled a benefit horse show in August of 2017 for October 8 of that year, assured by the Fair Board there would be no shooting that day. Then the shooting range opened September 17. The Fair Board then decided to have the shooting range open on October 8, causing us to cancel the show and turn away our corporate sponsor.

The Extension staff and I had a conference call with the chairman of the Fair Board asking the Fair Board to honor the date without active shooting as promised. He said, I quote “We were gonna let you guys have your show with no shooting, but one of your people sent a letter to the commissioners, so now we’re not going to.” My response was so you’re retaliating against us. He said no, we just decided not to suspend the shooting because of the letter. Well, I hope the children of the program or the 4-H Program, itself, is not retaliated against after tonight because I have come before this Board to voice my opinion.

The proceeds of this show were to pay for the youth to attend the statewide educational competition panorama. This caused the project a financial hardship. Our youth only participated in one day of the event but placed second in the state as a team for their equine knowledge. We had members on the first and third place Quiz Bowl teams. They placed in the top 15 for individual score. One placed fifth overall. What an accomplishment.

They work hard in the classroom. They should be able to work just as hard with their animals. Who knows what our youths’ potential could be if they had a facility they could access twice a week, including the weekends when the families are available.

What I hope from this conversation is that the youth who participate in all 4-H projects have a home with an arena. Somewhere for them to meet, spend time in a safe, welcoming, positive environment. Somewhere to flourish and to continue to work hard toward the 4-H model to make the best better, especially the animal projects. We can’t just sign up for a meeting room and load our animals in the parking lot and walk into the building.

The Fair Board, after several planning meetings and negotiation with the Extension Office, has ruled that the only time the 4-H Program, as a whole, and the Extension Office can use the fairgrounds for positive youth development without the shooting range being active, is the first Saturday of each month from 8:00 to 2:00, six hours a month. That's the time for the whole 4-H Program.

This prevents the projects from hosting any kind of show or clinic. We cannot guarantee that the event would be complete at that timeframe. It's not even a whole day. I also brought up to the chairman asking him what do I do at 2:00 if the show isn't over. He said to give them their money back. I said I wouldn't do that because that's not ethical.

The Fair Board has clearly made their priority the shotgun range, not the youth of the community. I realize that the Fair Board needs to make money. I am told at every Fair Board meeting that we, the Fair Board, need to make money.

The Fair Board Foundation and Association, through the Fair Board Foundation, receive a lot of money from the Unified Government. I would hope that this money was given to the Fair Board believing it would filter to the education of the youth through the 4-H Program. That's clearly not happening.

I hope this doesn't go on deaf ears. Our 4-Hers in this community deserve to pursue their passion just as the baseball, soccer players and shotgun shooters. When you budget your funds intended to go to the youth of the 4-H, please contact the Extension Office and speak to those who have the boots on the ground who are really trying to get the experience to the kids. These wonderful kids in this county deserve a place to call home, somewhere where they're not set aside, somewhere where they're not pushed to the bottom of the list, somewhere where they can flourish and not be tarnished by the politics, egos and personal agendas of the few holding all the cards and making the decisions. These children are the future and they deserve the best that we can give them.

I came to speak to you tonight because I feel that silence is acceptance. I'm not accepting it anymore.

Murrel Bland, 8311 Garfield Avenue, Kansas City, Kansas 66112, said thank you for the opportunity to address the Commission. As in past years, I am here on behalf of Business West. This organization represents more than 80 members, mostly small businesses. Property taxes are a

major consideration for most of these businesses. We would urge all units of government to hold the line when it comes to property taxes. We're very much aware that the Unified Government is only one local taxing unit.

Property taxes are a major consideration when it comes to residential development. Although last year saw an improvement in housing development numbers, Wyandotte County still lags when compared to other area counties. High taxes are to blame.

Daniel Harris, 447 Sheidley Avenue, Bonner Springs, Kansas, said I come here on behalf of the 4-H Program as well as Ms. Ross. I've been involved with the 4-H Program for a couple of years now on the Horse Advisory Board. I've also recently moved over to the Executive Council of the K-State Research and Extension Office here in Wyandotte County. We hear from the 4-H and as well as the Extension Office the issues with the Fair Board and everywhere else.

What I'm asking this Commission to do is when you do your budgetary, let's set aside some money. If we give it to the Fair Association, put some type of checks and balances in place, not just the honor system, that this money is actually going to the kids of Wyandotte County.

I grew up playing sports here in Wyandotte County. I went to Sumner Academy. I played baseball. I played basketball. I did the Fall programs out at 3&2. You do the basketball, baseball, soccer, there's places all over the city for these people to go to practice. When it comes to the Horse Program, the 4-H Program, Dog Project, anything that's in it, they don't have a home. We need a home.

Granted, if we can work something out with Parks and Rec out somewhere, give us a few acres. I plan on filling out the budget grant here and maybe get a little money I could put toward that to put toward a horse arena, work with somebody with some land. Maybe we can work with Parks and Rec to have a home for these kids to go to. That's what's most important. We need to not give up on these kids, and from what I've seen, these kids have been given up on. That's not how I grew up and I know that's not how this county operates.

Marcia Rupp, 2816 N. 46th Street, said I'm back on Parallel again. I just went to the 5:00 meeting and I heard great raves about the Street Department and what a great job they've done, but as we know, their job is never done.

Parallel is still a problem where the asphalt has moved and there's bumps all the way down it. I have a list here, going to give it to Bridgette, of the exact places. I know about money because I've been coming here for 25 years, so I know what you guys are going through.

All you have to do is grind those places down and put some asphalt. Mike already knows about it because you already did a good job on the other side going west from east. Now it's coming from west going east in the inside line. It's just one lane and one of them goes all the way across by the filling station and 62nd Street. That is a big one.

I wonder why all the lights on the median strip are down. Is that because somebody's drunk and they're hitting the bumps and their car's going out of control and knocking all the lights down, the streetlights. I don't know.

I just want to say, throw in real quick, I want a new fire department out west. I want the Fire Department to get what they want. They are for our protection. I want the Police Department to get what they want because that is for our protection.

There are three departments that are the most important departments, they're all important, but I mean life-saving departments, and that is Police, Fire and Sheriff. Somebody's got to keep those people locked up.

Also, I have talked to Melissa about SOAR. We had a good conversation. I asked her, I saw that the two departments that were still in demand to get things done were the Street Department and Code Enforcement. I mentioned to Melissa that maybe they could have meetings with a lot of the neighborhood watch leaders from each area to find out where their problems are at, just kind of like the Police Department does but more for the code enforcement and debris and stuff.

Also, there was something else I was going to mention. I can't think of it, must not have been that important. Anyway, please take care of Parallel. The other thing I did want to mention, and usually I don't get after you guys. I'm usually complimenting you all the time.

The one thing that you need to do is please do not pave a street and then turnaround and tear it all up again to do work. I know sometimes you have to do a little bit of work, but I'm talking about Leavenworth Road. It was just paved in 2017. Now we're turning around and tearing it up and spending all that money. I'll tell you, that is the worst thing is throwing away taxpayers' dollars and wasting them.

Mayor Alvey said I'll take this opportunity just for us all to recognize members of the Piper Schools: Tim Conrad, Board President Jeb Vader, members Lisa Sullivan, Theresa Fisette, and Piper Optimist Representative Steve Buff. Thank you for coming.

Tim Conrad, Piper Schools Superintendent, said we have a couple of members that have left, so I appreciate the introduction as well. I appreciate the opportunity to speak before you tonight.

Just a couple of things as you're developing your budget and having your preliminary discussion on planning. The purpose of us being here this evening is just to give you maybe an insight, something to consider as you're developing a budget.

Representing the Piper School District and over 2,400 students, and as you well know, Piper is a community of about 1,100 patrons. We have a growing need for space, green space, in our community for our youth. For example, we've got a Youth Soccer Club that started four years ago with nine teams. They currently have 42 teams and soon to have in the upper 50s. Optimist has anywhere from 10 to 20 to 25 teams depending on the sport and that's continuing to grow.

I know there was some preliminary discussions back in the fall in exploring maybe the use or developing the Wolcott area as maybe some green space. As representing the School District, I'd like for you to consider the fact that the School District has 75 acres of property in Piper of which, with our recent bond issue that was passed a week ago tonight, we're going to be utilizing about 40 acres of that for a 3, 4, 5 building. Hopefully, it'll expand into a high school building.

My point is this — there is some land, there's some opportunity for you to consider perhaps joining in a shared partnership again with Piper, similar to the Kane Center partnership, similar to the Eisenhower shared agreement that you have, in developing that land, some land that we have on our campus and turning that into some green space for practice fields, for soccer, for football playing fields. Then, being a part of the development plan as we begin to do site development and budget work that we could partner and lock arms together to help develop this area.

I'd just like for you to consider that as you develop your budget and have further conversations. We're certainly willing to partner with you and explore additional opportunities and conversations.

Lynn Kuluva, owner of Rental City at 833 Minnesota Avenue, and Chairman of the Advisory Board of the Downtown Improvement District (SSMID), said before talking about the budget, I

want to introduce Jason Norbury. Jason Norbury is now our Executive Director for the Downtown Shareholders and Downtown Improvement District. You all know Chuck Schlittler. He has retired. We're all going to miss Chuck, but we're very glad to have Jason with us. Also, we have Tim Ryan who works and lives in the downtown area, been a member of our Board for a number of years. We hope he'll be the next Chairman.

Regarding the 2019 Budget, as you will see in the letter that we presented to you, the Advisory Board of the Downtown Improvement District, or the SMID, is recommending that you allocate \$125,000 next year to pay for your portion of the District's costs in that year. I'll remind you that the Unified Government is a major property owner in the District. This building, courthouse, jail, Memorial Hall, Reardon Center and parking lot, are all within our District.

Our District provides clean and safe services throughout the District, including at your properties. What we do is assure that you and your employees when they come and go, when residents come to your facilities, whether they're coming to register a vehicle at the courthouse or coming to attend a meeting here, or coming to the Mayor's Holiday Lighting, or when people from throughout the metro area come to an event at the Reardon Center, Memorial Hall, that they find downtown KCK to be a clean, safe, and pleasant place to come.

That costs money. When we formed the District, finances were different, and the property owners were told that the UG would pay \$150,000 per year to cover their share of the expenses. Situations changed. You haven't been able to do it. Things are a little better. For next year, we want the \$125,000.

Last year we also recommended \$125,000. In the end, you approved \$100,000 and directed staff to increase the mill levy on the private property owners such as myself to make up that \$25,000. That really wasn't right. It's detrimental to our efforts to try and rebuild the downtown. We want the downtown businesses to succeed, thrive. We want to attract more businesses. Increasing the tax load on them is counterproductive. Thank you very much for this opportunity.

Mayor Alvey said I'd like to thank each of you for coming out tonight to make comments during our public hearing process.

STANDING COMMITTEES' AGENDA

Mayor Alvey said we have three items under the Standing Committee Agenda. Those items were presented to the Administration and Human Services Standing Committee this past Monday and received a unanimous vote of approval to be fast tracked to tonight's meeting.

ITEM NO. 1 – 1864...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.

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

ITEM NO. 2 – 1891...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.

Commissioner Markley said there was confusion, I think, because we, as a standing committee, had to be difficult and create our own option out of the options staff presented. I do have sort of a revised motion I want to read to make sure that staff has clarity on what we're requesting. Committee please step in if you think I'm misstating.

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Action: Commissioner Markley made a motion to enter into a 5-year contract with BikeWalk KC to provide 3 kiosks with 60 bike racks and 30 bikes for the Unified Government's use in its Downtown, and 2 kiosks with 40 bike racks and 20 bikes for the University of Kansas Medical Center, seconded by Commissioner Philbrook. Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 3 – 18101...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.

Commissioner Markley said this is just a fast track item. It was approved by the standing committee.

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

ADMINISTRATOR'S AGENDA

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.

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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.

Doug Bach, County Administrator, said I have put two items as a blue sheet on the Commission agenda tonight. They are both memorandums of agreement that we have negotiated with unions within the Unified Government that are both done in accordance with the direction of the Commission. The first one is with our Carpenters' Union. I would recommend this for approval.

Action: **RESOLUTION NO. R-18-18**, "A resolution authorizing the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, a Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the United Brotherhood of Carpenters and Joiners of America, St. Louis-Kansas City Carpenters Regional Council, effective January 1, 2018, through December 31, 2019." **Commissioner Kane made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

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.

Doug Bach, County Administrator, said the second item is with FOP #4, the Police Union.

Action: **RESOLUTION NO. R-19-18**, "A resolution authorizing the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, to execute

in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, a Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Fraternal Order of Police, Lodge #4, effective January 1, 2018, through December 31, 2019.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING
AT 9:10 P. M.**

Bridgette D. Cobbins
Unified Government Clerk

mls

March 1, 2018